Initial Study/Addendum to the
Morgan Hill Downtown Specific Plan Master
Environmental Impact Report (SCH#2008012025)

City of Morgan Hill Downtown Parking Structure

File No. EA14-14

CITY OF MORGAN HILL

May 2014

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SECTION 1.0 INTRODUCTION AND PURPOSE

In November 2009, the City of Morgan Hill adopted the Morgan Hill Downtown Specific Plan, which provides strategies for achieving the community's vision of redevelopment in the Downtown area outlined in the previously City-adopted 2003 Downtown Plan. The Morgan Hill Downtown Specific Plan outlines policies and design guidelines that promote redevelopment in the 20 Blocks addressed by the Specific Plan. The *Final Master Final Master Environmental Impact Report for Morgan Hill Downtown Specific Plan* (Downtown Specific Plan MEIR), certified in November 2009, in conformance with California Environmental Quality Act (CEQA) Guidelines Section 15175(a), identifies the impacts of the Downtown Specific Plan in order to streamline the later environmental review of projects and approvals required to implement the Specific Plan. The intent was for the Downtown Specific Plan MEIR to be a program-level document from which subsequent development consistent with the Specific Plan could tier (in conformance with CEQA Guidelines Section 15176(d)).

The Downtown Specific Plan (DSP) provides development projections for Blocks 1-20 for years 2015 and 2030. The purpose of the development projections is to identify the likely development that might reasonably be assumed to occur by the 2015 and 2030 timeframes in order to provide CEQA clearance for future projects developed consistent with the Specific Plan. The DSP supports the development of a mix of residential and commercial uses within the Morgan Hill Downtown boundary along with other associated improvements, including the construction of a Downtown public parking garage.

The specific project addressed within this Addendum consists of the construction of a 245-275 space three-story City public garage to provide parking for the Downtown area on one of three potential sites: the City-owned Depot Site (Blocks 7 and 8 in the Downtown Specific Plan), the Booksmart site (portion of Block 3) or on a portion of the Sunsweet Site (Block 4).

The City of Morgan Hill is the Lead Agency under CEQA and has prepared this Addendum to address the impacts of implementing the currently proposed project. This Addendum is being prepared to conform to the requirements of the CEQA, the CEQA Guidelines (California Code of Regulations §15000 et.seq.) and the regulations and policies of the City of Morgan Hill. The Addendum evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project. The development assumptions for the proposed project sites are consistent with the assumptions in the Downtown Specific Plan. As discussed in the following analysis, the proposed project is within the Downtown area, consistent with the development assumptions in the Downtown Specific Plan and related MEIR, and no new significant impacts, nor a substantial increase in the severity of previously identified impacts, are expected to occur from the implementation of the proposed project, therefore this Addendum has been prepared in conformance with CEQA.

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

City of Morgan Hill Downtown Parking Structure

2.2 PROJECT LOCATION

The proposed parking garage project would be constructed on one of three sites within the Downtown area of the City of Morgan Hill. The location of each site is described below and shown in Figures 2.2-1, 2.2-2 and 2.2-3. A future related private mixed-use project is anticipated to be constructed on the remaining portion of the Sunsweet site not utilized by the parking garage.

- **City-owned Depot Site** The site is bounded by Caltrain railroad tracks to the north, Depot Street to the south, commercial and office uses to the west and a vacant lot (under construction) to the east.

- **Booksmart Site.** The site is bordered by Depot Street to the north, East Second Street to the west, East Third Street to the east and a mix of residential and commercial uses and Monterey Road to the south.

- **Sunsweet Site.** The site is bordered by Depot Street to the north, East Third Street to the west, East Fourth Street to the east and commercial uses and Monterey Road to the south.

2.3 LEAD AGENCY CONTACT

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Community Development Director

City of Morgan Hill
Community Development Agency
17575 Peak Avenue
Morgan Hill, CA 95037
(408) 778-6480

2.4 PROPERTY OWNER/PROJECT APPLICANT

Downtown Parking Structure

Karl Bjarke
Public Works Director
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037

Booksmart Site

LLagas Valley Investments, LLC
P.O. Box 296
Morgan Hill, CA 95038

Sunsweet Site

Glenrock Builders, LLC
P.O. Box 910
Morgan Hill, CA 95038

2.5 ASSESSOR'S PARCEL NUMBERS

2.5.1 Garage Sites

City-owned Depot Site
APNs 726-13-047 and 726-14-061

Booksmart Site
APN 726-14-001

Sunsweet Garage Site
APNs 726-13-033, -042, -043

2.6 ZONING DISTRICT AND GENERAL PLAN DESIGNATIONS

2.6.1 City-owned Depot Site

Zoning District: *Central Business District*

General Plan Designation: *Central Business District, Mixed Use (no maximum residential density)*

2.6.2 Booksmart Site

Zoning District: *Central Business District* and *Central Business District/Downtown Ground Floor Overlay District*

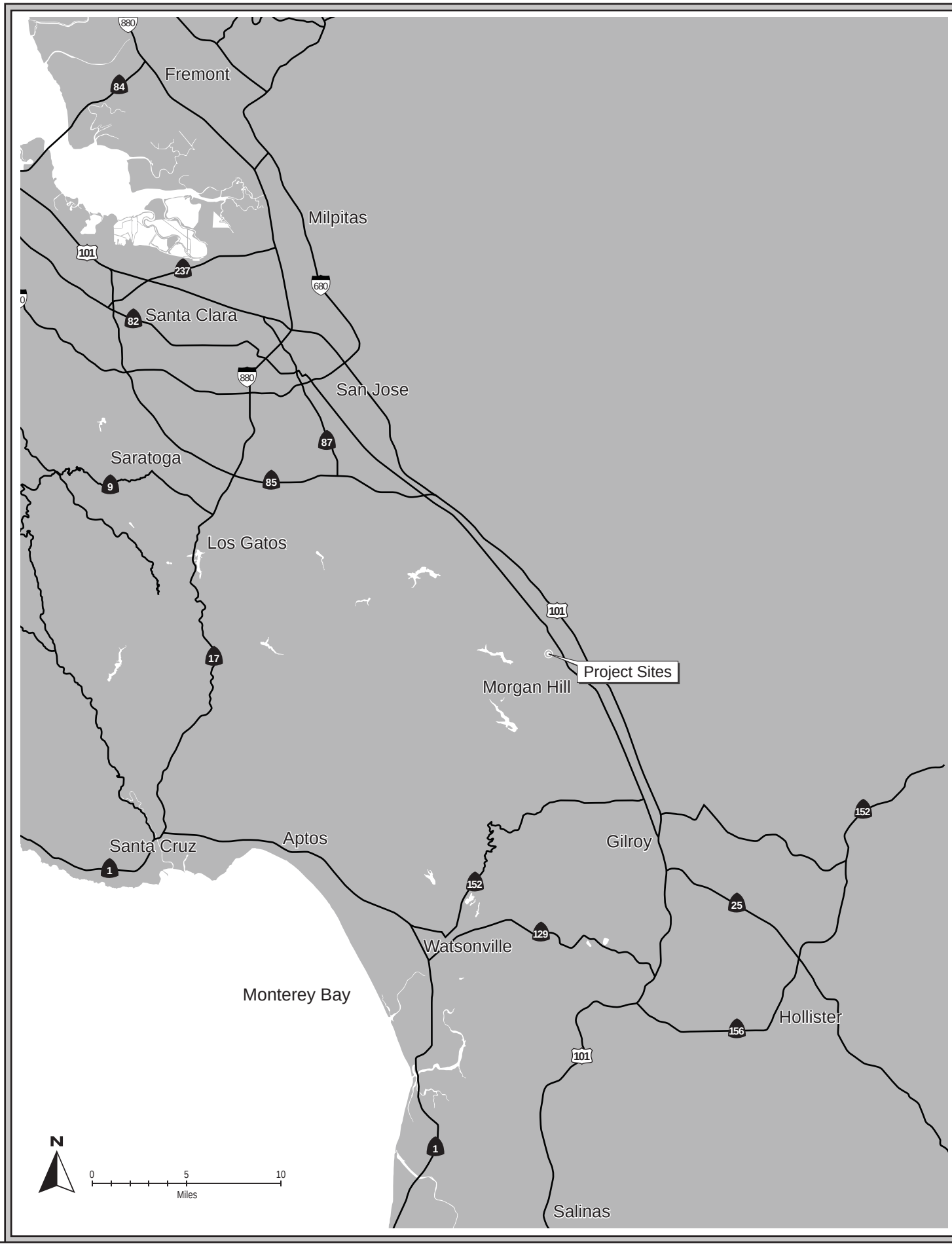
General Plan Designation: *Central Business District, Mixed Use (no maximum residential density)*

2.6.3 Sunsweet Site

Zoning District: *Central Business District* and *Central Business District/Downtown Ground Floor Overlay District*

General Plan Designation: *Central Business District, Mixed Use (no maximum residential density)*

Figure 2.2-1 Regional Map



REGIONAL MAP FIGURE 2.2-1

Figure 2.2-2 Vicinity Map

VICINITY MAP

FIGURE 2.2-2

Figure 2.2-3 Aerial Photograph and Surrounding Land Uses

AERIAL PHOTOGRAPH AND SURROUNDING LANDUSES

FIGURE 3

Figure 2.2-4 Downtown Specific Plan Blocks

SPECIFIC PLAN BLOCKS

FIGURE 2.2-4

Figure 2.2-5 Downtown Specific Plan Off-street Parking Facilities Locations

OFF-STREET PARKING FACILITIES FIGURE 2.2-5

SECTION 3.0 PROJECT DESCRIPTION

3.1 PROJECT OVERVIEW

The City of Morgan Hill Downtown Parking Structure project consists of the proposed construction of a 245-275 space three-story City public parking garage to provide parking for the Downtown area on either the City-owned Depot site (Blocks 7 and 8 in the Downtown Specific Plan), the Booksmart site (a property on Block 3 in the Downtown Specific Plan on which the City has an Option Agreement), or on a portion of the Sunsweet site (Block 4).

This Initial Study evaluates the currently proposed options for the City's selection of the public parking garage location. The proposed three-story parking garage is in accordance with the Downtown Specific Plan Master EIR's plan for off-street parking facilities (see Figure 2.2-5) and would provide parking to the City's Downtown area.

3.2 PROJECT DESCRIPTION

3.2.1 City-owned Depot Street Site

The City proposes to construct a 245-275 space three-story City public parking garage to provide parking for the Downtown area. The parking structure would be constructed on the east side of Depot Street between East Second and East Fifth Streets in the City of Morgan Hill (refer to Figure 3.2-1). The site is approximately 1.5 acres and is bounded by Caltrain/Union Pacific Railroad (UPRR) tracks to the north, Depot Street to the south, commercial and office uses to the west and a vacant lot to the east. The parking garage would be 26 feet tall at the third level. The garage layout would include a pedestrian walkway at the terminus of East Third Street, to provide connection to the existing railroad crossing and Caltrain station. The parking structure would be accessed from Depot Street. The project proposes to demolish an existing restaurant building 17300 Depot Street and would include tenant relocation from this building.

3.2.2 Booksmart Site

This alternative site is approximately 0.82 acres in size and is bordered by Depot Street to the north, East Second Street to the west, East Third Street to the east and residential and commercial uses and Monterey Road to the south. Single-family residences are located on the two adjacent properties along the site's southern side. The City as Successor Agency to the City's Redevelopment Agency, owns an option to purchase this property. Construction of the City public parking garage at this site would include demolition of an existing commercial building and the construction of approximately 7,800 square feet of commercial space along East Third Street consistent with the DSP. The existing 11,000 square foot commercial building is currently occupied by multiple tenants, including a book store, restaurants, a martial arts academy and a hair salon, who would be relocated as part of the project. While a specific parking garage design has not been developed for this site, it is assumed that it would be very similar to the garage design for the Sunsweet site (discussed below) because the two sites have similar dimensions and conditions (e.g., the garage parapet height would be approximately 39 feet tall on Second Street and approximately 29 feet tall on Fourth Street). Primary access for the parking garage at this location would be taken from Depot Street.

3.2.3 Sunsweet Site

The site is approximately 2.7 acres and is bordered by Depot Street to the north, East Third Street to the west, East Fourth Street to the east and commercial uses and Monterey Road to the south. The project includes the demolition of four attached warehouses and one weigh station, and an older structure that was formerly used as an office building to allow for the construction of a three-story garage and a residential mixed use development (discussed below) with landscaping. Vehicles would access the garage and the off-street residential parking via driveways on East Fourth Street; no vehicle access would occur from East Third or Depot Streets. Approximately 11,400 square feet of one and/or two story commercial and office space would also be constructed (at grade) at the site. The commercial space is anticipated to include retail and restaurant uses.

3.2.3.1 *Sunsweet Garage Site*

If this site is selected, the three-story parking garage would include a basement parking level that would be excavated to approximately five feet below the elevation of East Fourth Street (refer to Figure 3.2-2). The garage parapet height would be approximately 39 feet tall as viewed from Third Street and approximately 29 feet from Fourth Street. Pedestrian access to the parking structure would be on East Third Street and from the southwestern boundary of the site. A lobby area is proposed to be on the ground level of the garage facing Third Street. A plaza with landscaping would front the garage on East Third Street and the large oak tree that currently fronts East Third Street would be preserved and incorporated into the landscape design. An approximately 3,600 square foot two story retail and office building would front East Third Street with the parking structure behind (see Figures 3.2-2 and 3.2-3).

3.2.3.2 *Sunsweet Mixed Use Development*

While no formal applications are currently on file, a Memorandum of Understanding (MOU) between the City and the Sunsweet site property owner provides a sufficient project description to allow for discussion of the anticipated residential mixed-use development that would occur on the remainder of the Sunsweet site as a related future action should the City public parking garage be constructed at this location.

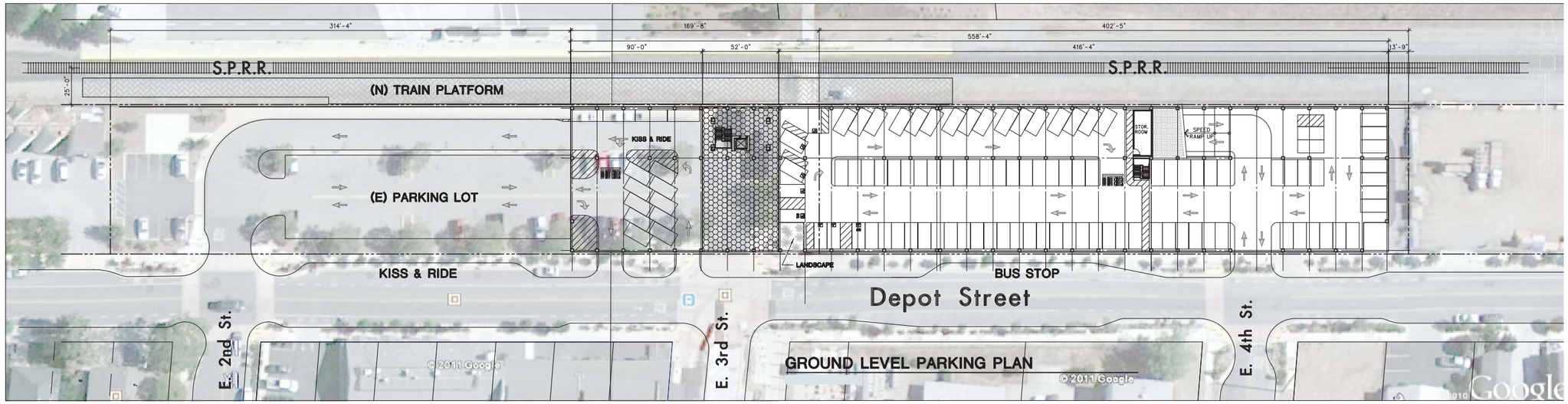
The balance of the Sunsweet site not needed for the garage would be developed with a residential mixed-use project consisting of approximately 7,800 square feet of commercial and/or office space and approximately 52 residential units (refer to Figure 3.2-4). While the commercial and/or office space would be constructed at grade, the residential development's garage level might extend to a partial level below grade (e.g., approximately five to seven feet below ground surface).

In the site development plan option provided in support of the MOU, the 52 units would be distributed across twelve (12) buildings, with at least four (4) units in each building. An internal street and perimeter landscaping are proposed to be a part of the residential development. Underground parking would be accessed from East Fourth Street. Pedestrian access to the development would be on East Third, East Fourth and Depot Streets.

For this site development plan option, the commercial space includes an approximately 4,000 square foot restaurant proposed at the corner of East Third Street and Depot Street (fronting East Third

Street). The restaurant includes a covered outdoor patio area and pedestrian entrances on East Third Street and Depot Street. To the south of the restaurant building and patio area a plaza area is planned with landscaping and a 1,800 square foot commercial and/or office building. To the east of the restaurant, a 2,025 square foot two-story commercial and/or office building fronting Depot Street is proposed. Pedestrians would access the 1,800 square foot building on East Third Street and the 2,025 square foot building on Depot Street.

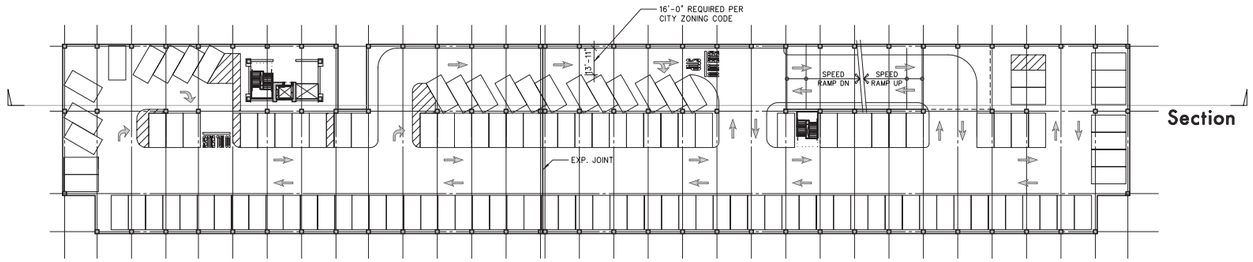
Figure 3.2-1 City-owned Depot Site Garage Layout Plan



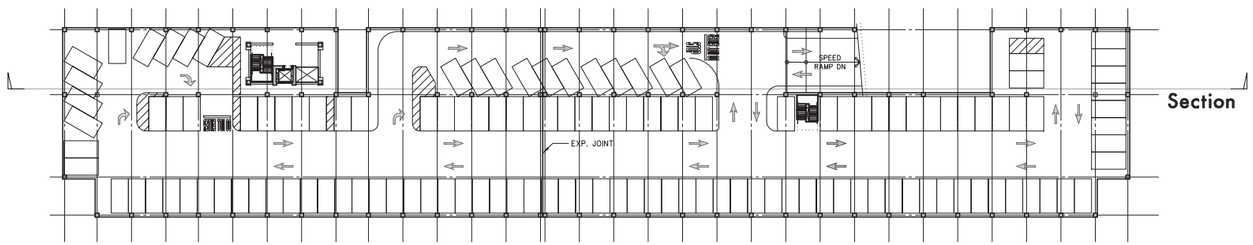
GROUND LEVEL PARKING PLAN

SUMMATION CHART						
LEVEL	VAN ACCESSIBLE (9'-0"x18'-0")	ACCESSIBLE (9'-0"x18'-0")	STNDARD STALL (9'-0"x18'-0") (25'-0"DRIVE AISLE)	TOTAL	SQ.FT.	SQ.FT./ STALL
THIRD	0	0	130	130	51,750	398
SECOND	0	0	126	126	54,100	429
GROUND	2	6	102	110	48,800	444
TOTAL	2	6	358	366	154,650	423
(E) LOT LOSS	1	3	102	106	-	-
NET NEW	1	3	256	260	-	-

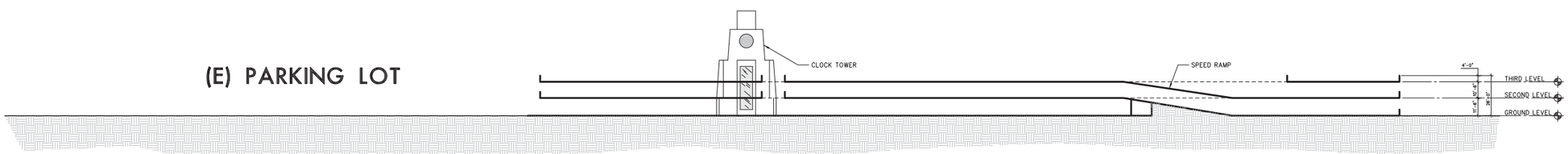
* 8'-6" STALL : ADD 11 STALLS



SECOND LEVEL PARKING PLAN



THIRD LEVEL PARKING PLAN

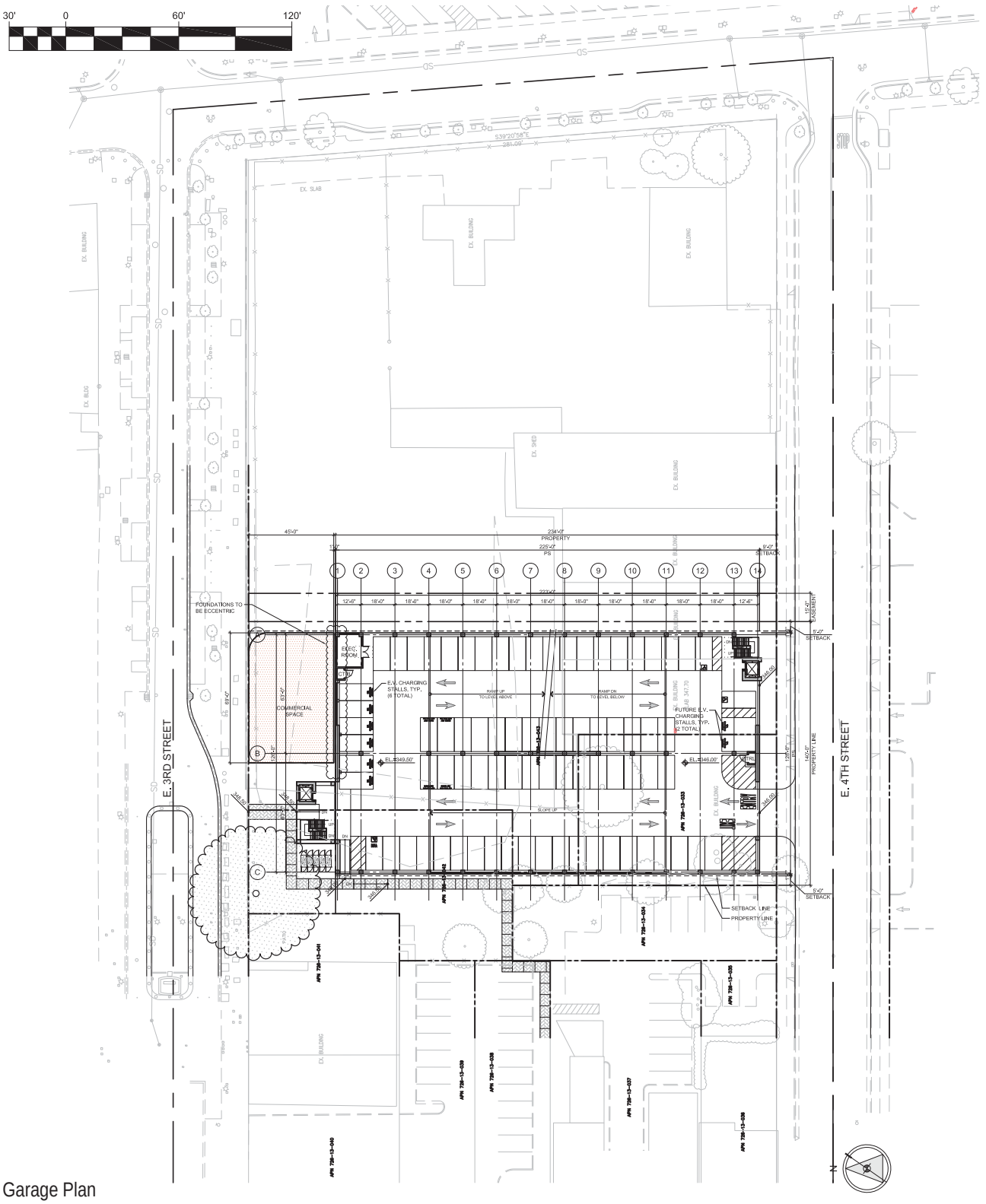


LONGITUDINAL SECTION

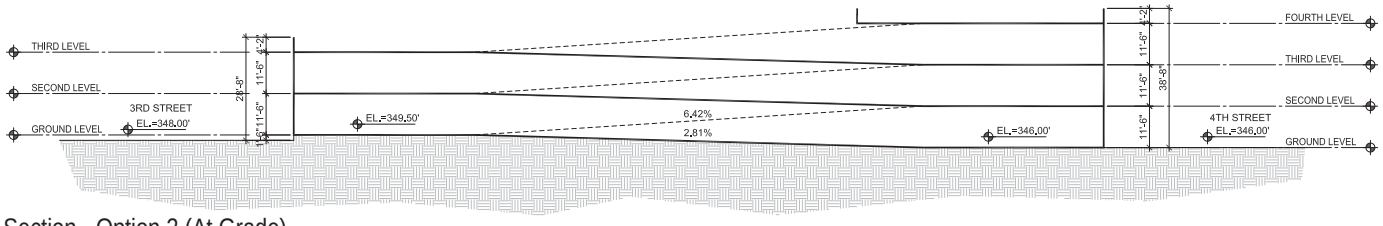
CITY-OWNED DEPOT SITE GARAGE LAYOUT PLAN

FIGURE 3.2-1

Figure 3.2-2 Sunsweet Site Garage Layout Plan



Garage Plan

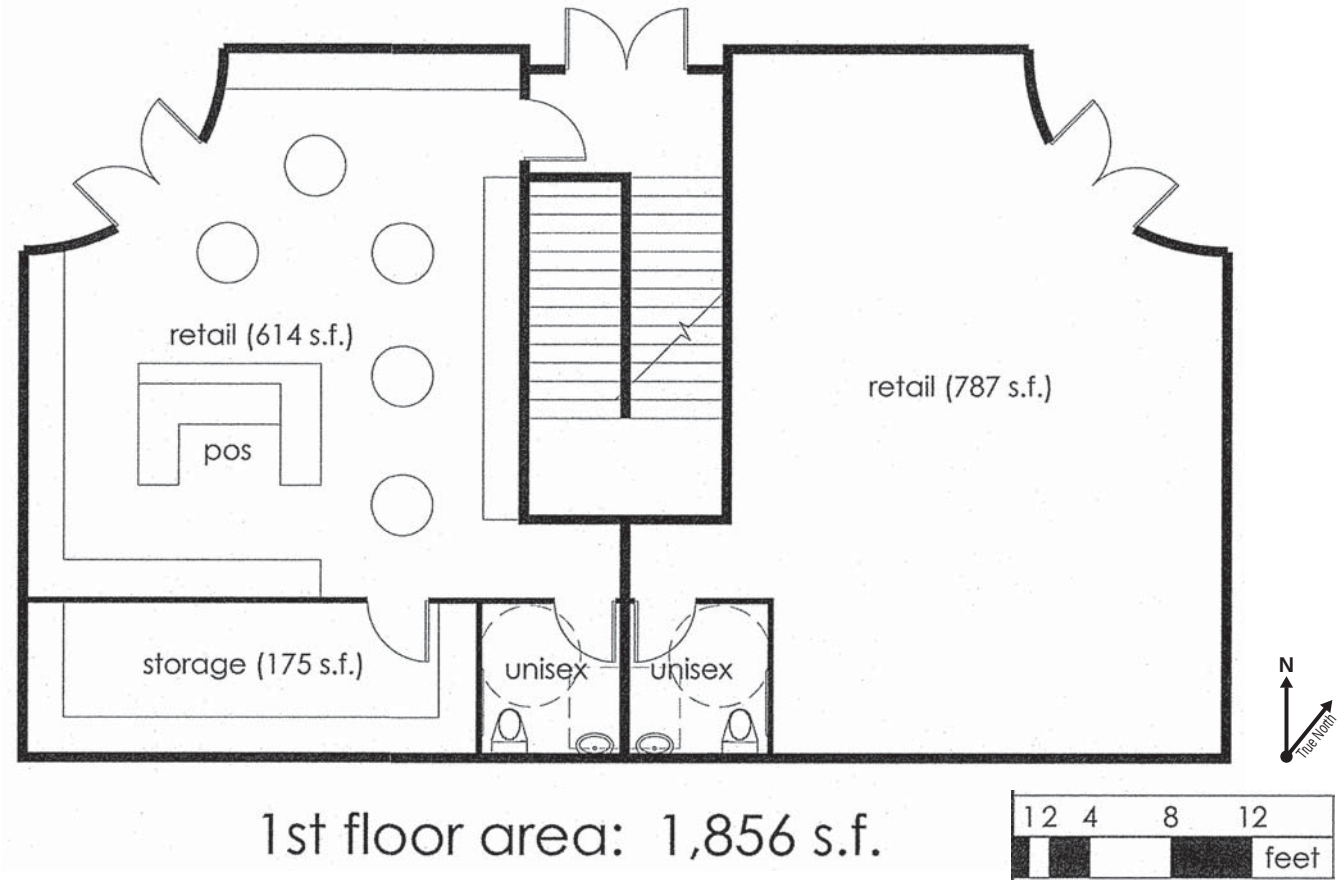


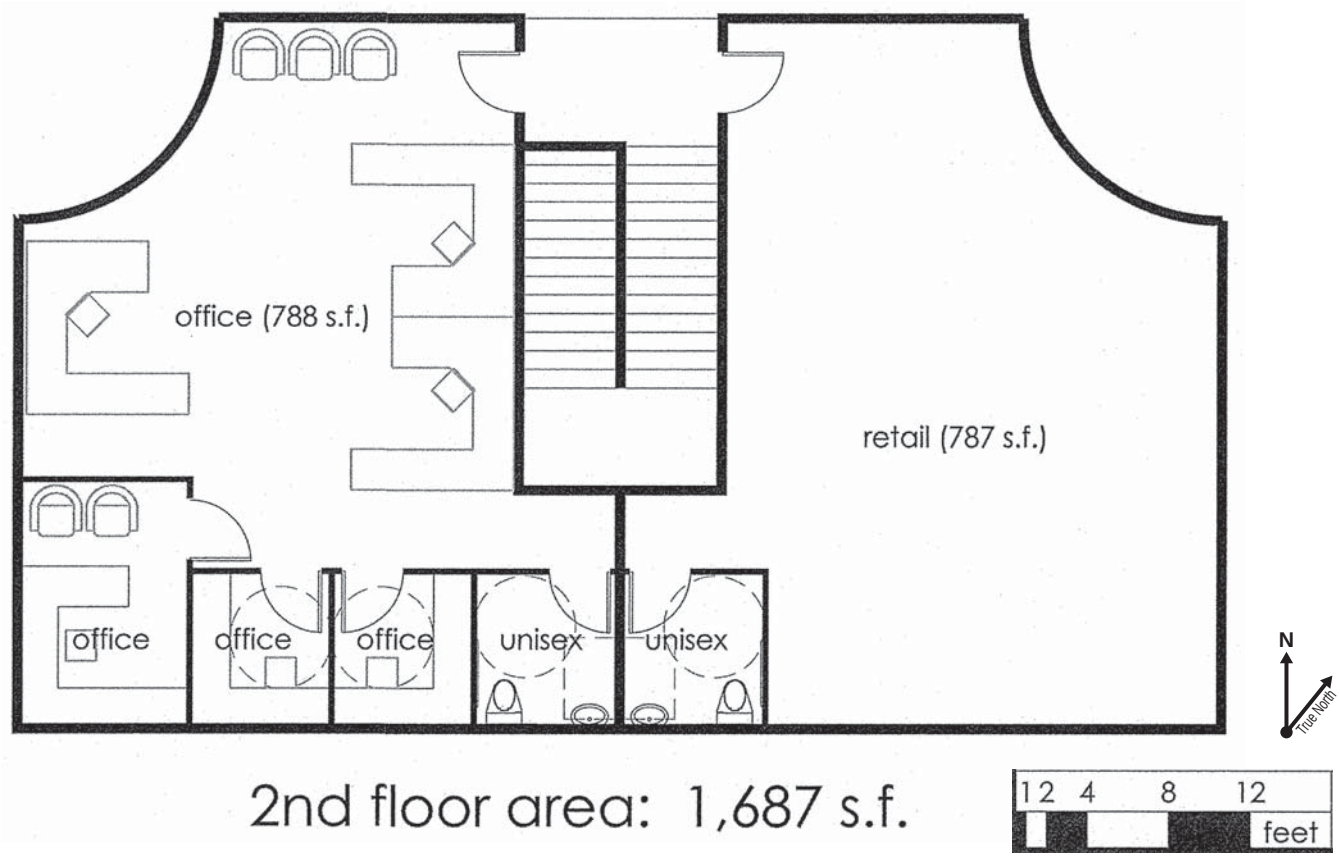
Section - Option 2 (At Grade)

