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

Sunsweet Residential Mixed-Use Development

[File Numbers ZA 2016-0008 and DA 2016-0009: Depot-Sunsweet MH LLC]

CITY OF MORGAN HILL

January 2017

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ACRONYMS AND ABBREVIATIONS

CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
EIR	Environmental Impact Report
MND	Mitigated Negative Declaration
NOD	Notice of Determination
RWQCB	Regional Water Quality Control Board
USFWS	United States Fish and Wildlife Service

SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 Introduction

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 City-adopted 2030 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 Environmental Impact Report for the 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 from (in conformance with CEQA Guidelines Section 15176(d)).

The Downtown Specific Plan 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 Specific Plan 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.

In May 2014, the City approved an Addendum to the Downtown Specific Plan MEIR for the Morgan Hill Downtown Parking Structure on the Sunsweet site (current project site) as well as two other sites within the plan area. The construction of a 52-unit mixed-use residential development, below grade parking with a partial level below grade (five to seven feet below ground surface), 7,800 square feet of commercial and/or office space, and a City-owned two-story parking garage were evaluated.

The Downtown Parking Structure Addendum also evaluated the impacts of demolishing four attached warehouses, a detached warehouse (on the corner of Fourth Street and Depot Street), a garage structure, and an office structure to allow for the construction of the 52-unit residential mixed-use development and City-owned garage. In 2015, the two-story City-owned garage was constructed. In 2016, the four attached warehouses and garage structure were demolished. The remaining detached warehouse structure and office structure would be demolished as a part of the current proposed project. The 52-unit mixed-use residential development is no longer proposed for construction.

The specific project addressed within this Second Addendum includes the construction of a mixed-use building with 83 apartment units and approximately 6,000 square feet of ground floor retail/ commercial uses, as well as a 120-stall below-grade parking level that extends to five feet below ground surface. The project site is within Block 4 of the Specific Plan area.

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 proposed project is consistent with the development 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.

1.2 Purpose of Addendum

The California Environmental Quality Act (CEQA) recognizes that between the date an environmental document is completed and the date the project is fully implemented, one or more of the following changes may occur: 1) the project may change; 2) the environmental setting in which the project is located may change; 3) laws, regulations, or policies may change in ways that impact the environment; and/or 4) previously unknown information can arise. Before proceeding with a project, CEQA requires the Lead Agency to evaluate these changes to determine whether or not they affect the conclusion in the environmental document.

The CEQA Guidelines §15162 state that when an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken that will require major revisions of the previous EIR or negative declaration, due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
    a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
    b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
    c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
    d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the

environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines §15164 states that the lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in §15162 (see above) calling for preparation of a subsequent EIR have occurred.

This Addendum will not be circulated for public review, but will be attached to the Downtown Specific Plan MEIR, pursuant to CEQA Guidelines §15164(c). All documents referenced in this Initial Study/Addendum are available for public review in the Community Development Department at the City of Morgan Hill during normal business hours.

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Sunsweet Residential Mixed-Use Development Project, File Numbers ZA 2016-0008 and DA 2016-0009: Depot-Sunsweet MH LLC.

2.2 PROJECT LOCATION

The site is bordered by East Third Street to the north, Depot Street to the east, East Fourth Street to the south, and a three-story parking garage and two-story commercial gym to the west. The regional map, vicinity map, and aerial photograph and surrounding land uses are shown in Figures 2.2-1, 2.2-2 and 2.2-3, respectively.

2.3 LEAD AGENCY CONTACT

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Email: Terry.Linder@morganhill.ca.gov

2.4 PROJECT APPLICANT CONTACT

Konstantin Voronin, Land Acquisition Director
Republic Family of Companies
Land Acquisition Director
84 West Santa Clara Street, Suite 600
San Jose, CA 95113
Phone: (408) 292-1601
Email: KVoronin@republic-urban.com

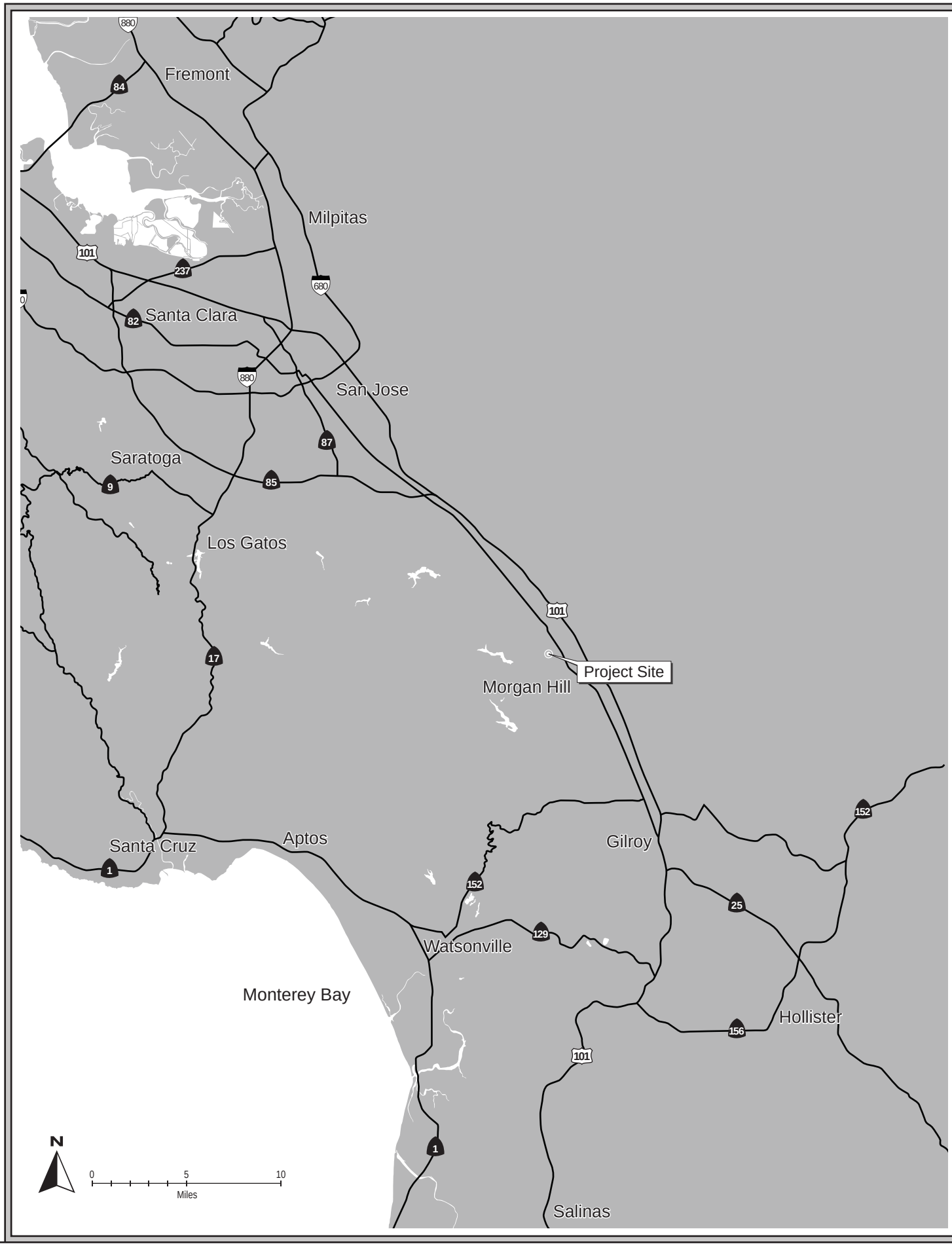
2.5 ASSESSOR'S PARCEL NUMBERS

APNs 726-13-032, -044, and -054

2.6 GENERAL PLAN LAND USE AND ZONING DISTRICT

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

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



REGIONAL MAP FIGURE 2.2-1

VICINITY MAP

FIGURE 2.2-2

AERIAL PHOTOGRAPH AND SURROUNDING LANDUSES

FIGURE 2.2-3

2.7 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

The project would require the City to approve a Planned Development/Zoning Amendment, Development Agreement, and Design Permit application.

2.8 HABITAT PLAN LAND USE DESIGNATION

Private Development Areas:	Urban Development Equal to or Greater Than 2 Acres Covered
Land Cover:	Urban - Suburban
Land Cover Fee Zone:	Urban Areas (No Land Cover Fee)
Burrowing Owl Survey and Fee Zone:	N/A

SECTION 3.0 PROJECT DESCRIPTION

3.1 PROJECT OVERVIEW

This Initial Study/Addendum provides project-level CEQA analysis for a Development Agreement and Planned Development Zoning Amendment to allow the demolition of the existing on-site structures and construction of an 83-unit mixed-use apartment development. The project would include the demolition of a warehouse and an older 1,700 square foot, one-story office structure, removal of one on-site non-native tree and 25 street trees to allow the development of a five-story building with 83 apartment units, 6,000 square feet of retail and restaurant space, and a below grade parking level with 120 parking spaces located in Downtown Morgan Hill.

3.1.1 Environmental Setting

The project site (APNs 726-13-032, -044, and -054) is 1.7 acres and is bordered by Depot Street and the Caltrain station to the east, East Third Street, residential and commercial uses to the north, East Fourth Street, residential and commercial to the south, and a three-story City-owned garage (40 to 45 feet in height) and two-story commercial gym to the west.

The project site contains a warehouse, a one-story office structure, one non-native cottonwood tree, concrete surfaces and landscaping.

3.2 PROJECT DESCRIPTION

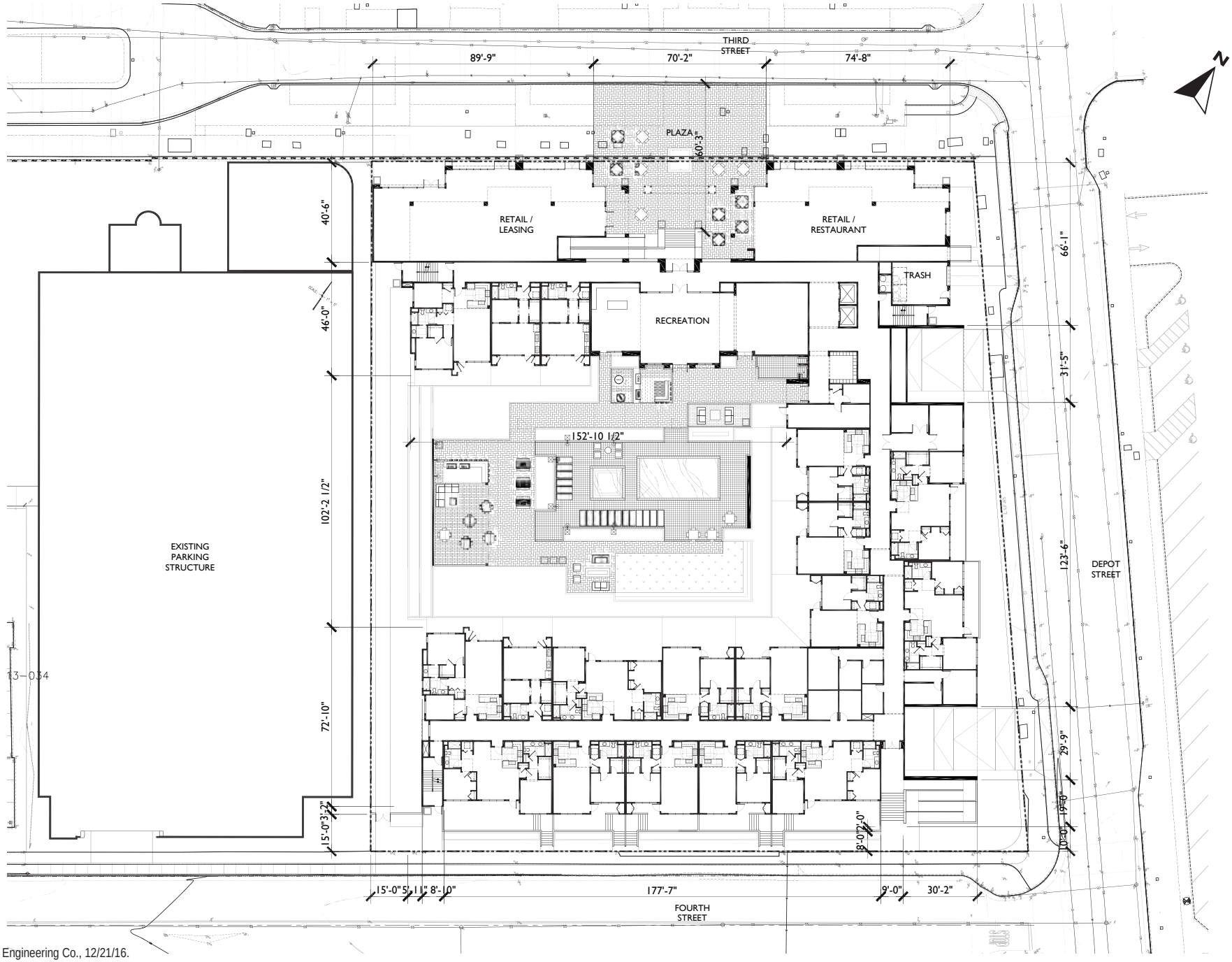
3.2.1 Site Design

The project would develop a five-story building with 83 apartment units, 6,000 square feet of retail and restaurant space, and a below grade parking level with 120 parking spaces (refer to Figure 3.2-1 Conceptual Site Plan). The apartment units would be located on all floors of the building. The 83-units would include 12 studio, 38 one-bedroom, and 33 two-bedroom apartment units. The 10 two-bedroom units on the fourth floor would include lofts on the fifth floor.