SUNSWEET SITE GARAGE LAYOUT PLAN

FIGURE 3.2-2

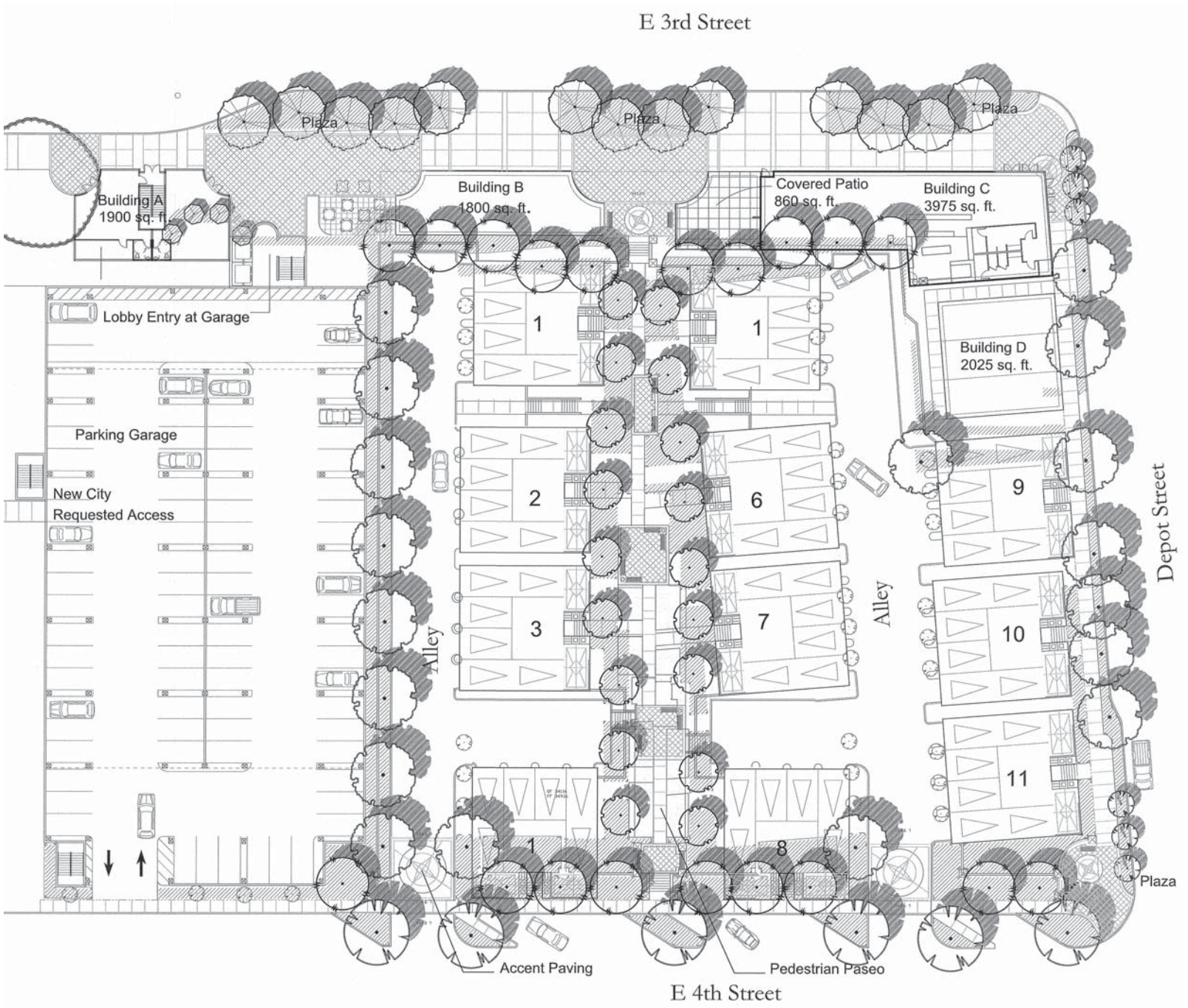
Figure 3.2-3 Potential Sunsweet Site Garage Retail and Office Floor Plan





POTENTIAL SUNSWEET SITE GARAGE RETAIL AND OFFICE FLOOR PLAN FIGURE 3.2-3

Figure 3.2-4 Potential Sunsweet Site Mixed Use Development and Parking Garage



POTENTIAL SUNSWEET SITE MIXED USE DEVELOPMENT AND PARKING GARAGE FIGURE 3.2-4

SECTION 4.0 SETTING, ENVIRONMENTAL CHECKLIST AND IMPACTS

This section describes the existing environmental conditions on and near the project area, as well as environmental impacts associated with the proposed project. The environmental checklist, as recommended in the California Environmental Quality Act (CEQA) Guidelines, identifies environmental impacts that could occur if the proposed project is implemented.

The right-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of this section. Mitigation measures are identified for all significant project impacts. "Mitigation Measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines §15370).

4.1 AESTHETICS AND VISUAL RESOURCES

4.1.1 Existing Setting

The Specific Plan includes the core of the downtown area. The area is developed with a mixture of commercial, residential, industrial, and public/quasi-public uses. Undeveloped and vacant parcels are scattered throughout the downtown area, with large vacant properties located on Blocks 4, 11, 18. Properties along Monterey Road contain predominantly commercial buildings facing the street and some include parking lots on the side or behind the buildings. The buildings throughout the area are one- or two-stories tall, and are either of wood-frame, masonry, metal, or stucco construction.

The area east of Monterey Road is developed with a mixture of commercial, residential, and industrial uses. Metal clad warehouse buildings are also present at the northwest corner of the East Fourth Street and Depot Street intersection (Sunsweet site) and a lumber yard extends parallel to Depot Street between East Fifth Street and Dunne Avenue, south of the City-owned Depot site, which is currently a surface parking lot. The Booksmart site is developed with an approximately 11,000 square foot single one-story multi-tenant commercial building and supporting surface parking lot. The Union Pacific Railroad line passes through the Specific Plan area between Monterey Road and Butterfield Boulevard.

Although generally urban in character, the Downtown area retains traces of the region's agricultural past. Remnants of a former granary are present next to the UPRR, with one of the former buildings renovated into offices and a restaurant. Mature oak trees around older wood buildings also reflect the former rural character of the area. The project area does not contain designated scenic vistas and is not located near a scenic highway.

The City-owned Depot site and the Booksmart site, both currently developed with surface parking, lighting, and relatively modern commercial buildings, contain no significant visual resources.

Photo 1: City-owned Depot Site looking north

Photo 2: City-owned Depot site looking east

The Sunsweet site's metal clad warehouse buildings are utilitarian in character and not significant or prominent visual resources. The Sunsweet site features a large, mature oak tree fronting Third Street that is a visual resource for its immediate surroundings mid-block on Third Street.

Photo 3: Sunsweet site looking north from Fourth Street

Photo 4: View of BookSmart Site looking east on East Second Street.

4.1.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒	☐	1-4
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒	☐	1-5
3. Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒	☐	1-4
4. Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?	☐	☐	☐	☒	☐	1-4

4.1.2.1 Change in Visual Character

The Downtown Specific Plan provides guidelines and development standards for mixed use residential, office, and retail buildings within a developed urban area. New buildings would range from two to four stories in height on key large sites such as the Caltrain parking lot (Block 16), Sunsweet site (Block 4) and/or a site on Block 3 (where the Booksmart site is located). These blocks are considered key sites in the Downtown which could have greater intensity of development to act as downtown landmarks. The Downtown MEIR acknowledged buildings allowed under the Specific Plan would be taller than existing buildings in the area, as the three story garage and potential four story mixed-use residential development would be.

The City is currently considering which site to select to locate the parking garage, and has not developed detailed plans for its architecture, only basic functional details such as height, site layout, and orientation. Consistent with the Downtown Specific Plan, the garage design on either the Sunsweet site or Booksmart site would include ground floor retail space facing the Third Street pedestrian promenade. The City will, after selecting a site, further advance the garage design to the point that its elevations/facades can be evaluated in detail to confirm the structure will be visually compatible with its surroundings, prior to approving a contract to construct the garage.

No applications are currently on file for the above referenced Sunsweet mixed-use residential project, and detailed architectural plans have not yet been presented to the City, and so formal design review

is not currently possible. While there has been a suggestion that such development would occur if the City builds a parking garage on the Sunsweet site, such a project remains speculative at this time and the level of project information at this point does not allow for discussion of specific building design/architecture beyond basic elements such as the proposed height/stories and building orientation.

The Specific Plan includes detailed design guidelines to ensure the development of a cohesive urban core area. The guidelines are intended to complement the existing "Main Street" commercial buildings and small town architecture seen throughout the Downtown Core. The guidelines maintain the pedestrian scale of the area and encourage the use of appropriate building materials to complement current development in the area. Refer to the Downtown Specific Plan for a complete list of design guidelines and standards.

As discussed above, the City-owned Depot site and the Booksmart site (for which the City owns an Option) do not contain any visual resources that would be removed to accommodate the parking structure. The existing metal clad warehouse buildings that would be removed to accommodate the garage and the mixed use-residential buildings on the Sunsweet site are not important visual resources.

The Sunsweet site development would entail removal of several trees as discussed in *Section 4.4 Biological Resources*, however, the most visually prominent tree, a large, mature oak tree fronting Third Street would be retained and integrated into the garage site design.

Photo 5: Sunsweet site Oak tree facing Third Street

The final site design and architectural elements of the parking structure (whether on the City-owned Depot site, the Booksmart site, or the Sunswet site) and the mixed-use residential buildings on the remainder of the Sunsweet site will be reviewed by the City's Community Development Director or designated staff, and/or Planning Commission and City Council upon referral or appeal, for consistency with the design guidelines to ensure that these buildings would not detract from the visual character and quality of the Specific Plan project area. For these reasons, the allowed development is not expected to substantially degrade the existing visual character of the Specific Plan project area.

Construction of a parking garage on either the City-owned Depot site, the Booksmart site, or the Sunsweet site and future development of the remainder of the Sunsweet site with a mixed-use residential development as anticipated in the MOU would not degrade the visual character of the area, degrade scenic vistas, or degrade views from a scenic highway. **(Less Than Significant Impact)**

4.1.2.2 Light and Glare

Proposed lighting would also be reviewed to ensure that the parking structure and mixed-use residential buildings would not introduce new substantial light sources that would adversely affect nighttime views or spillover onto adjacent properties. Proposed windows in buildings would also be reviewed to confirm they would not be a substantial new source of daytime glare.

Development of the underutilized and vacant parcels on the City-owned Depot site, Booksmart site, and the Sunsweet site would incrementally increase light and glare in the downtown area, due to the new building surfaces, vehicles traveling to and from the development, and the lighted buildings. These new sources of light and glare are not considered substantial and would be consistent with the light and glare currently created by buildings, street lights, and automobiles in the Specific Plan project area.

The Specific Plan design guidelines require lighting to be located and directed to minimize spill over lighting and to prevent off-site glare on adjacent buildings or properties (DG-O2). The design guidelines also prohibit the inappropriate use of mirrored and tinted glass such as in upper floor windows (DG-B2). The City's design review process, including potential review by outside consultants as well as City staff at the discretion of the Community Development Director, would include review of future architectural elevations for the garage on either the City-owned Depot site, Booksmart site, or the Sunsweet site as well as the future mixed-use development anticipated on the remainder of the Sunsweet site for consistency with the design guidelines including the appropriate use of lighting and avoidance of glare.

A parking structure on any of the three locations and the mixed-use residential development on the Sunsweet site would not substantially increase light or glare in the area to the extent that day and nighttime views would be significantly impacted. **(Less Than Significant Impact)**

4.1.3 Conclusion

Detailed architectural elevations for the parking structure on either the City-owned Depot site, Booksmart site, or the Sunsweet site and a mixed-use residential development on the remainder of the Sunsweet site would be subject to the Specific Plan design guidelines and would not degrade the visual character of the area, adversely affect views of scenic vistas, or degrade views from a scenic highway. (**Less Than Significant Impact [Same Impact as Approved Project]**)

A parking structure on either the City-owned Depot site, Booksmart site, or the Sunsweet site and a mixed-use residential development on the remainder of the Sunsweet site would not substantially increase light or glare in the area to the extent that day and nighttime views would be impacted. (**Less Than Significant Impact [Same Impact as Approved Project]**)

4.2 AGRICULTURAL AND FOREST RESOURCES

4.2.1 Setting

The *Santa Clara County Important Farmland 2010* Map designates the project site as *Urban and Built-Up Land* which is defined as land that is occupied by structures with a building density off at least one unit to 1.5 acres, or approximately six structures to a 10-acre parcel.[1] The City-owned Depot site and the Booksmart site are both developed with a single building, a paved parking lot, and landscaping, while the Sunsweet Site is developed with structures and concrete paving and not currently used for agricultural purposes.

None of the project sites are subject to a Williamson Act contract. Neither site is a forest resource, nor are there forest resources in their surrounding areas. There are no agricultural or forest land uses located adjacent to the project sites.

4.2.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. 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?	☐	☐	☐	☒	☐	1-4,6
2. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	☐	1-4
3. 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))?	☐	☐	☐	☒	☐	1-4

[1] California Department of Conservation. *Santa Clara County Important Farmland 2010*. June 2011. Available at: <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2010/scl10.pdf>. Accessed January 13, 2014.

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
4. Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	☐	1-4,6
5. 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?	☐	☐	☐	☒	☐	1-4,6

4.2.2.1 *Impacts from the Proposed Project*

The sites being considered for the parking garage are currently designated as *Urban and Built-Up Land* by the California Department of Conservation's Farmland Mapping and Monitoring Program. The City has zoned the project sites as *Central Business District (CBD),* which does not include agriculture as a permitted or conditionally permitted land use.

The project will not conflict with existing zoning for agricultural use or a Williamson Act contract. The sites are not adjacent to other farmland and the proposed development will not interfere with other agricultural operations or facilitate the conversion of farmland elsewhere in the Morgan Hill area to non-agricultural uses. The project sites are not a forest resource, nor are there forest lands in its vicinity. For these reasons, the project will not impact agricultural or forest resources. **(No Impact)**

4.2.3 Conclusion

The project will not result in a significant impact to agricultural or forest resources. **(No Impact)**

4.3 AIR QUALITY

The following discussion is based in part upon a Railroad Toxic Air Contaminant (TAC) Assessment prepared by *Illingworth & Rodkin, Inc.* in March 2014. This report is available in Appendix A of this Addendum.

4.3.1 Setting

A brief summary of air quality and pollution is provided below. For additional information on criteria air pollutants, toxic air contaminants (TACs), and the regulatory standards governing emissions of those pollutants, please refer to Chapter 3.4 of the Downtown MEIR and to Appendix A of this Addendum.

Air quality and the concentration of a given pollutant in the atmosphere are determined by the amount of pollutant released and the atmosphere's ability to transport and dilute the pollutant. The major determinants of transport and dilution are wind, atmospheric stability, terrain, and for photochemical pollutants, sunlight.

The project sites are located at the south end of the Santa Clara Valley within the San Francisco Bay Area Air Basin. The region typically has moderate ventilation and frequent inversions that restrict vertical dilution. Located on either side of the Santa Clara Valley, the Santa Cruz Mountains and Diablo Range restrict horizontal dilution. The surrounding terrain results in a prevailing wind that follows along the valley's northwest-southeast axis. The combined effects of these geographical and meteorological factors make air pollution potential in the Santa Clara Valley quite high.

4.3.1.1 *Conclusions of the Downtown Specific Plan MEIR*

The air quality analysis in the Downtown MEIR found that build-out of the Specific Plan would result in significant unavoidable increases in emissions of reactive organic gases (ROG) and coarse particulate matter (PM_{10}). Impacts to nearby receptors and to local air quality from construction and demolition were also found to be significant, however mitigation measures were included to reduce construction-related impacts to a less than significant level. The Specific Plan was found consistent with the Bay Area Clean Air Plan, and no violations of carbon monoxide standards were expected from build-out of the Plan Area. Impacts to future residents of the project site from existing sources of TACs as well as impacts to nearby sensitive receptors from construction-related TACs were all found to be less than significant.

4.3.1.2 *Existing Development*

The Depot Street site is currently a paved parking lot with landscaping surrounding the perimeter of the site adjacent to the Morgan Hill Caltrain station. A commercial/restaurant building and outdoor benches are also on-site for pedestrian use. The Booksmart site is developed with an 11,000 square foot commercial building, a paved parking lot, and a minimal amount of landscaping. The Sunsweet site consists of two warehouses (used as storage facilities), one weigh station, and an older structure that was formerly used as an office. Air pollution generated by the existing developments would

primarily come from vehicles traveling to and from the project sites, and to a lesser extent from wind blowing across un-vegetated areas of the Sunsweet site.

4.3.1.3 *Sensitive Receptors*

The Bay Area Air Quality Management District (BAAQMD) defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill and the chronically ill) are likely to be located. These land uses include residences, schools playgrounds, child care centers, retirement homes, convalescent homes, hospitals and medical clinics. Sensitive receptors within the project area are the single-family residences located along Third and Fourth Streets near the three proposed garage project sites.

4.3.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
6. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒	☐	1,2,7
7. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒	☐	1,2,7,8
8. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	☐	☐	☐	☒	☐	1,2,7,8
9. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒	☐	1,2,7,8
10. Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒	☐	1,2,7

4.3.2.1 *Clean Air Plan Consistency*

The proposed garage (at any of the three proposed locations) and the residential mixed-use development anticipated on the Sunsweet site are consistent with the development assumptions made

for the respective blocks in the Downtown Specific Plan, and therefore are consistent with the development and population growth projections that were evaluated in the Downtown MEIR. The MEIR found that development under the Specific Plan would be consistent with the Bay Area Clean Air Plan because it would place housing near transit, was consistent with the City of Morgan Hill's Residential Development Control System (RDCS) population cap, and also included a mix of uses. The proposed project is consistent with the Specific Plan and therefore is consistent with the Bay Area Clean Air Plan. **(Less Than Significant Impact [Same as Approved Master EIR])**

4.3.2.2 *Regional and Local Air Quality Impacts*

Regional Air Quality Impacts

Since the certification of the 2009 Downtown MEIR, the BAAQMD updated the thresholds of significance for air quality impacts. Table 4.3-1 below shows the current BAAQMD thresholds.

Table 4.3-1 Thresholds of Significance for Air Quality Impacts

Pollutant	Operation-Related	
	Average Daily Emissions (pounds/day)	**Maximum Annual Emissions (tons/year)**
ROG, NO_x	54	10
PM_{10}	82	15
$PM_{2.5}$	54	10
Fugitive Dust (PM_{10}/$PM_{2.5}$)	None	None
Risk and Hazards for New Sources and Receptors (Project)	• Increased cancer risk of >10.0 in one million • Increased non-cancer risk of > 1.0 Hazard Index (chronic or acute) • Ambient $PM_{2.5}$ increase: > 0.3 μ/m^3 [Zone of influence: 1,000-foot radius from property line of source or receptor]	
Risk and Hazards for New Sources and Receptors (Cumulative)	• Increased cancer risk of >100 in one million • Increased non-cancer risk of > 10.0 Hazard Index (chronic or acute) • Ambient $PM_{2.5}$ increase: > 0.8 μ/m^3 [Zone of influence: 1,000-foot radius from property line of source or receptor]	

Sources: *BAAQMD Thresholds Options and Justification Report (2009)* and *BAAQMD CEQA Air Quality Guidelines* (dated May 2011).

The MEIR analysis concluded that the 2015 and 2030 regional pollutant emissions of ROG, NO_x, PM_{10}, and $PM_{2.5}$ from build-out of the Specific Plan would be significant and unavoidable with mitigation measures included. The updated thresholds of significance lowered the significance thresholds for ROG, NO_x, and $PM_{2.5}$, but slightly increased (i.e. relaxed) the emission standard for PM_{10}. Comparing the emissions predicted in the MEIR to the current thresholds of significance, the conclusions of the MEIR remain the same: build-out of the Specific Plan would result in significant unavoidable impacts from emissions of criteria pollutants above the BAAQMD thresholds. The

proposed project (i.e. parking garage at either the Depot Street, Booksmart or Sunsweet location and residential mixed-use on Block 4 per the Downtown Specific Plan development assumptions) is consistent with the Specific Plan and would contribute to the significant unavoidable air quality impacts identified for development of the Plan Area.

Mitigation Measures: The following measures were included in the MEIR to reduce operational criteria pollutant impacts:

MM AQ-1: The Specific Plan shall be amended to require submission of an Air Quality and Transportation Demand Management (AQ-TDM) Plan as part of the Design Permit (Architectural and Site Review) application for review and approval by the Community Development Director. The AQ-TDM Plan will incorporate appropriate measures at appropriate locations as determined through the design permit process, such as the following, to reduce air quality impacts:

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

MM AQ-2: Public parking lots constructed or assisted by the City or Redevelopment Agency[2] of Morgan Hill and private residential parking facilities of 50 spaces or more shall include the following amenities:

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

The Sunsweet site residential mixed use development, when filed with the City, will be required to implement an AQ-TDM Plan as a condition of project approval. Bicycle parking would be provided on the Sunsweet site for both the residential and commercial retail uses. Safe access to the nearby Caltrain/VTA transit station from the project site is provided by the crosswalk at Depot Street and 4th Street as well as at the stop-controlled intersection of Depot Street and 3rd Street. There are existing bulb-outs at these locations as well. The mixed use development would not include any wood burning devices.

[2] Note the Successor Agency to the Redevelopment Agency takes on this responsibility.

Final design of the parking structure is yet to be determined; preliminary design information projects the number of electric vehicle charging stations at six, bicycle parking stalls, and six Low Emission Vehicle parking spaces contemplated. Inclusion of these features in the final design of the parking structure will be required prior to approval of a specific garage design to be consistent with the Downtown Specific Plan. The proposed project would be consistent with the Downtown Specific Plan and with the mitigation measures for regional air emissions from the MEIR. **(Significant Unavoidable Impact [Same as Impact Approved Project])**

Local Air Quality Impacts

The Downtown Specific Plan MEIR found that traffic generated by build-out of the Specific Plan would not cause any new violations of carbon monoxide standards. The proposed mixed use development is consistent with the Specific Plan designation for the site and with the vehicle trip generation forecasts made for it, and would not result in new or greater carbon monoxide impacts than previously evaluated for the site. Parking structures are not trip-generating uses, rather they support trip-generating uses, and would not contribute to increased carbon monoxide emissions beyond those forecast for the DT growth as disclosed in the MEIR. Therefore the operation of the proposed project would have a less than significant impact on local air quality. **(Less Than Significant Impact [Same Impact as Approved Project])**

4.3.2.3 *Toxic Air Contaminant and Odor Impacts*

There are no major sources of odor in the project area that would affect future residents of the project site. Trains operating on the Caltrain/UPRR tracks may emit odorous diesel particulates, however these would be temporary. The proposed project (i.e. parking garage at either location) and Sunsweet site residential mixed-use development would not be a source of new odors in the area. **(Less Than Significant Impact [Same Impact as Approved Project])**

Impacts to Future Residents

Due to the proximity of the Sunsweet site to the Caltrain/UPRR tracks, a health risk assessment was completed by *Illingworth & Rodkin, Inc.* to analyze the health impacts of toxic air contaminant (TAC) emissions from railroad operations to future residents. The rail lines are approximately 190 feet northeast of Depot Street, and are used for both passenger and freight service. Information from Caltrain, Amtrak, and other sources shows that there are six Caltrain passenger trains on weekdays, two daily Amtrak-Coast Starlight passenger trains, and approximately six daily UPRR freight trains that use this railroad segment. Diesel particulate matter and $PM_{2.5}$ emissions were estimated for locomotives based on data for each type of train, which is discussed in detail in Appendix A.

Railroad dispersion modeling completed for this project concluded that the point of greatest exposure to TACs would be at the first floor level closest to Depot Street and the rail line. The maximum increased cancer risk to future residents from the rail line is six cases per one million. This increase is less than the BAAQMD cancer risk significance threshold, which is an incremental cancer risk of greater than 10 cases per million from a single source. The exposure of future residents is also well below BAAQMD's significance threshold for *non-cancer* risk, which is a Hazard Index of 1.0. As

evaluated in Appendix A, the Hazard Index for future residents would be 0.006, substantially lower than the significance threshold.

In addition to evaluating the health risks from diesel particulate matter, potential impacts from fine particulate matter ($PM_{2.5}$) were also evaluated. The maximum average $PM_{2.5}$ concentration would be 0.028 $\mu g/m^3$ at the Sunsweet site, which is well below the BAAQMD threshold of 0.3 $\mu g/m^3$. The proposed project would not expose future residents of the project site to significant TAC concentrations, therefore the increased health risk to future residents from TACs would be less than significant. **(Less Than Significant Impact [Same as Approved Project])**

Impacts to Nearby Sensitive Receptors

Construction equipment used for the proposed project would emit TACs, mainly diesel particulate matter, in the vicinity of sensitive receptors such as the residences on 3rd and 4th Streets. Since specific construction plans have not yet been developed for the project, it is not possible to quantify the community risk impacts from construction activity. Though the MEIR found less than significant construction-related TAC impacts, due to the proximity of sensitive receptors, construction of the proposed project has the potential to result in a significant community risk impact.