The proposed development would also include a recreation building, leasing office, and lobby as well as an outdoor pool, spa, barbecue area and landscaping, and plaza along the Third Street frontage. A gym and meeting room would be included on the second floor, and a lounge and an outdoor deck with seating would be on the fourth floor.

Landscaping, including trees, would be planted in the outdoor recreational area and along the perimeter of the development. Approximately 55 trees, including red maple, citrus, palo verde, olive, English oak, yellow-wood, would be planted to replace the existing trees to be removed.

The proposed building would front Third Street and would be set back 30 feet from the top of the curb, 10 feet from Depot and Fourth Streets, and 20 feet from the parking garage and commercial gym property line to the west. The maximum height of the proposed building would be 60 feet (refer to 3.2-2 Building Elevations).



Source: MH Engineering Co., 12/21/16.

CONCEPTUAL SITE PLAN

FIGURE 3.2-1

ELEVATION
DEPOT STREET

ELEVATION
THIRD STREET

Source: MH Engineering Co., 11/22/16.

BUILDING ELEVATIONS FIGURE 3.2-2

3.2.1.1 *Site Access and Circulation*

Vehicles would enter and exit the building's parking garage via two new two-way driveways on Depot Street. The parking level would have a total of 120 parking stalls, including 116 standard and four accessible parking spaces. The drive aisles would be approximately 24 feet wide and the parking stalls would be approximately nine feet wide.

3.2.1.2 *Utilities*

Stormwater runoff from the site would be collected via new two to 12-inch storm drains directed to four underground rain tanks or directly to the City's existing stormwater system. The rain tanks would regulate stormwater flow into the City's existing stormwater system. Stormwater from the site would be directed to the City's existing 30-inch storm drain on Depot Street.

The project's new water mains would connect to the City's existing six-inch water main on Third Street. New four-inch sanitary sewer lines would connect to the City's existing six-inch sanitary sewer line on Third Street.

Electricity and gas would be provided by Pacific Gas & Electric and solid waste would be collected by Recology South Valley.

3.2.2 Demolition and Construction

The project would include the demolition of the two structures on-site, the removal of on-site and street trees and the construction of an 83-unit mixed-use apartment development with sub-grade parking. The duration of construction would be 24 months.

3.2.3 Project Approval Process

The project would require a Development Agreement, Design Permit, and Planned Development/Zoning Amendment to allow for the demolition of two existing structures, removal one significant on-site tree and 25 street trees, and construction of the 83-unit residential development with retail/restaurant space.

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION

This section presents the discussion of impacts related to the following environmental subjects in their respective subsections:

4.1	Aesthetics	4.10	Land Use and Planning
4.2	Agricultural and Forestry Resources	4.11	Mineral Resources
4.3	Air Quality	4.12	Noise and Vibration
4.4	Biological Resources	4.13	Population and Housing
4.5	Cultural Resources	4.14	Public Services
4.6	Geology and Soils	4.15	Recreation
4.7	Greenhouse Gas Emissions	4.16	Transportation/Traffic
4.8	Hazards and Hazardous Materials	4.17	Utilities and Service Systems
4.9	Hydrology and Water Quality	4.18	Mandatory Findings of Significance

The discussion for each environmental subject includes the following subsections:

- **Environmental Setting** – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.

- **Checklist and Discussion of Impacts** – This subsection includes a checklist for determining potential impacts and discusses the project's environmental impact as it relates to the checklist questions. For significant impacts, feasible mitigation measures are identified. "Mitigation measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered using an alphanumeric system that identifies the environmental issue. For example, **Impact HAZ-1** denotes the first potentially significant impact discussed in the Hazards and Hazardous Materials section. Mitigation measures are also numbered to correspond to the impact they address. For example, **MM NOI-2.3** refers to the third mitigation measure for the second impact in the Noise section.

- **Conclusion** – This subsection provides a summary of the project's impacts on the resource.

Important Note to the Reader

The California Supreme Court in a December 2015 opinion [*California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 (No. S 213478)] confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project. Therefore, the evaluation of the significance of project impacts under CEQA in the following sections focuses on impacts of the project on the environment, including whether a project may exacerbate existing environmental hazards.

The City of Morgan Hill currently has policies that address existing conditions (e.g., air quality, noise, and hazards) affecting a proposed project, which are also addressed in this section. This is consistent with one of the primary objectives of CEQA and this document, which is to provide objective information to decision-makers and the public regarding a project as a whole. The CEQA Guidelines and the courts are clear that a CEQA document (e.g., EIR or Initial Study) can include information of interest even if such information is not an "environmental impact" as defined by CEQA.

Therefore, where applicable, in addition to describing the impacts of the project on the environment, this chapter will discuss Planning Considerations that relate to policies pertaining to existing conditions. Such examples include, but are not limited to, locating a project near sources of air emissions that can pose a health risk, in a floodplain, in a geologic hazard zone, in a high noise environment, or on/adjacent to sites involving hazardous substances.

4.1 AESTHETICS

4.1.1 Environmental Setting

4.1.1.1 *Existing Conditions*

The project site is comprised of one warehouse structure and a 1,700 square foot one-story, wood-framed office structure. The structures on-site were constructed the 1960s. The warehouse is comprised of corrugated metal with a gable roof and is in poor condition. The office structure is comprised of wood paneling. Based on a historic evaluation completed for the 2009 Downtown Specific Plan, the on-site structures have a utilitarian character and do not represent a distinct architectural style.

The project site is mostly comprised of concrete surfaces with unpaved surfaces on the southern end of the site and landscaping at the northern end of the site.

One tree, a cottonwood, with a trunk circumference of 56 inches is on the site and approximately 25 street trees surround the site on Depot Street and Third Street. Views of the project site are shown in Photos 1 and 2 below.

4.1.1.2 *Surrounding Visual Character*

The Specific Plan area 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. The buildings throughout the area are one- or two-stories tall, and are either of wood-frame, masonry, metal, or stucco construction.

The project site is surrounded by one- to two-story residences and commercial buildings primarily comprised of stucco and concrete. The Caltrain station, including a surface parking lot and a one-story café/restaurant, and UPRR tracks are east of the site. A new three-story City-owned parking garage, primarily comprised of concrete, is to the west of the site. Views of the project site's surroundings are shown in Photos 3 and 4.

4.1.1.3 *Scenic Vistas and Resources*

The project site has been developed and no natural scenic resources such as rock outcroppings are present on the site or immediately adjacent to the site. The project area does not contain designated scenic vistas and is not located near a scenic highway. The nearest state-designated highway is State Route (SR) 9, approximately 20 miles northwest of the site (at the SR 17 interchange). As disclosed in the Downtown Specific Plan MEIR, Nob Hill (hillside) is to the west of the site and is visible from Depot Street, between East Third Street and East Fourth Street.

Photo 1: View of the site and adjacent parking structure from East Fourth Street looking north.

Photo 2: View of the on-site warehouse, office structure, and cottonwood tree, looking north.

Photo 3: View of the site and adjacent commercial gym from East Third Street, looking south.

Photo 4: View of Depot Street, Caltrain parking lot, and hillsides to the east of the project site.

4.1.2 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:						
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒	☐	1-3
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒	☐	1-4
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒	☐	1-3
d) Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?	☐	☐	☐	☒	☐	1-3

Downtown Specific Plan MEIR – Visual and Aesthetic Resource Conclusions

The Downtown Specific Plan MEIR concluded development allowed under the Specific Plan would be consistent with 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. The MEIR also concluded that development under the Specific Plan would not substantially increase light or glare in the area.

4.1.2.1 *Impacts to Scenic Views or Scenic Resources*
(Checklist Questions a and b)

The project site is not located along a state scenic highway. Views of the project site area are limited to the immediate area. The proposed project would not block views of Nob Hill to the north since views from developments south of the site are obstructed by existing development.

Trees are considered visual resources in urban environments since they contribute to aesthetic interest and character. There is one non-native tree, a cottonwood tree with a trunk circumference of 56 inches, on the project site. Twenty five street trees surround the site. Although these trees would be removed, approximately 55 trees would be planted in accordance with City policies to offset the aesthetic effects of tree removal.

Redevelopment of this site, therefore, would not have a significant adverse effect on a scenic vista or damage scenic resources within a state scenic highway.
[Same Impact as Approved Project (Less Than Significant Impact)]

4.1.2.2 *Impacts to Visual Character*
(Checklist Question c)

The project would develop a five-story, 83-unit residential mixed-use development with 6,000 square feet of retail/restaurant space. The fifth floor would consist of lofts of 10 two-bedroom apartments on the fourth floor, which would front Depot and East Fourth Streets. The proposed building's façades would primarily be comprised of stucco and brick with vinyl windows and a mixture of flat and gable roofs. The building would be U-shaped and would front East Third Street.

The Downtown Specific Plan provides guidelines and development standards for mixed use residential, office, and retail buildings within a developed urban area. The Downtown Specific Plan MEIR disclosed that new buildings would generally range from two to four stories in height with the possibility of buildings taller than four stories being proposed on key large sites under a Planned Development/Specific Plan Zoning Amendment. The project site is considered a key large site in the Downtown which could have greater intensity of development to act as a Downtown landmark. The Downtown MEIR acknowledged buildings allowed under the Specific Plan would be taller than existing buildings in the area, as the proposed five story residential mixed-use development would be.

Consistent with the Downtown Specific Plan, the proposed development would include ground floor retail space facing Third Street. 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 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.

The proposed project is consistent with the Specific Plan Design Guidelines, including guidelines for mixed-use building facades. For these reasons, the allowed development is not expected to substantially degrade the existing visual character of the Specific Plan project area. **[(Less Than Significant Impact) Same Impact as Approved Project]**

4.1.2.3 *Light and Glare Impacts*
(Checklist Question d)

Residential mixed-use development at the project site would incrementally increase light and glare due to the new building surfaces, vehicles traveling to and from the development, and lighted buildings and streets. The light and glare created by the project's mixed-use development would be consistent with the levels of light and glare currently emitted by the surrounding residential and commercial development, would be typical of an urban area, and is not considered substantial.

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 (refer to DG-O2 in Section 4.10.2.1, *Land Use Impacts from the Project*). The design guidelines also prohibit the inappropriate use of mirrored and tinted glass such as in upper floor windows (refer to Design Guideline DG-B2, *Provide Ground-Floor Storefront Windows and Vertically Oriented Upper-Floor Windows* in the Morgan Hill Downtown Specific Plan). The proposed development's light fixtures would minimize

spill over and would comply with the guidelines for windows. For these reasons, the proposed project would not result in significant new sources of light or glare. **[(Less Than Significant Impact) Same Impact as Approved Project]**

4.1.3 Conclusion

The proposed project is consistent with 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])**

The proposed project would not result in a substantial 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 FORESTRY RESOURCES

4.2.1 Environmental Setting

The *Santa Clara County Important Farmland 2012* 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. The project site is developed with structures and concrete paving and not currently used for agricultural purposes.