Mitigation Measures: The following measure is an enhancement of the mitigation measures that were included in the MEIR to reduce construction-related TAC impacts to a less than significant level:

MM AQ-3: Prior to any construction, the project applicant shall prepare an evaluation that predicts Community Risk impacts associated with construction following guidance provided by the BAAQMD. Prior to issuance of demolition and/or building permits, this analysis shall be submitted to the Community Development Director for review and approval. The analysis shall identify any necessary requirements to reduce community risk impacts such that significant impacts (i.e. exceeding the BAAQMD thresholds of significance) would not occur. Requirements to minimize significant impacts would include:

- Develop a plan to ensure that diesel-powered equipment larger than 50 horsepower and operating on the site for more than two days consecutively shall meet U.S. EPA particulate matter emissions standards for Tier 2, 3 or 4 engines or equivalent; or the construction contractor shall use other measures to minimize construction period diesel particulate matter emissions to reduce the predicted cancer risk below the threshold. Such measures may include the use of alternative-powered equipment (e.g., LPG-powered forklifts), alternative fuels (e.g., biofuels), added exhaust devices, or a combination of measures, provided that these measures are approved by the lead agency;
- If necessary, all generators, welders, compressors, and pumps shall be alternatively fueled or meet U.S. EPA particulate matter standards for Tier 4 engines; and
- Minimize the number of hours that equipment will operate including the use of idling restrictions.

Based on the community risk evaluation completed for this project (see Appendix A), implementation of these measures would ensure that construction of the proposed project does not result in a significant health hazard for nearby sensitive receptors from construction TAC emissions. **(Less Than Significant Impact with Mitigation)**

4.3.2.4 *Short-Term Construction Impacts*

In addition to emitting TACs, demolition, grading, and construction activities also emit fugitive dust and particulate matter. Given the proximity of sensitive receptors, dust emissions during construction could result in significant impacts.

Standard Measure: The following BAAQMD-recommended basic dust control measures were included in the MEIR and are included in the proposed project to reduce potential fugitive dust impacts to a less than significant level:

SM AQ-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;

SM AQ-2: All haul trucks transporting soil, sand, or other loose material off-site shall be covered;

SM AQ-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;

SM AQ-4: All vehicle speeds on unpaved roads shall be limited to 15 mph;

SM AQ-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;

SM AQ-6: Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes. Clear signage shall be provided for construction workers at all access points;

SM AQ-7: All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation; and

SM AQ-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.

Implementation of these standard dust control measures would reduce potential fugitive dust impacts to a less than significant level. **(Less Than Significant Impact with Mitigation [Same Impact as Approved Project])**

4.3.3 Conclusion

The proposed project is consistent with the Specific Plan and therefore is consistent with the Bay Area Clean Air Plan. **(Less Than Significant Impact [Same Impact as Approved Project])**

The proposed project is consistent with the Downtown Specific Plan and with the mitigation measures for regional criteria pollutant emissions from the MEIR. However even with implementation of MM AQ-1 and MM AQ-2, the project would contribute to the significant and unavoidable criteria pollutant emissions described in the MEIR. **(Significant Unavoidable Impact [Same Impact as Approved Project])**

Traffic from the proposed project would have a less than significant impact related to carbon monoxide emissions. **(Less Than Significant Impact [Same Impact as Approved Project])**

Future residents of the Sunsweet site would not be exposed to substantial odors or TAC emissions from the railroad, therefore health risk to future residents from air pollution would be less than significant. **(Less Than Significant Impact [Same Impact As Approved Project])**

Mitigation measure MM AQ-3 will ensure that construction of the proposed parking garage (at any of the three proposed locations) and the Sunsweet site residential mixed-use development would not result in a significant health hazard for nearby sensitive receptors from construction TAC emissions. **(Less Than Significant Impact with Mitigation)**

Implementation of SM AQ-1 – SM AQ-8 would reduce potential fugitive dust impacts to a less than significant level. **(Less Than Significant Impact with Mitigation [Same Impact as Approved Project])**

4.4 BIOLOGICAL RESOURCES

This section is based in part on an *Arborist Report* completed by Kielty Arborist Services in March 2014. This report is attached as Appendix B

4.4.1 Setting

The City-owned Depot site, Successor Agency optioned Booksmart site, and Sunsweet site are approximately, 1.5, 1.05, and 2.5 acres in size, respectively. The properties are relatively flat with an elevation of approximately 350 feet above mean sea level (msl).[3] The City-owned Depot site is developed and consists of one building, a paved parking lot, and landscaping with non-ordinance sized (i.e., not City-protected) trees on the property. The City optioned Booksmarts site is developed with one multi-tenant commercial (retail and restaurant) building, minimal non-native landscaping and a surface parking lot. The Sunsweet site is developed with structures and concrete, non-native grasses, 12 City-protected trees including seven non-native trees (four redwoods, one cottonwood, one privet, and one plum) and five native oak trees. A large valley oak tree (approximately 97 inches in circumference) is located on the Sunsweet site adjacent to East Third Street. Because of its urban setting and isolation from larger areas of undeveloped lands, the site does not function as a movement corridor for local wildlife.

4.4.1.2 *Regulatory Overview*

Migratory Birds

The Federal Migratory Bird Treaty Act (MBTA) prohibits killing, possessing, or trading of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. The trustee agency that addresses issues related to the MBTA is the US Fish and Wildlife Service (USFWS). Species of birds protected under the MBTA include all native birds and certain game birds. The MBTA protects whole birds, parts of birds, bird eggs, and nests and prohibits the possession of all nests of protected bird species whether they are active or inactive. An active nest is defined as having eggs or young. Birds protected by the MBTA may be present in the grassland habitat and/or in any of the eight oak trees located on the project site.

Birds of Prey

Birds of prey are protected in California under provisions of the State Fish and Game Wildlife Code, Section 3503.5, which states that it is "unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto." Construction disturbance during the breeding season that results in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment is considered a "taking" by the California Department of Fish and Wildlife.

[3] Google Earth. February 2014.

Local Plans and Policies

Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan

The project site is located within the Santa Clara Valley Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP) area. The HCP/NCCP was developed by the County of Santa Clara, the Cities of San Jose, Gilroy and Morgan Hill, the Santa Clara Valley Water District, and the Santa Clara Valley Transportation Authority (collectively the "local partners") under the guidance of the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife (CDFW). The HCP/NCCP provides 'take' authorization [per the Federal Endangered Species Act (ESA) or the California Endangered Species Act (CESA)] for 18 listed and non-listed species (i.e. covered species). The HCP/NCCP also includes conservation measures to protect all 18 species and a conservation strategy designed to mitigate impacts on covered species and to contribute to the recovery of these species in the study area.

City of Morgan Hill Tree Removal Controls

As stated in the Specific Plan Master EIR, the City of Morgan Hill defines a tree as "any live woody plant rising above the ground with a single stem or trunk of a circumference of 40 inches or more for non-indigenous species, and 18 inches or more for indigenous species measured at four and one-half feet vertically above the ground or immediately below the lowest branch, whichever is lower." Trees which are indigenous to the City include all types of oak trees, madrones, sycamore, alder and California bays. All commercial tree farms, non-indigenous tree species in residential zones and orchards (including individual fruit trees) are exempted from the definition of a significant tree (Municipal Code 12.32.020 (G)).

Prior to the removal of any tree protected under the City of Morgan Hill Tree Removal Controls, a tree removal permit is required from the Community Development Director which includes a description of the tree replacement program and identification of any conditions imposed by the City.

Seven small non-native landscape trees are present on the City-owned Depot site, given their small size (less than 18 inches) they are not protected under the City's Municipal Code. Vegetation on the Booksmart site is limited to shrubbery and small trees located within planter boxes, none of which are protected. Seven non-native trees and five mature oak trees on the Sunsweet site are protected under the City's Municipal Code, as their trunk circumferences are greater than 18 inches.

4.4.1.3 *Special-Status Species*

Regulatory Overview

The CEQA requires assessment of the effects of a project on species that are protected by State, Federal, or local governments as "threatened, rare, or endangered"; such species are typically described as "special-status species." Special-status species include those plant and wildlife species that have been formally listed, are proposed as endangered or threatened, or are candidates for such listing under the Federal Endangered Species Act (ESA) or the California Endangered Species Act

(CESA). These acts afford protection to both listed and proposed species. Although CDFW Species of Special Concern generally have no protected legal status, they are given special consideration under CEQA. In addition to regulations for special-status species, most birds in the United States, including non-status species, are protected under the MBTA (described above). Plant species on the California Native Plant Society (CNPS) Lists 1 and 2 are also considered special-status species and must be considered under CEQA.

4.4.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact Than "Approved Project"	Checklist Source(s)
Would the project:						
1. 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 US Fish and Wildlife Service?	☐	☐	☐	☒	☐	1,2,9
2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☐	☐	☒	☐	1,2,9
3. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒	☐	1,2
4. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	☐	☐	☐	☒	☐	1,2

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact Than "Approved Project"	Checklist Source(s)
Would the project:						
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☐	☒	1,2,9
6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☒	☐	☐	1,2,10

4.4.2.1 *Impacts to Habitat*

There are no sensitive habitats on the three project sites under evaluation for the proposed garage nor the portion of the Sunsweet site planned for the residential mixed-use project, including areas of high biological diversity, areas providing important wildlife habitat, or unusual or regionally restricted habitat types. Redevelopment of the sites with a parking structure and/or a mixed use development will not affect a federally protected wetland nor have a substantial adverse effect on any riparian habitat or other sensitive natural community. **(Less Than Significant Impact [Same as Approved Project])**

Under the HCP/NCCP, which was adopted after preparation of the MEIR and adoption of the Downtown Specific Plan, the City parking garage and Sunsweet site residential mixed-use project are considered a 'covered activities' occurring in an Urban Development/Private Development Area. The HCP/NCCP has classified the land cover type as "Urban Parks and Urban/Suburban".[4] The HCP/NCCP assumes a certain amount of urban development within the City of Morgan Hill and HCP/NCCP plan area which have both permanent, direct impacts and indirect impacts. Although, the proposed development activity will permanently alter the land, the project's land cover type as identified in the plan is not considered habitat where covered species and plants are known to occur or would likely occur in the future. The project area is also not within a defined wetland area, area with serpentine soils, or area considered to be high quality Burrowing Owl habitat, all of which are more likely to have direct and/ indirect impacts to covered species. The Downtown area is not within a planned Priority Reserve Area or within an Urban Reserve System Interface Zone.

The HCP/NCCP also considers covered activities to result in a certain amount of indirect impacts from urban development mostly in the form of increased impervious surface and from the effects of nitrogen deposition. Urban development that increases the intensity of land use results in increased air pollutant emissions from passenger and commercial vehicles and other industrial and nonindustrial sources. Emissions from these sources are known to increase airborne nitrogen, of

[4] According to the Santa Clara Valley HCP/NCCP "Geobrowser" (http://www.hcpmaps.com/habitat/) accessed in November 2013.

which a certain amount is converted into forms that can fall to earth as depositional nitrogen. It has been shown that increased nitrogen in serpentine soils can favor the growth of nonnative annual grasses over native serpentine species and these nonnative species, if left unmanaged, can overtake the native serpentine species, which are host plants for larval Bay checkerspot butterfly. As such, covered projects within the HCP/NCCP area are subject to paying a "Nitrogen Deposition Impact Fee" which is calculated based on the number of daily vehicle trips attributed to the activity and collected prior to the commencement of the use.

In addition, all covered activities in the HCP/NCCP are subject to certain conditions (as identified in Chapter 6 of the Plan) based on the project's location and type of project. To ensure that the project (including both the City garage and private residential mixed-use development components) complies with conditions of the HCP/NCCP, the conditions will be applied to each component as part of the entitlement approval conditions and/or other permits (i.e. grading permits, building permits, etc.).

The City of Morgan Hill has adopted the HCP/NCCP and approved an ordinance[5] implementing the measures and conditions set forth in the HCP/NCCP, and will levy applicable impact fees and incorporate relevant conditions on covered activities into the City parking garage project (on any of the site locations being considered) and the private Sunsweet residential mixed-use project. Therefore, the project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan. **(No Impact)**

4.4.2.2 *Impacts to Tree Nesting Raptors*

As stated in the Specific Plan MEIR, due to the highly urbanized nature of the project area, proposed development would not result in impacts to special-status plant and wildlife species, with the exception of raptors (birds of prey) that could use the trees and vacant sites in the Specific Plan area for nesting.

Impact BIO-1: Tree removal, especially of large mature trees, during the January to August nesting season could impact tree-nesting raptors. **(Significant Impact)**

Mitigation Measures: The following measures shall be implemented as part of the site development permit process for development allowed under the Specific Plan to reduce impacts to tree-nesting raptors:

MM BIO-1.1: Removal of trees on the proposed project sites could be scheduled between September and December (inclusive) to avoid the raptor nesting season and no additional surveys would be required.

MM BIO-1.2: If removal of the trees on-site would take place between January and August (inclusive), a pre-construction survey for nesting raptors shall be conducted by a qualified ornithologist to identify active nesting raptor nests that may be

[5] Chapter 18.69 of the City of Morgan Hill Municipal Code

disturbed during project implementation. Between January and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys shall be conducted no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist shall, in consultation with the State of California, Department of Fish & Wildlife (CDFW), designate a construction-free buffer zone (typically 250 feet) around the nest until the end of the nesting activity. The applicant shall submit a report indicating the result of the pre-construction survey and any designated buffer zones to the satisfaction of the Community Development Director.
(Less Than Significant Impact with Mitigation [Same as Approved Project])

4.4.2.2 *Impacts to Burrowing Owls*

Based on the Specific Plan Master EIR, there are currently no known nesting burrowing owls in the City of Morgan Hill. Burrowing owls typically dwell in open grassland habitats. The project sites are not considered owl habitat, due to the urban development in the area and lack of suitable habitat. If a burrowing owl were to nest on the ruderal portion of the Sunsweet site which currently consists of non-native grasses, prior to the onset of construction, however, project construction activities could lead to the abandonment of active nests or direct mortality of these birds. Given the site location in Downtown Morgan Hill, such an event is considered highly unlikely. Nonetheless, if burrowing owl nests are identified on the project sites, the Standard Measures SM BIO-1, SM BIO-2 and SM BIO-3 outlined in the Specific Plan MEIR will be implemented to avoid direct impacts to burrowing owls and to offset impacts to their habitat.

4.4.2.4 *Impacts to Mature (City-Protected) Trees*

Mature City-Protected Trees

The seven parking lot landscape trees that would be impacted on the City-owned Depot site are not considered significant trees. There are no significant trees on the Booksmart site. There are five oak trees and seven non-native trees on the Sunsweet Site that are considered significant under the City of Morgan Hill's Municipal Code. The non-native mature trees and oak trees (all City-protected) will be removed or transplanted due to construction of the proposed project. Per the City's Municipal Code 12.32.080, significant native trees that are not transplanted will be replaced at a two to one ratio by other trees that are indigenous to the City of Morgan Hill. Non-native City-protected trees will be replaced at a one-to-one ratio with City-approved trees. The large valley oak tree on the Sunsweet site will remain on-site and will be preserved in accordance with the City's Municipal Code and a certified arborist's recommendations. Tree removal and planting activities will be in accordance with the City's Municipal Code and Specific Plan MEIR standard measures SM BIO-4, SM BIO-5 and SM BIO-6. **(Less Than Significant Impact [Same as Approved Project])**

Large Valley Oak Tree (Sunsweet Site)

The prominent valley oak tree on the Sunsweet Site (see Photo 4 in *Section 4.1 Visual and Aesthetic Resources*) will be preserved and remain in its existing location. Landscaping is proposed to occur within the dripline of the of this large valley oak tree. Landscaping beneath the valley oak within 10 feet of the trunk would be of a low water use species or of a gravel or decomposed granite hardscape. Benches or tables on the hardscape will not have a great impact on the tree. Recommendations by a certified arborist for the long-term care of the tree are provided in Appendix B.

4.4.3 Conclusion

With the implementation of the above mitigation measures, the project would have a less than significant impact on biological resources. **(Less Than Significant Impact with Mitigation [Same as Approved Project])**

4.5 CULTURAL RESOURCES

The following discussion is based in part upon a *Historic Resources Study* completed by CIRCA in March 2014, *Historic Resources Survey* prepared by CIRCA in 2008, *Historic Context Statement* and historic survey of the Downtown Core prepared by CIRCA in 2006 and a *Cultural Resources Supplement* prepared by Basin Research Associates, Inc. in April 2000. The March 2014 report is attached as Appendix C, the remaining reports are on file with the City of Morgan Hill Community Development Department.

4.5.1 Setting

4.5.1.1 *Archaeological Resources*

Native American occupation and use of the resources in the Morgan Hill area extended over a period of 5,000 to 7,000 years and maybe longer. The aboriginal inhabitants of the Santa Clara Valley belonged to a group known as the Ohlone (or Costanoans) who occupied the central California coast as far east as the Diablo Range.

The majority of prehistoric archaeological sites in the Morgan Hill area have been found along fresh water sources (such as creeks and springs), in valley areas near water, at the base of the hills and along a major north/south trail. Potential Historic era archaeological sites also follow this pattern and often directly occupy prehistoric sites or are located at their periphery. Historic sites also are often sited along trails, roads, railroad tracks, and along urban and regional street grids.[6]

According to the City's Archaeological Sensitivity Map,[7] much of the Downtown area, including the southern portion of the Sunsweet site, is archaeologically sensitive due to its location adjacent to West Little Llagas Creek.

4.5.1.2 *Historic Resources*

Historic Resource Findings: Previous Studies

A Reconnaissance Survey was conducted by CIRCA in 2006 and 2007 for the Specific Plan MEIR to identify potential historic resources in Morgan Hill. This survey included a review of structures greater than 45 years of age within the Downtown. Based on the survey, intensive evaluations were completed to assess the historical significance of 30 structures. Based on the evaluations, 16 structures were identified as potentially eligible for local listing and were considered for determinations of local significance (and inclusion on the Adopted Survey List) by the Morgan Hill Planning Commission and City Council. This process resulted in the placement of five additional buildings and one historical object on the City's designated historic resources lists. Recognized historic resources in the Specific Plan area are listed in Table 4.5-1. The nearest designated historic resource to any of the project sites is the Grange Hall (40 East Fourth Street), which fronts East

[6] Basin Research Associates, Inc. 2000. Cultural Resources Supplement, Archaeological Resources Morgan Hill General Plan Santa Clara County, California.
[7] City of Morgan Hill. *Archaeological Sensitivity Map.* April 2000.

Fourth Street and is across the street from the Sunsweet site. No historic districts have been identified within the Specific Plan area.

Table 4.5-1: Designated Historic Resources

Resource	Address	Date
Hatch House	35 West Main Avenue	1907
Bone House	95 West Main Avenue	1899
Bruzzone House	145 West Main Avenue	1890s
Page House	17100 Monterey Road	1908
Methodist Church[1]	17175 Monterey Road	1893
Methodist Church Parsonage[1]	17175 Monterey Road	1895
Votaw Building	17400 Monterey Road	1905
Grange Hall	40 East Fourth Street	1909
McCreery House	25 West Fourth Street	1907
Newbold House	20 East Fifth Street	1904
George Edes House	95 West First Street	1899
Old Presbyterian Parsonage	50 West First Street	1897
Residence	45 West Dunne Avenue	c. 1900
Residence	65 West Dunne Avenue	1936
Mason & Triggs Building[2]	17415 Monterey Road	Unknown
Granada Theater[3]	17440 Monterey Road	1951

Notes:
Italicized buildings were listed as Designated Historic Resources in May and June 2008.
[1] The Methodist Church is considered by CIRCA to be potentially eligible for the California Register of Historic Places.
[2] The Mason & Triggs building is considered a potentially historic resource.
[3] The Granada Theater building itself has been substantially altered and is not an historic building; however, the City Council determined that the sign/marquee was a significant local historic object.

Subsequent historic evaluations were completed in November 2008 for four additional sites within the Downtown Core which are developed with buildings over 45 years of age. Although they have not been added to the Adopted Survey list, the granary buildings and silos at 17500 Depot Street (approximately 185 feet northwest of the City-owned Depot site) appear to meet the local criteria for listing. The silos are key character defining features of the property that were found to communicate the historic character and agricultural function of the site. The residence at 40 East Second Street was also found to meet the criteria for local listing based on its construction early in Morgan Hill's development and retention of notable architectural details, form, and massing conveying historic character. This structure is separated from the Booksmart site by two other (non-historic) residences. The two other structures evaluated in November 2008 (17365 to 17385 Monterey Road and 91 East Fourth Street) were not found to qualify for listing at the national, state, or local level. None of the designated historic resources within the Specific Plan area are listed on the California Register of Historical Resources or the National Register of Historic Resources. The historic resources listed in Table 4.5-1 have been designated or otherwise identified as resources with local significance.

Historic Resources at the Proposed Project Sites

To account for the passage of time since the previous historic evaluation completed for the Downtown MEIR, CIRCA in March 2014 completed an updated *Historic Resources Report.* The

March 2014 report confirmed the 2009 conclusions remained accurate concerning historic resources in the Downtown and that none of the existing structures on the City-owned Depot, City-optioned Booksmart or the Sunsweet sites are identified as historic resources of local, state or national significance, nor do they meet the criteria for historic resource listings.

The existing building at the City-owned Depot site (17300 Depot Street), which was constructed in the 1990s, is less than fifty years of age and is therefore not historic. The former Farmer's Union/Dee-Hi plant at 95 East 3rd on the Booksmart site has been altered and has lost its historic significance years ago due to the demolition of the plant buildings. Another existing building on the Booksmart site (80 East Second Street) was constructed in the 1940s, but has subsequently been extensively modified, and is not historically significant. The former Sunsweet Dryer Facility (91 East Fourth Street), which was constructed on the Sunsweet site in the 1920s, was evaluated by CIRCA in November 2008 and did not qualify for historical significance.

Historic Resources within Proximity to the Proposed Project Sites

Based on the Downtown MEIR and 2008 historic evaluations, the property adjacent to and approximately 185 feet northwest of the City-Owned Depot Site at 17500 Depot (Granary Building) meets the criteria for listing on the City's Local Register for historic resources, and the 40 East Second Street property (approximately 100 feet west of the Booksmart site, 240 feet west of the Sunsweet site and 350 feet south of the City-owned Depot site) also meets the local criteria for listing as historic resources. The structure at 40 East Fourth Street (Grange Hall) is currently designated by the City of Morgan Hill as a historic resource (refer to Table 4.5-1). The 40 East Fourth Street building is across the street and 50 feet east of the Sunsweet site.

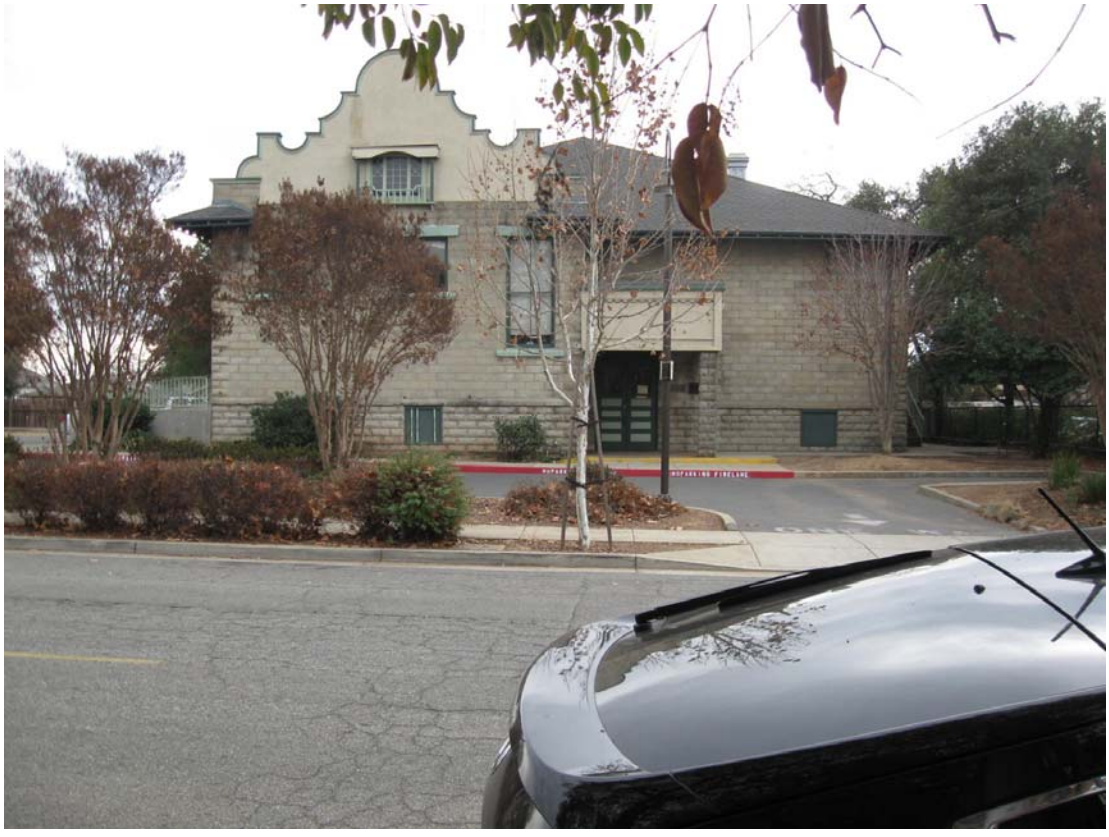


Photo 6: 40 East Fourth Street (Grange Hall)

The properties at 35, 55, 57, 65, and 75 East Third Street (immediately west of the Booksmart site, and approximately 75 west of and across the street from the Sunsweet site) are of historic age and were found to retain a high degree of material integrity. These properties on East Third Street meet the local criteria for listing as historic resources.

4.5.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact Than "Approved Project"	Checklist Source(s)
Would the project:						
1. Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?	☐	☐	☐	☒	☐	1,2,11
2. Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	☐	☐	☐	☒	☐	1,2,12
3. Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☐	☐	☒	☐	1,2
4. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒	☐	1,2

4.5.2.2 *Impacts to Archaeological and Paleontological Resources*

Each of the three potential garage site is considered archaeologically sensitive. Due to the location of a substantial portion of the Downtown within an archaeologically sensitive area, development on the project sites could result in impacts to buried archaeological resources during soil disturbing activities.

The project area is not known to contain any paleontological resources; however, paleontological resources could exist.

Standard Measures: In accordance with the City of Morgan Hill Municipal Code Chapter 18.75, proposals for the development or redevelopment of a site identified as archaeologically sensitive by the City's adopted archaeological sensitivity map shall be subject to the following review process and standard conditions of project approval. Standard measures for discovery of paleontological resources are provided below. Implementation of standard measures, SM CULT-1 to SM CULT-3, would ensure that development on the Sunsweet, Booksmart, and City-Owned sites would not result in significant impacts to archaeological or paleontological resources:

SM CULT-1: If the project is not located within or adjacent to a known archaeological site, but is located within the mapped archaeologically sensitive area as adopted by the City, then the project applicant has the option to either have an archaeological survey be completed for the site to determine what, if any, conditions of approval will be required as mitigation measures; or agree to comply with the following standard conditions of approval, which shall be conclusively deemed to reduce potentially significant impacts on archaeological resources to a less than significant level (no archaeological resources report is required as part of any CEQA review of the project as long as the applicant accepts these conditions and incorporates them into the project):

- An archaeologist shall be present on-site to monitor all ground-disturbing activities. Where historical or archaeological artifacts are found, work in areas where remains or artifacts are found will be restricted or stopped until proper protocols are met, as described below:
  - Work at the location of the find will halt immediately within thirty feet of the find. If an archaeologist is not present at the time of the discovery, the applicant shall contact an archaeologist for evaluation of the find to determine whether it qualifies as a unique archaeological resource as defined by this chapter;
  - If the find is determined not to be a Unique Archaeological Resource, construction can continue. The archaeologist will prepare a brief informal memo/letter that describes and assesses the significance of the resource, including a discussion of the methods used to determine significance for the find;
  - If the find appears significant and to qualify as a unique archaeological resource, the archaeologist will determine if the resource can be avoided and will detail avoidance procedures in a formal memo/letter; and
  - If the resource cannot be avoided, the archaeologist shall develop within forty-eight hours an action plan to avoid or minimize impacts. The field crew shall not proceed until the action plan is approved by the community development director. The action plan shall be in conformance with California Public Resources Code 21083.2.

SM CULT-2: All development projects located within an archaeological sensitivity area and/or containing known archaeological resources on-site shall also be subject to the following measures as standard conditions of project approval:

- This project may adversely impact undocumented human remains or unintentionally discover significant historic or archaeological materials. The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply. If human remains are discovered, it is probable they are the remains of Native Americans.
  - If human remains are encountered they shall be treated with dignity and respect as due to them. Discovery of Native American remains is

a very sensitive issue and serious concern. Information about such a discovery shall be held in confidence by all project personnel on a need to know basis. The rights of Native Americans to practice ceremonial observances on sites, in labs and around artifacts shall be upheld.
    - Remains should not be held by human hands. Surgical gloves should be worn if remains need to be handled.
    - Surgical mask should also be worn to prevent exposure to pathogens that may be associated with the remains.
- In the event that known or suspected Native American remains are encountered or significant historic or archaeological materials are discovered, ground-disturbing activities shall be immediately stopped. Examples of significant historic or archaeological materials include, but are not limited to, concentrations of historic artifacts (e.g., bottles, ceramics) or prehistoric artifacts (chipped chert or obsidian, arrow points, groundstone mortars and pestles), culturally altered ash-stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire-altered rock and/or burned or charred organic materials, and historic structure remains such as stone-lined building foundations, wells or privy pits. Ground-disturbing project activities may continue in other areas that are outside the exclusion zone as defined below.
- An "exclusion zone" where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable buffer zone by the Contractor Foreman or authorized representative, or party who made the discovery and initiated these protocols, or if on-site at the time or discovery, by the Monitoring Archaeologist (typically 25-50ft for single burial or archaeological find).
- The exclusion zone shall be secured (e.g., 24 hour surveillance) as directed by the City or County if considered prudent to avoid further disturbances.
- The Contractor Foreman or authorized representative, or party who made the discovery and initiated these protocols shall be responsible for immediately contacting by telephone the parties listed below to report the find and initiate the consultation process for treatment and disposition:
    - The City of Morgan Hill Community Development Director
    - The Contractor's Point(s) of Contact
    - The Coroner of the County of Santa Clara (if human remains found)
    - The Native American Heritage Commission (NAHC) in Sacramento
    - The Amah Mutsun Tribal Band
- The Coroner has two working days to examine the remains after being notified of the discovery. If the remains are Native American the Coroner has 24 hours to notify the NAHC.
- The NAHC is responsible for identifying and immediately notifying the Most Likely Descendant (MLD) from the Amah Mutsun Tribal Band. (Note: NAHC policy holds that the Native American Monitor will not be designated the MLD.)
- Within 24 hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose.
- Within 24 hours of their notification by the NAHC, the MLD may

recommend to the City's community development director the recommended means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The recommendation may include the scientific removal and non-destructive or destructive analysis of human remains and items associated with Native American burials. Only those osteological analyses or DNA analyses recommended by the Amah Mutsun Tribal Band may be considered and carried out.

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

SM CUL-1.3 If paleontological resources are encountered during subsurface construction activities, all work within 50 feet of the discovery shall be redirected until a qualified paleontologist can evaluate the finds and make recommendations. If the paleontological resources are found to be significant, they shall be avoided by project construction activities and recovered by a qualified paleontologist. Upon completion of the recovery, a paleontological assessment shall be conducted by a qualified paleontologist to determine if further monitoring for paleontological resources is required. The assessment shall include: 1) the results of any geotechnical investigation prepared for the project site; 2) specific details of the construction plans for the project site; 3) background research; and 4) limited subsurface investigation within the project site. If a high potential to encounter paleontological resources is confirmed, a monitoring plan of further project subsurface construction shall be prepared in conjunction with this assessment. After project subsurface construction has ended, a report documenting monitoring, methods, findings, and further recommendations regarding paleontological resources shall be prepared and submitted to the Director of Community Development. **(Less Than Significant Impact with Mitigation)**

4.5.2.3 *Impacts to Historic Buildings*

The existing buildings on the City-Owned Depot, Booksmart and Sunsweet sites are not designated as historic resources, nor do they meet the criteria for listing as historic resources on the federal, state or local level). No historic resources are proposed for demolition, removal or alteration/change therefore there will be no direct impacts to historic resources from development of the proposed project.

Buildings located at 17500 Depot Street, 40 East Second Street, and 35, 55, 57, 65, 75 East Third Street are eligible for listing as a local historic resource, however they would not be directly affected by the proposed garage at any of the proposed sites nor the mixed-use residential development on the Sunsweet site. The 17500 Depot Street property (Granary building) is adjacent to the City-Owned Depot site, and the historic house at 75 East Third Street is adjacent to the Booksmart site, and care must be taken during construction activity to ensure there are no indirect impacts due to movement of construction equipment, such as backing into a building or site feature, hauling of debris, felling of

trees, on-site disposition of materials, and/or removal of off-site trees. This standard of care is typical of any construction occurring in close proximity to adjacent buildings and therefore construction on the Sunsweet, Booksmart or City-Owned Depot site, however, would be protective of nearby historic resources. For these reasons, the proposed project would have a less than significant impact on adjacent or nearby historic resources. **(Less Than Significant Impact [Same Impact as Approved Project])**

4.5.3 Conclusion

With the implementation of the City's standard measures SM CUL 1.1 - SM CUL-1.3 to protect adjacent and nearby historic resources, the proposed parking structure on either of the three garage sites and the Sunsweet mixed-use residential development would have a less than significant impact on cultural resources. **(Less Than Significant Impact [Same Impact as Approved Project])**

4.6 GEOLOGY AND SOILS

4.6.1 Existing Setting

4.6.1.1 *Topography*

Downtown Morgan Hill is located on the floor of the Santa Clara Valley with elevations at the project sites ranging from approximately 345 to 350 feet above mean sea level. The Santa Clara Valley is situated between the Santa Cruz Mountains to the west and the Diablo Mountain Range to the east. In the vicinity of Downtown Morgan Hill, the natural land surface in the valley area slopes slightly to the south.

4.6.1.2 *Geology and Soils*

The City of Morgan Hill is in an area that consists of three distinct "terrain units," the Valley Floor, the Santa Cruz Mountains foothills, and the Diablo Range foothills. The nearly flat Valley Floor encompasses the largest portion of the Specific Plan project area, with the lower slopes of Nob Hill located at the western edge of the Downtown.

The geologic landscape in Morgan Hill consists of bedrock and surface soils. Most of the underlying bedrock belongs to either the Franciscan Assemblage or the Santa Clara Formation, although smaller deposits of other rock units are found throughout the study area.

Soils underlying the project sites primarily consists of Late Pleistocene alluvium (Qpa), which consist of weakly consolidated, slightly weathered, poorly sorted, irregular interbedded clay, silt sand and gravel units.[8] The surficial soils on the project sites are classified as San Ysidro loam,[9] which consists of loam and clay loam at depths ranging from zero to approximately four feet below ground surface (bgs) and sandy clay loam and gravelly clay loam from four to five feet bgs. The soil has a low expansion potential from zero to approximately two feet bgs, a high expansion potential from two to four feet bgs, and a moderate expansion potential from four to five feet bgs. Expansive soils shrink and swell as a result of moisture changes. These changes can cause heaving and cracking of slabs-on-grade, pavements and structures found on shallow foundations. Based on the County of Santa Clara's *Geologic Hazard Zones* Map, the project sites are not within a landslide hazard zone.[10]

4.6.1.3 *Seismicity*

An earthquake of moderate to high magnitude generated within the San Francisco Bay region could cause considerable ground shaking at the project sites. The degree of shaking is dependent on the magnitude of the event, the distance to its zone of rupture and local geologic conditions. According to the City of Morgan Hill Geotechnical Hazards maps and the County's *Geologic Hazard Zones* Map, the project sites are not located in a fault rupture hazard zone.

[8] GeoSolve, Inc. *Phase I Environmental Site Assessment on Former Sunsweet Dryers Facility.* February 2014.
[9] US Department of Agriculture, Natural Resources Conservation Service. *Custom Soil Resource Report for Eastern Santa Clara Area, California: Downtown Morgan Hill*. March 18, 2014.
[10] County of Santa Clara. *County Geologic Hazard Zones*. Morgan Hill Quadrangle. October 2004.

The closest major fault lines to the project sites include the San Andreas Fault located approximately 10 miles west of the project sites and the Calaveras Fault located approximately five miles east of the project sites.

Liquefaction

Liquefaction is the result of seismic activity and is characterized as the transformation of loosely water-saturated soils from a solid state to a liquid-like state after ground shaking. There are many variables that contribute to liquefaction including the age of the soil, soil type, soil cohesion, soil density, and ground water level. Groundwater has been measured within 15 feet of the surface in much of the downtown area.[11] According to the County's *Geologic Hazard Zones* Map, the Specific Plan project area is not located within a liquefaction hazard zone.[12]

Lateral Spreading

Lateral spreading occurs as a form of horizontal displacement of alluvial material toward an open free face, such as a creek channel. Since the project sites are not located adjacent to a creek channel or open free face, the potential for lateral spreading during a seismic event is low.

4.6.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact Than "Approved Project"	Checklist Source(s)
Would the project:						
1. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:						
a. Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	☐	☐	☐	☒	☐	1,2,13, 14
b. Strong seismic ground shaking?	☐	☐	☐	☒	☐	1,2,14
c. Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒	☐	1,2

[11] City Morgan Hill. *Morgan Hill Downtown Specific Plan Master EIR*. November 2009 (Adopted).
[12] County of Santa Clara. *County Geologic Hazard Zones*. Morgan Hill Quadrangle. October 2004.

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact Than "Approved Project"	Checklist Source(s)
Would the project:						
d. Landslides?	☐	☐	☐	☒	☐	1,2
2. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒	☐	1
3. Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒	☐	1,2,14, 15
4. Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?	☐	☐	☐	☒	☐	1,2
5. 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?	☐	☐	☐	☒	☐	1

4.6.2.1 *Geological Impacts*

Soil Conditions

Soils on the project sites range from a low to high expansion potential. Expansive soil conditions could damage future development and improvements proposed under the project, which would represent a significant impact unless substantial damage is avoided by incorporating appropriate engineering into the grading and foundation design of proposed buildings.

The project sites are not located within a landslide hazard zone and would not likely be subject to landslide hazards. The project sites are relatively flat (approximately 345 to 350 above msl) and would not be subject to substantial soil erosion or the loss of topsoil during development activities. **(Less Than Significant Impact)**

Standard Measures: In accordance with the City of Morgan Hill standards, redevelopment of the project sites shall implement the following measures to reduce and/or avoid soil hazards and substantial erosion impacts. Implementation of the standard measures, SM GEO-1 to SM GEO-2, would ensure that impacts to the project from soil conditions and seismic hazards would be less than significant

SM GEO-1: To avoid or minimize potential damage from seismic shaking, the parking garage (on any of the three potential sites) and Sunsweet mixed-use residential development shall be built using standard engineering and seismic safety design techniques. Prior to issuance of development permits, building design and construction at the sites will be completed in conformance with the recommendations of a design-level geotechnical investigation, which will be included in a report to the City. The structural designs for the proposed development will account for repeatable horizontal ground accelerations. The report shall be reviewed and approved by the City of Morgan Hill Building Division prior to issuance of a building permit. The buildings will be required to meet the requirements of applicable Building and Fire Codes, including the 2010 California Building Code Chapter 16, Section 1613,[13] as adopted or updated by the City. The project will be designed to withstand soil hazards identified on the site and the project shall be designed to reduce the risk to life or property to the extent feasible and in compliance with the Building Code.

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

Capability of Soils

New development on any of the three sites would connect to existing sewer sanitary system. No septic systems will be developed under the project; therefore, no impacts to soils related to septic systems would occur. **(No Impact [Same as Approved Project])**

Seismic Hazards

The likelihood of fault rupture at the sites is low; however, the sites are located in a seismically active region and strong ground shaking will likely occur during the life of the project. The sites are located in an area of relatively stable ground not likely to be involved in landsliding, faulting or other lateral displacement type ground failures.[14] Based on the *Santa Clara County Geologic Hazard Zones* Map, the sites are not located in a fault rupture, landslide, or liquefaction hazard zone.[15] **(Less Than Significant Impact [Same as Approved Project])**

Since the soils on the sites are not prone to liquefaction nor are the sites near a creek or other open channel, the probability of lateral spreading occurring on-site is low. **(Less Than Significant Impact [Same as Approved Project])**

[13] International Code Council. 2010 California Building Code, Title 24, Part 2, Section 1613, Earthquake Loads. Available at: <http://publicecodes.cyberregs.com/st/ca/st/b200v10/index.htm>. Accessed March 26, 2013.
[14] City of Morgan Hill. *Geology, Geologic and Geotechnical Hazards. Ground Movement Potential Map.* December 1991.
[15] Santa Clara County. *Santa Clara County Geologic Hazard Zones*. Adopted February 2002. Last Modified December 2012. Available at: <http://www.sccgov.org/sites/planning/GIS/GeoHazardZones/Pages/SCCGeoHazardZoneMaps.aspx>. Accessed March 26, 2013.

Impacts from seismic and seismic-related hazards can be minimized through the use of standard engineering and seismic safety design techniques per the City's Building Division and the California Building Code (see SM GEO-1). The parking structure (whether located on any of the proposed sites) and the Sunsweet mixed-use residential development would be designed to withstand soil hazards and to reduce the risk to life or property to the extent feasible and in compliance with the California Building Code. **(Less Than Significant Impact [Same as Approved Project])**

4.6.3 Conclusion

Conformance with the recommendations of a design-level geotechnical report and with the California Building Code, and conformance with the City's SM GEO-1 and SM GEO-2 would avoid geology and soil impacts at the three potential garage project sites. **(Less Than Significant Impact [Same as Approved Project])**

4.7 GREENHOUSE GAS EMISSIONS

4.7.1 Setting

4.7.1.1 *Background Information*

This section provides a general discussion of global climate change and focuses on emissions from human activities that alter the chemical composition of the atmosphere. As discussed in the Downtown Specific Plan MEIR, the discussion on global climate change and greenhouse gas (GHG) emissions is based in part upon the California Global Warming Solutions Act of 2006 (Assembly Bill (AB) 32) and research, information and analysis completed by the International Panel on Climate Change (IPCC), the U.S. EPA, and the California Air Resources Board (CARB).

Global climate change refers to changes in weather including temperatures, precipitation, and wind patterns. Global temperatures are modulated by naturally occurring and anthropogenic (generated by mankind) atmospheric gases such as carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (NOx).[16] These gases allow sunlight into the earth's atmosphere but prevent heat from radiating back out into outer space and escaping from the earth's atmosphere, thus altering the earth's energy balance. This phenomenon is known as the greenhouse effect.

Naturally occurring GHGs include water vapor,[17] CO_2, CH_4, NO_x, and ozone (O_3). Several classes of halogenated substances that contain fluorine, chlorine, or bromine are also GHGs, but are for the most part solely a product of industrial activities.

Unlike emissions of criteria and toxic air pollutants, which have local or regional impacts, emissions of GHGs have a broader, global impact. Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the transportation, industrial/manufacturing, utility, residential, commercial, and agricultural sectors.

Impacts to California from climate change include shifting precipitation patterns, increasing temperatures, increasing severity and duration of wildfires, earlier melting of snow pack and effects on habitats and biodiversity. Sea levels along the California coast have risen up to seven inches over the last century, and average annual temperatures have been increasing. These and other effects will likely intensify in the coming decades and significantly impact the State's public health, natural and manmade infrastructure, and ecosystems.[18]

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[16] IPCC, 2007: Summary for Policymakers. In: Climate Change 2007: The Physical Science Bases. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change [Solomon, S., D. Qin, M. Manning, Z. Chen, M. Marquis, K.B. Averyt, M. Tignor, and H.L. Miller (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA. Available at: <http://ipcc.ch/ >. Accessed March 25, 2013.

[17] Concentrations of water are highly variable in the atmosphere over time, with water occurring as vapor, cloud droplets and ice crystals. Changes in its concentration are also considered to be a result of climate feedbacks rather than a direct result of industrialization or other human activities. For this reason, water vapor is not discussed further as a greenhouse gas.

[18] State of California Energy Commission. *2009 California Climate Adaptation Strategy Discussion Draft. Frequently Asked Questions.* August 3, 2009. <www.climatechange.ca.gov/adaptation/documents/2009-07-31_Discussion_Draft-Adaptation_FAQs.pdf>. Accessed March 25, 2013.

Agencies at the international, national, state, and local levels are considering strategies to control emissions of gases that contribute to global warming. There is no comprehensive strategy that is being implemented on a global scale that addresses climate change; however, in California a multi-agency "Climate Action Team," has identified a range of strategies and the Air Resources Board, under AB 32, has approved the *Climate Change Scoping Plan* (Scoping Plan). AB 32 requires achievement by 2020 of a statewide greenhouse gas emissions limit equivalent to 1990 emission levels, and the adoption of rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions. The CARB and other State agencies are currently working on regulations and other initiatives to implement the Scoping Plan. By 2050, the State plans to reduce emissions to 80 percent below 1990 levels.

Bay Area 2010 Clean Air Plan

Since the approval of the Downtown Specific Plan MEIR, the Bay Area Air Quality Management District adopted The Bay Area 2010 Clean Air Plan (an update to the Clean Air Plan adopted in 2000 that was discussed in the Downtown Specific Plan MEIR) which is a multi-pollutant plan prepared that addresses GHG emissions along with other air emissions in the San Francisco Bay Area Air Basin. One of the key objectives in the CAP is climate protection. The 2010 CAP includes emission control measures in five categories: Stationary Source Measures, Mobile Source Measures, Transportation Control Measures, Land Use and Local Impact Measures, and Energy and Climate Measures. Consistency of a project with current control measures is one measure of its consistency with the CAP. The current CAP also includes performance objectives, consistent with the State's climate protection goals under AB 32 and SB 375, designed to reduce emissions of GHGs to 1990 levels by 2020 and 40 percent below 1990 levels by 2035.

Bay Area Air Quality Management District: CEQA Guidelines

BAAQMD adopted an updated version of its CEQA air quality thresholds (updated May 2011) and developed guidelines for assessing and mitigating impacts under CEQA, including thresholds for GHG emissions. The thresholds of significance used to evaluate the proposed developments are determined by the Lead Agency, the City of Morgan Hill. Per CEQA Guidelines Section 15064.7, the City has elected to use the thresholds and methodology included in the May 2011 BAAQMD Air Quality Guidelines, as they are based on substantial evidence and remain the most up-to-date, scientifically-based method available to evaluate air quality impacts.

Under BAAQMD's GHG emissions threshold, if a project results in operational-related GHG emissions of 1,100 metric tons of carbon dioxide equivalents ($CO_{2e)}$ a year or more or a efficiency greater than 4.6 metric tons of CO_{2e} per Service Population (residents and employees) per a year, it would make a cumulatively considerable contribution to GHG emissions and result in a cumulatively significant impact to global climate change. A threshold for stationary sources[19] of 10,000 metric tons of CO_{2e} a year also was adopted.

The project size, up to 52 single-family dwelling units, is below the BAAQMD operational screening size (56 dwelling units) for GHG emissions. The retail and office space for both sites would also be

[19] Stationary sources, such as boilers and emergency backup generators, burn fuels and directly emit greenhouse gases from combustion.

below BAAQMD's operational screening size thresholds (9,000 s.f. threshold for restaurants and 53,000 s.f. for office space). Therefore, no refined GHG analysis that includes modeling of GHG emissions, for either project component is required.

4.7.1.2 *Existing Conditions*

Under existing conditions, the City-Owned Depot site has one restaurant building, the Booksmart site has one commercial building (housing restaurants and retail) and the Sunsweet site consists of two warehouses, a weigh station building and an office building which primarily result in GHG emissions from the generation of electricity (i.e., for lighting, cooling, pumping water) and vehicle trips. A small amount of GHG emissions are generated by the breakdown of solid waste from the sites.

4.7.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact Than "Approved Project"	Checklist Source(s)
Would the project:						
1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐	☐	1,2
2. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐	☐	1,2

4.7.2.1 *Construction Greenhouse Gas Emissions (Temporary Emissions)*

Construction phases include site grading, trenching, building construction, and paving. The project site is located in an urbanized location, within close distance of construction supplies and equipment, which will help minimize greenhouse gas emissions generated from transport of construction materials and waste. There is no reliable method to estimate construction-related emissions associated with the manufacturing of project materials.

Neither the City of Morgan Hill nor the BAAQMD have quantified thresholds for construction activities, however, the emissions will be below the lowest threshold adopted by BAAQMD and given that the project site is in an urban setting close to construction supplies and equipment, manufacture and construction of the projects will not contribute substantially to local or regional greenhouse gas emissions. **(Less than Significant Impact [Same as Approved Project])**

4.7.2.2 *Operational Greenhouse Gas Emissions (Ongoing Emissions)*

GHG (e.g., carbon dioxide, methane, and nitrogen dioxide) from operation of the project will include electricity and natural gas used by residents of the site, and fuel burned for transportation to and from the site. Indirect emissions will include utility usage by building residents and employees for water conveyance, wastewater treatment, and solid waste disposal.

Greenhouse Gas Emission Sources

Mobile Sources

Vehicle traffic is a source of GHG emissions for the project. An analysis of the projected vehicle miles traveled (VMT) per year and emissions was completed for the Specific Plan area in the Downtown Specific Plan MEIR for year 2030. The projected VMT and emissions are based on the development projections in the Specific Plan (for Blocks 1-20) which assumed that there would be approximately 1,200 new dwelling units, 93,500 s.f. of retail space and 85,590 s.f. of new office/service space. VMT in 2030 for the Specific Plan area was estimated at 98,381 miles per year, and net new vehicular carbon dioxide emissions were estimated to be 17,081 tons. No new vehicle trips beyond those disclosed and analyzed in the Downtown MEIR would be generated from the proposed three-story parking garage since the purpose of the parking garage is to provide parking to support planned growth per the Downtown Specific Plan. The proposed garage and Sunsweet residential mixed-use development are consistent with what was planned for in the Specific Plan, and therefore would not cause an increase in emissions beyond what was disclosed in the Downtown MEIR.

Area Sources

The Downtown Specific Plan MEIR analyzed area source emissions in the form natural gas combustion for heating and cooking, landscape equipment, and fireplace use. Annual emissions were estimated at 2,660 tons of carbon dioxide for 2030. The proposed garage and Sunsweet residential mixed-use development are consistent with the development that was assumed in the Downtown Specific Plan and would not cause an increase in emissions beyond what was disclosed in the Downtown MEIR.

Indirect Source of Emissions

Indirect source emissions for the proposed project would include generation of electricity provided for lighting, appliances, water service and building cooling. Results from the Downtown Specific Plan MEIR found that approximately 2,627 additional tons of carbon dioxide would be emitted annually from electricity generation annually in 2030. The proposed garage and Sunsweet residential mixed-use development are consistent with the development that was assumed in the Downtown Specific Plan and would not cause an increase in emissions from electricity generation beyond what was disclosed in the Downtown MEIR.

Solid Waste

Decomposition of solid waste from the project sites would generate a small amount of greenhouse gases per year. The Downtown MEIR projected that approximately 109 metric tons of carbon dioxide equivalents per year from the decomposition of organic solid waste would result from the Downtown Specific Plan's implementation in 2030. The proposed project would not result in a significant increase of carbon dioxide equivalents generation from the decomposition of solid waste.

4.7.2.3 *Consistency with Adopted Plans to Reduce GHG Emissions*

Strategies to Reduce Greenhouse Gas Emissions

The project would be in conformance with the strategies to reduce greenhouse gas emissions outlined in the Downtown MEIR. The proposed project would implement recommended actions for GHG reductions in the CARB's adopted Climate Change Scoping Plan including water use efficiency and transportation GHG emissions reduction measures.

- Water Use Efficiency: To reduce the amount of electricity, natural gas, and diesel used to convey, treat, and distribute water, the proposed project would use efficient water management practices and conserve water needed for landscaping, as required under the City of Morgan Hill Municipal Code.

- Transportation Greenhouse Gas Emissions: The Specific Plan project area is located near multi-modal transit, includes elements to improve bicycle and pedestrian facilities and create a pedestrian friendly downtown area. The proposed project would locate jobs or jobs and residences near transit (Caltrain Station). The proximity of the proposed project to would reduce the growth rate of vehicle miles traveled and reliance on petroleum fuels.

Strategies to Reduce Greenhouse Gas Emissions

The Sunsweet site residential mixed-use development will be required to conform to applicable policies and processes listed in Chapter 15.65 of the Municipal Code which details the City's Sustainable Building Regulations. The parking garage and Sunsweet site residential mixed-use development will not conflict with plans, policies or regulations adopted for the purpose of reducing GHG emissions. **(Less Than Significant Impact)**

4.7.2.4 *Mitigation and Avoidance Measures Included in the Project to Reduce GHG Emissions*

Based on BAAQMD's CEQA Guidelines, GHG emissions from the parking garage and Sunsweet site residential mixed-use development would not result in a significant impact. The proposed project, however, would implement several mitigation and avoidance measures adopted in the Downtown MEIR to reduce greenhouse gas emissions from transportation, building, and/or solid waste.

Mitigation Measures

The project would implement mitigation measures from the proposed Air Quality and Transportation Demand Management (AQ-TDM) Plan that is required for the implementation of the Downtown Specific Plan to reduce air quality and GHG emissions impacts.

Impact AQ-1: GHG emissions from the proposed project could result in a significant impact if appropriate mitigation measures are not implemented to reduce emissions.

Mitigation Measures: The following mitigation measures from the Downtown Specific Plan MEIR would be implemented for the proposed project and would reduce GHG emissions impacts to a less than significant level.

MM AQ-2.1: Applicable mitigation measures to reduce GHG emissions that would be implemented for the proposed project include.

- Provide secure and conveniently placed bicycle parking and storage facilities at parks and other facilities.
- Allow only natural gas fireplaces. No wood burning devices would be allowed.
- Provide direct, safe, attractive pedestrian access from project land uses to transit stops and adjacent development.
- Provide transit information kiosks and bicycle parking at commercial facilities.
- Provide secure and conveniently located bicycle parking and storage for workers and patrons.

MM AQ-2.2: Public parking lots constructed or assisted by the City or Redevelopment Agency[20] of Morgan Hill and private residential parking facilities of 50 spaces or more shall include the following amenities:

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

(Less Than Significant Impact with Mitigation Incorporated)

Avoidance and Standard Measures

Avoidance Measures and Standard Measures that were outlined in the Downtown Specific Plan MEIR and will be implemented for the proposed project include:

AM ENER-1.1: In accordance with the provisions of Morgan Hill Municipal Code Chapter 18.78.28, development should be required to meet a minimum point standard for energy conservation (i.e. *GreenPoint Rated, LEED*). Development

[20] Or the City as the Successor Agency to the Redevelopment Agency

proposed under the proposed project should provide for energy conservation through the use of energy-efficient building techniques, materials, and appliances, such that the buildings consume less energy than allowed by California's Title 24 Building Energy Efficiency Standards, which could be documented in the energy compliance reports submitted at the time of application for building permits.

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

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

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

AM ENER-1.5: The idling of construction vehicles shall be avoided to reduce fuel consumption, emissions, and noise.

AM ENER-1.6: Development proposed under the Specific Plan should, to the extent feasible, incorporate standards for cool roofs outlined in Build It Green's (BIG)

Greenpoint rating system for residential development and the LEED rating system for commercial development.

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

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

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

4.7.2.5 *Cumulative Impacts*

Due to the location of the Specific Plan project area near transit, measures included in the project to make the Downtown more pedestrian-friendly, and the types and intensity of allowed development, implementation of the Specific Plan, including the proposed garage and Sunsweet mixed-use projects, would be consistent with strategies to reduce Vehicle Miles Traveled per capita over time. While the project would result in a net increase in greenhouse gas emissions, in terms of carbon dioxide equivalents, it would not substantially impede local, regional or statewide efforts to reduce overall greenhouse gas emissions to 1990 levels. (**Less Than Significant Impact)**

4.7.3 Conclusion

With the implementation GHG reduction measures, mitigation measures, and applicable plans, the project will not result in a significant impact from greenhouse gas emissions.
(Less Than Significant Impact with Mitigation [Same as Approved Project])

4.8 HAZARDS AND HAZARDOUS MATERIALS

The following discussion based in part on a Phase I Environmental Site Assessment (Phase I ESA) prepared for the City-owned Depot, Booksmart, and the Sunsweet Garage sites by *Cornerstone Earthgroup, Inc*., and a Phase I and Phase II ESA prepared for the Sunsweet residential mixed-use development site by *GeoSolve, Inc*. The Cornerstone report is attached as Appendix D, and the Geosolve report is attached as Appendix E.

4.8.1 Setting

4.8.1.1 *Overview*

Hazardous materials encompass a wide range of substances, some of which are naturally-occurring and some of which are man-made. Examples include pesticides, herbicides, petroleum products, metals (e.g., lead, mercury, arsenic), asbestos, and chemical compounds used in manufacturing. Determining if such substances are present on or near project sites is important because, by definition, exposure to hazardous materials above regulatory thresholds can result in adverse health effects on humans, as well as harm to plant and wildlife ecology.

4.8.1.2 *Downtown MEIR Findings*

Soil and Groundwater Contamination

Many of the existing and past businesses located in the downtown area use, store, and dispose of hazardous materials.

Known sources of hazardous material contamination within or near the downtown area in the past, as in most cities in the Bay Area, are the result of leaking underground storage tanks (LUSTs). Findings in the Downtown MEIR indicate that there are approximately six sites located within the Specific Plan's downtown core whose contamination is primarily related to gasoline and oil; all of these sites have received case closure. One additional LUST site (16995 Monterey Road) is located on Block 20 and is currently undergoing monitoring related to a gasoline leak.[21] The locations of sites with known previous and current hazardous materials contamination are shown in Table 4.8-1, below.