The project site is not subject to a Williamson Act contract. The site is not a forest resource, nor are there forest resources in its surrounding areas. There are no agricultural or forest land uses located adjacent to the project site.

4.2.2 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:						
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	☐	1-3, 5
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	☐	1, 3, 6, 7
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒	☐	1, 3, 6, 7
d) Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	☐	1, 3

	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:						
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒	☐	1-3, 5

Downtown Specific Plan MEIR - Agricultural Resource Conclusions

The Downtown Specific Plan MEIR disclosed that the Specific Plan area does not contain agricultural land of any type. Therefore, development under the Specific Plan would have no impact on agricultural resources.

4.2.2.1 *Agricultural and Forest Resource Impacts*
(Checklist Questions a-e)

The project site is 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 site as *Central Business District (CBD)* and *Downtown Ground Floor Overlay District* which does not include agriculture as a permitted or conditionally permitted land use.

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

4.2.3 Conclusion

The proposed project would not result in any new or more significant impacts to agricultural, forestry or timberland resources on the project site or project area than addressed in the Downtown Specific Plan EIR. **[Same Impact as Approved Project (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 for the Morgan Hill Downtown Parking Structure Addendum. This report is available at the City's Community Development Department.

4.3.1 Environmental Setting

A brief summary of air quality and pollution is provided below. Additional information on criteria air pollutants, toxic air contaminants (TACs), and the regulatory standards governing emissions of those pollutants is disclosed Chapter 3.4 of the Downtown Specific Plan MEIR.

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 site is 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 *Existing Conditions*

The site contains a warehouse and an older office structure. Air pollution generated by the existing development primarily results from current demolition activities, vehicles traveling to and from the project site, and to a lesser extent from wind blowing across un-vegetated areas of the site.

4.3.1.2 *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, school 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.

4.3.2 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:						
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒	☐	1,3,8
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒	☐	1, 3, 8, 9
c) 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, 3, 8, 9
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒	☐	1, 3, 9
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒	☐	1, 3, 8

Downtown Specific Plan MEIR – Air Quality Conclusions

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 (PM10). 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 Specific Plan area from existing sources of TACs as well as impacts to nearby sensitive receptors from construction-related TACs were found to be less than significant.

4.3.2.1 *Clean Air Plan Consistency*
(Checklist Question a)

The proposed residential mixed-use development is consistent with the development assumptions in the Downtown Specific Plan and, therefore, is consistent with the development and population growth projections that were evaluated in the Downtown Specific Plan MEIR.[1] 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, would be consistent with the City of Morgan Hill's Residential Development Control System (RDCS) population cap, and also would include 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*
(Checklist Questions b and c)

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 residential 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. 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])**

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.

[1] The Downtown Specific Plan assumed that 232 residential units and 39,981 square feet of retail space would be developed for Block 4. The project site is within Block 4 (identified in the Specific Plan).

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 Downtown Specific Plan 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. Since the proposed is development below the construction and operational screening size for criteria air pollutants (494 dwelling units for operations and 240 dwelling units for construction of mid-rise apartment buildings; and 47,000 square feet and 277,000 square feet for operations and construction of restaurants, respectively), the project alone would not result in significant criteria air pollutant emissions. The proposed project would contribute, however, to the significant unavoidable cumulative criteria pollutant air quality impacts identified for development of the Plan Area in the Downtown Specific Plan EIR.

Mitigation Measures: The following measures were included in the Downtown Specific Plan MEIR to reduce operational criteria pollutant impacts. The project shall implement the following measures from an Air Quality and Transportation Demand Management (AQ-TDM), as conditions of project approval:

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 sidewalks and/or paths, connecting project residences to adjacent schools, parks, the nearest transit stop and nearby commercial areas.
- 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.

MM AQ-2: Private residential parking facilities of 50 spaces or more shall include the following amenities:

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

Safe access to the nearby Caltrain/VTA transit station from the project site is provided by the crosswalk at Depot Street and Fourth Street as well as at the stop-controlled intersection of Depot Street and Third Street. There are existing bulb-outs at these locations as well. The mixed use development would not include any wood burning devices.

The proposed project would be consistent with the Downtown Specific Plan and with the mitigation measures for regional air emissions from the Downtown Specific Plan MEIR. The project would, however, contribute to the significant impact on regional air quality that was disclosed in the Downtown Specific Plan MEIR. [**(Significant Unavoidable Impact [Same as Impact Approved Project])**

4.3.2.3 *Impacts to Nearby Sensitive Receptors: Toxic Air Contaminants* *(Checklist Question d)*

The Specific Plan MEIR disclosed that development under the Specific Plan would require various diesel-powered equipment. 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 Third and Fourth Streets. Though the Specific Plan MEIR found less than significant construction-related TAC impacts, due to the proximity of sensitive receptors and updated BAAQMD CEQA Guidelines, construction of the proposed project has the potential to result in a significant community risk impact.

Impact AQ-3: Construction emissions from development of the proposed project could result in significant TAC impacts to nearby sensitive receptors.

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-3.1: 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 the project site in 2014, 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 [Same as Impact Approved Project])**

Fugitive Dust Emissions: 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.

Impact AQ-4: Demolition and construction activities for the proposed project may generate construction-period exhaust and fugitive dust emissions that would temporarily affect local air quality.

Mitigation Measures: The following mitigation measures were disclosed in the Downtown Specific Plan MEIR and would be implemented for the proposed project to reduce impacts of construction-period exhaust and fugitive dust emissions to a less than significant level:

MM AQ-4.1: All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day;

MM AQ-4.2: All haul trucks transporting soil, sand, or other loose material off-site shall be covered;

MM AQ-4.3: 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;

MM AQ-4.4: All vehicle speeds on unpaved roads shall be limited to 15 mph;

MM AQ-4.5: 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;

MM AQ-4.6: 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;

MM AQ-4.6: 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

MM AQ-4.7: 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])**

4.3.2.4 *Odor Impacts*
(Checklist Question e)

The project would generate localized emissions of diesel exhaust during equipment operation and truck activity. The odor emissions may be noticeable from time to time by adjacent receptors; however, the odors would be localized and temporary and are not likely to affect people off-site. The proposed project residential mixed-use development would not be a source of new odors in the area. **(Less Than Significant Impact [Same Impact as Approved Project])**

4.3.2.5 *Existing Air Quality Conditions Affecting the Project*

The California Supreme Court in a December 2015 opinion (*BIA v. BAAQMD*) confirmed CEQA is concerned with the impacts of a project on the environment, not the effects the existing environment

may have on a project; nevertheless the City complies with BAAQMD Air Quality Guidelines that address existing conditions (e.g. air quality) affecting a proposed project, which are addressed below.

Due to the proximity of the project 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 project 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 and the project would comply with BAAQMD guidelines.

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])**

Mitigation measure MM AQ-3 will ensure that construction of the proposed 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 sensitive receptors 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 upon an Arborist Report completed by *Kielty Arborist Services* in March 2014 for the Morgan Hill Downtown Parking Structure Addendum. This report is available on file at the City's Community Development Department.

4.4.1 Environmental Setting

4.4.1.1 *Existing Conditions*

The project site is approximately 1.7 acres in size, is relatively flat and is 350 feet above mean sea level (amsl). The project site is developed with structures and concrete, non-native grasses, one City-protected tree (a non-native cottonwood tree). Twenty five street trees surround the site on Depot and Third Streets. 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 *Applicable Plans, Policies, and Regulations*

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 the cottonwood tree 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.

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)). All street trees, regardless of the type of tree are considered to be significant trees.

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.

One non-native tree on the site is protected under the City's Municipal Code, as its trunk circumference is 56 inches. The project site is surrounded by 25 street trees on Depot and Third Streets.

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 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:						
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	☐	☐	☐	☒	☐	1, 3
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	☐	☐	☐	☒	☐	1, 3
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒	☐	1, 3
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	☐	☐	☐	☒	☐	1, 3
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒	☐	1, 3, 10
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒	☐	1, 3, 11

Downtown Specific Plan MEIR – Biological Resources Conclusions

The Downtown Specific Plan MEIR concluded that due to the highly urbanized nature of the Specific Plan area, development under the Specific Plan would not result in impacts to specific-status plant and wildlife species, with the exception of raptors (birds of prey) that could use the trees in the area for nesting. Implementation of mitigation measures would reduce the impacts of development on raptors to a less than significant level.

4.4.2.1 *Impacts to Sensitive Habitat*
(Checklist Questions b-d)

There are no sensitive habitats on the project site, including areas of high biological diversity, areas providing important wildlife habitat, or unusual or regionally restricted habitat types. Redevelopment of the site with a residential mixed-use development would not affect a federally protected wetland nor have a substantial adverse effect on any riparian habitat or other sensitive natural communities. **(Less Than Significant Impact [Same as Approved Project])**

4.4.2.2 *Impacts to Special Status Species*
(Checklist Question a)

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 site is 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 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 site, 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.

Standard Measures: The loss of reproductive effort for burrowing owls would result in a significant impact. In conformance with the City's Burrowing Owl Habitat Mitigation Plan and Downtown Specific Plan MEIR, the proposed project shall include the following measures to avoid impacts to burrowing owls:

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

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

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

Conformance with the City's Burrowing Owl Habitat Mitigation Plan (or any adopted HCP/NCCP), including standard measures, SM BIO-1 through SM BIO-3, would ensure impacts to burrowing owls would be less than significant. [**(Less Than Significant Impact) Same Impact as Approved Project]**

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 unoccupied 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: If removal of trees on the project site could be scheduled between September and December (inclusive) to avoid the raptor nesting season, 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 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])

4.4.2.3 *Impacts to City-Protected Trees*
(Checklist Questions e)

There is one City-protected tree, a 56-inch cottonwood tree, on the project site that is considered significant under the City of Morgan Hill's Municipal Code. There are 25 street trees surrounding the site along Depot and Third Streets that are also considered significant[2]. All of these trees are proposed for removal. Per the City's Municipal Code 12.32.080, significant native trees that are not transplanted are required to 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. Tree removal and planting activities will be in accordance with the City's Municipal Code and Specific Plan MEIR standard measure SM BIO-5 (SM BIO-4 in this Addendum). No native oak trees are located on or adjacent to the site. Approximately 55 trees, including red maple, citrus, palo verde, olive, English oak, yellow-wood, would be planted to replace the existing on-site cottonwood tree and street trees proposed for removal.

Standard Measures: Removal of significant trees could result in a significant impact to the environment. In accordance with City of Morgan Hill Municipal Code, standard significant tree removal ordinance procedures and the proposed Specific Plan design guidelines, the proposed project would implement the following measures to avoid impacts to significant trees:

SM BIO-4: Prior to the removal of any tree or community of trees on any City or private property in the Specific Plan project area a tree removal permit would be required from the Community Development Director which would include a description of the tree replacement program and identify any additional conditions imposed by the City. Alternatively, the City's ordinance section 12.32.070(B) allows the Community Development Director to grant a tree cutting permit where utilization of the property is of greater public value than the environmental degradation caused by the action. Tree removal may also occur without a permit if the removal will take place in accordance with an approved landscape plan. [MHMC 12.32.030, 12.32.040, 12.32.060] **[(Less Than Significant Impact) Same Impact as Approved Project]**

[2] Based on the City of Morgan Hill's tree ordinance, street trees of any size or species are considered significant.

4.4.2.4 *Consistency with Habitat Conservation Plan/Natural Community Conservation Plan*

(Checklist Question f)

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/Suburban".[3] 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 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 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[4] 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 proposed 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)**

[3] According to the Santa Clara Valley HCP/NCCP "Geobrowser" (http://www.hcpmaps.com/habitat/) accessed on December 20, 2016.