Table 4.8-1: Downtown MEIR Known Contaminated Sites and Regulatory Status

Address	Block	Type	Status
16995 Monterey Rd	Block 20	Gasoline	Open
17015 Monterey Road	Block 14	Gasoline	Closed 6/19/06 Closed 6/27/96
17090 Monterey Road	Block 6	Gasoline	Closed 1/5/98
17485 Monterey Rd	Block 10	Waste Oil/Used Oil	Closed 11/18/98

[21] State Water Resources Control Board. *Geotracker*. *BP Facility #11224*: 16995 Monterey Road, Morgan Hill. Available at: <http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0608519223>. Accessed April 2014.

17500 Depot St	Block 7	Waste Oil/Used Oil	Closed 12/27/95
70 East Fourth Street	Block 5	Gasoline	Closed 7/9/96
91 East Fourth Street	Block 4	Gasoline	Closed 12/16/98

The Union Pacific Railroad (UPRR) right-of-way runs between properties fronting on Depot Street and Butterfield Boulevard. Soils on Blocks 7, 8, and 15 through 18 near the railroad tracks may be contaminated with chemicals that were historically used for dust suppression and weed control along rail lines.

Based on the Downtown MEIR findings, soil and/or groundwater in the project area may be contaminated by hazardous materials that could be disturbed, exposed, or released due to development and redevelopment in the project area. Mitigation measures (**MM HM-1.1**and **MM HM-1.2)** from the Downtown MEIR state that Phase I Environmental Site Assessment shall be required for all properties proposed for redevelopment with residential uses where previous uses including industrial, commercial or agricultural use that could have led to soil and/or groundwater contamination. The mitigation measures also state that a Phase II Environmental Site Assessment, which identifies specific remediation measures required to ensure the site is suitable for residential development, and remedial action shall be completed, if warranted.

Hazardous Building Materials

Development in the Specific Plan area is required to conform to the following regulatory programs to reduce impacts due to the presence of ACMs and/or lead-based paint to a less than significant level: Due to the age of the structures in the Specific Plan area, the existing structures may contain asbestos and lead-based paint. Standard Measures **(SM HM-1 – SM HM-4)** outlined in the Downtown MEIR (and copied below in Section 4.8.3.1 On-Site Contamination Impacts) would reduce exposure of hazardous building materials to a less than significant level. The standard measures are in accordance with standards for California Occupation Safety and Health Administration (Cal/OSHA), U.S. OSHA, and BAAQMD standards; as well as U.S. EPA's National Emission Standards for Hazardous Air Pollutants (NESHAPs) for removing ACMs and lead-based paint prior to demolition.

Other Hazards

The project site is not located within two miles of a public airport, nor is it on one of the City's designated evacuation routes. Based on Specific Plan MEIR findings, the Specific Plan project area is not located within a very high fire hazard severity zone.

4.8.1.3 *Site Conditions*

Site Uses

<u>City-Owned Depot Site (17130 and 17300 Depot Street: APNs 726-13-047 and 716-14-061)</u>

The City-Owned Depot Site is approximately 1.5 acres and is currently occupied by the City of Morgan Hill's Caltrain Station building consisting of passenger waiting areas and a small restaurant.

The remainder of the site consists of an asphalt-paved parking lot. Historical uses of the site are listed in Table 4.8-2.

Table 4.8-2: City-Owned Depot Historic Site Uses

Time Period	Site Use
1908 to 1960s	Depot grounds with railroad track spurs occurred on-site.
1960s to 1970	In the early 1960s a building was constructed on the southeast portion of the site; the building was occupied by Ralston Purina Company until 1970.
1973 to 1989	The building was occupied by freight distribution businesses including Yellow Freight Systems and Consolidated Freightways. A tow service and salvage yard occupied a portion of the site, along with Plywood Surplus Sales and South County Kitchens in the 1980s.
1993	The existing Caltrain Station building was constructed (located on the central portion of the site).
1994-2004	Building on the southeast portion of the site (constructed in the early 1960s) was occupied by Elevator Designs Inc.
2008	Building (constructed in the early 1960s) was demolished. Existing parking lot was constructed.

A railroad track spur was formerly located on the City-Owned Depot Site (see Table 4.8-2). Since assorted chemicals historically have been used for dust suppression and weed control along railroad lines, impacted soil near the former railroad tracks may be present. The existing Caltrain Station structure was constructed in the 1993, asbestos containing building materials (ACBMs) and lead-based paint are not likely to be present on-site.

City-Optioned BookSmart Site (APN 726-14-001)

The City owns an Option to purchase the 0.82-acre BookSmart Site. An existing 11,000 square foot commercial building on the site is currently occupied by multiple tenants, including a book store, restaurants, a martial arts academy and a hair salon. The site is fully paved with the exception of one small landscape area. Table 4.8-3 provides a summary of the site's current uses.

Table 4.8-3 BookSmart Site: Current Site Uses

Address (APN 726-14-001)	**Current Site Use**
80 East Second Street	The space is occupied by BookSmart (a retail store and café).
82 East Second Street	The space is occupied by Morgan Hill Access Television.
86 and 88 East Second Street	The space is occupied by Cherisse's Hair Salon.
90 East Second Street	The space is occupied by Marco Polo's Eastern Treasures and Acupuncture
92 East Second Street	The space is occupied by Peking Restaurant
95 East Third Street	The space is occupied by Jesus Mexican Restaurant
17355 Depot Street	The space is occupied by United Academy of Martial Arts
17365 Depot Street	The space is unoccupied.

The site's historical uses were primarily commercial. The existing building has occupied the site since 1926. A summary of the site's historic uses is listed in Table 4.8-4:

Table 4.8-4 BookSmart Site: Historic Uses

Time Period	Historic Site Use
1908	The site was occupied by a hotel building and a residence.
1917	Several residences occupied the site.
1926-1955	The site was occupied by the existing building, consisting of several connected structures that consisted of a fruit dehydrator with a prune dipper, an evaporator, two warehouses and a storage building. Dee-Hi Fruit Products Company was the occupant in 1926 and the Estate of A.G. Col was the occupant by 1941. A railroad track spur was present on a portion of the site that fronting Depot Street. In 1926, crude oil was used as a fuel source; no specific tank locations were recorded. In 1949, the property was sold to the Poultry Producers of Central California (Nulaid Eggs) and the building was used as a shipping center for eggs and poultry feed.
1955-1980	The railroad track spur extended onto the eastern portion of the site (until at least 1980). By 1975, the site was occupied by Squeri Brothers Hardware, Alpha Refrigeration, Gene Filice Realty, Morgan Hill Bakery, Tracey's Bakery, and Shamrock Pizza at the existing building.
1980s	In the 1980s, occupants of the site (in existing building) were Morgan Hill Meat Company, Alpha Refrigeration, Gene Filice Realty, South Valley Performance, State Farm Insurance, Morgan Hill Bakery, Tracey's Bakery, Shamrock Pizza and Diaz Tortilla Inc., Pearson's Hardware, Fellows Sutton, Peking Restaurant, JC Heating and Air Conditioning and Rositas Restaurant. An unpermitted automobile repair building appears to have temporarily occupied the site in 1989, prior to being closed by the City.
1990s	In the 1990s, occupants of the existing building included Morgan Hill Meat Company, Cornerstone Investigating, Morgan Hill Bakery, Tracey's Bakery, Peking Restaurant, Xtrel Inc., Party Outlet, Halal Meat Market, Hair Cove, La Monena Bakery, Peking Restaurant, United Academy of Martial Arts, JC Heating and Air Conditioning, Jesus Restaurant. Bargain Hunters Outlet, Eddies Tips and Toes, Hair Cove, United Visions, Morgan Hill Health Club, and RSM Company.
2003-2008	In 2003, occupants in the existing building included Bargain Hunters Furniture Outlet, All American Nails, Perfections Salon, Make It Mine, Peking Restaurant, United Academy of Martial Arts, MLC Construction, and Jesus Restaurant. By 2008, the occupants were Booksmart, Building Blocks Inc., Bargain Hunters Outlet, DLM Electronic Inc., Mac Plastics and Signs, Morgan Hill Access Television (MHAT), East West Grocery, Morgan Hill Chamber of Commerce, Peking Restaurant, United Academy of Martial Arts, MLC Construction, Jesus Restaurant and R. Badillo and Sons.

Table 4.8-4 BookSmart Site: Historic Uses	
Time Period	**Historic Site Use**
2013	By 2013, occupants of the site (at the existing building) were Booksmart, MHAT, Cherisse's Hair Salon, Morgan Hill Chamber of Commerce, 24 Hour Locksmith, Peking Restaurant, United Academy of Martial Arts, Depot Street Emergency Locksmith, Jesus Restaurant and Continental Stitch.

Sunsweet Site

The Sunsweet Site is approximately 2.7 acres and is currently used for commercial and light industrial purposes. A summary of the site's current uses provided in Table 4.8-5.

Table 4.8-5: Sunsweet Site: Current Site Uses	
APN and Address	**Current Site Use**
APN 726-13-032 91 East Fourth Street	This parcel is occupied by concrete tilt up building. The building is used for storage of antiques, furniture, church pews, equipment, home products and other decorating items.
APNs 726-13-033 and -042: 55 East Fourth Street	These parcels consist of a vacant lot with trees.
APN 726-13-043 90 East Third Street	This parcel is occupied by a concrete tilt-up building (four attached warehouse units) and an open garage area. The building is used for storage of antiques, furniture, church pews, equipment, home products and other decorating items.
APN 726-13-044 0 Depot Street[22]	This parcel is occupied by a small office building.

The site was formerly used as a fruit processing facility (at 1940s to 1987). Other historic site uses are listed in Table 4.8-6.

Table 4.8-6 Sunsweet Site: Historic Uses	
Time Period	**Historic Site Use**
1908	The site was developed with multiple residences and associated outbuildings.
1920s	By 1926, six residences remained on the southwest portion of the site (currently 55 East Fourth Street). The site was occupied by the Growers Packing and Warehouse Association Plant and included a railroad spur along Depot Street and a large structure immediately west of the railroad spur. Boilers and tanks were mapped underneath the structure and two sheds occurred to the north of the building. The site was also occupied by Sterling Lumber Company, with lumber sheds and an office structure.

[22] "0 Depot Street" (APN 726-13-044) is referenced as "17250 Depot Street" in the Phase I ESA completed by GeoSolve in February 2014.

Table 4.8-6 Sunsweet Site: Historic Uses	
Time Period	**Historic Site Use**
1930s	One of the four warehouse units (90 East Third Street) was constructed by 1939. Several residences also occurred on-site.
1941	The site was occupied by the California Prune and Apricot Association Plant (a fruit processing facility later referred to as Sunsweet Dryers Facility – 91 East Fourth Street). The site included two prune drying structures and a prune warehouse (90 East Third Street), a tank and boilers.
1940s/1950s	The remaining three warehouse units (current 90 East Third Street warehouse structure) were constructed. The warehouse units were used to store dried fruit binds, harvest bins, trays and miscellaneous parts and equipment.
1960s	Open garage (also referred to as a dipper shed) was constructed by 1968 (90 East Third Street). One residence occurred on the southwest portion of the site (55 East Fourth Street).
1980s/1990s	Sunsweet Dryer Facility operated until 1987. A recycling center operated by Western Recycling was listed as an occupant of 91 East Fourth Street between 1990 and 1996.
1990s-2012	All residences (55 East Fourth Street) were demolished by 2007. Site appeared similar to current conditions (large warehouse structure and open garage (90 East Third Street), smaller concrete tilt up storage structure (91 East Fourth Street), and office building (0 Depot Street)

4.8.1.4 *On-Site Sources of Contamination*

Hazardous Chemical Storage/Releases

Based on February and March 2014 site visits completed for the respective Phase I ESAs, no visual evidence of underground or aboveground storage tanks (USTs or ASTs) were identified at the City-Owned Depot, Booksmart, or Sunsweet sites.

City-Owned Depot Site

Based on the historical Santa Clara County Fire Department (SCCFD) records in 1996, the site's hazardous materials business plan listed hazardous materials that included welding gasses and up to 35 gallons of stain, lacquer thinner, contact cement and acetone (stored in one and five gallon containers). From 2001 to 2004, hazardous materials listed included welding gasses and up to 25 gallons unspecified flammable liquids. No spills or unauthorized chemical releases, however, have been reported at the site.

City-Optioned BookSmart Site

Commercial businesses have historically occupied the existing building. In 1926, crude oil was used as a fuel source at the Dee-Hi Fruit Products Company facility; however, no specific tank locations were identified in historical records.

Most of the business types that have occupied the existing building (e.g., retail stores and restaurants)

are not commonly associated with the use of hazardous materials. Other businesses, such as the prior fruit processing facility, egg and poultry business, construction related businesses and auto repair building may have used or stored hazardous materials; however, no hazardous materials spills have been reported at the site. Based on an interview with the property owner in March 2014, a kerosene tank was previously abandoned on the site. No information regarding the kerosene tank was identified in regulatory agency records. Based on Morgan Hill Building and Fire Prevention Department (BD) and SCCFD records, no spills or unauthorized chemical releases have been reported at the site.

Sunsweet Site

Heating and boiler tanks were identified on 1926 and 1941 beneath the large warehouse building (90 East Third Street); however, no spills or releases were reported.

The Sunsweet site (91 East Fourth Street) is listed on the State Water Resources Control Board leaking underground storage tank (LUST) database. The LUST case has been closed as of December 1998 (as stated in the Specific Plan MEIR, referenced in Table 4.8-1). A listing on the historic (UST) database, SCCFD and City records indicate that one 500-gallon gasoline UST was present on the eastern side of the Sunsweet office building (0 Depot Street, APN 726-13-044). A fuel dispenser was located adjacent to the west side of the building. Gasoline impacted soil reportedly was identified at the UST and dispenser locations. Excavation of some of the impacted soil was completed by 1986. Impacted soil below the office building and below nearby concrete slabs may remain in place. Groundwater was sampled in September and October of 1986. Gasoline, benzene, toluene and xylenes were not detected in the groundwater samples.

Based on Santa Clara Department of Environmental Health (DEH) records, a surface release of hydraulic fluid on the ground in the drying shed compartments occurred at the Sunsweet facility at 91 East Fourth Street. Sampling was completed after excavation and residual contaminant concentrations remain on the property (presumably hydraulic fluid in soil). The DEH indicated that no further remedial action was required.

ACM/Lead-Based Paint

Asbestos products were used in building construction and lead-based paint (banned by the Consumer Product Safety Commission in 1978) was applied to buildings prior to 1980.

Since the Caltrain Station building was constructed in the 1990s, ACMs and lead-based paint are not likely to be present on the City-Owned Depot Site. Due to the age of the structures on the BookSmart and Sunsweet sites, ACMs and lead-based paint may be present on these sites.

Other Environmental Concerns

Railroad track spurs were formerly located on the City-Owned Depot site and BookSmart site (refer to Tables 4.8-2 and 4.8-3). Assorted chemicals historically have been used for dust suppression and weed control along rail lines. Therefore, impacted soil near the former railroad tracks on the City-Owned Depot site or the BookSmart site may be present.

Since the Sunsweet site was used as a fruit packing and dryer facility from the 1920s to at least the late 1980s, organochloride pesticide, additional petroleum-hydrocarbon, chlorinated-hydrocarbons, and metal residues may be present within the surficial soil. Polychlorinated biphenyls (PCBs) (often used in food packing prior to the 1980s) may also be present in the site's soil. Additionally, hydraulic hoists were used in previous fruit-drying operations.

4.8.1.5 *On-Site Sampling*

Sunsweet Site

Based on the identified on-site sources or potential sources of contamination in the Phase I ESAs, the recognized environmental concerns were:

1) potential presence of PCBs, metal and organochloride pesticide residues within the surficial soil associated with past fruit processing and drying procedures;
2) possible presence of metals, petroleum-hydrocarbons and chlorinated hydrocarbon residues within the subsurface soil and groundwater beneath the site; and
3) possible presence of ACMs and/or LBP on and within the structures at the site.

In accordance with the site-specific recommendations from the Phase I ESA, a Phase II ESA was completed and soil samples were collected and analyzed for arsenic, organochloride pesticides and PCBs. Soil samples were also analyzed for pH, total petroleum hydrocarbons reported as gasoline (TPHg), benzene, toluene, ethyl benzene, total xylenes (BTEX), total extractable petroleum hydrocarbons reported as diesel, motor oil and hydraulic oil (TEPHd, TEPHmo, and TEPHho), volatile organic compounds (VOCs), and CAM 17 metals (includes arsenic, lead, selenium, silver and thallium)

Results from the February 2014 sampling event showed that all chemicals and metals had concentrations that were either not detectable or below regulatory agency environmental screening levels (i.e. ESLs, or thresholds), with the exception of arsenic (which exceeded the residential San Francisco Bay Regional Water Quality Control Board ESL). Arsenic concentrations in soil samples ranged from 4.6 to 11 milligrams per kilogram (mg/kg) which exceeds the RWQCB residential ESL for arsenic is (0.39 mg/kg). However, arsenic concentrations in soil ranging from 5.0 to 20 mg/kg are typical (or "background" conditions) for much of the Bay Area. The arsenic concentrations detected at the Sunsweet Site therefore represent background concentrations and are not considered significant.

To determine the depth of the groundwater, a boring was drilled (February 2014) up to 44 feet below ground surface. At that depth, no groundwater was encountered or evaluated at the site.

4.8.1.6 *Off-Site Conditions and Sources of Contamination*

Current and Historic Uses of Surrounding Properties

Land uses in the vicinity of the sites (City-owned Depot, Booksmart, and Sunsweet sites) include a

mix of commercial, office and residential uses. During the early 1900s, the project vicinity consisted of mainly residential properties, along with railroad tracks (adjacent and to the north of the City-Owned Depot site) and a few commercial businesses located mainly along Monterey Road. Increases in commercial development along Monterey Road occurred in the 1920s. Between the 1930s and 1970s, agricultural land (orchards and row crops) with widely spaced residences occurred to the north of the City-Owned Depot site (northeast of the railroad tracks). An increase in residential and commercial development, along with a decrease in agricultural land occurred between the 1980s and 2000s in the sites' vicinity.

Off-Site Sources of Contamination

Based on a regulatory database search of properties within 700 feet of the project sites, the following properties are contaminated or potentially contaminated sites or properties where transportation, handling, storage and/or disposal of hazardous materials occurs or has occurred.

Table 4.8-7: Current Off-Site Sources of Contamination

Location of Property	Database	Main Impact/Status
Mason Electric 70 East Fourth Street	HIST CORTESE, RGA, LUST, HIST LUST	Closed Gasoline UST, As of July 1996
Simply Beverages 17290 Monterey Road	LUST, RGA LUST	Closed Gasoline/Diesel, As of March 2010
Vacant Lot 17305 Monterey Road	HIST CORTESE, LUST, RGA LUST	Closed Waste Oil/ Motor/ Hydraulic/ Lubricating UST, as of May 1995
Isaac Grain Company 17500 Depot Street	LUST	Closed Waste Oil/ Motor/ Hydraulic/ Lubricating UST, as of December1995
Associated Concrete 130 East Main Street	LUST	Closed Diesel UST, as of April 2013
[1]17165 Depot Street	EDR US Hist Auto Stat, CUPA Listings, HAZNET	Recycler of waste oil and disposal hazardous wastes
[2]17295 Monterey Road	CUPA Listings	Silver waste disposal

Notes
1Currently an auto parts maintenance operation (17165 Depot); handles hazardous wastes
2 Commercial business building; silver waste disposal

All of the LUST cases listed in Table 4.8-5 are currently closed. Based on available data, there are no off-site sources that of environmental concern if the Sunsweet site option is selected for the parking garage. If the City-Owned Depot site or the Booksmart site were selected for the proposed garage, the Sunsweet site would be a potential off-site source of contamination.

4.8.1.7 *Other Hazards*

Airport Safety Hazards

The project sites are not located within the South County Airport Influence Areas (areas surrounding the Airport that are affected by noise, height, and safety considerations) or Federal Aviation Administration Height Restriction Area.[23] Since the sites are not within the airport influence area (AIA) of an airport, they are not subject to Santa Clara County Airport Land Use Commission (ALUC) evaluation. The project sites are not within two miles of a public airport; additionally, they are not located within the vicinity of a private airstrip.

Proximity of Construction to Schools

The nearest schools (El Toro Elementary School and Britton Middle School) to the Sunsweet, Booksmart, and City-owned Depot sites are approximately 0.3 miles from the sites. The nearest school to the BookSmart site is Britton Middle School which is approximately 0.2 miles from the site. Therefore, construction at the BookSmart site would be within one-quarter mile of a nearby school.

Wildfires

The project sites are bordered by urban development. The sites are within the city limits and are not within a State of California Very High Fire Hazard Severity Zone at the wildland and urban interface.[24]

4.8.2 Regulatory Framework

Due to the fact that hazardous materials have properties that are toxic to humans and/or the environment, there are multiple regulatory programs in place that are designed to minimize the chance for unintended releases and/or exposures to occur. Other programs set forth remediation requirements at sites where contamination has occurred.

Hazardous waste generators and hazardous materials users in the City of Morgan Hill are required to comply with regulations enforced by several federal, state, and county agencies. The regulations are designed to reduce the risk associated with the human exposure to hazardous materials and minimize adverse environmental effects. State and federal construction worker health and safety regulations require protective measures during construction activities where workers may be exposed to asbestos, lead, and/or other hazardous materials. These regulations are discussed in detail in Section 3.7 Hazards and Hazardous Materials of the Downtown MEIR.

[23] Santa Clara County Airport Land Use Commission. *Comprehensive Land Use Plan, South County Airport.* May 2008. Available at: <http://www.countyairports.org/docs/CLUP_E16/CLUP_Draft_E16_052108.pdf>. Accessed February 27, 2013.
[24] California Department of Forestry and Fire Protection. Fire Hazard Severity Zones Maps. Available at: <http://www.fire.ca.gov/fire_prevention/fhsz_maps/fhsz_maps_santaclara.php>. Accessed January, 2013.

4.8.3 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact Than "Approved Project"	Checklist Source(s)
Would the project:						
1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒	☐	1,2,16
2. 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?	☐	☐	☐	☒	☐	1,2,16
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒	☐	1,2,8,16
4. 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, will it create a significant hazard to the public or the environment?	☐	☐	☐	☒	☐	1,2,16
5. 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, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	☐	1,2,17
6. For a project within the vicinity of a private airstrip, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	☐	1,2
7. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	☐	1,2,18

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact Than "Approved Project"	Checklist Source(s)
Would the project:						
8. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒	☐	1,2,19

4.8.3.1 *On-Site Contamination Impacts*

City-Owned Depot Site

The Phase I ESA completed for the City-Owned Depot site did not recommend further investigation i.e. a Phase II ESA with sampling, nor have any hazardous substance releases or spills been recorded on this site. The existing on-site building was constructed in the 1990s; therefore, ACMs or lead-based paint are not expected to occur on-site. Mitigation measure MM HAZ 2.1 provided below will reduce the impacts of potentially impacted soil near the railroad tracks (MM HAZ-2.1) to a less than significant level.

City-Optioned BookSmart Site

The Phase I ESA completed for the BookSmart site did not recommend further investigation i.e. a Phase II ESA with sampling, nor have any hazardous substance releases or spills been recorded on this site. The existing on-site building was constructed in the 1920s; therefore, ACMs or lead-based paint may occur on-site. Standard measures, SM HM-1 - SM HM-4 and mitigation measure MM HAZ 2.1 provided below will reduce the impacts of ACMs and lead-based paint (SM HM-1-HM4) and potentially impacted soil near the former railroad tracks (MM HAZ-2.1) to a less than significant level.

Sunsweet Site

<u>Soil Contamination</u>

Based on the findings in the Phase I ESA, hazardous chemicals were used at the Sunsweet site's former Sunsweet fruit dryer and packing facility. As part of a Phase II ESA, soil samples were collected and analyzed for hazardous chemicals and CAM 17 metals in February 2014 at the Sunsweet site. Sample results showed that analyzed chemical and metal concentrations were below regulatory screening levels with the exception of arsenic. Arsenic concentrations, however, were consistent with background concentrations in the Bay Area. For these reasons, soil contamination is not considered a significant impact

No groundwater was encountered on the site (borings were advanced up to 44 bgs). Since excavation of the proposed project would only be up to 20 ft bgs, groundwater is not expected to be encountered during construction. Since subsurface soil samples are either consistent with background concentration levels or below regulatory screening levels and the risk of exposure to the groundwater is low, groundwater is not considered an environmental concern on the Sunsweet site.

Hazardous Building Materials

Due to the age of the structures, it is possible that ACMs and lead-based paint exist on the Sunsweet and BookSmart sites.

Mitigation Measures and Standard Measures

Mitigation Measures

Implementation of the following mitigation measures (based on recommendations in the Phase I and II ESAs) would we reduce exposure of construction workers (and future Sunsweet Site residents) to hazardous materials to a less than significant level.

Impact HAZ-1: Improper handling or disposal of hazardous materials or wastes on-site could result in a significant impact to construction workers at the Sunsweet site.

MM HAZ 1.1: If any basements, buried foundations, reservoir, USTs, or buried debris are discovered during construction, a Soil Engineer must be notified and the specific condition appropriately remedied in accordance with the local, county, and state and RWQCB (for USTs) requirements. A Site Management Plan shall be prepared to establish appropriate management practices for handling these materials/structures, in the event that they are encountered.

Impact HAZ-2: Soil near the railroad tracks (or former railroad tracks) may be potentially hazardous (due to past uses) to construction workers on the City-owned Depot site and BookSmart site.

MM HAZ 2.1: Evaluation of the quality of the soil near the railroad tracks (or former railroad tracks) shall be completed prior to construction of the City-owned Depot site and BookSmart site.

Standard Measures

Implementation of the standard measures listed below (as excerpted from the Downtown MEIR), would ensure that construction workers and the public would not be exposed to hazardous building materials as a result of implementation of the proposed project at the BookSmart and Sunsweet sites. The proposed project will conform to the following regulatory programs to reduce impacts due to the presence of ACMs and/or lead-based paint to a less than significant level:

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

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

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

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

4.8.3.2 *Off-Site Contamination Impacts*

Regulatory database searches were completed for contaminated or potentially contaminated properties (or hazardous waste handlers) surrounding the Sunsweet, BookSmart and City-owned Depot sites. Of the listed sites, the surrounding properties within approximately 700 feet are closed LUST cases and have had remedial action completed. For these reasons, no off-site sources are considered to pose a significant hazard to construction workers at the three sites or future residents on the Sunsweet site. **(No Impact [Same as Approved Project])**

4.8.3.3 *Other Hazards*

Airport Safety Hazards

The project sites are not located within the South County Airport Influence Areas or Federal Aviation Administration Height Restriction Area;[25] therefore, the project will not result in an airport safety hazard. Since the sites are not within the airport influence area (AIA) of an airport, they are not subject to Santa Clara County Airport Land Use Commission (ALUC) evaluation.
(No Impact [Same as Approved Project])

[25] Santa Clara County Airport Land Use Commission. *Comprehensive Land Use Plan, South County Airport.* May 2008. Available at: <http://www.countyairports.org/docs/CLUP_E16/CLUP_Draft_E16_052108.pdf>. Accessed February 27, 2013.

Private Airstrip

The project sites are not within the vicinity of a private airstrip; therefore, the proposed garage and mixed-use development projects would not result in a safety hazard in relation to a private airstrip. **(No Impact [Same as Approved Project])**

Emergency Response

The proposed garage and mixed-use development projects would not interfere with the City-adopted Local Hazard Mitigation Plan or any adopted statewide emergency response or evacuation plans. **(No Impact [Same as Approved Project])**

Proximity of Construction to Schools

Construction at the BookSmart site would occur approximately 0.2 miles from Britton Middle School (i.e. within one-quarter mile of a nearby school). Implementation of mitigation measure MM AQ-3 (which would reduce construction-related TAC impacts to sensitive receptors) and standard measures SM AQ-1 – SM AQ-2 (which would reduce the impacts of fugitive dust emissions from construction equipment) would reduce the impacts of hazardous air emissions during construction to a less than significant level. Hazardous materials, substances or wastes will be handled in accordance state regulatory requirements, and will not pose a significant threat to nearby schools. (**Less Than Significant Impact with Mitigation [Same as Approved Project])**

Wildfires

The project is in a highly developed urban area and it is not adjacent to any wildland areas that would be susceptible to fire. The project sites are within the city limits and are not within a State of California Very High Fire Hazard Severity Zone or the City's wildland and urban interface. **(No Impact [Same as Approved Project])**

4.8.4 Conclusion

With the implementation of MM HAZ-1 and City's General Plan policies, the proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. **(Less Than Significant Impact with Mitigation [Same as Approved Project])**

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. The proposed project would comply with all applicable federal, state and local regulations related to the use of hazardous materials on-site. **(Less Than Significant Impact [Same as Approved Project])**

The City-Optioned BookSmart site is within one-quarter mile of a school. Implementation of mitigation measure MM AQ-3 (which would reduce construction-related TAC impacts to sensitive receptors) and standard measures SM AQ-1 – SM AQ-2 (which would reduce the impacts of fugitive dust emissions from construction equipment) would reduce the impacts of hazardous air emissions during construction to a less than significant level. Handling of hazardous wastes or materials will during construction will be in accordance with regulatory requirements. **(Less Than Significant Impact with Mitigation [Same as Approved Project])**

The Sunsweet site (listed on a hazardous material site) would not create a significant hazard to the public or environment. A Phase II ESA was completed at the Sunsweet site; results showed that the chemicals and metals that were analyzed were below regulatory screening levels or within the range of background concentration levels in the area. The City-Owned Depot site and the City-Optioned BookSmart site were not listed as hazardous material sites; none of the sites would not create a significant hazard to the public or environment. **(Less Than Significant Impact [Same as Approved Project])**

The project sites are not located within an airport land use plan airport influence area nor are they within two miles of a public use airport; therefore the proposed project would not result in a safety hazard for people residing or working in the project area. **(No Impact [Same as Approved Project])**

The proposed garage (at any of the three proposed locations) and residential mixed-use development are not within the vicinity of a private airstrip; the project will not result in a safety hazard for people residing or working in the project area. **(No Impact [Same as Approved Project])**

The proposed parking garage (at any of the three proposed locations) and residential mixed-use development would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. **(No Impact [Same as Approved Project])**

The project sites are located in an urbanized area and are not adjacent to wildland areas. The proposed parking garage (at any of the three proposed locations) and residential mixed-use development would not expose people or structures to a significant risk of loss, injury or death involving wildland fires. **(No Impact [Same as Approved Project])**

4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Setting

The Downtown and surrounding area of Morgan Hill is located on the floor of the Santa Clara Valley and are developed. The project sites are approximately 350 feet above mean sea level (amsl) and the topography of the project area slopes gradually to the south. The project sites are located within the Llagas Creek watershed.

4.9.1.1 *Drainage*

The City of Morgan Hill is divided into several hydrologically distinct drainage areas. Each drainage area has a system of conveyance facilities, pumps, and detention basins to collect and dispose the runoff. The stormwater runoff from the project sites is collected and ultimately discharged into the Monterey Bay. Since the project sites are west of the UPRR tracks in the Specific Plan area, the sites are located within the West Little Llagas Creek drainage area. West Little Llagas Creek Channel merges with Llagas Creek and flows to the Monterey Bay.

4.9.1.2 *Flooding*

Flood Hazard (100-year Flood)

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM)[26] designates the entire Sunsweet site as Zone AE which is an area subject to inundation by the one percent annual chance flood event (100-year flood). A portion of the City-owned Depot Site has a Zone AE designation; no housing is proposed for this site. The Booksmart site is not located in the 100-year flood zone.

Dam Failure

Dams located near Morgan Hill include Anderson Dam and Chesbro Dam. The project sites are located within the Anderson Dam failure inundation area.[27]

Seiches, Tsunamis, and Mudflows

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 landsliding into or beneath the water body. The sites are not located near a waterbody that is considered susceptible to a seismically-induced seiche, given the physical geography of the site and physical characteristics of its surrounding waterbodies.

[26] Federal Emergency Management Agency (FEMA). *Flood Insurance Rate Map. Santa Clara County, California. Map Number 06085C0444H.* May 2009. Available at: <https://msc.fema.gov/webapp/wcs/stores/servlet/FemaWelcomeView?storeId=10001&catalogId=10001&langId=-1>. Accessed March 25, 2013.

[27] Association of Bay Area Governments. *Dam Failure Inundation Maps*. Last Modified January 2013. Available at: <http://quake.abag.ca.gov/dam-failure/>. Accessed March 12, 2013.

A tsunami is a very large tidal wave caused by an underwater earthquake or volcanic eruption. Tsunamis affecting the Bay Area can result from off-shore earthquakes within the Bay Area. The sites are not located within a tsunami inundation area.[28]

A mudflow is a large rapid (up to approximately 50 miles per hour) mass of mud formed by loose earth and water. Hillsides and slopes of unconsolidated material could be at risk to mudflows if these areas become saturated.[29] The project area is relatively flat and there are no hillsides adjacent to the sites. Therefore, the project sites are not likely to be subjected to mudflow.

City of Morgan Hill Flood Control

Planned Flood Control Improvements

The Upper Llagas Creek Flood Protection Project, also known as PL 566, is intended to provide flood protection for the City of Morgan Hill and the unincorporated area of Santa Clara County known as San Martin. The flood control project will consist of a series of channels, box culverts, and bridges designed to protect the floodplain from a 100-year flood. Since portions of the Downtown are located within Llagas Creek 100-year flood zone, flood control for the Downtown, including the Sunsweet site and a portion of the City-owned Depot site, would be a part of the PL 566 flood protection efforts.

Flood Damage Prevention Ordinance

The City's Flood Damage Prevention Ordinance (Municipal Code Chapter 18.42.030) is intended to minimize public and private losses due to flood conditions in specific areas of the City. The ordinance restricts or prohibits uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities. The ordinance also requires that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; controls filling, grading, dredging, and other development which may increase flood damage; and prevents and regulates the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

4.9.1.3 *Groundwater*

Groundwater beneath the project sites is likely present at depths of approximately 20 to 40 feet based on 2011 data; however, variable depths between approximately 9 and 80 feet have been reported in the vicinity.[30] The City currently relies on local groundwater as its sole water supply source. The City receives its water from two groundwater sources: The Coyote Valley subarea of the Santa Clara Subbasin and Llagas Subbasin, part of the Gilroy-Hollister Basin. Both subbasins are managed and administered by the Santa Clara Valley Water District (SCVWD). The project sites are situated over

[28] Association of Bay Area Governments. Tsunami Inundation Map for Coastal Evacuation. Available at: <http://quake.abag.ca.gov/tsunamis/>. Accessed March 27, 2013.
[29] U.S. Geological Survey. *Landslide Hazards*. USGS Fact Sheet FS-071-00. May 2000.
[30] Cornerstone Earth Group. *Phase I Environmental Site Assessment Downtown Parking Structure Locations, Morgan Hill, California*. March 2014.

the Llagas groundwater subbasin which drains to the south toward the Pajaro River and eventually Monterey Bay.[31]

4.9.1.4 *Water Quality*

The water quality of ponds, creeks, streams, and other surface water-bodies can be greatly affected by pollution carried in contaminated surface runoff. Pollutants from unidentified sources, known as "non-point" source pollutants, are washed from streets, construction sites, parking lots, and other exposed surfaces into storm drains. Grading and excavation activities during construction of the proposed billboard could increase the amount of surface water runoff (i.e., particles of fill or excavated soil) from the site, or could erode soil downgradient, if the flows are not controlled. Deposition of eroded material in water features could increase turbidity, thereby endangering aquatic life, and reducing wildlife habitat. Excessive precipitation can carry these non-point pollutants downstream.

Regulatory Overview (Water Quality)

The Federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality. Regulations set forth by the U.S. Environmental Protection Agency (EPA) and the State Water Resources Control Board have been developed to fulfill the requirements of this legislation. EPA's regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by water quality control boards, which for the Morgan Hill area south of Cochrane Road[32] is the Central Coast Regional Water Quality Control Board (RWQCB).[33] The Central Coast RWQCB issues and enforces NPDES permits for discharges to water bodies in the portion of Santa Clara County that drains to the Monterey Bay. The RWQCB is also tasked with preparation and revision of a regional Water Quality Control Plan, also known as the Basin Plan. The Central Coast RWQCB's latest Basin Plan was approved in September 1994, and last revised in June 2011. The RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements to control water quality and protect beneficial uses.

Under Section 303(d) of the 1972 Clean Water Act, States are required to identify impaired surface water bodies and develop total maximum daily loads (TMDLs) for contaminants of concern.[34] The TMDL is the quantity of pollutant that can be safely assimilated by a water body without violating water quality standards. Listing of a water body as impaired does not necessarily suggest that the water body cannot support the beneficial uses; rather, the intent is to identify the water body as

[31] Santa Clara Valley Water District. *2012 Groundwater Management Plan*. July 2012.
[32] Santa Clara Valley Water District. *Uvas-Llagas Watershed Map.* <http://www.valleywatercompplan.org/watersheds/view/449 > Accessed July 28, 2011.
[33] Historically, efforts to prevent water pollution focused on "point" sources, meaning the source of the discharge was from a single location (e.g., a sewage treatment plant, power plant, factory, etc.). More recent efforts are focusing on pollution caused by "non-point" sources, meaning the discharge comes from multiple locations. The best example of this latter category is urban stormwater runoff, the source of which is a myriad of impervious surfaces (e.g., highways, rooftops, parking lots, etc.) that are found in a typical city or town.
[34] California State Water Resources Control Board, "Total Maximum Daily Load Program," http://www.swrcb.ca.gov/water_issues/programs/tmdl/303d_lists2006_approved.shtml, viewed November 2, 2010.

requiring future development of a TMDL to maintain water quality and reduce the potential for future water quality degradation. The Llagas Creek watershed is listed by the U.S. Environmental Protection Agency as an impaired water body for chloride, fecal coliform, low dissolved oxygen, pH, sodium, and total dissolved solids.

NPDES General Permit for Construction Activity

The State Water Resources Control Board has implemented a NPDES General Construction Permit for the State of California. Construction activity subject to this permit includes clearing, grading, and ground disturbances such as stockpiling or excavation. For projects disturbing one acre or more of soil,[35] a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) must be prepared prior to commencement of construction.[36]

NPDES Municipal Stormwater Permit

The U.S. Environmental Protection Agency has delegated management of NPDES requirements for municipal urban runoff discharges in California to the State Water Resources Control Board and the nine RWQCB's. The City of Morgan Hill has adopted and prepared a Storm Water Management Plan (SWMP) and been issued the NPDES Small Municipal Separate Storm Sewer Systems (small MS4s) General Permit by the Central Coast RWQCB [Order Number 2003-0005-DWQ, Waste Discharge Identification Number (WDID#) 3-43MS03020]. The City of Morgan Hill is designated by the EPA as a small MS4, serving less than 100,000 people. Morgan Hill's previous Small MS4 permit expired in June 2010, and the new regional permit serves as a renewal of the Small MS4 permit for Morgan Hill. The City's SWMP plan outlines a comprehensive five year plan to establish Best Management Practices (BMPs) through six Minimum Control Measures (MCMs) to help reduce the discharge of pollutants into waterways and to protect local water quality caused by stormwater and urban runoff within the corporate limits of Morgan Hill.

4.9.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact Than "Approved Project"	Checklist Source(s)
Would the project:						
1. Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒	☐	1,2

[35] Effective July 1, 2010, all dischargers were required to obtain coverage under the Construction General Permit Order 2009-0009-DWQ adopted on September 2, 2009. Source: State Water Resources Control Board website, updated February 2013. Available at: <http://www.swrcb.ca.gov/water_issues/programs/stormwater/construction.shtml>. Accessed March 25, 2013.

[36] State Water Resources Control Board, Division of Water Quality. *Construction General Permit Fact Sheet*. Last Updated January 2013. Available at: <http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml>. Accessed March 26, 2013.

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact Than "Approved Project"	Checklist Source(s)
Would the project:						
2. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells will drop to a level which will not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒	☐	1,2
3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒	☐	1,2
4. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site?	☐	☐	☐	☒	☐	1,2
5. Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒	☐	1,2
6. Otherwise substantially degrade water quality?	☐	☐	☐	☒	☐	1,2
7. Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒	☐	1,2,20
8. Place within a 100-year flood hazard area structures which will impede or redirect flood flows?	☐	☐	☐	☒	☐	1,2,20

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact Than "Approved Project"	Checklist Source(s)
Would the project:						
9. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒	☐	1,2,21
10. Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	☐	1,2,22

4.9.2.1 *Drainage*

The City-owned Depot is approximately 1.5 acres and primarily consists of impervious surfaces. The Booksmart site is approximately 1.05 acres in area and almost entirely covered with impervious surfaces. The Sunsweet site is approximately 2.7 acres (117,600 s.f.); approximately 22,000 s.f. of the site consists of pervious surfaces.

The proposed garage on either the City-owned Depot site or the Booksmart site would not increase impervious surfaces and therefore would not increase stormwater runoff. The Sunsweet site garage option along with the residential mixed-use development would add 15,000 to 20,000 s.f. of impervious surfaces. At completion of project construction, the Sunsweet Site would increase impervious surfaces on the site by approximately 15 percent, leaving the site nearly covered in impervious surfaces. Stormwater from the project sites would be collected by storm drains which discharge into the City's stormwater system.

Per the implementation of the SWPPP and other drainage standards implemented by the City, the project should not significantly increase stormwater flows into the existing system. The project would be required to minimally retain all water from the 85th percentile of rainfall events (approximately two to five year storm events) on site; therefore, during 85 percent of the rainfall events, the existing storm drain system would not be impacted by the project. Furthermore, any on-site systems (retention basins) would be required to be designed to detain a volume of water up to a 25-year storm event while releasing water at a rate reflective of the 10-year predevelopment flow. This design limits stormwater flows off-site to less than 10-year predevelopment flows. The existing public storm water system is already designed to convey a 10-year storm event; therefore, the project should not significantly contribute to any additional flooding during the most frequent events. The final drainage system design for the project would be subject to review and approval by the City of Morgan Hill Public Works Department, who would confirm that the proposed drainage system for the project is consistent with the City's Storm Drainage Master Plan and standard stormwater-related conditions of approval.

Standard Measures: Drainage

The proposed project would increase impervious surfaces on the Sunsweet site which may increase stormwater runoff when the site develops. Implementation of standard measures from the Downtown MEIR, SM HYDRO-1 to SM HYDRO-4, would ensure that construction of the proposed development would not increase more stormwater runoff than allowed for in the Specific Plan and would not exceed the capacity of planned stormwater drainage facilities.

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

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

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

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

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

(**Less Than Significant Impact [Same as Approved Project]**)

4.9.2.2 *Flooding*

Development proposed on the City-owned Depot and Sunsweet sites would be within the floodplain of West Little Llagas Creek and subject to flooding during the lifetime of buildings constructed in these areas. Pending completion of the flood control improvements included in PL 566, these areas may continue to experience flooding during severe storms. The Booksmart site is not located within the 100-year flood zone.

Standard Measure: In accordance with City of Morgan Hill standards and Downtown MEIR, development of the City-owned Depot and Sunsweet sites shall implement the following measures to reduce and/or avoid flooding impacts. Implementation of standard measures, SM HYDRO-5 and SM HYDRO-6 (from the Downtown MEIR), would ensure flooding impacts to proposed development would be less than significant:

SM HYDRO-5: Development of the City-owned Depot and Sunsweet sites shall comply with Morgan Hill Municipal Code Chapter 18.42, the Flood Damage Prevention Ordinance, which requires new residential construction to elevate habitable spaces one foot above anticipated flood levels, non-residential construction to be flood-proofed, and subgrade floors to withstand hydrostatic flood forces.

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

(Less Than Significant Impact [Same as Approved Project])

Dam Failure

The City of Morgan Hill is located in the dam failure inundation area of Anderson Dam. While the project sites are subject to deep inundation should the Anderson Dam fail catastrophically, the dam is inspected twice a year by the SCVWD in the presence of representatives from the California Division of Safety of Dams and the Federal Energy Regulatory Commission. Furthermore, the Anderson Reservoir is managed to present significant damage during a maximum credible earthquake. While the potential inundation resulting from catastrophic dam failure could damage property and proposed structures within the Downtown as a whole and pose a severe hazard to public safety, the probability of such failure is extremely remote and reservoir levels have been lowered to maintain an additional level of safety; therefore dam inundation failure is not considered a significant hazard.[37] **(Less Than Significant Impact [Same as Approved Project])**

[37] Santa Clara Valley Water District. *Reservoirs*. Available at: <http://www.valleywater.org/Services/Reservoirs.aspx>. Accessed May 16, 2013.

Seiches, Tsunamis, and Mudflows

The project sites will not be at risk from damage due to sea waves or tsunamis. The project sites will not be subject to inundation by seiche, tsunami, or mudflow. The sites are not in an area that could be exposed to inundation from sea level rise. **(No Impact [Same as Approved Project])**

4.9.2.3 *Water Quality*

Construction Phase Impacts

Construction activities temporarily increase the amount of debris on-site and grading activities, which could increase pollutant loads of eroded material in stormwater runoff. There are no waterways on or adjacent to the project site; therefore, the impacts of increased pollutant loads in stormwater runoff on local waterways should be minimal.

Standard Measures: In accordance with the City of Morgan Hill Standard Conditions of Approval and the General National Pollutant Discharge Elimination System Storm Water Permit for Construction Activities, the following measures would be implemented to reduce potential construction-related water quality impacts. SM HYD 7A is an addition to the standard measures listed in the Downtown MEIR.

SM HYD 7A Implementation of the following Pre-Construction Measures will reduce construction-related water quality impacts to a less than significant level:

- Burlap bags filled with drain rock will be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities will be suspended during periods of high winds.
- All exposed or disturbed soil surfaces will be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind will be watered or covered.
- All trucks hauling soil, sand, and other loose materials will be covered and all trucks will be required to maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites will be swept daily (with water sweepers).
- Vegetation in disturbed areas will be replanted as quickly as possible.

(Less Than Significant Impact with Mitigation)

The project will be required to comply with the Nonpoint Source Pollution Program by preparing a SWPPP that includes best management practices (BMPs) prior to commencement of grading and

construction activities.[38] Once grading begins, a SWPPP will be kept on-site and updated as needed while construction progresses. **(Less Than Significant Impact)**

Post-Construction Phase Impacts

The proposed development on the Sunsweet Site would result in an increase in impervious surfaces and could increase stormwater runoff in the project area. The City-owned Depot site and the Booksmart site are both almost entirely impervious now and therefore upon redevelopment with a parking garage would not increase stormwater runoff.

Stormwater from urban uses contains metals, pesticides, herbicides, and other contaminants such as oil, grease, lead, and animal waste. Runoff from the project site after development may contain oil and grease from parked vehicles, as well as sediment and chemicals (i.e., fertilizers, pesticides, etc.) from the landscaped areas or new roof areas. The project will be required to conform to the City's Stormwater Master Plan (SWMP) to help reduce the discharge of pollutants into waterways and to protect local water quality that could be impacted by stormwater and urban run-off within the corporate limits of Morgan Hill. Standard conditions relating to the design of the project will be imposed upon the approval of the project, and will implement the requirements of the SWMP.

Standard Measures for Construction and Post Construction Phase Impacts (Downtown MEIR)

Standard Measure: In accordance with City of Morgan Hill standards, development on the project sites shall implement the following measures to avoid construction phase and post-construction water quality impacts. Implementation of the standard measures, SM HYDRO-7 and SM HYDRO-8 (from the Downtown MEIR), would ensure that construction of the proposed development would result in less than significant water quality impacts. :

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

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

SM HYDRO-8: As required by the State Water Resources Control Board (SWRCB) Order No. 99-08-DWQ, construction activity resulting in a land disturbance of one (1) acre or more of soil, or whose projects are part of a larger common plan of development that in total disturbs more than one (1) acre, are required to

[38] State Water Resources Control Board, Division of Water Quality. *Construction General Permit Fact Sheet*. Last Updated January 2013. Available at: <http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml>. Accessed March 26, 2013.

obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity (General Permit). To be permitted with the SWRCB under the General Permit, owners must file a complete Notice of Intent (NOI) package and develop a Storm Water Pollution Prevention Plan (SWPPP) Manual in accordance with Section A, B, and C of the General Permit prior to the commencement of soil disturbing activities. A NOI Receipt Letter assigning a Waste Discharger Identification (WDID) number to the construction site will be issued after the SWRCB receives a complete NOI package (original signed NOI application, vicinity map, and permit fee); copies of the NOI Receipt Letter and SWPPP shall be forwarded to the Building and Public Works Department review. SWPPP shall be made a part of the improvement plans.

4.9.2.4 *Groundwater*

The 2010 Urban Water Management Plan prepared by the Santa Clara Valley Water District (SCVWD) indicates that the operational groundwater storage capacity for the Llagas groundwater sub-basin is approximately 150,000 acre-feet.[39] Redevelopment allowed in the Specific Plan project area (which accounts for the development at the proposed project sites) is estimated at approximately 495 acre-feet per year (AFY) by 2030 (an increase of 391 AFY from existing uses in 2008).[40] Based on the 2010 Urban Water Management Plan, approximately 15,950 AFY of groundwater supply would be available to the City. The 2010 UWMP accounts for development of the Specific Plan area and the proposed project. Therefore, it is anticipated that the existing groundwater supply would be able to meet the water demand of the proposed project based on projected 2030 development.

Groundwater beneath the project sites is likely present at depths of approximately 20 to 40 feet bgs. The project may include excavation of up to approximately 10 feet bgs. Based on this assumption, the groundwater would be deep enough such that the project would not interfere with groundwater flow or expose any aquifers. Buildout of the proposed project would not substantially deplete groundwater supplies or interfere with groundwater recharge. **(Less Than Significant Impact [Same as Approved Project])**

4.9.3 Conclusion

With the implementation of standard measures SM HYDRO-1 - SM HYDRO-8 and the City's policies and standards, the proposed parking garage and Sunsweet residential mixed-use development would have a less than significant impact on hydrology and water quality. **(Less Than Significant Impact [Same as Approved Project])**

[39] City of Morgan Hill. *2010 Urban Water Management Plan*. July 2011.
[40] City of Morgan Hill. *Water Supply Assessment for the Downtown Specific Plan. Final Draft*. May 2008.

4.10 LAND USE

4.10.1 Setting

The Specific Plan project area includes the original urban core of the City of Morgan Hill. As discussed in more detail in the MEIR, the Downtown is developed with a mixture of commercial, residential, industrial, and public/quasi-public uses. The area within the Specific Plan boundary and Blocks 19 and 20 is currently developed with approximately 213,365 square feet of retail space, 122,248 square feet of office space, 201dwelling units, a Community Center, the South County Courthouse (opened in April 2009), churches, and a small amount of industrial development. The Specific Plan area is mostly built out with some undeveloped and vacant parcels scattered throughout. The area contains both newer development such as the Morgan Hill Community Center and turn of the century development such as the Methodist Church. As one moves out from the Downtown Core, residential and commercial uses are lower density and more suburban in form.

The Specific Plan project area contains two major transportation corridors; Monterey Road and the Union Pacific Railroad (UPRR) tracks. Caltrain, a commuter rail service with runs between Gilroy and San Francisco, utilizes the UPRR tracks and provides limited stop service during commute hours. The Morgan Hill Caltrain Station is located on Butterfield Boulevard between Main Avenue and Diana Avenue and has a Park and Ride Lot for commuters. The Valley Transportation Agency (Santa Clara County) and Monterey-Salinas Transit bus service also provide transit connections at the Morgan Hill Caltrain Station location.

4.10.1.1 *Project Sites*

City-Owned Depot Street Site

This approximately 1.2-acre site is currently a paved parking lot adjacent to the Morgan Hill Caltrain Station with landscaping surrounding the perimeter of the site. A commercial/restaurant building and outdoor benches are also on-site.

City-Optioned Booksmart Site

This approximately 0.82-acre site is currently developed with an approximately 11,000 square foot commercial building. The remainder of the site is a paved parking lot with a small amount of landscaping. The commercial building is currently occupied with a mix of uses including a book store, restaurants and a hair salon.

Sunsweet Site

The site is approximately 2.7 acres and consists of two warehouses (used as storage facilities), one weigh station, and older structure that was formerly used as an office on a concrete foundation. The southern portion of the site consists of a mixture of ruderal vegetation and trees.

4.10.1.2 *Surrounding Land Uses*

City-Owned Depot Site

The site is bounded by Caltrain/Union Pacific Railroad (UPRR) tracks to the north, Depot Street to the south, commercial and office uses to the west and a vacant lot to the east.

City-Optioned Booksmart Site

The Booksmart site is bordered by Depot Street and Caltrain station parking to the north, East Second Street and single-family residential uses to the west, East Third Street and the vacant Sunsweet Site to the east, and single-family residential uses and Monterey Road to the south.

Sunsweet Site

The Sunsweet site is bordered by Depot Street and Caltrain station parking to the north; East Third Street, commercial and residential uses to the west; East Fourth Street, residential and commercial uses to the east; and commercial uses and Monterey Road to the south.

4.10.1.3 *General Plan and Zoning*

City-Owned Depot Site

The City-Owned Depot site is designated as *CBD Mixed Use* (no max) in the City's General Plan and is zoned *CBD Central Business District* (no max du/ac).

Booksmart Site

The site's General Plan Land Use Designation is C*entral Business District, Mixed Use* (no maximum residential density per acre). The Booksmart Site is zoned as *Central Business District* and *Central Business District/Downtown Ground Floor Overlay District.* The *Downtown Ground Floor Overlay (GFO) District* is a retail overlay district that is designated for the portion of the site that fronts East Third Street. Based on the City's Municipal Code 18.23.010, the GFO District includes all portions of the property within 75 feet of the property line fronting Third Street. The Specific Plan modified setback distances for the GFO District by changing the zoning district requirement from applying to all property within 75 feet of the property line adjacent to Third Street, to requiring the minimum setback standard for retail uses to be 50 feet for properties fronting Third Street. The minimum retail depth requirement for all corners on Third Street is 80 feet.

Sunsweet Site

The site's General Plan Land Use Designation is C*entral Business District, Mixed Use* (no maximum residential density per acre). The Sunsweet Site is zoned as *Central Business District* and *Central Business District/Downtown Ground Floor Overlay District.* The *Downtown Ground Floor Overlay (GFO) District* is a retail overlay district that is designated for the portion of the site that fronts East

Third Street. Based on the City's Municipal Code 18.23.010, the GFO District includes all portions of the property within 75 feet of the property line fronting Third Street. The Specific Plan modified setback distances for the GFO District by changing the zoning district requirement from applying to all property within 75 feet of the property line adjacent to Third Street, to requiring the minimum setback standard for retail uses to be 50 feet for properties fronting Third Street. The minimum retail depth requirement for all corners on Third Street is 80 feet.

4.10.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Physically divide an established community?	☐	☐	☐	☒	☐	1,2
2. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒	☐	1,2
3. Cast shadow(s) that substantially limits the beneficial use of a public or quasi-public park, garden, or open space; or casts shadows on a historic resource, such that it would substantially diminish or impair its eligibility for listing in the National Register of Historic Places, California Register of Historical Resources, or in a local register of historical resources survey as defined by the Public Resources Code?	☐	☐	☒	☐	☐	1,2

4.10.2.1 *Land Use Impacts from the Project*

Land use conflicts can arise from two basic causes: 1) a new development or land use may cause impacts to persons or the physical environment in the vicinity of the project site or elsewhere; or 2) conditions on or near the project site may have impacts on persons or development introduced onto the site by the project. Both of these circumstances are aspects of land use compatibility. Potential incompatibility may arise from placing a particular development or land use at an inappropriate

location, or from some aspect of the project's design or scope. Depending on the nature of the impact and its severity, land use compatibility conflicts can range from minor irritations and nuisance to potentially significant effects on human health and safety.

The degree to which a busy downtown's activities are considered "significant" or "unacceptable" are usually influenced by expectations. Noise, lighting, vehicular movements and outdoor human activities, that would be considered intrusive or annoying in a quiet suburban single-family neighborhood, are expected by residents that want to live in a lively urban center. To some degree, the new residents of high density housing downtown will anticipate the higher intensity atmosphere. There also can be conflicts between residential and commercial driveways and operations when they are in close proximity.

The Specific Plan includes the following design guidelines that would limit potential conflicts between commercial uses (including commercial space proposed in the parking structure and restaurant space proposed on the Sunsweet site) and nearby residences, specifically those associated with litter, unsightly garbage storage, lighting and noise:

DG-K1. **Construct service areas away from public view.** Trash disposal areas shall be screened from public views from all sidewalks, streets, plazas, and public spaces. Trash enclosures shall be used to store outdoor garbage containers or dumpsters. Trash disposal areas and shipping and receiving areas shall not be permitted along the street frontage.

DG-L1. **Construct service areas away from public view.** This guideline also calls for the minimization of noise levels of mechanical equipment.

DG-O2. **Design lighting to illuminate only the intended areas.** Site, building, and sign lighting shall be located and directed to light the intended area of illumination and to prevent off-site glare impacts on adjacent buildings or properties.

In addition, new development (i.e. the final parking structure design on the selected site as well as the mixed-use residential development on the remainder of the Sunsweet site) will be required to undergo design review by the City of Morgan Hill Community Development Director or designated staff (and/or the Planning Commission or City Council upon referral or appeal) prior to issuance of a Site Development Permit or Design Permit. Under the City of Morgan Hill Municipal Code (Section 18.74.090), the design permit application shall only be approved if it is found that the application is consistent with the General Plan and zoning for the property as well as the provisions of Chapter 18.74, and substantially conforms with applicable design standards and guidelines.

Development of a parking structure on any of the three sites and the anticipated mixed-use residential project on the Sunsweet site would result in increased ambient noise levels in the project area; however, as discussed in Section 4.11, *Noise*, the introduced noise from vehicles and ordinary residential activities will not be at levels considered significant. Construction activities would result in temporary air quality and noise impacts to the surrounding residential developments. Sections 4.3 *Air Quality* and 4.11 *Noise* discuss these impacts in detail and provide measures to reduce these impacts to a less than significant level.