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

4.4.3 Conclusion

The proposed project, with the implementation of the above measures, would not result in any new or more significant impacts to biological resources than those addressed in the certified Downtown Specific Plan MEIR. **[Same Impact as Approved Project (Less than Significant Impact with Mitigation)]**

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. These reports are on file with the City of Morgan Hill Community Development Department.

4.5.1 Environmental 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.[5]

According to the City's Archaeological Sensitivity Map,[6] much of the Downtown area, including the western portion of the project 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 the project site is Grange Hall (40 East Fourth Street), which fronts East Fourth Street and is across the street from the site. No historic districts have been identified within the Specific Plan area.

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

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 680 feet northeast of the project 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 site by two other non-historic residences (approximately 280 feet west of the site). The two other structures evaluated in November 2008 (17365 to 17385 Monterey Road and 91 East Fourth Street[7]) 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 Project Site

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

[7] 91 East Fourth Street is located on the northeast corner of the project site.

March 2014 report confirmed the 2009 conclusions remained accurate concerning historic resources in the Downtown and that none of the existing structures on the project site are identified as historic resources of local, state or national significance, nor do they meet the criteria for historic resource listings. The former Sunsweet Dryer Facility (91 East Fourth Street), which was constructed on the project site in 1960, was evaluated by CIRCA in November 2008 and did not qualify for historical significance.

Historic Resources within Proximity to the Proposed Project Site

Based on the Downtown MEIR and 2008 historic evaluations, 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 south of the project site.

Photo 5: 40 East Fourth Street (Grange Hall)

The properties at 35, 55, 57, 65, and 75 East Third Street (and approximately 75-150 feet north of the project 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 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:						
a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines Section 15064.5?	☐	☐	☐	☒	☐	1, 3, 12 13
b) Cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5?	☐	☐	☐	☒	☐	1, 3
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☐	☐	☒	☐	1, 3
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒	☐	1, 3

Downtown Specific Plan MEIR - Cultural Resources Conclusions

As described in the Downtown Specific Plan MEIR, with the implementation of standard measures, development under the Downtown Specific Plan would not result in significant impacts to buried materials, including archaeological and paleontological resources, or historic resources.

4.5.2.1 *Impacts to Archaeological and Paleontological Resources* *(Checklist Question b-d)*

Archaeological Resources

Consistent with the conclusions in the Downtown Specific Plan MEIR, the project 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 site could result in impacts to buried archaeological resources during soil disturbing activities.

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, SM CULT-1 and SM CULT-2, were disclosed in the Downtown Specific Plan MEIR for projects to implement in order to reduce impacts to archaeological resources.

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. Implementation of standard measures, SM CULT-1 and SM CULT-2, would ensure that development on the project site would not result in significant impacts to archaeological resources:

SM CULT-1: Since the site 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. **[(Less Than Significant Impact) Same Impact as Approved Project]**

Paleontological Resources

The project would excavate to a depth of approximately five feet to construct the below grade parking level. Given that the proposed project would not require excavation below five feet below ground surface, paleontological resources would not likely be discovered during construction. The project would, therefore, not result in a significant impact to paleontological resources. **[(Less Than Significant Impact) Same Impact as Approved Project]**

4.5.2.2 *Impacts to Historic Buildings*
(Checklist Question a)

The existing on-site structures 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.

The properties at 35, 55, 57, 65, 75 East Third Street (75 to 150 feet away from the site) were evaluated and found to retain a high degree of material integrity. The property at 40 East Fourth Street (1907) is the Grange Hall and is a historic resource (approximately 50 feet from the site). The

Grange Hall and the properties on East Third Street are located at a distance sufficiently away from the proposed project that no direct impact is anticipated. Protective measures will be taken to avoid indirect impacts. Care will 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 proximity to adjacent buildings and therefore construction on the project site, 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 conditions of approval to protect archaeological resources, the proposed project would have a less than significant impact on archaeological resources. The project would not have a significant impact on paleontological or historic resources. **(Less Than Significant Impact [Same Impact as Approved Project])**

4.6 GEOLOGY AND SOILS

4.6.1 Environmental Setting

4.6.1.1 *Topography*

Downtown Morgan Hill is located on the floor of the Santa Clara Valley. The elevation at the project site is approximately 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 site primarily consists of Late Pleistocene alluvium (Qpa), which consist of weakly consolidated, slightly weathered, poorly sorted, irregular interbedded clay, silt sand and gravel units. The surficial soils on the project site are classified as San Ysidro loam, 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* M*a*p, the project site is not within a landslide hazard zone.

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 site. 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 site is not located in a fault rupture hazard zone.

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

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.[8] According to the County's *Geologic Hazard Zones* Map, the Specific Plan project area is not located within a liquefaction hazard zone.

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 site is 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 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:						
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:						
1. 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, 3, 14, 15
2. Strong seismic ground shaking?	☐	☐	☐	☒	☐	1, 3, 14-16
3. Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒	☐	1, 3, 14, 16
4. Landslides?	☐	☐	☐	☒	☐	1, 3, 14, 16

[8] City Morgan Hill. *Morgan Hill Downtown Specific Plan Master EIR*. Adopted November 2009.

	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:						
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒	☐	1, 3
c) 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, 3, 14, 15, 16
d) 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, 3
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒	☐	1, 3

Downtown Specific Plan MEIR - Geology and Soils Conclusions

As described in the Downtown Specific Plan MEIR, with the implementation of standard measures and recommendations of a project-specific design-level geotechnical engineering report, and conformance with City-adopted Building and Fire codes, development at the project site would not result in significant geological impacts. The EIR concluded that implementation of standard measures for soil erosion would reduce the project's erosion impacts to a less than significant level.

4.6.2.1 *Soil Impacts*

(Checklist Questions b, d, e)

Soil Conditions

Soils on the project site 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).

Standard Measures: In accordance with the City of Morgan Hill standards, the project shall implement the following measures to reduce and/or avoid soil hazards. Implementation of the

standard measure, SM GEO-1, 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 proposed residential mixed-use development shall be built using standard engineering and seismic safety design techniques. Prior to issuance of development permits, building design and construction at the site shall 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 2013 California Building Code Chapter 16, Section 1613, 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.

Capability of Soils

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

Soil Erosion

Ground disturbance would be required for removal of the existing building foundations, grading, trenching, and construction of the proposed project. Ground disturbance would expose soils and increase the potential for wind or water related erosion and sedimentation at the site until construction is complete.

The Downtown Specific Plan MEIR disclosed a standard measure that would reduce erosion impacts from project construction (SM GEO-2). Since the preparation the MEIR, the City developed standard conditions to avoid significant soil erosion impacts during construction. The following conditions shall supersede the previous measure.

Standard Condition (SC GEO-1), Storm Drain System: 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.

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

Standard Condition (SC GEO-2), Storm Drain System: As required by the State Water Resources Control Board (SWRCB) Order No. 99-08-DWQ, construction activity resulting in a land disturbance of one acre or more of soil, or whose projects are part of a larger common plan of development that in total disturbs more than one (1) acre, are required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity (General Permit). To be permitted with the SWRCB under the General Permit, owners must file a complete Notice of Intent (NOI) package and develop a Storm Water Pollution Prevention Plan (SWPPP) Manual in accordance with Section A, B, and C of the General Permit prior to the commencement of soil disturbing activities. A NOI Receipt Letter assigning a Waste Discharger Identification number to the construction site will be issued after the State Water Resource Control Board (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. The SWPPP shall be made a part of the improvement plans. (SWRCB NPDES General Permit CA000002)
[Less Impact than Approved Project (Less Than Significant Impact)]

4.6.2.2 *Seismic Hazards*

(Checklist Question a, c)

Seismic Hazards

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

Since the soils on the site are not prone to liquefaction nor is the site 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])**

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 proposed residential mixed-use 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 engineering report and with the California Building Code, and conformance with the City's standard conditions of approval would avoid geology and soil impacts at the project site. **(Less Than Significant Impact [Same as Approved Project])**

4.7 GREENHOUSE GAS EMISSIONS

4.7.1 Environmental 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).[9] 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,[10] 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.

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-

[9] 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.

[10] 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.

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. Senate Bill (SB) 32 was signed into law in September 2016. The recently signed SB 32 legislation amends provisions of AB 32, the California Global Warming Solutions Act of 2006 (Health and Safety Code Division 25.5), to require CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by December 31, 2030.

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[11] of 10,000 metric tons of CO_{2e} a year also was adopted.

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

The project size, up to 83 apartment units, is below the BAAQMD operational screening size (87 dwelling units for mid-rise apartment developments) for GHG emissions. The retail and office space at the site would also be below BAAQMD's operational screening size thresholds (9,000 square feet threshold for restaurants and 53,000 square feet 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 project site consists of one warehouse and a one-story, 1,700 square foot office structure. GHG emissions primarily result from generation of electricity (i.e., for lighting, cooling, pumping water), demolition activities, and vehicle trips. A small amount of GHG emissions are generated by the breakdown of solid waste from the site.

4.7.2 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:						
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☒	☐	1, 3, 8
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒	☐	1, 3, 8

Downtown Specific Plan MEIR - Greenhouse Gas Emissions Conclusions

Greenhouse gas emissions are discussed in the Section 5.2.5, *Cumulative Global Climate Change Impacts* of the Downtown Specific Plan MEIR. Implementation of air quality and energy mitigation and avoidance measures would reduce greenhouse gas emissions impacts from buildout of the Specific Plan to a less than significant level.

4.7.2.1 *Construction Greenhouse Gas Emissions (Temporary Emissions)* *(Checklist Question a)*

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 would help minimize greenhouse gas emissions generated from the 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 project site is in an urban setting close to construction supplies and equipment, and construction of the project would 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)* *(Checklist Question a)*

GHG (e.g., carbon dioxide, methane, and nitrogen dioxide) from operations of the project would 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 square feet of retail space and 85,590 square feet 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. The proposed residential mixed-use development is 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. Additionally, the project residents would have direct, convenient access to transit (including buses and the Caltrain) as well as retail and commercial opportunities in close walking distance to the site.

Area Sources

The Downtown Specific Plan MEIR analyzed area source emissions in the form of 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 residential mixed-use development is 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 development is 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 site 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*

(Checklist Questions a and b)

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 and residences near transit (Caltrain Station). The proximity of the proposed project to transit would reduce the growth rate of vehicle miles traveled and reliance on petroleum fuels.

The proposed 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 proposed development will not conflict with plans, policies or regulations adopted for the purpose of reducing GHG emissions.

Based on BAAQMD's CEQA Guidelines, GHG emissions from the proposed 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.

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.

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 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 shall 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 shall 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 shall 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: The proposed project shall, 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: The proposed project, 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: The proposed project shall 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 shall meet the minimum points required in the energy category of both checklists.

AM ENER-1.8: The proposed project shall, 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 percent 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: The proposed project shall incorporate solar hot water heating systems, to the extent feasible, to reduce energy use. **(Less Than Significant Impact) [Same as Approved Project])**

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

4.8.1 Environmental Setting

The following discussion based in part upon a Phase I Environmental Site Assessment (Phase I ESA) and Phase II ESA prepared for the project site by *GeoSolve, Inc*. in 2014. These reports are currently on file with the City's Community Development Department.

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 site 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 Specific Plan 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.[12] 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
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

[12] 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 December 21, 2016.

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-1.1and 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

Due to the age of the structures in the Specific Plan area, the existing structures in the plan area may contain asbestos and lead-based paint. 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:

- 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 *Existing Site Conditions*

Project Site Uses

The project site is approximately 1.7 acres and is currently used for commercial and light industrial purposes. A summary of the site's current uses provided in Table 4.8-2.

Table 4.8-2: Current Project Site Uses

Address	Current Site Use
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.
0 Depot Street[13]	This parcel is occupied by a small office structure.

The site was formerly used as a fruit processing facility (at 1940s to 1987). Other historic site uses are listed in Table 4.8-3.

Table 4.8-3: 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.
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.

[13] "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 4.8-3: Site Historic Uses	
Time Period	**Historic Site Use**
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 Phase I ESA, no visual evidence of underground or aboveground storage tanks (USTs or ASTs) were identified at the 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 project 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 office structure (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. Due to the age of the structures on the project site, ACMs and lead-based paint may be present on the site.

Other Environmental Concerns

Since the project 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*

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

- Potential presence of PCBs, metal and organochloride pesticide residues within the surficial soil associated with past fruit processing and drying procedures;
- Possible presence of metals, petroleum-hydrocarbons and chlorinated hydrocarbon residues within the subsurface soil and groundwater beneath the site; and
- 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 site includes a mix of commercial, office and residential uses. During the early 1900s, the project vicinity consisted of mainly residential properties, along with railroad

tracks 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 Depot Street. An increase in residential and commercial development, along with a decrease in agricultural land occurred between the 1980s and 2000s in the site's vicinity.

Off-Site Sources of Contamination

Based on a regulatory database search of properties within 1,000 feet of the project site, 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 4.8-4: 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.

4.8.1.7 *Other Hazards*

Airport Safety Hazards

The project site is 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. Since the site is not within the airport influence area (AIA) of an airport, it is not subject to Santa Clara County Airport Land Use Commission (ALUC) evaluation. The project site is 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 to the project site are El Toro Elementary School and Britton Middle School, which are approximately 0.4 miles and 0.3 miles from the site, respectively. Construction of the project would, therefore, not occur within one-quarter mile of a school.

Wildfires

The project site is bordered by urban development. The site is within the City limits and is not within a State of California Very High Fire Hazard Severity Zone at the wildland and urban interface.

4.8.1.8 *Applicable Plans, Policies and Regulations*

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 Specific Plan MEIR.

4.8.2 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:						
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒	☐	1, 3, 17
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒	☐	1, 3, 17
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒	☐	1, 3, 9
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	☐	☐	☐	☒	☐	1, 3, 17
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	☐	1, 3, 18
f) 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, 3
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	☐	1, 3

	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:						
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☐	☐	1, 3, 19

Downtown Specific Plan MEIR – Hazards and Hazardous Materials Conclusions

The Downtown Specific Plan MEIR concluded that with the implementation of mitigation measures for soil and/or groundwater contamination disclosed in the EIR, development under the Specific Plan would have a less than significant impact on the public or environment. With implementation of standard measures to reduce impacts of hazardous building materials, development under the Specific Plan would have a less than significant impact on construction workers and the public.

4.8.2.1 *Impacts from Construction and Operations at the Site*

(Checklist Questions a and c)

The proposed residential mixed-use development would routinely use limited amounts of cleaning materials and would not generate substantial hazardous emissions or accidental chemical releases from hazardous materials use, storage, or transport. As applicable, current regulations and programs for regulated hazardous materials use would reduce impacts to a less than significant level.

The implementation of mitigation measures MM HAZ-1.1 during construction would ensure that contaminated soils are properly stored, and transported for disposal, to avoid chemical releases into the environment. The nearest schools to the site, El Toro Elementary and Britton Middle School, are approximately 0.4 miles and 0.3 miles, respectively, from the site. Due to the distance of the site from nearby schools, the project impacts of hazardous construction emissions and hazardous wastes on nearby schools would be less than significant. **[Same Impact as Approved Project (Less Than Significant Impact)**

4.8.2.2 *Impacts of Soil Contamination and Hazardous Building Materials*

(Checklist Questions b and d)

The former on-site Sunsweet facility at 91 East Fourth Street is listed as a closed LUST case on State Water Control Board's database. 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 to the public or environment.

No groundwater was encountered on the site (borings were advanced up to 44 below ground surface). Since excavation of the proposed project would only be up to five feet below ground surface, 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 project site.

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 project site.

Mitigation Measure: 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 residents to hazardous materials to a less than significant level.

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

Hazardous Building Materials

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

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. 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.

4.8.2.3 *Other Hazards*

Airport Safety Hazard
(Checklist Question e)

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

Private Airstrip
(Checklist Question f)

The project site is not within the vicinity of a private airstrip; therefore, the proposed development would not result in a safety hazard in relation to a private airstrip. **(No Impact [Same as Approved Project])**

Emergency Response
(Checklist Question g)

The proposed residential mixed-use development project 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])

Wildfires
(Checklist Question h)

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 site is within the City limits and is 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])

4.8.2.4 *Off-Site Contamination Impacts on the Project*

Regulatory database searches were completed for contaminated or potentially contaminated properties (or hazardous waste handlers) surrounding the project site. 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 or future residents on the project site.

4.8.3 Conclusion

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 [Same as Approved Project])**

With the implementation of MM HAZ-1, 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 with Mitigation [Same as Approved Project])**

The project site is not located within an airport land use plan airport influence area nor is it 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 project site is 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 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 site is located in an urbanized area and is not adjacent to wildland areas. The proposed 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 Environmental Setting

The Downtown and surrounding area of Morgan Hill are located on the floor of the Santa Clara Valley and are developed. The project site is approximately 350 feet above mean sea level (amsl) and the topography of the project area slopes gradually to the south. The project site is 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 site is collected via a 30-inch storm drain on Depot Street and ultimately discharged into the Monterey Bay. Since the project site is west of the UPRR tracks in the Specific Plan area, the site is 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)[14] designates project site as Zone AE, which is an area subject to inundation by the one percent annual chance flood event (100-year flood).

Dam Failure

Dams located near Morgan Hill include Anderson Dam and Chesbro Dam. The project site is located within the Anderson Dam failure inundation area.

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 site is 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.

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 site is not located within a tsunami inundation area.

[14] Federal Emergency Management Agency (FEMA). *Flood Insurance Rate Map. Santa Clara County, California. Map Number 06085C0444H.* May 2009.

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.[15] The project area is relatively flat and there are no hillsides adjacent to the site. Therefore, the project site is 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 project 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 site is likely below 44 feet below ground surface;[16] however, variable depths between approximately nine and 80 feet have been reported in the vicinity.[17] 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 site is situated over the Llagas groundwater subbasin which drains to the south toward the Pajaro River and eventually Monterey Bay.[18]

[15] U.S. Geological Survey. *Landslide Hazards*. USGS Fact Sheet FS-071-00. May 2000.
[16] Based on a Phase II ESA investigation completed by GeoSolve in 2014, borings were advanced to 44 feet below ground surface and no groundwater was encountered.
[17] Cornerstone Earth Group. *Phase I Environmental Site Assessment Downtown Parking Structure Locations, Morgan Hill, California*. March 2014.
[18] Santa Clara Valley Water District. *2012 Groundwater Management Plan.* July 2012.

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[19] is the Central Coast Regional Water Quality Control Board (RWQCB).[20] 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.[21] 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 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.

[19] Santa Clara Valley Water District. *Uvas-Llagas Watershed Map.* <http://www.valleywatercompplan.org/watersheds/view/449 > Accessed July 28, 2011.
[20] 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.
[21] California State Water Resources Control Board, "Total Maximum Daily Load Program," http://www.waterboards.ca.gov/water_issues/programs/tmdl/303d_lists2006_epa.shtml, viewed December 20, 2016.

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,[22] a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) must be prepared prior to commencement of construction.[23]

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 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:						
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒	☐	1, 3

[22] 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 December 21, 2016.

[23] 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 December 21, 2016.

	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:						
b) 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, 3
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on-or off-site?	☐	☐	☐	☒	☐	1, 3
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site?	☐	☐	☐	☒	☐	1, 3
e) 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, 3
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒	☐	1, 3
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒	☐	1, 3, 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:						
h) Place within a 100-year flood hazard area structures which will impede or redirect flood flows?	☐	☐	☐	☒	☐	1, 3, 20
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒	☐	1, 3
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	☐	1, 3

Downtown Specific Plan MEIR – Hydrology and Water Quality Conclusions

With the implementation of standard measures, the Downtown Specific Plan EIR concluded that development under the Specific Plan would not increase stormwater runoff and would not exceed the capacity of planned stormwater drainage facilities. Development under the Specific Plan would result in less than significant flooding, water quality, and groundwater supply impacts from the project.

4.9.2.1 *Impacts to Drainage*

(Checklist Questions c-e)

The Sunsweet site is approximately 1.7 acres (71,700 square feet); approximately 24,525 square feet of the site consists of pervious surfaces.

The proposed residential mixed-use development would add 16,320 square feet of impervious surfaces to the site. At completion of project construction, the project site would increase impervious surfaces on the site by approximately 23 percent, leaving the site nearly covered in impervious surfaces.

Stormwater runoff from the site would be collected via new two to 12-inch storm drains directed to underground rain tanks (four total) or directly to the City's existing stormwater system. The rain tanks would regulate stormwater flow into the City's existing stormwater system. Stormwater from the site would be directed to the City's existing 30-inch storm drain on Depot Street. Stormwater would also be directed to bioswales along the property line on Fourth Street to reduce the amount of stormwater runoff collected by 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 project 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: The project applicant 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 *Impacts to Water Quality*

(Checklist Questions a and f)

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.

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. Once grading begins, a SWPPP will be kept on-site and updated as needed

while construction progresses. [**(Less Than Significant Impact) Same Impact as Approved Project]**

Post-Construction Phase Impacts

The proposed development would result in an increase in impervious surfaces and could increase stormwater runoff in the project area.

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

4.9.2.3 *Impacts to Groundwater*
(Checklist Question b)

The operational groundwater storage capacity for the Llagas groundwater sub-basin ranges from 152,000 to 165,000 acre-feet.[24] Redevelopment allowed in the Specific Plan project area (which accounts for the proposed development at the project site) would increase water demand by approximately 495 acre-feet per year (AFY) by 2030. Based on the 2015 Urban Water Management Plan, approximately 22,500 AFY of groundwater supply would be available to the City in 2030. Since the 2015 UWMP accounts for development under the Specific Plan and the project is consistent with the Specific Plan, the project's water demand would be consistent with the UWMP projections. Therefore, it is anticipated that the City's groundwater supply would be able to meet the water demand of the proposed project based on projected 2030 development.

Groundwater beneath the project site is likely below 44 feet below ground surface. The project would include excavation of up to approximately five feet below ground surface. 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])**

4.9.2.4 *Impacts to the Project from Flooding*
(Checklist Questions g-i)

As disclosed in the Downtown Specific Plan MEIR, the proposed development would be within the 100-year floodplain of West Little Llagas Creek and subject to flooding during the lifetime of building. Pending completion of the flood control improvements included in PL 566, the site may experience flooding during severe storms.

Standard Measures: In accordance with City of Morgan Hill standards and Downtown MEIR, the proposed project 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 project site 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

[24] Santa Clara Valley Water District. 2016 Groundwater Management Plan. November 2016.

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 site 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 site is 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.[25] **(Less Than Significant Impact [Same as Approved Project])**

Seiches, Tsunamis, and Mudflows

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

4.9.3 Conclusion

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

[25] Santa Clara Valley Water District. *Reservoirs*. Available at: <http://www.valleywater.org/Services/Reservoirs.aspx>. Accessed December 21, 2016.

4.10 LAND USE AND PLANNING

4.10.1 Environmental Setting

The Downtown Specific Plan project area includes the original urban core of the City of Morgan Hill. As discussed in more detail in the Downtown Specific Plan MEIR, the Downtown area 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, 201 dwelling 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 and Cultural Center (at 17000 Monterey Road) and historic development such as the Methodist Church (at 17175 Monterey Road).

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 *Existing Conditions*

Project Site Uses

The project site is approximately 1.7 acres and consists of one warehouse and an office structure on concrete foundation. The southern portion of the site consists of a mixture of ruderal vegetation and trees.

Surrounding Land Uses

The project site is bordered by East Third Street, commercial and residential uses to the north; Depot Street and Caltrain station parking to the east; East Fourth Street, residential and commercial uses to the south; and a City-owned parking garage and commercial uses to the west.

4.10.1.2 *General Plan Land Use and Zoning Designations*

The site's General Plan Land Use Designation is *Central Business District, Mixed Use* (no maximum residential density per acre). The project 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

depth 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 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:						
a) Physically divide an established community?	☐	☐	☐	☒	☐	1, 3
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒	☐	1-3
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒	☐	1, 3, 11

Downtown Specific Plan MEIR – Land Use and Planning Conclusions

The Downtown Specific Plan MEIR concluded that land use impacts from new residential, commercial, or mixed-use development under the Specific Plan on existing residential uses would less than significant through conformance with the design guidelines in the Specific Plan and compliance with the design review process of Chapter 18.74 of the Municipal Code. Development and redevelopment allowed under the Specific Plan would not result in substantial shading that would adversely affect historic resources or public open space.