The proposed parking structure would be available to the public and would provide additional off-street parking in the Downtown area. The site is in an urban setting predominantly characterized by

commercial, office, residential and parking uses. If the City-Owned Depot site, Booksmart site or Sunsweet site option is selected, the parking structure will allow for the addition of planned Downtown uses in an area currently developed with a mix of land uses and would not physically divide an established community. **(Less than Significant Impact [Same as Approved Project])**

Consistency with Applicable Land Use Plan, Policy, or Regulation of an Agency

The project consists of the construction of a three-story parking garage on the City-owned Depot site, or the City-Optioned Booksmart site or the Sunsweet site and a mixed-use development on the remainder of the Sunsweet site that includes approximately 52 residential units with commercial and/or office and retail space.

Residential growth in Morgan Hill is ultimately controlled by the Residential Development Control System (RDCS) which was adopted for the purpose of mitigating environmental effects of growth in Morgan Hill. The RDCS generally limits development allotments to 250 residential units a year according to a point system based on a variety of factors including provision of public services, site planning, and architectural design considerations.

Given the metering effect of the RDCS, the mixed-use residential development of approximately 52 units can be accommodated by the City's utility systems and will not induce unplanned residential development in the area that will result in significant environmental impacts. **(Less than Significant Impact [Same as Approved Master EIR])**

4.10.2.2 *Impacts to the Proposed Project*

The project would not place new residential development adjacent to an incompatible land use such as a heavy industrial zone. Future residents of the Sunsweet site would be exposed to noise from vehicles along Depot Street and trains that pass through the Caltrain station to the north of Depot. With incorporation of measures listed in Section 4.11 *Noise*, impacts to future residents of the Sunsweet site from noise would be reduced to a less than significant level. No residential units are proposed for the City-Owned Depot site or Booksmart site.

4.10.2.3 *Shade and Shadow Impacts*

As discussed in the *Section 3.1 Land Use* of the Downtown MEIR, the project sites are planned for development up to four stories in height. An analysis of a representative four story and 55 foot tall development on Block 3 (refer to MEIR *Figure 12 Representative Shade and Shadow for Equinoxes and Winter Solstice*) shows new construction at the four stories and 55 feet will not result in substantial shading that would adversely affect historic structures or public open space. Block 3 is immediately north of Block 4 which includes the Sunsweet site, and northwest of the City-owned Depot site. **(Less Than Significant Impact [Same Impact as Approved Project])**

4.10.3 Conclusion

The proposed parking structure (on either City-owned Depot site, Booskmart site, or the Sunsweet site) and Sunsweet mixed-use residential development would not divide an established community.

The parking structure would provide parking for planned Downtown Specific Plan land uses and would not induce unplanned growth. The Sunsweet mixed-use residential development would comply with the RDCS requirements thereby ensuring orderly growth. Proposed building heights would not substantially shade historic structures or public open spaces. Therefore, the project will not result in significant land use impacts. **(Less Than Significant Impact [Same Impact as Approved Project])**

4.11 MINERAL RESOURCES

4.11.1 Setting

The State of California has protected mineral resource zones by implementing the Surface Mining and Reclamation Act of 1975.[41] The state's goals of the act include classifying mineral resources in California and providing local governments with the information needed to protect these resources. Local governments are responsible for designating lands that contain regionally significant mineral resources in local general plans in effort to protect these resources in areas of intensive competing land uses. Based on the City's General Plan, the project site does not consist of known mineral resources or mineral resource production areas.

4.11.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
11. Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	☐	☐	☐	☒	☐	1,2,23
12. 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?	☐	☐	☐	☒	☐	1,2

4.11.2.1 *Impacts to Mineral Resources*

The project should not result in the loss of availability of known mineral resources of value to the City of Morgan Hill and the residents of the California. The site is not a locally-important mineral resource recovery site delineated in the City's General Plan. **(No Impact [Same Impact as Approved project])**

4.11.3 Conclusion

The project would not result in a significant impact from the loss of availability of a known mineral resource. **(No Impact [Same Impact as Approved project])**

[41] California Department of Conservation, Office of Mine and Reclamation. *Surface Mining and Reclamation Act and Associated Regulations*. January 2007. Available at: <http://www.conservation.ca.gov/omr/smara/Documents/010107Note26.pdf>. Accessed January 14, 2014.

4.12 NOISE

The following discussion is based upon an environmental noise assessment prepared for the proposed project by *Illingworth & Rodkin, Inc.* in March 2014. The environmental noise assessment is included as Appendix F of this Addendum.

4.12.1 Setting

A brief summary of environmental noise and vibration is provided below. For additional information on the properties of environmental noise and the methods used to evaluate it, please see the environmental noise assessment included as Appendix F of this Addendum as well as Chapter 3.3 of the Downtown MEIR. The regulatory setting and applicable requirements for environmental noise and vibration have not changed since the adoption of the Downtown MEIR.

4.12.1.1 *Noise and Vibration Background*

Noise

Noise is defined as unwanted sound. Noise can be disturbing or annoying because of its pitch or loudness. Pitch refers to relative frequency of the vibrations by which sound is produced. Higher pitched signals sound louder to people than sounds with a lower pitch. A decibel (dB) is a unit of measurement which indicates the relative amplitude of a sound. A 10 on the decibel scale marks the lowest sound level that a healthy, unimpaired human ear can detect. Sound levels in decibels are calculated on a logarithmic basis such that each 10 decibel increase is perceived as a doubling of loudness. The California A-weighted sound level, or dBA, is a sound measurement scale that gives greater weight to sounds to which the human ear is most sensitive.

Sensitivity to noise increases during the evening and at night because excessive noise interferes with the ability to sleep. Twenty-four hour descriptors have been developed that emphasize quiet-time noise events. The Day/Night Average Sound Level, L_{dn}, is a measure of the cumulative noise exposure in a community. It includes a 10 dB addition to noise levels from 10:00 PM to 7:00 AM to account for human sensitivity to night noise.

Vibration

Railroad operations are potential sources of substantial ground vibration depending on distance, the type and the speed of trains, and the type of railroad track. Ground vibration from passing trains consists of rapidly fluctuating motions or waves, which are also measured in decibels.[42] The abbreviation "VdB" is used for vibration decibels to reduce confusion with sound decibels. Construction activities can also cause vibration that varies in intensity depending on several factors. Pile driving and vibratory compaction equipment typically generate the highest construction-related groundborne vibration levels. The two primary concerns with construction-induced vibration are the potential to damage a structure, and the potential to annoy or disturb people and interfere with enjoyment of life.

[42] Decibels of ground vibration refer to peak vertical velocities (PPV) of the floors of affected structures. In contrast, sound decibels refer to the time-averaged magnitudes of fluctuations in air pressure levels.

4.12.1.2 *Conclusions of the Downtown Specific Plan MEIR*

The 2009 Downtown MEIR found that noise levels from traffic and the railroad would exceed the City of Morgan Hill's interior and exterior noise standards for residential uses allowed under the Specific Plan, resulting in significant and unavoidable impacts despite the incorporation of mitigation measures. The MEIR also found significant unavoidable impacts related to construction noise because construction activities, although mitigated with noise control measures, could impact noise-sensitive receptors for more than one year. All other noise and vibration-related impacts were found to be either less than significant or less than significant after the incorporation of mitigation measures.

4.12.1.3 *Existing Noise and Vibration Environment*

Noise

The Sunsweet site and Booksmart sites are surrounded by a mix of residential and commercial development to the north, west, and south, and surface parking lots and the Caltrain/UPRR tracks to the east. Monterey Road adjacent to the western site boundary is the main thoroughfare in the City. The Depot Street site is bounded by the Caltrain/UPRR tracks to the east, a vacant lot that is currently under construction to the southeast, and a mix of residential and commercial uses west of Depot Street. The biggest noise sources in the project area are the Caltrain/UPRR tracks and vehicle traffic on Monterey Road and Depot Street.

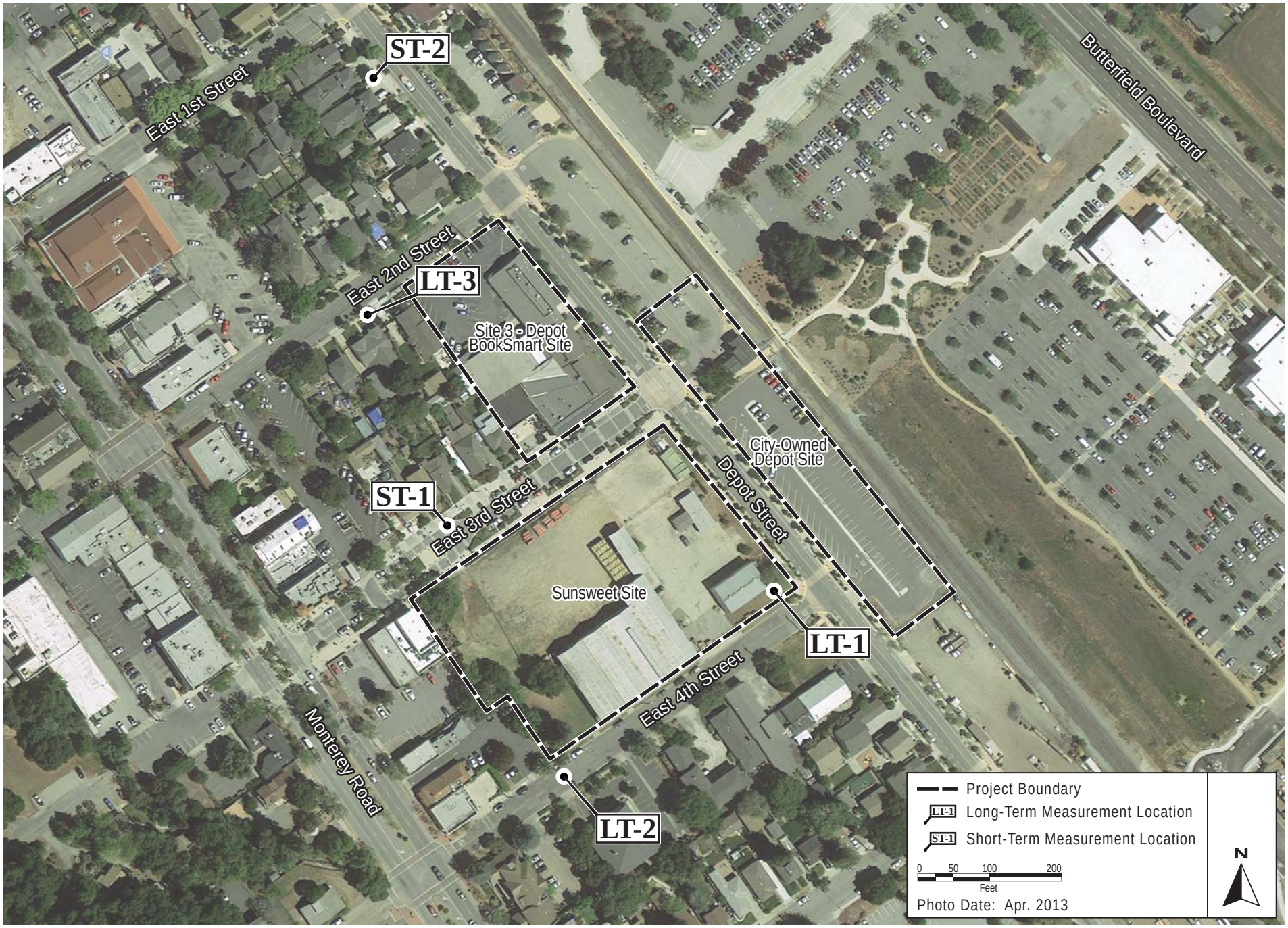
Noise monitoring was completed in February 2014 to quantify existing ambient noise levels in the vicinity of the Depot Street site, Booksmart site and the Sunsweet site. The survey included three long-term noise measurements and two short-term measurements. The results of the monitoring are shown in Table 4.12-1 below. An aerial photograph showing the locations from which noise measurements were taken is provided in Figure 4.12-1.

Table 4.12-1 Summary of Long-term and Short-term Noise Measurements (dBA)

ID	Noise Measurement Location	L_{eq}	L_{dn}	L_{max}
LT-1	Southeast corner of Sunsweet site, ~45' from center of Depot Street and 200' from UPRR tracks	58-78 (day) 40-71 (night)	67	95-105
LT-2	Southwest corner of Sunsweet site, ~20' from centerline of 4th Street	55-63 (day) 38-61 (night)	60	75-85
LT-3	Front of #50 2nd Street	56-74 (day) 42-67 (night)	63	85-95
ST-1	Front of #57 3rd Street, ~300' west of Depot Street	51	n/a	64
ST-2	Front of #17457 Depot Street	61	n/a	73

Source: Illingworth & Rodkin, Inc. *Downtown Morgan Hill Parking Structure and Sunsweet Mixed Use Development Project Environmental Noise Assessment.* March 27, 2014
LT = Long-term
ST = Short-term

Figure 4.12-1 Noise Measurement Locations



NOISE MEASUREMENT LOCATIONS

FIGURE 4.12-1

Vibration

Vibration levels at properties adjoining the UPRR are dependent on the type, speed, and weight of the particular train passing the property, as well as the type and condition of train's wheels. Track conditions, soil type, and foundation type also affect the propagation of vibration from the tracks to the receiver. As discussed in the Downtown Specific Plan MEIR, data collected by *Illingworth & Rodkin, Inc*. since 2007 indicates that vibration levels in the downtown area of Morgan Hill typically range from 66 to 70 VdB at a distance of 100 feet from the center of the tracks. Currently, there are approximately 20 vibration events per weekday considering the six daily Caltrain commuter trains and a variable number of freight trains. The vibration levels at residences 25 feet or more from the tracks are considered acceptable under the Federal Transit Administration criteria.

4.12.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project result in:						
1. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒	☐	1,2,24
2. Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒	☐	1,2,24
3. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒	☐	1,2,24
4. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒	☐	1,2,24

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project result in:						
5. 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, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	☐	1,2,17
6. For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	☐	1,2

4.12.2.1 *Noise and Vibration Impacts from the Project*

Operational Noise

Noise associated with parking structures typically results from opening and closing car doors, car horns, engines starting, and from general traffic circulation and access to the parking structure. *Illingworth & Rodkin, Inc.* took noise measurements near a 4-story parking structure in downtown Petaluma and found that the maximum instantaneous noise levels at 75 feet from the façade of the structure ranged from 53-58 dBA L_{max}. Noise levels increased to 62-70 dBA L_{max} when car horns were sounded.

Depot Street Site and Booksmart Site

The residence nearest the Depot Street site is 80 feet south of the proposed parking structure location and would be exposed to the instantaneous sound levels described above, 53-58 dBA. Other residences are approximately 240 feet away and would be exposed to instantaneous noise levels ranging from 43-48 dBA from the parking garage. Maximum instantaneous noise levels associated with a parking structure constructed on the Booksmart site would range from 57-62 dBA at the nearest sensitive land uses, the homes adjacent to the west. Homes located across Second Street would be exposed to slightly lower noise levels. Although maximum instantaneous noise levels from the operation of the parking garage at either the City-owned Depot site or the Booksmart site would exceed the 60 dBA limit established in the Municipal Code at the nearest residence, noise data collected for this project (measurement LT-1) shows that noise levels from traffic and railroad trains are typically 70 dBA or greater at the nearest residential uses.

When ambient noise levels exceed the limits set in the Municipal Code, the limit is typically adjusted to match the ambient noise levels. Noise generated by the parking garage would be infrequent and would not cause an increase in the hourly average or daily average noise levels at nearby sensitive land uses. In addition, garage-related noise would not exceed the existing ambient maximum instantaneous noise levels from traffic and railroad trains, therefore noise from the proposed parking garage would be less than significant. **(New Less Than Significant Impact)**

Sunsweet Site

Maximum instantaneous noise levels associated with a parking structure constructed on the Sunsweet site would range from 57-62 dBA at the nearest sensitive land uses, the residences located approximately 50 feet to the south across 4th Street. Sound levels from car horns would range from 66-74 dBA at this location. For the residences 75 feet from the site across 3rd Street to the north, instantaneous noise levels from the garage and from car horns in the garage would be 53-58 dBA and 62-70 dBA, respectively.

Noise data collected along 4th Street (LT-2) demonstrates that traffic and railroad noise regularly exceeds 60 dBA and is typically 70 dBA or greater at the residences on 4th Street. Though noise from a parking structure on the Sunsweet site would exceed the City's 60 dBA limit at the nearest noise-sensitive uses, it would not exceed the ambient maximum instantaneous noise levels resulting from traffic along 3rd Street, 4th Street, or from railroad trains. As discussed for the Depot Street Site above, when ambient noise levels exceed the limits in the Municipal Code, the limit is typically adjusted to equal the ambient. Since the project would not increase average hourly or daily ambient noise levels, nor would it exceed existing ambient maximum instantaneous noise levels, the noise impact from operation of a parking structure on the Sunsweet site would be less than significant. **(New Less Than Significant Impact)**

Traffic Noise

The mixed use development proposed for the Sunsweet site would not generate substantially more noise in operation than the other surrounding commercial and residential developments do. The main source of noise associated with the mixed use project in operation would be vehicle traffic. The Downtown Specific Plan MEIR calculated the growth of traffic volumes with build-out of the Specific Plan as well as the associated noise increases. Traffic noise levels along major routes are anticipated to increase by one to two dBA L_{dn} by 2030, which was found to be a less than significant impact. The proposed Sunsweet site mixed use development proposed is consistent with the Specific Plan Block 4 assumptions and would not increase traffic (and the associated noise) above the volumes estimated in the Downtown Specific Plan MEIR.

The proposed parking structure would not generate any traffic; rather, the parking structure would be built to accommodate the traffic generated by residential and commercial uses built under the Downtown Specific Plan. The traffic noise impacts of that development are less than significant, therefore the proposed project would have a less than significant traffic noise impact. **(Less Than Significant Impact [Same as Approved Master EIR])**

Construction Noise

Construction activities can generate high noise levels, especially during demolition, excavation, and foundation construction when heavy equipment operates on-site. Hourly average noise levels generated by demolition and construction typically range from 77-89 dBA L_{eq} at a distance of 50 feet from the center of a busy construction site, and drop off at a rate of approximately six dBA per doubling of distance between the source and receptor.

Typically, significant noise impacts do not result when standard construction noise control measures are enforced at the project site and when the duration of the noise-generating construction period is limited to one construction season (typically one year) or less. The exact duration of project demolition and construction activities is not known at this time, but given the scope of the project it is likely that construction will occur for more than one year. Residences near the Sunsweet, Booksmart and Depot sites could be subject to construction noise levels in excess of 60 dBA L_{eq} and the ambient noise environment by five dBA L_{eq} for durations exceeding one construction season.

Standard Measures: In accordance with the Downtown Specific Plan MEIR, the following standard measures will be implemented to reduce potential construction-related noise impacts to nearby sensitive receptors:

SM NOI-1: Construction activities shall be limited to the hours between 7:00 a.m. and 8:00 p.m., Monday through Friday, and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays. No construction activities should occur on Sundays or federal holidays (Consistent with Section 8.28.040 of the Morgan Hill Municipal Code).

SM NOI-2: Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

SM NOI-3: Locate stationary noise generating equipment (e.g. rock crushers, compressors) as far as possible from adjacent residential receptors.

SM NOI-4: Acoustically shield stationary equipment located near residential receptors with temporary noise barriers or recycled demolition materials.

SM NOI-5: Utilize "quiet" air compressors and other stationary noise sources where technology exists.

SM NOI-6: The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.

SM NOI-7: Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem.

Implementation of these measures would reduce construction noise levels emanating from the site, limit construction hours, and minimize disruption and annoyance. However because construction may take more than one year and occur in combination with other Downtown development on the two subject blocks or adjacent and nearby blocks, the impacts of construction noise on nearby residential uses would be significant and unavoidable. **(Significant Unavoidable Impact [Same as Approved Master EIR])**

Construction Vibration

Depot Street Site

Construction activities at the Depot Street site would include demolition of pavement, site preparation (e.g. grading), excavation, and construction of the parking structure. Pavement removal and excavation could produce substantial vibration. The foundation system for the parking structure is not known at this time. Mat slab foundations or auger cast piles both produce less vibration than impact-driven piles. The use of impact or vibratory pile drivers as well as other construction equipment could damage buildings in the vicinity, especially any historic buildings within 200 feet of the project site. At a distance of 50 feet, construction activities other than pile driving would not likely generate vibration levels exceeding the 0.08 inches per second PPV criteria used to assess the potential for cosmetic damage to sensitive historic structures.

Since it is not yet known whether pile driving will be used for the parking structure or not, there is potential for construction to result in significant vibration impacts to surrounding land uses. If pile driving is used, the impact of greatest concern would be to old and/or historic structures such as the 17500 Depot Street building adjacent to the Depot Street site. *Section 4.5 Cultural Resources* contains further information on nearby historic buildings. If pile driving is not used, vibration levels would not be expected to cause cosmetic damage to off-site buildings further than 50 feet from the site.

Booksmart Site

Construction of the mixed-use project and a parking structure on the Booksmart site would require construction equipment and techniques similar to those used for the garage construction at the City-owned Depot Street site. Construction activities at the Booksmart site would occur within 60 feet of existing residential receptors. As stated above for the Depot Street and Booksmart sites, because it is not known at this time what construction equipment or techniques will be used, construction vibration has the potential to impact off-site buildings.

Sunsweet Site

Construction of the mixed-use project and a parking structure on the Sunsweet site would require construction equipment and techniques similar to those used for the garage construction at the City-owned Depot Street or Booksmart sites. Construction activities at the Sunsweet site would occur within 60 feet of existing residential receptors as well as Grange Hall (address), an historic resource across Fourth Street. As stated above for the Depot Street site, because it is not known at this time

what construction equipment or techniques will be used, construction vibration has the potential to impact off-site buildings.

Mitigation Measures: The following mitigation measures would be implemented as part of the project in order to reduce vibration impacts to a less than significant level:

MM NOI-1: Avoid impact pile driving where possible. Drilled piles or slab mats cause lower vibration levels where geological conditions permit their use.

MM NOI-2: A list of all heavy construction equipment to be used for this project and the anticipated time duration of using equipment that has been known to produce high vibration levels (tracked vehicles, vibratory compaction, pile drivers, jackhammers, hoe rams, etc.) shall be submitted by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort required for continuous vibration monitoring.

MM NOI-3: A construction vibration monitoring plan shall be implemented to document conditions prior to, during, and after vibration generating construction activities. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry accepted standard methods. The construction vibration monitoring plan should be implemented to include the following tasks:

- Identification of the sensitivity of nearby structures to groundborne vibration. Vibration limits should be applied to all vibration-sensitive structures located within 200 feet of the project.

- Performance of a photo survey, elevation survey, and crack monitoring survey for each structure within 200 feet of pile driving activities and for each structure within 50 feet of other construction activities identified as sources of high vibration levels. Surveys shall be performed prior to any construction activity, in regular interval during construction, and after project completion. The surveys shall include internal and external crack monitoring in structures, settlement, and distress, and shall document the condition of foundations, walls, and other structural elements in the interior and exterior of said structures.

- Development of a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions. Construction contingencies would be identified for when vibration levels approached the limits.

- At a minimum, vibration monitoring should be conducted during pavement demolition, excavation, and pile driving activities. Monitoring results may indicate the need for more or less intensive measurements.

- If vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structures.

- Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.

- Conduct post-surveys on structures where either monitoring has indicated high levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities.

MM NOI-4: The results of all vibration monitoring shall be summarized and submitted in a report shortly after substantial completion of each phase identified in the project schedule. The report will include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations. An explanation of all events that exceeded vibration limits will be included together with proper documentation supporting any such claims.

Implementation of these mitigation measures would reduce vibration impacts from construction activities to a less than significant level. **(Less Than Significant Impact with Mitigation)**

4.12.2.2 *Noise and Vibration Impacts To the Project*

Noise

Exterior Noise

Parking structures are not considered noise- or vibration-sensitive uses, and would not be subject to such impacts from the surrounding environment. The proposed Sunsweet site residential mixed use development residents are sensitive receptors. City of Morgan Hill policy requires that noise levels be maintained at or below 60 dBA L_{dn} in residential areas where outdoor noise is a major consideration. An L_{dn} of 65 dBA can be permitted if it is determined that providing a noise environment of 60 dBA L_{dn} is infeasible after implementation of mitigation measures.

The conceptual project plans provided to the City along with the MOU show pedestrian entrances and small decks or porches for each townhouse, including those fronting Depot Street. Future noise levels are calculated to reach 75 dBA L_{dn} at these decks, and would be approximately 65 dBA L_{dn} at the other townhomes further removed from the tracks. Noise levels at the small outdoor uses would exceed the Morgan Hill standard by as much as 15 dBA L_{dn}.

Interior Noise

The City of Morgan Hill requires interior noise levels within new residential units not to exceed 45 dBA L_{dn}. If exterior noise levels exceed 60 dBA L_{dn}, then maximum instantaneous noise levels should be limited to 50 dBA L_{max} in bedrooms and 55 dBA L_{max} in other habitable rooms. The

highest residential noise exposure would occur at the residences proposed adjacent to Depot Street. As described above, exterior noise levels at this location could be as high as 75 dBA L_{dn} and maximum instantaneous noise levels would range from 95-105 dBA L_{max}. Standard residential construction techniques typically provide 15 dBA of noise reduction with windows partially open, and 20-25 dBA of noise reduction with windows closed.

When exterior noise levels exceed 65 dBA L_{dn}, forced-air mechanical ventilation systems and sound-rated construction methods are normally required. These methods can include a combination of design to reduce the size of windows and doors, incorporation of sound-rated building materials, and mechanical ventilation. Since the exterior noise environment ranges from 65-75 dBA L_{dn} at the project site, the proposed project would result in a potentially significant impact from the exposure of future sensitive receptors living in the townhomes to elevated interior noise levels.

Mitigation Measures: Consistent with the Downtown MEIR and the City of Morgan Hill policy, the project would implement the following measures to reduce the noise impacts to future residents of the project site:

MM NOI-5: When refining the project's site plan, continue to shield common outdoor spaces with buildings whenever possible. The design level noise goal shall be 60 dBA L_{dn} or less for traffic noise and 70 dBA L_{dn} or less for railroad train noise in outdoor use areas where there would be frequent human use and quiet would be of benefit.

MM NOI-6: A design-level acoustical analysis shall be required to confirm that the design of residential units is sufficient to reduce interior average noise levels to 45 dBA L_{dn} or lower, and to reduce interior maximum instantaneous noise levels to 50 dBA L_{max} or less in bedrooms, and 55 dBA L_{max} in all other habitable rooms. As part of the design-level acoustical analysis, a qualified acoustical consultant shall review final site plans, building elevations, and floor plans prior to construction to calculate expected interior noise levels to determine what, if any, additional noise insulation treatments are necessary. Special building construction techniques (e.g., sound-rated windows and building facade treatments) would be required. These treatments include, but are not limited to, sound-rated windows and doors, sound-rated wall construction, acoustical caulking, insulation, and acoustical vents. Large windows and doors shall be oriented away from the railroad where possible. The specific determination of what treatments are necessary will be conducted on a unit-by-unit basis. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City along with the building plans and approved prior to issuance of a building permit.

MM NOI-7: A suitable form of forced-air mechanical ventilation, as determined by the local building official, shall be provided to units throughout the site, so that windows could be kept closed at the occupant's discretion to control interior noise.

These measures are consistent with the mitigation measures that were included in the Downtown MEIR. The MEIR, as well as the March 2014 project-level environmental noise assessment, found that implementation of these measures would not reduce exterior noise levels at all units below the

Morgan Hill standard, and that outdoor spaces for the units fronting Depot Street would continue to be impacted. In addition, the incorporation of noise reduction treatments will reduce the instantaneous interior noise levels to less than significant levels at some units, but those adjacent to Depot Street facing the railroad would still be exposed to significant noise levels. Therefore, the proposed project would expose future sensitive receptors living on the site to significant and unavoidable noise impacts. **(Significant Unavoidable Impact [Same as Approved Master EIR])**

Vibration

To avoid potential vibration impacts to sensitive receptors from operation of the Caltrain/UPRR tracks, the Downtown Specific Plan MEIR includes MM NV-3.1 which states:

> *Residential structures shall be located at least 50 feet from the nearest railroad track unless project specific vibration analyses indicate that vibration levels at the building site and/or the design of the project result in vibration levels of 75 VdB or less.*

The proposed mixed use development would be more than 50 feet from the tracks and would not be subjected to elevated vibration levels. **(Less Than Significant Impact [Same as Approved Master EIR])**

4.12.2.3 *Airport-Related Noise*

The project site is located approximately 4.3 miles northwest of the South County Airport. There are no private airstrips in the site vicinity. The project site is not within the noise contours of the airport, therefore there would be no noise impacts to future residents resulting from airport-related noise. **(No Impact)**

4.12.3 Conclusion

Implementation of SM NOI-1 through SM NOI-7 would reduce construction-related noise impacts, however due to the potential for construction to take more than one year, the proposed project would result in significant and unavoidable construction noise impacts to nearby sensitive receptors. **(Significant Unavoidable Impact [Same Impact as Approved Project])**

Implementation of MM NOI-1 through MM NOI-4 would reduce vibration impacts from construction activities to a less than significant level. **(Less Than Significant Impact with Mitigation)**

Although implementation of MM NOI-5 through MM NOI-7 would reduce exterior and interior noise levels to the extent feasible, both exterior and interior noise levels at the units proposed along Depot Street would exceed the City of Morgan Hill standards, resulting in a significant and unavoidable impact. **(Significant Unavoidable Impact [Same Impact as Approved Project])**

The proposed Sunsweet site residential mixed use development would be more than 50 feet from the tracks and would not be subjected to elevated vibration levels. **(Less Than Significant Impact [Same Impact as Approved Project])**

4.13 POPULATION AND HOUSING

4.13.1 Setting

The Morgan Hill General Plan, Housing Element assumes an average of 3.08 persons per residential unit. The City's population in 2010 was 37,882[43] and is projected to grow to 45,800 by 2030.[44]

As part of the General Plan, residential development within the City of Morgan Hill is controlled by the Residential Development Control System (RDCS). By approving Measure C in 2004 and Measure F in 2006, Morgan Hill voters extended the City's RDCS to 2020. RDCS establishes a population ceiling for the City of 48,000 as of January 1, 2020.