4.10.2.1 *Land Use Impacts from the Project*

Impacts on Established Communities
(Checklist Question a)

The site is in an urban setting predominantly characterized by commercial, office, residential and parking uses. Downtown uses in an area currently developed with a mix of land uses and development of the proposed residential-mixed use development would not physically divide an established community. **(Less than Significant Impact [Same as Approved Project])**

Land Use Conflict Impacts
(Checklist Question b)

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.

As disclosed in the Downtown Specific Plan MEIR, 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 urban center.

The Specific Plan includes the following design guidelines that would limit potential conflicts between commercial uses (including retail and restaurant space proposed on the project 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, the proposed project is 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.

The proposed development 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 and retail activities would 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.

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

The proposed five story residential mixed-use development would be comprised of 83 apartment units, 6,000 square feet of retail and restaurant space and would have a maximum height of 60 feet. The floor area ratio (FAR) of the proposed development would be 2.35.

The retail/restaurant space would front Third Street and would have a depth of approximately 36 feet from the retail area of the development to Third Street and a depth of 45 feet from the development's retail area to the corner of Third and Depot Streets. The proposed development would be set back 10 feet from the top of curb of Depot and Fourth Streets, 30 feet from Third Street and 20 feet from the property line of the City-owned parking garage to the south.

The proposed project is consistent with the current *CBD Mixed-Use* General Plan land use designation. Therefore, the project site would retain its current General Plan land use designation. The site's current zoning designation is *CBD, Downtown Ground Floor Overlay District (GFO)*. There are no setback requirements for CBD zoning district for commercial buildings. Residential development requires front, rear and side setbacks of six to 15 feet, 10 feet and five feet, respectively.

The project is consistent with the *CBD, GFO* zoning, with the exception of the retail depths required by the *GFO district* (described in Section 4.10.1.2), maximum building height standard of four stories, and the use of ground floor retail space as a leasing office. The Specific Plan MEIR acknowledged that new buildings taller than four stories on large sites, including the project site, could be proposed under a Planned Development (PD)/Specific Plan Zoning Amendment. The proposed project would require a PD/Specific Plan Zoning Amendment to allow the residential mixed-use development to exceed four stories, have 36 to 45 foot retail depths, and 3,450 square feet of ground floor office 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 215 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. The project site is located within the boundaries of Measure A; a 2009 voter initiative that exempted 500 residential units in the 20-block area of Downtown from the City's RDCS. Currently, 209 of the 500 exempt building allotments have been used or reserved by other Downtown projects. This project would utilize 83 of the remaining 209 Measure A exempt building allotments.

In order to obtain any of the exempt allotments, Measure A requires a developer to enter into a Development Agreement and comply with the Downtown Specific Plan and all applicable rules and regulations in effect at the time of entry into a Development Agreement, including but not limited to applicable zoning and planning documents. The developer must also obtain approval of a Design

Permit whereby the project design must be found consistent with the design guidelines of the Downtown Specific Plan. While not required by Measure A, the developer will enter into a Development Agreement that will establish a two-year timeframe to utilize the 83, Measure A allotments.

Given the metering effect of the RDCS, the residential mixed-use development of approximately 83 units can be accommodated by the City's utility systems and would not induce unplanned residential development in the area that will result in significant environmental impacts.

Shade and Shadow Impacts

Shadow sensitive land uses, such as parks, community facilities, and historic resources within the Specific Plan boundaries and adjacent blocks were identified based upon a visual reconnaissance and review of aerial photographs. There are no shadow sensitive land uses immediately adjacent to the project site. The nearest shadow sensitive land use is Grange Hall (historic resource), approximately 50 feet south of the site, on Fourth Street. Based on the conclusions of a shade and shadow study in the Specific Plan MEIR, development on the project site would not have shade and shadow impacts on Grange Hall to the south or any other sensitive uses. For these reasons, the project would not result in significant shade and shadow 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 project 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*, the impacts of noise on future residents of the project site would be reduced to a less than significant level.

4.10.3 Conclusion

The proposed development would not physically divide an established community. The proposed planned development would not induce unplanned growth. The proposed 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 Environmental Setting

The State of California has protected mineral resource zones by implementing the Surface Mining and Reclamation Act of 1975. 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 and the state's map of mines/mineral resources,[26] the project site is not comprised of known mineral resources or mineral resource production areas.

4.11.2 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:						
a) 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?	☐	☐	☐	☒	☐	1-3
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒	☐	1-3

Downtown Specific Plan MEIR - Mineral Resources Conclusions

The Downtown Specific Plan MEIR does not include a discussion of mineral resources. The MEIR did not identify impacts from development of the Specific Plan to mineral resources.

4.11.2.1 *Mineral Resources Impacts*
(Checklist Questions a and b)

The project site is developed and does not contain any known state or locally important mineral resources. Therefore, the proposed project would not impact mineral resources. **[Same Impact as Approved Project (No Impact)]**

[26] California Department of Conservation, Office of Mine and Reclamation. *SMARA Statutes and Associated Regulations*. Available at: < http://www.conservation.ca.gov/omr/lawsandregulations>. Accessed June 21, 2016.

4.11.3 Conclusion

Implementation of the proposed project would result in no impact to mineral resources. **[Same Impact as Approved Project (No Impact)]**

4.12 NOISE AND VIBRATION

The following discussion is based upon an environmental noise assessment prepared for the project site by *Illingworth & Rodkin, Inc*. in March 2014. The environmental noise assessment is currently on file at the City of Morgan Hill Community Development Department.

4.12.1 Environmental 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 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.[27] 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.

[27] 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 *Existing Noise and Vibration Environment*

Noise

The project site is 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, approximately 350 feet west of the site, is the main thoroughfare in the City. The primary 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 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

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. The project site is approximately 200 feet west of the center of the UPRR tracks. 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.

NOISE MEASUREMENT LOCATIONS

FIGURE 4.12-1

4.12.2 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:						
a) 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, 3, 21
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒	☐	1, 3, 21
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒	☐	1, 3, 21
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒	☐	1, 3, 21
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	☐	1, 3
f) 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, 3

Downtown Specific Plan MEIR – Noise and Vibration Conclusions

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.

4.12.2.1 *Noise and Vibration Impacts from the Project*

Traffic Noise
(Checklist Questions a and c)

The proposed residential mixed-use development 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 residential mixed-use development 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 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
(Checklist Questions a, b and d)

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 project site 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 subject block 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

(Checklist Questions a, b and d)

Construction of the residential mixed-use project would require construction equipment. Construction activities at the project site would occur within 60 feet of existing residential receptors as well as the Grange Hall, a historic resource across Fourth Street. The use of high vibration equipment would be limited during construction. Pile drivers, which generate high vibration levels, would not be used for the proposed project. The use of vibratory compaction and jackhammers during excavation (approximately one month) would be limited.

Impact NOI-1: Use of construction equipment that generate high vibration levels could result in a significant impact to structures near the site.

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-1.1: Prior to construction, 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 applicant to the City of Morgan Hill. 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-1.2: 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 50 feet of 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 and excavation. 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-1.3: 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) Same Impact as Approved Project]**

4.12.2.2 *Airport-Related Noise*
(Checklist Questions e and f)

The project site is located approximately four 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) Same Impact as Approved Project]**

4.12.2.3 *Noise and Vibration Conditions Affecting the Project*

The California Supreme Court in a December 2015 opinion (*BIA v. BAAQMD*) confirmed CEQA is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project; nevertheless the City has policies that address existing conditions (e.g. noise) affecting a proposed project, which are addressed below.

Exterior Noise

The proposed 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.

Future noise levels are calculated to reach 75 dBA L_{dn} at residential unit decks fronting Depot Street, and would be approximately 65 dBA L_{dn} at the other units of the development further removed from

the tracks. Noise levels at the small outdoor uses (e.g., the pool and spa area) 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 to elevated interior noise levels.

Impact NOI 2: New residents of the proposed development would be exposed to exterior noise levels exceeding 60 DBA L_{dn} from traffic noise and 70 DBA L_{dn} from railroad noise. Exterior noise levels exceeding the acceptable General Plan standards would result in significant impacts to outdoor spaces in the new residential mixed-use development.

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-2.1: 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-2.2: 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-2.3: 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

The proposed residential mixed use development would be more than 50 feet from the tracks and would not be subjected to elevated vibration levels.

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-1.1 through MM NOI-1.4 would reduce vibration impacts from construction activities to a less than significant level. [**(Less Than Significant Impact with Mitigation) Same Impact as Approved Project]**

Although implementation of MM NOI-2.1 through MM NOI-2.3 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 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) Same Impact as Approved Project]**

4.13 POPULATION AND HOUSING

4.13.1 Environmental Setting

Based on the California Department of Finance population estimates, the City's total population was approximately 43,645 in January 2016 and the average persons per household was an estimated 3.06.[28,29] The City's total population is projected to grow to approximately 46,100 by 2030.[30]

As part of the General Plan, residential development within the City of Morgan Hill is controlled by the Residential Development Control System (RDCS). Morgan Hill's RDCS process meters the amount of residential development occurring within the City in any given year, typically up to 215 units annually, to ensure the rate of development does not outstrip the availability of public services and infrastructure to serve the City's residents. RDCS establishes a population ceiling of 58,200 for the City as of January 1, 2035.

4.13.2 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:						
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒	☐	1, 3
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐	1, 3
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐	1, 3

[28] California Department of Finance. *E-1: City/County Population Estimates with Annual Percent Change - January 2015 and 2016*. May 2016.
[29] City of Morgan Hill. *Pop-Facts: Demographic Snapshot 2015 Report*. Available at: <http://www.morgan-hill.ca.gov/717/Demographics-Community-Profile>. Accessed January 3, 2017.
[30] City of Morgan Hill. *Morgan Hill General Plan: City of Morgan Hill Housing Element*. Adopted February 2015.

Morgan Hill Downtown Specific Plan MEIR - Population and Housing Conclusions

The EIR concluded that with the application of the RDCS process, which allows 215 residential units per year, the development of the site at maximum buildout would not result in a significant impact on the City's population and housing. The Downtown Specific Plan FEIR disclosed that future development would not induce substantial population growth in Morgan Hill nor displace substantial amounts of existing housing or people. It was concluded that development under the Specific Plan with up to 1,200 residential units and 445 additional jobs by 2030; therefore development proposed under the Specific Plan would provide employment opportunities in conjunction with residential development and would, therefore, not substantially conflict with the City's policy of achieving a balance of jobs and housing.

4.13.2.1 *Impacts to Population and Housing*

A project can induce substantial population growth by: 1) proposing new housing beyond projected or planned development levels, 2) generating demand for housing as a result of new businesses, 3) extending roads or other infrastructure to previously undeveloped areas, or 4) removing obstacles to population growth (i.e., expanding capacity of a wastewater treatment plant beyond that necessary to serve planned growth).

Population Growth
(Checklist Question a)

The Downtown Specific Plan MEIR assumed the maximum buildout of the Downtown Specific Plan area of approximately 1,200 residential units and 93,490 square feet of retail space. The proposed project would develop 83 apartment units and 6,000 square feet retail/restaurant space. Based on Specific Plan MEIR projections employment assumptions of two employees per 1,000 square feet of retail space, the project would generate approximately 12 employees. Since the proposed number of new employees were assumed in the Specific Plan MEIR development assumptions, the project is not expected to attract substantial numbers of new workers (or induce substantial population growth) to Morgan Hill or the region.

Assuming 3.06 persons per household for each residential unit, the project would generate approximately 254 new residents. As explained previously in Section 4.10, *Land Use*, 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 project site is located within the boundaries of Measure A; a 2009 voter initiative that exempted 500 residential units in the 20-block area of Downtown from the City's RDCS. As described in Section 4.10, *Land Use*, 209 of the 500 exempt building allotments have been used or reserved by other Downtown projects. If the proposed project is adopted prior to March 1, 2017, the project would utilize 83 of the remaining 209 Measure A exempt building allotments. If the proposed project is adopted on March 1, 2017 or subsequent to this this date, the project would be subject to the RDCS point system, which typically allows the development of 215 residential units per year.

For these reasons, the proposed residential mixed-use development proposes housing consistent with the Downtown Specific Plan Block 4 and City standards, and would not induce substantial unplanned residential development in the area.

Additionally, the proposed project is surrounded by urban development and the project would not increase the need for urban infrastructure beyond the scope of the project (i.e., improvements are not directly growth inducing). The project does not create a significant demand for new infrastructure in an area where urban infrastructure does not already exist (refer to Section 4.17, *Utilities and Service Systems*). For these reasons, approval of the proposed project would not result in significant direct or indirect growth-inducing impacts. **[(Less Than Significant Impact) Same Impact as Approved Project]**

Population Growth and People/Housing Displacement
(Checklist Questions b and c)

The project site is unoccupied, and therefore, no residents occupy the site. For this reason, the proposed project would not displace people or necessitate the construction of housing elsewhere. **[(No Impact) Same as Approved Project]**

4.13.3 Conclusion

The proposed project would not induce substantial population growth and would not have any new or more significant impacts to population growth than discussed in the Downtown Specific Plan MEIR. **[(Less Than Significant Impact) Same Impact as Approved Project]**

The proposed project would not displace substantial numbers of people or housing necessitating the construction of replacement housing elsewhere.
[(No Impact) Less Significant Than Approved Project]

4.14 PUBLIC SERVICES

4.14.1 Environmental Setting

The Downtown Specific Plan MEIR identifies existing public facilities and services in the City, and evaluates the impacts of residential development on the physical infrastructure and the availability of capacity. The existing public conditions are generally consistent with the conditions of the EIR. Updates were made to reflect current school enrollment and capacities.

4.14.1.1 *Existing Conditions*

Fire Service and Emergency Medical Services

The City of Morgan Hill Fire Department (MHFD) provides fire prevention, fire suppression, and emergency medical services. The MHFD contracts with the California Department of Forestry and Fire Protection (CalFire) for additional personnel to manage the MHFD and provide fire and emergency medical services. The City is served by three stations at the following locations: 1) El Toro Fire Station, located at 18300 Old Monterey Road (approximately one mile northwest of the project site), 2) Dunne Hill Fire Station, located at 2100 East Dunne Avenue (approximately two miles east of the site), and 3) 15670 Monterey Street (approximately 1.5 miles south of the project site). In general, the response time meets the current standard of eight minutes 95 percent of the time. The response time is typically are within one to two percent of this standard.[31]

Police Service

Police service is provided to the project site by the City of Morgan Hill Police Department (MHPD). The MHPD facility is located at 16200 Vineyard Boulevard, approximately one mile southeast of the project site. The department employs 36 sworn officers.[32] The Police Department's goal is to respond to Priority One calls within five minutes and Priority Two calls within eight minutes.[33] 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.

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 project site would be served by El Toro Elementary School (approximately 0.4 miles northwest of the site), Britton Middle School (approximately 0.3 miles southwest of the site), and Ann Sobrato High School (approximately 2.2 miles northwest of the site).[34]

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[31] Dwight Good, Fire Marshal, Cal Fire. E-mail: RE: Fire Department Response Times. November 10, 2014.
[32] City of Morgan Hill. *Police*. Available at: <http://www.morgan-hill.ca.gov/index.aspx?nid=129>. Accessed December 9, 2014.
[33] City of Morgan Hill. *Operating and CIP Budget, FY 13-14. Police Field Operations, Performance Measures.* 2013.
[34] Morgan Hill Unified School District. *Schools*. Available at: <http://www.schoolworksgis.com/SL/MHUSD/schoollocator.html>. Accessed December 19, 2016.

4.14.1.4 *Parks*

The City owns 70 acres of developed park land (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 park land, there is also a significant amount of recreational land and open space in the City that is privately owned and maintained.

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

In accordance with General Plan Policies HC-3.3 and HC-3.29, park land dedication or in-lieu fees are required by new developments to meet the recreation and open space needs of residents in Morgan Hill. Additionally, General Plan Policy HC-3.9 requires multi-family residential developments to include common open space suitable for group gatherings. The common open space areas require funding and maintenance by Homeowners Associations or property owners.

4.14.2 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						
a) 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, 3
- Police Protection?	☐	☐	☐	☒	☐	1, 3
- Schools?	☐	☐	☐	☒	☐	1, 3
- Parks?	☐	☐	☐	☒	☐	1, 3
- Other Public Facilities?	☐	☐	☐	☒	☐	1, 3

4.14.2.1 *Impacts to Fire and Police Services*
(Checklist Question a)

The proposed development would 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.

Standard Measures: In accordance with City of Morgan Hill standard conditions disclosed in the Downtown Specific Plan MEIR, the proposed project shall implement the following measures:

SM PS-1: Development of the proposed project shall be subject to CalFire for review to ensure building compliance with the Uniform Fire Code and roadway widths/configurations allow for fire truck access to buildings and adequate response times to the project area.

Implementation of SM PS-1 would ensure the proposed Specific Plan development and potential roadway modifications would not result in the need for the construction of additional fire service facilities or equipment other than those currently planned.

As disclosed in the Downtown Specific Plan MEIR, the project applicant would pay an impact fee for police facilities; these fees would go toward paying debt service and ensuring equipment such are

available to serve new development. With the implementation of the above standard measures, the project would not result in the need for the construction of additional fire service facilities or equipment other than those currently planned. For these reasons, the project would not result in a significant impact to police and fire services or facilities. **(Less Than Significant Impact [Same Impact as Approved Project])**

4.14.2.2 *Impacts to Schools*
(Checklist Question a)

Consistent with the conclusions in the Downtown Specific Plan MEIR, the proposed residential mixed-use development would increase demand on local schools. Using the Morgan Hill Unified School District's student generation rates per unit for housing, the proposed 83 residential units would generate approximately 20 students at El Toro Elementary School, six middle school students at Britton Middle School, and 13 high school students at Ann Sobrato High School at full build-out.[35] 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.

Standard Measures: In accordance with City of Morgan Hill standards disclosed in the Downtown Specific Plan MEIR, the following measures shall be implemented to avoid impacts to the Morgan Hill Unified School District.

SM PS-2: State Law (Government Code Section 65996) specifies an acceptable method of offsetting a project's effect on the adequacy of school facilities is payment of a school impact fee prior to issuance of a building permit. The school impact fees implementation of measures specified in Government Code 65996 would be used to offset project-related increases in student enrollment. Residential development proposed under the Specific Plan would be required to comply with the school impact fee requirements of the Morgan Hill Unified School District.

Implementation of the above standard measure would offset impacts to the Morgan Hill Unified School District facilities from the proposed residential development. Consistent with the conclusions in the Downtown Specific Plan MEIR, it is not anticipated that the construction of a new school or substantial new facilities would be required to serve the project. **(Less Than Significant Impact [Same Impact as Approved Project])**

4.14.2.3 *Parks*
(Checklist Question a)

The project will allow for the construction of approximately 83 residential units. The average number of persons per household in Morgan Hill is 3.06 and residential development on the site could generate approximately 254 residents.

[35] Morgan Hill Unified School District. *Demographic Study 2014-2015*. March 2015
The estimated student generation rates for new residences within the Morgan Hill Unified School District boundaries are: 0.246 (elementary schools), 0.067 (middle schools), 0.152 (high schools).

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. In accordance with the Municipal Code Chapter 17.28 and General Plan Policies HC-3.3 and HC-3.29, the project will comply with the City's in-lieu fees requirement for residential developments, which would 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 would be available to all residents.

Consistent with General Plan Policy HC-3.9, the project would include a common open space area, including an outdoor pool, spa, and barbecue area. The proposed common open space area would help offset impacts to existing park and recreational facilities. **(Less Than Significant Impact [Same Impact as Approved Project])**

4.14.3 Conclusion

With the implementation of City standards and the above standard measures, the project would have a less than significant impact on police and fire services and facilities, parks and recreational facilities and schools. **(Less Than Significant Impact [Same Impact as Approved Project])**

4.15 RECREATION

4.15.1 Environmental Setting

The City owns 70 acres of developed park land (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 park land, there is also a significant amount of recreational land and open space in the City that is privately owned and maintained.

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 General Plan includes policies that support the City's park land and recreational goal to provide useful, accessible, and high-quality parks, recreation, and trail facilities. To achieve this goal, the City has adopted General Plan Policies (refer to Section 4.14, *Public Services*) and a park land dedication/park land in-lieu fee ordinance (Municipal Code Chapter 17.28) that requires park land dedication or in-lieu fees for residential developments.

4.15.2 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)
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	☐	☐	☐	☒	☐	1, 3
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒	☐	1, 3

Downtown Specific Plan MEIR –Recreation Conclusions

As disclosed in the Downtown Specific Plan MEIR, residential development under the Specific Plan would contribute to demand for parkland and recreational facilities in the City, however, compliance

with the City's adopted a parkland dedication/park land in-lieu fee ordinance (Municipal Code Chapter 17.28) would ensure development under the Specific Plan would provide adequate park and recreational facilities to service residents of the Downtown area either in the form of new parks or through the payment of in-lieu fees. Build of the Specific Plan would result in less than significant impacts on parks and recreational facilities.

4.15.2.1 *Impacts on Parks and Recreational Facilities*

(Checklist Questions a and b)

Consistent with the Municipal Code Chapter 17.28 and General Plan Policies HC-3.3 and HC-3.29, the project will comply with the City's in-lieu fees requirement for residential developments, which would avoid significant impacts to the City's park facilities. The proposed development could generate up to 254 residents for the project. Given the small acreage (approximately 1.7 acres) of the project site, the construction of public parkland for the project will not be required; instead fees will be paid to develop parkland elsewhere. Consistent with General Plan Policy HC-3.9, the project would include a common open space area, including an outdoor pool, spa, and barbecue area.

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

SM REC-1: The City of Morgan Hill has adopted a park land dedication/park land in-lieu fee ordinance (Municipal Code Chapter 17.28) that requires park land dedication or in-lieu fees for residential developments. This ordinance requires residential developers to dedicate public park land or pay in-lieu fees, or both, to offset the demand for neighborhood park land created by their housing developments. The acreage of park land or amount of the in-lieu fee required is based upon criteria outlined in Chapter 17.28 of the City's Municipal Code.

With the implementation of the above standard measure SM REC-1 (SM PS-4 in the Specific Plan EIR) and General Plan Policies, the increased use of existing regional parks or other recreational facilities would not lead to an adverse physical effect on the environment. Payment of in-lieu fees and the proposed common open space would offset parkland and recreational impacts from the proposed project. Additionally, public parks administered by the City's Recreation and Community Services Division are within 0.5 miles of the site and would be available to all residents. **(Less Than Significant Impact [Same Impact as Approved Project])**

4.15.3 Conclusion

With the implementation of the above standard measures, the project would 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/TRAFFIC

4.16.1 Environmental Setting

4.16.1.1 *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 the Monterey Road/ Watsonville Road intersection 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.

Study Intersections

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 the Specific Plan MEIR Table 3.2-3 for the list of study intersections and a description of the existing level of service at each intersection.

The Specific Plan MEIR concluded that all of the evaluated study intersections operated at an acceptable level of service under 2008 existing conditions, with the exception of the Monterey Road/Main Avenue and Butterfield Boulevard/Dunne Avenue intersections. Subsequent to the adoption of Downtown Specific Plan MEIR, a traffic impact analysis was completed as a part of the Morgan Hill 2035 General Plan EIR (adopted in July 2016). Based on the 2016 General Plan EIR evaluation of existing conditions for 22 of the 24 study intersections analyzed in the Specific Plan MEIR, all of the study intersections (including the Monterey Road/Main Avenue and Butterfield Boulevard/Dunne Avenue intersections) operate at an acceptable level of service (LOS D or better) under 2015 existing conditions during both the AM and PM peak hours.