4.13.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
7. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒	☐	1,2
8. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐	1-3
9. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐	1

The project proposes the construction of approximately 52 single-family housing units on the Sunsweet site. There is currently no housing on the proposed project sites.

Assuming 3.08 persons per household for each residential unit, based on the City of Morgan Hill's *Housing Element* of the General Plan, the project will generate approximately 160 new residents.[45]

[43] U.S. Census Bureau, 2010 Census of Population. State & County QuickFacts: Morgan Hill (City). Last Modified January 2013. Available at: <http://quickfacts.census.gov/qfd/index.html>. Accessed March 26, 2013.
[44] Association of Bay Area Governments (ABAG), *Projections and Priorities 2009: Building Momentum, San Francisco Bay Area Population, Household, and Job Forecasts.* August, 2009.
[45] City of Morgan Hill. *Housing Element*. September 2010.

As explained previously, residential growth in Morgan Hill is ultimately controlled by the RDCS which was adopted for the purpose of controlling impacts from rapid growth in Morgan Hill. The RDCS generally limits 250 units to be built each year according to a competitive process involving a criteria and point system that address a variety of factors of the project including provision of public services, site planning, and architectural design considerations. Population growth resulting from the anticipated 52 residential units will be a part of the 250 new units allowed through the RDCS in a given year. The Sunsweet site residential mixed-use development proposes housing consistent with the Downtown Specific Plan Block 4 assumptions and will not induce substantial unplanned residential development in the area. The parking garage will support planned Downtown growth according to the adopted Specific Plan and will not facilitate unplanned growth. **(Less Than Significant Impact [Same Impact as Approved Project])**

4.13.3 Conclusion

Residential development of the Sunsweet site with approximately 52 residences will not result in a substantial increase in population in the City of Morgan Hill above projected population levels nor will the parking garage induce unplanned residential development in the area. **(Less Than Significant Impact [Same Impact as Approved Project])**

4.14 PUBLIC SERVICES

4.14.1 Setting

4.14.1.1 *Fire Service and Emergency Medical Services*

The City of Morgan Hill contracts with the California Department of Forestry and Fire Protection (CalFire) for fire and emergency medical services. The City is served by three stations at the following locations (the first two are owned by the City of Morgan Hill; the last one is owned by CalFire): 1) El Toro Fire Station, located at 18300 Old Monterey Road (approximately one mile northwest of the project sites), 2) Dunne Hill Fire Station, located at 2100 East Dunne Avenue (approximately 2.0 miles east of the project sites), and 3) 15670 Monterey Street (approximately 1.5 miles south of the project sites). In general, the response time meets the current standard of eight minutes 95 percent of the time; although it is expected that most responses will be approximately five minutes 90 of the time.[46]

4.14.1.2 *Police Service*

Police service is provided to the site by the City of Morgan Hill Police Department. The Morgan Hill Police facility is located at 16200 Vineyard Boulevard, approximately one mile southeast of the project sites. The department employs 36 sworn officers.[47] The Police Department's goal is to respond to Priority One calls within five minutes and Priority Two calls within 10 minutes. Priority One calls are reports of a crime in progress or where an injury has occurred and Priority Two calls are reports of felonies and other major calls.

4.14.1.3 *Schools*

The project site is located within the Morgan Hill Unified School District. The District has eight elementary schools, two middle schools, two comprehensive high schools, one continuation high school, and a community adult school, as well as a home schooling program. Future residents of the Sunsweet Site will be served by El Toro and P.A. Walsh Elementary Schools (approximately 0.4 miles northeast and 0.5 miles west of the site, respectively), Britton Middle School (approximately 0.3 miles northwest of the site), and Live Oak High School (approximately 1.5 miles northeast of the site).[48]

4.14.1.4 *Parks*

The City owns 70 acres of developed parkland (including the Civic Center, assessment district parks and city owned trails) and 59 acres of recreation facilities. Included within this inventory, the City maintains two community parks, five neighborhood parks, two neighborhood/school parks, and 15 mini-parks, in addition to its public trail system and open space. In addition to publicly-owned

[46] City of Morgan Hill. City Council Staff Report. *Fire and Emergency Medical Services (EMS) CalFire Proposal Update*. Meeting Date April 4, 2012.
[47] City of Morgan Hill Police Department. 2012
[48] Morgan Hill Unified School District. *Schools*. Available at: <http://www.mhu.k12.ca.us/Schools/index.html>. Accessed January 30, 2014.

parkland, there is also a significant amount of recreational land and open space in the City that is privately owned and maintained. Under the City's General Plan Policy 18c, fifty percent of the private homeowners association (HOA) recreational acreage is counted toward meeting the General Plan goal of five acres per thousand population. Additionally, the General Plan allows for 10 percent of open space to be counted towards meeting this goal. In combination, these various types of public and private parks and recreational facilities in the City of Morgan Hill total about 200 acres to serve an estimated population of 37,882. This exceeds the City's goal of five acres of parkland per 1,000 capita.

The City also owns and operates special use facilities for recreational purposes. These facilities include the Morgan Hill Aquatics Center, Community and Cultural Center, the Centennial Recreation Center, the 38-acre Outdoor Sports Center, and Skateboard/BMX park. Many sports leagues and teams use Morgan Hill School District facilities after school hours and on weekends. These facilities include 12 baseball/softball fields, two football fields, two tracks, and four swimming pools. Morgan Hill residents also utilize County and State parks. These parks include Silveira Park at the southern end of the City, the Coyote Creek park chain to the north, and Henry Coe State Park to the east.

4.14.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
1. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:						
Fire Protection?	☐	☐	☐	☒	☐	1,2
Police Protection?	☐	☐	☐	☒	☐	1,2
Schools?	☐	☐	☐	☒	☐	1,2
Parks?	☐	☐	☐	☒	☐	1,2
Other Public Facilities?	☐	☐	☐	☒	☐	1

4.14.2.1 *Fire and Police Service*

Future residences will be constructed in conformance with current building and fire codes, including features that will reduce potential fire hazards. Review of the project by the CalFire and the Morgan Hill Police Department will incorporate appropriate safety features to reduce fire hazards and criminal activity.

The project is located in a suburban area and future residential development on the site will not substantially increase the demand for fire and police protection, or require construction or expansion of fire or police facilities. **(Less Than Significant Impact [Same Impact as Approved Project])**

4.14.2.2 *Schools*

Future residential development on the Sunsweet site will increase the population of the project area and will, therefore, increase demand on local schools. Using the Morgan Hill Unified School District's student generation rate of 0.4732 students per unit for single-family detached housing,[49] the proposed 52 residential units will generate approximately 25 students at full build-out. These students were included within the projected student population analyzed in the Downtown MEIR. The nearby schools have capacity to serve the additional students generated by this project.

State Law (Government Code Section 65996) specifies that an acceptable method of offsetting a project's effect on the adequacy of school facilities is payment of a school impact fee prior to issuance of a building permit. The school impact fees implementation of measures specified in Government Code Section 65996 will be used to offset project-related increase in student enrollment. The proposed project will be required to comply with the school impact fee requirements of the Morgan Hill Unified School District. **(Less Than Significant Impact [Same Impact as Approved Project])**

4.14.2.3 *Parks*

The project will allow for the construction of approximately 52 residential units. The average number of persons per household in Morgan Hill is 3.08 and future residential development on the site could generate approximately 160 residents.

The City of Morgan Hill has adopted a parkland dedication/park land in-lieu fee ordinance (Municipal Code Chapter 17.28) that requires parkland dedication or in-lieu fees for residential developments. This ordinance requires residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. The project will be required to comply with the City's parkland dedication or in-lieu fees for residential developments, which will avoid significant impacts to the City's park facilities. Public parks administered by the City's Recreation and Community Services Division are within 0.5 miles of the site and will be available to all residents. **(Less Than Significant Impact [Same Impact as Approved Project])**

[49] Anessa Pasillas, Supervisor of Maintenance, Morgan Hill Unified School District. E-mail: *RE: Student Generation Rates*. July 28, 2011.

4.14.3 Conclusion

With eventual review by the Police and Fire departments of the detail parking garage design (on either site) and the Sunsweet residential mixed-use development design, payment of school impact fees, and compliance with the City's parkland dedication/parkland in-lieu fee ordinance, the project impacts to public services will be reduced to a less than significant level. **(Less Than Significant Impact [Same Impact as Approved Project])**

4.15 RECREATION

4.15.1 Setting

The City owns 70 acres of developed parkland (including the Civic Center, assessment district parks and city owned trails) and 59 acres of recreation facilities. Included within this inventory, the City maintains two community parks, five neighborhood parks, two neighborhood/school parks, and 15 mini-parks, in addition to its public trail system and open space. In addition to publicly-owned parkland, there is also a significant amount of recreational land and open space in the City that is privately owned and maintained. Under the City's General Plan Policy 18c, fifty percent of the private homeowners association (HOA) recreational acreage is counted toward meeting the General Plan goal of 5.0 acres per thousand population. Additionally, the General Plan allows for 10 percent of open space to be counted towards meeting this goal. In combination, these various types of public and private parks and recreational facilities in the City of Morgan Hill total about 200 acres to serve an estimated population of 37,882. This exceeds the City's goal of five acres of parkland per 1,000 capita.

The City also owns and operates special use facilities for recreational purposes. These facilities include the Morgan Hill Aquatics Center, Community and Cultural Center, the Centennial Recreation Center, the 38 acre Outdoor Sports Center, and Skateboard/BMX park. Many sports leagues and teams use Morgan Hill School District facilities after school hours and on weekends. These facilities include 12 baseball/softball fields, two football fields, two tracks, and four swimming pools.

The City's General Plan has a parks and recreation goal to provide useful, accessible and high-quality parks, recreation, and trail facilities programs. To achieve this goal, the City has adopted a parkland dedication/park land in-lieu fee ordinance (Municipal Code Chapter 17.28) that requires parkland dedication or in-lieu fees for residential developments.

4.15.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
2. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	☐	☐	☐	☒	☐	1,2
3. 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?	☐	☐	☐	☒	☐	1,2

4.15.2.1 *Impacts to Park and Recreational Facilities*

Future residential development could generate up to 160 residents for the project. Using the City's parkland goal of five acres per 1,000 residents, the construction of 0.7 acres of public parkland would be required for the project. Given the small acreage (approximately 2.5 acres) of the Sunsweet site, the construction of public parkland for the project will not be required; instead fees will be paid to develop parkland elsewhere. In addition, given the small number of potential residents generated from the project, the increased use of existing regional parks or other recreational facilities would not lead to an adverse physical effect on the environment. **(Less Than Significant Impact [Same Impact as Approved Project])**

Recreational facilities within one mile of the Sunsweet site have the capacity to serve the project's future residents. The Susnweet residential mixed-use project will not require the construction or expansion of recreational facilities. **(Less Than Significant Impact [Same Impact as Approved Project])**

4.15.3 Conclusion

Due to the small number of potential residents generated from the project and the payment of in-lieu fees, the project will not result in significant impacts to recreational facilities in the City of Morgan Hill. **(Less Than Significant Impact [Same Impact as Approved Project])**

4.16 TRANSPORTATION

The discussion in this section is based on a Transportation Impact Analysis prepared by *Fehr & Peers* in July 2009. A copy of this report is included as Appendix C in the Downtown MEIR.

4.16.1 Setting

Existing Roadway Network

The Specific Plan project area and surrounding regional and local roadway network remain as described in the 2009 MEIR.

Regional Access

U.S. Highway 101 (US 101) is a north-south freeway that serves as the primary roadway connection between Morgan Hill and other areas of Santa Clara County to the north and south. The Dunne Avenue interchange provides primary access to the downtown area.

Local Access

Monterey Road is generally a four-lane arterial roadway through Morgan Hill, with separate left-turn lanes at intersections and on-street parking in some areas.

Main Avenue is a two-lane roadway that extends east from Hale Avenue to Hill Road on the east side of the City. Main Avenue forms the northern boundary of the downtown area.

Dunne Avenue is a four-lane, divided arterial that extends eastward from Monterey Road through a partial-cloverleaf interchange at US 101 and up into the eastern foothills.

Butterfield Boulevard is a four-lane, divided arterial that extends northward from Tennant Avenue to Cochrane Road. Butterfield Boulevard forms the eastern boundary of the downtown area and is a primary north-south roadway within the City.

Depot Street is a two-lane, north-south roadway east of Monterey Road that extends south from Main Avenue to Dunne Avenue.

Del Monte Avenue is a two-lane, north-south roadway west of Monterey Road. It forms the western boundary of the downtown area.

Third Street is a two-lane, east-west roadway located south of Second Street. This street extends east from Del Monte Avenue to Monterey Road and continues east to Depot Street, where access to the Caltrain Station and parking area is provided.

Fourth Street is a two lane, east-west roadway located south of Third Street. Fourth Street extends from west of Monterey Road to Depot Street.

Fifth Street is a two-lane east-west roadway that extends between Depot Street and Del Monte Avenue.

An analysis of AM and PM peak hour traffic conditions was completed for 24 study intersections, including 13 signalized intersections, 10 unsignalized intersections, and one future signalized intersection. See MEIR Table 3.2-3 for the list of study intersections and a description of the existing level of service at each intersection. Two of the signalized study intersections currently operate at an unacceptable level, LOS D, under existing conditions during one or both peak hours:

- Monterey Road/Main Avenue (AM and PM peak hours)
- Butterfield Boulevard/Dunne Avenue (PM peak hour)

All of the unsignalized study intersections were observed to operate acceptably under existing conditions, with side street traffic volumes finding gaps to enter the intersections.

Study Freeway Segments

Freeway traffic conditions in the vicinity of the Specific Plan project area were analyzed on the following four freeway segments in the northbound and southbound direction:

- US 101 north of Cochrane Road
- US 101 between Cochrane Road and Dunne Avenue
- US 101 between Dunne Avenue and Tennant Avenue
- US 101 south of Tennant Avenue

The following mixed-flow freeway segments operate at an unacceptable level, LOS E, under existing conditions:

- US 101, Northbound between San Martin Avenue and Tennant Avenue (AM peak hour)
- US 101, Northbound between Tennant Avenue and Dunne Avenue (AM peak hour)
- US 101, Southbound between Burnett Avenue and Cochrane Road (PM peak hour)

Existing Pedestrian and Bicycle Facilities

Pedestrian facilities comprise sidewalks, crosswalks, and pedestrian signals. Sidewalks are provided on both sides of Monterey Road. Crosswalks are present at all of the intersections on Monterey Road between Main Avenue and Dunne Avenue.

Bicycle lanes are provided on Main Avenue, on Dunne Avenue east of Monterey Road, and on Monterey Road except through the downtown. Within the Downtown area, Monterey Road (between Main Avenue and Dunne Avenue), Depot Street, and Fifth Street are designated bicycle routes. In the surrounding area, Del Monte Avenue south of Fifth Street and Ciolino Avenue between Del Monte Avenue and Monterey Road are designated bicycle routes.

4.16.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☐	☒	☐	1,2
2. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒	☐	1,2
3. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒	☐	1
4. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☐	☒	☐	1
5. Result in inadequate emergency access?	☐	☐	☐	☒	☐	1

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
6. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒	☐	1,2

4.16.2 Roadway Impacts

The traffic analysis prepared in support of the Downtown MEIR evaluated traffic impacts of the Specific Plan by analyzing projected 2015 and 2030 development conditions against existing conditions. Development through 2015 was evaluated for near-term impact; development through 2030 is considered long-term, and could not be evaluated with the same level of certainty. Given the proposed garage and Sunsweet mixed-use residential development would occur in the near term, the following discussion focuses on 2015 conditions.

The approved Downtown Specific Plan will add housing, retail, and office/service land uses within the Specific Plan project area. The MEIR's analysis of projected 2015 development in the Specific Plan project area included an increase of approximately 1,010 multi-family residential units, 105,000 square feet of retail, and 46,000 square feet of office/service development in the Specific Plan project area. According to the TIA prepared for the MEIR, this development was projected to generate a total of approximately 7,671 daily, 625 AM peak-hour, and 663 PM peak-hour trips. Intersection levels of service were calculated with projected 2015 development traffic volumes, and the MEIR disclosed that under projected 2015 conditions all of the signalized intersections would operate acceptably except the Main Avenue/Monterey Road intersection which would operate at LOS D during both the AM and PM peak hours. In addition, the following three unsignalized study intersection operations would degrade to LOS E or F during one or both peak hours:

- Monterey Road/Central Avenue (LOS F, AM and PM peak hours)
- Monterey Road/Fourth Street (LOS F, AM and PM peak hours)
- Monterey Road/Fifth Street (LOS E, AM peak hour and LOS F, PM peak hour)

The remaining unsignalized study intersections would operate at acceptable levels of service during both peak hours. A signal warrant analysis was conducted as part of the MEIR TIA for each unsignalized study intersection operating at LOS E or F. Under projected 2015 conditions, none of the unsignalized study intersections operating at LOS E or F would meet the peak-hour warrant criteria for signalization during either the AM or PM peak hours and, therefore, would not be significantly impacted.

The proposed parking garage, whether located at the City-owned Depot site, Booksmart site, or the Sunsweet site, would support Downtown development consistent with the Specific Plan. The garage is not intended primarily for commuters using Caltrain, rather it will provide adequate parking for new Downtown growth given parking standards for new development in the

Downtown are less than typical Citywide off-street parking ratios. The parking garage would not generate traffic of its own, i.e. the garage is not a destination that will attract new vehicle trips to the Downtown, instead it will provide parking opportunities for existing and planned Downtown land use destinations. Therefore, the garage will contribute to the traffic impacts disclosed in the MEIR.

The anticipated residential mixed-use development on the remainder of the Sunsweet site will be consistent with the site's General Plan designation and the development assumptions used for Block 4 in the Downtown Plan that were analyzed in the MEIR TIA. Block 4 is bounded by East Third Street, East Fourth Street, Monterey Road, and Depot Street. The Sunsweet site (approximately 119,730 s.f.) represents a majority of the Block 4 land area (approximately 190,890 s.f.). The development projections for retail, residential and office/service uses for Block 4 outlined in the Downtown Specific Plan for year 2015 are approximately 39,980 square feet of retail uses and 232 residential units. The Sunsweet Site would consists of approximately 52 residential units and approximately 11,400 square feet of one and/or two story commercial and office space. The commercial space is anticipated to include retail and restaurant uses.

Therefore, the Sunsweet mixed-use residential development will contribute to the traffic impacts disclosed in the MEIR.

Impact TRANS-1: Under 2015 conditions, the Downtown Specific Plan will exacerbate LOS D intersection operations at Monterey Road/Main Avenue during the AM peak hour. The parking garage and Sunsweet mixed use residential development will contribute to this impact. **(Significant Impact [Same Impact as Approved Project])**

2015 Freeway Segment Level of Service

The MEIR found the Downtown Specific Plan will not add new trips greater than one percent of the freeway segment capacity to any of the study freeway segments and therefore would not significantly impact and of the study freeway segments on US 101.

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Impact TRANS-2: The Downtown Specific Plan will not significantly degrade the level of service or add more than one percent of the freeway segment's capacity to any of the study freeway segments and, therefore, will have less than significant impacts to study freeway segments under 2015 conditions. **(Less Than Significant Impact)**

4.16.3 Conclusion

Under 2015 conditions, the proposed parking garage and mixed-use residential development would, in combination with other development under the Downtown Specific Plan, exacerbate LOS D intersection operations at Monterey Road/Main Avenue during the AM peak hour. (**Significant and Unavoidable Impact [Same Impact as Approved Project]**)

The proposed parking garage and mixed-use residential development, in combination with other development under the Downtown Specific Plan, would not significantly degrade the level of service or add more than one percent of the freeway segment's capacity to any of the study freeway segments

and, therefore, would result in less than significant impacts to study freeway segments under 2015 conditions. (**Less than Significant Impact [Same Impact as Approved Project]**)

4.17 UTILITIES AND SERVICE SYSTEMS

The following discussion is based on the City of Morgan Hill's *Sewer System Master Plan* and *Storm Drainage System Master Plan*.

4.17.1 Setting

4.17.1.1 *Water Service*

The City of Morgan Hill provides potable water service to its residential, commercial, industrial, and institutional customers within the City limits. The City's water system facilities include 14 groundwater wells, ten potable water storage tanks, 10 booster stations, and over 160 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.

4.17.1.2 *Sewer System and Wastewater Treatment*

The City of Morgan Hill sewer collection system consists of approximately 135 miles of 6-inch through 30-inch diameter sewers, and includes 15 sewage lift stations and associated force mains. The "backbone" of the system consists of the trunk sewers, generally 12-inches in diameter and larger, that convey the collected wastewater flows through an outfall that continues south to the Wastewater Treatment Facility (WWTF) in Gilroy operated by the South County Regional Wastewater Authority (SCRWA). The WWTF is jointly owned by the cities of Gilroy and Morgan Hill. The City's existing sewer collection system meets the needs of existing customers. The City has planned and constructed sewer facilities in conjunction with new street construction in anticipation of future growth and sewage needs.

The WWTF has capacity to treat an average dry weather flow (ADWF) of 8.5 million gallons per day (mgd) and is currently permitted by the California Regional Water Quality Control Board, Central Coast Region to treat up to 8.5 mgd.[50] Both the cities of Gilroy and Morgan Hill have growth control systems in place which limit unexpected increases in sewage generation. The ADWF for combined flows from Morgan Hill and Gilroy were approximately 6.8 mgd in June through August 2010. Based on combined population projections for both cities, the current capacity of 8.5 mgd will be reached in approximately 2019.[51]

4.17.1.3 *Solid Waste*

Recology South Valley provides solid waste and recycling services to the businesses and residents of the cities of Morgan Hill and Gilroy. Recology South Valley has contracted through 2017 with the

[50] California Regional Water Quality Control Board. *Waste Discharge Requirements, South County Regional Wastewater Authority Wastewater Treatment and Reclamation Facility, Santa Clara County (NPDES Permit No. CA0049964) – Order No. R3-2010-0009*. Adopted March 2010. Available at: <http://www.waterboards.ca.gov/rwqcb3/board_decisions/adopted_orders/>. Accessed February 3, 2014.
[51] City of Gilroy. South County Regional Wastewater Authority. *Agenda*. November 2011. MWH Global and Akel Engineering Group. *South County Regional Wastewater Authority. Cities of Gilroy and Morgan Hill. Wastewater Flow Projections*. August 2011.

Salinas Valley Solid Waste Authority to dispose of municipal solid waste at Johnson Canyon Sanitary Landfill. Johnson Canyon Sanitary Landfill is anticipated to reach capacity in 2040.[52]

4.17.1.4 *Storm Drainage*

The stormwater runoff from the two garage project site options is collected and ultimately discharged into the Monterey Bay. The sites are located within the West Little Llagas Creek drainage area. West Little Llagas Creek Channel merges with Llagas Creek and flows to the Monterey Bay.

4.17.2 Utilities and Service Systems Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
7. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒	☐	1,2
8. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒	☐	1,2
9. 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?	☐	☐	☐	☒	☐	1,2
10. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒	☐	1,2

[52] Phil Couchee, General Manager, Recology South Valley. February 3, 2010.

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
11. 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?	☐	☐	☐	☒	☐	1,2
12. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒	☐	1,2
13. Comply with federal, state and local statutes and regulations related to solid waste?	☐	☐	☐	☒	☐	1,2

The Morgan Hill Downtown Specific Plan Master EIR found that planned development would result in less than significant impacts to utilities and service systems serving the project sites.

4.17.2.1 *Impacts from the Proposed Project*

Water Service

The project is the proposed construction of a parking structure on one of two proposed site options and a mixed use development that includes approximately 52 residential units, commercial and office space on the Sunsweet site. The City has sufficient water supply to serve the development. Based on the City's *Urban Water Management Plan*[53], the City has accounted for the increase in water use based on the General Plan's projection of population growth in the City of Morgan Hill, including planned development per the Downtown Specific Plan. The garage will use negligible water and the water use associated with the Sunsweet site residential mixed-use development has already been accounted for in the Block 4 growth assumptions in the Downtown MEIR. For these reasons, implementation of the project will not adversely affect the functionality or the capacity of the existing water supply system. **(Less Than Significant Impact)**

Sewer System and Wastewater Treatment

The project will connect to existing sanitary sewer lines in the City streets serving the site, and the City will have sufficient capacity in the sanitary sewer conveyance system to support the project and available treatment capacity at the WWTF, as documented in the Downtown MEIR. The project,

[53] City of Morgan Hill. *2010 Urban Water Management Plan*. Adopted June 2011.

therefore, will not adversely affect the functionality or the capacity of the existing sanitary sewer system. **(Less Than Significant Impact** [Same as Approved Project]**)**

Solid Waste

The City of Morgan Hill has contracted with Recology South Valley to provide solid waste disposal and recycling service within the City. Recology South Valley will dispose of solid waste from the City at Johnson Canyon Sanitary Landfill which has a projected permitted capacity of approximately 13,800,000 cubic yards and is expected to remain open through 2040.[54] The proposed project will result in increased waste disposal from the project site; however, future development would be served by a landfill with adequate capacity to serve the project site. **(Less Than Significant Impact [Same as Approved Project])**

Storm Drainage

The proposed garage on either the City-owned Depot site or on the Booksmart Site would not increase impervious surfaces and therefore would not increase stormwater runoff. The Sunsweet site garage option along with the residential mixed-use development would add 15,000 to 20,000 s.f. of impervious surfaces. At completion of project construction, the impervious surfaces would increase on the Sunsweet site by approximately 15 percent, leaving the site nearly covered in impervious surfaces which will increase stormwater runoff. Stormwater from the project sites would be collected by storm drains which discharge into the City's stormwater system.

Per the implementation of the SWPPP and other drainage standards implemented by the City, the project should not significantly increase storm water flows into the existing system. The project will be required to minimally retain all water from the 85th percentile of rainfall events (approximately two to five year storm events) on site; therefore, during 85 percent of the rainfall events, the existing storm drain system would not be impacted by the project. Furthermore, the on-site systems (retention basins) will be required to be designed to detain a volume of water up to a 25-year storm event while releasing water at a rate reflective of the 10-year predevelopment flow. This design limits storm water flows off-site to less than 10-year predevelopment flows. The existing public storm water system is already designed to convey a 10-year storm event; therefore, the project should not significantly contribute to any additional flooding during the most frequent events. The final drainage system design for the garage project (on either site) and the Sunsweet residential mixed-use development will be subject to review and approval by the City of Morgan Hill Public Works Department, who will confirm that the proposed drainage system for the project is consistent with the City's Storm Drainage Master Plan and standard stormwater-related conditions of approval.

Standard Measures (SM UTIL-3, SM UTIL-4, and SM UTIL-5) in accordance with the Morgan Hill Municipal Code Chapter 17.32 that were outlined in the Morgan Hill Downtown MEIR will be implemented to avoid impacts to the City's storm drainage system.

[54] California Integrated Waste Management Board. *Facility/Site Summary Details: Johnson Canyon Sanitary Landfill.* 2008. Available at: <http://www.calrecycle.ca.gov/SWFacilities/Directory/27-AA-0005/Detail/>. Accessed May 17, 2013.

As described in Section 4.9, *Hydrology,* the project will incorporate BMPs to avoid and minimize impacts to water quality from erosion during construction activities. With incorporation of BMPs, the project will not result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which will result in significant environmental effects. **(Less Than Significant Impact)**

4.17.3 Conclusion

With the implementation the Standard Measures outlined in the Downtown MEIR, applicable General Plan policies, and standard BMPs, the project will not result in a significant impact to utility and services systems. **(Less Than Significant Impact [Same as Approved Project])**

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16. Cornerstone Earth Group, Inc. *Phase I Environmental Site Assessment, Downtown Parking Structure Locations*. March 2014
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