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

Eight mixed-flow freeway segments were evaluated in the Specific Plan MEIR. The following three freeway segments operated at an unacceptable level, LOS F, under 2008 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)

4.16.2.2 *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 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:						
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☐	☒	☐	1, 3
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒	☐	1, 3
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒	☐	1, 3
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☐	☒	☐	1
e) Result in inadequate emergency access?	☐	☐	☐	☒	☐	1
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒	☐	1, 3

Downtown Specific Plan MEIR – Transportation/Traffic Conclusions

The Downtown Specific Plan MEIR concluded that build out of the Specific Plan under 2030 conditions would result in a significant intersection level of service impact. The EIR does not discuss the Specific Plan's impacts to existing bicycle, pedestrian, and transit facilities.

4.16.2.1 *Impacts to Roadways*
(Checklist Questions a and b)

The traffic analysis prepared in support of the Downtown Specific Plan MEIR evaluated traffic impacts of the Specific Plan by analyzing projected 2015 and 2030 development conditions against existing conditions. Development through 2030 was evaluated for long-term impact. The following discussion focuses on 2030 traffic 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 2030 development in the Specific Plan project area included an increase of approximately 1,200 multi-family residential units, 93,490 square feet of retail, and 85,590 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 10,520 daily, 807 AM peak-hour, and 911 PM peak-hour trips. Intersection levels of service were calculated with projected 2030 development traffic volumes, and the MEIR disclosed that under projected 2030 conditions all of the signalized intersections would operate acceptably except the Main Avenue/Monterey Road intersection which would operate at LOS E during the AM peak hour and LOS D during the PM peak hour. In addition, the following four unsignalized study intersection operations would be degraded 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)
- Main Avenue and Depot Street (LOS E, AM 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 2030 conditions, the Main Avenue and Depot Street intersection is the only intersection operating at LOS E or F that would meet the peak-hour warrant criteria for signalization during either the AM or PM peak hours. The project would, therefore, contribute to the significant impact (disclosed in the Specific Plan MEIR) to this intersection.

The proposed residential mixed-use development on the project site would 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, an adjacent parking garage and commercial gym, and Depot Street. The project site (approximately 71,700 square feet) represents approximately 40 percent of the Block 4 land area (approximately 190,890 square feet). The development projections for retail, residential and office/service uses for Block 4 outlined in the Downtown Specific Plan are approximately 39,980

square feet of retail uses and 230 residential units. The Specific Plan assumed Block 4 would be developed by 2015. The project site would consist of approximately 83 residential units and approximately 6,000 square feet of retail and restaurant uses (which is part of the original Specific Plan 2015 development assumptions).

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

Impact TRANS-1: Under 2030 conditions, the Downtown Specific Plan will degrade LOS D intersection operations at Monterey Road/Main Avenue during the AM and PM peak hours. The proposed mixed use residential development would contribute to this impact. Mitigation required (e.g., such as the widening of Main Avenue) to improve operations at this intersection would conflict with Downtown Specific Plan policies regarding multi-modal circulation and streetscape and, therefore, would not be feasible. **(Significant Unavoidable Impact [Same Impact as Approved Project])**

Impact TRANS-2: Under 2030 conditions, the Downtown Specific Plan would degrade LOS C intersection operations at Depot Street/Main Avenue during the PM peak hours and would meet the peak hour signal warrant criteria. The proposed mixed use residential development will contribute to this impact. **(Significant Impact)**

Mitigation Measures: The following mitigation measure will reduce project traffic impacts on the Depot Street/Main Avenue intersection to a less than significant level.

MM TRANS-2.1: The project applicant will pay traffic impact fees to contribute to the installation of a traffic signal at the Depot Street/Main Avenue intersection. **(Less Than Significant Impact with Mitigation [Same Impact as Approved Project])**

4.16.2.2 *Impacts to Freeways*

(Checklist Questions a and b)

2030 Freeway Segment Level of Service

The MEIR found that the Downtown Specific Plan would 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 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 2030 conditions. [**(Less Than Significant Impact) Same Impact as Approved Project]**

4.16.2.3 *Other Transportation Issues*

Site Access, Design and Circulation
(Checklist Questions c, d and e)

Vehicles would access the project site via two new driveways off of Depot Street. Vehicles would enter and exit the building's parking level via two new two-way driveways on Depot Street. The basement parking level would have a total of 120 parking stalls, including 116 standard and four accessible parking spaces. The drive aisles would be approximately 24 feet wide and the parking stalls would be approximately nine feet wide.

The design of the project would comply with the City's standards for emergency vehicle access, and would therefore, not result in inadequate emergency access.

Based on the discussions above, the proposed project would not result in a substantial hazard from a design feature, incompatible land use, or inadequate emergency vehicle access. The proposed project is not within an airport safety zone and would not result in any hazards to air traffic or changes to air traffic patterns. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Bicycle and Pedestrian Facilities
(Checklist Question f)

The project would not impact existing bicycle or transit facilities (e.g., result in the removal of a bike lane or transit stop). The project proposes improvements to existing sidewalks along Fourth and Depot Streets. The project would not conflict with adopted policies, plans, or programs regarding bicycle, transit, or pedestrian facilities or decrease the performance or safety of such facilities. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.16.3 Conclusion

Under 2030 conditions, the proposed 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 and PM peak hours. (**Significant and Unavoidable Impact [Same Impact as Approved Project]**)

With the implementation of MM TRANS-2.1, the proposed mixed-use residential development, in combination with other development under the Downtown Specific Plan, would not significantly degrade the level of service at the study intersections. (**Less than Significant Impact with Mitigation [Same Impact as Approved Project]**)

The proposed project would not significantly degrade 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 2030 conditions. The proposed project would not result in significant impacts to safety or existing bicycle, pedestrian or transit facilities. The site is not located in an airport safety zone and, therefore would not result in aircraft safety hazards. **Less than Significant Impact [Same Impact as Approved Project]**)

4.17 UTILITIES AND SERVICE SYSTEMS

4.17.1 Environmental 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 South County Regional Wastewater Authority (SCRWA) Wastewater Treatment Plant provides service to the cities of Morgan Hill and Gilroy. The treatment plant 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.[36] 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 was approximately 6.8 mgd in 2010 (with 2.9 mgd generated by Morgan Hill). Based on combined population projections for both cities, the current capacity of 8.5 mgd is anticipated to be reached in mid-2019.[37] Morgan Hill is allocated 42 percent of the current 8.5 mgd treatment capacity, or 3.6 mgd, leaving approximately 0.7 mgd[38] of remaining capacity allocation for future growth under the current General Plan. For comparison, Gilroy in 2010 generated 3.8 mgd, had a treatment capacity allocation of 4.9 mgd, or 58 percent of the 8.5 mgd treatment capacity, and 1.0 mgd of remaining capacity allocation for future growth.

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 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.[39]

[36] 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*. April 2010.
[37] South County Regional Wastewater Authority. *Cities of Gilroy and Morgan Hill: Wastewater Flow Projections*. August 2011.
[38] 3.6 mgd allocation - 2.9 mgd generation (current wastewater generation by the City) = 0.7 mgd (remaining wastewater allowed to be generated by the City for future growth under the current General Plan)
[39] Phil Couchee, General Manager, Recology South Valley. February 3, 2010.

4.17.1.4 *Storm 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 storm water runoff from these areas is collected and ultimately discharged into creeks that flow through the City and are tributary to either Monterey Bay or San Francisco Bay. The drainage areas include Coyote Creek, Fisher Creek, Tennant Creek, Madrone Channel, Butterfield Channel, West Little Llagas Creek, and Llagas Creek. Each drainage area has a system of conveyance facilities, pumps, and basins to collect and dispose the runoff.

Currently the project site's surface is 66 percent impervious. The stormwater runoff from the project site is collected via the existing 30-inch storm drain on Depot Street and ultimately discharged into the Monterey Bay. The site is 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 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:						
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒	☐	1, 3
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒	☐	1, 3
c) 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, 3
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒	☐	1, 3

	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:						
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒	☐	
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒	☐	

Downtown Morgan Hill Specific Plan MEIR – Utility and Service Systems Conclusions

The Downtown Specific Plan Master EIR disclosed that with the implementation of standard measures, planned development under the Specific Plan would result in less than significant impacts to utilities and service systems serving the Plan area.

4.17.2.1 *Impacts to Sewer System and Wastewater Treatment*
(Checklist Questions a, b, and e)

New four-inch sanitary sewer lines would connect to the City's existing six-inch sanitary sewer line on Third Street. The City would 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, therefore, will not adversely affect the functionality or the capacity of the existing sanitary sewer system. **(Less Than Significant Impact [Same as Approved Project])**

4.17.2.2 *Impacts to Storm Drainage*
(Checklist Question c)

The proposed residential mixed-use development would add 16,320 square feet of impervious surfaces to the site. At completion of project construction, the project site would increase impervious surfaces on the site by approximately 23 percent, leaving the site nearly covered in impervious surfaces.

Stormwater runoff from the site would be collected via new two to 12-inch storm drains be directed to underground rain tanks (four total) or directly to the City's existing stormwater system. The rain tanks would regulate stormwater flow into the City's existing stormwater system. Stormwater from the site would be directed to the City's existing 30-inch storm drain on Depot Street. Stormwater would also be directed to bioswales along the property line on Fourth Street to reduce the amount of stormwater runoff collected by 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 proposed 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.

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

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

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

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

subsurface storm drain facilities, manholes with manhole frames and covers, catch basins and laterals.

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 [Same as Approved Project])**

4.17.2.3 *Impacts to Water Supply Services*
(Checklist Question d)

The project's new water mains would connect to the City's existing six-inch water main on Third Street. The City has sufficient water supply to serve the development. The project proposes to construct a residential mixed-use development that includes approximately 83 residential units and 6,000 square feet of retail/restaurant space. The City has accounted for the increase in water use based on the General Plan's projection of population growth in the City, including planned development per the Downtown Specific Plan. Water use associated with the proposed residential mixed-use development has already been accounted for in the Block 4 growth assumptions in the Downtown MEIR. Based on the water supply assessment prepared for the Downtown Specific Plan MEIR, adequate water supplies are available to supply the increased water demand required for redevelopment within the Specific Plan area due to increased Citywide water conservation. Since the proposed project was accounted for in the water supply assessment, implementation of the project would not adversely affect the functionality or the capacity of the existing water supply system. **(Less Than Significant Impact [Same as Approved Project])**

4.17.2.4 *Impacts to Landfills*
(Checklist Question f)

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.[40] 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])**

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])**

[40] 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.

4.18 MANDATORY FINDINGS OF SIGNIFICANCE

		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)
a)	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒	☐	1, 3, 10, 12
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☒	☐	1-21
c)	Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	☐	☐	☐	☒	☐	1-21
d)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒	☐	1, 3, 8, 9, 14-21

4.18.1 Project Impacts

(Checklist Question a)

The project site is developed with one warehouse and office structure, and one significant non-native cottonwood tree. The project would develop the site with residential 83 apartment units, 6,000 square feet of retail/restaurant space and a common outdoor area with a pool and spa available to residents of the development. This Initial Study evaluates the environmental impacts that could result from the project's implementation. With implementation of the mitigation measures included in the project and described in Sections 4.3, *Air Quality*, 4.4 *Biological Resources*, 4.5, *Cultural Resources, 4.7, Greenhouse Gas Emissions*, 4.8, *Hazards and Hazardous Materials* and 4.12, *Noise* and compliance with City General Plan policies, Standard Measures and Standard Conditions of Approval, the proposed project would not result in significant adverse environmental impacts to fish or wildlife species, rare plants, or cultural resources. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

4.18.2 Cumulative Impacts

(Checklist Question b)

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

The proposed project is consistent with the development assumptions in the Downtown Specific Plan. The Downtown Specific Plan MEIR concluded that development allowed under the Specific Plan, including the proposed project, is consistent with adopted regional Clean Air Plan and, therefore, would not have a cumulatively considerable contribution to a significant cumulative air quality impact. A cumulative health risk associated with construction-related air emissions will be completed prior to the issuance of the project's grading permit. Results of the analysis would determine if implementation of additional construction mitigation measures would be necessary to reduce toxic air contaminant emissions below BAAQMD health risk thresholds.

The project is below the BAAQMD screening thresholds for GHG emissions from construction and operations of a mid-rise apartment development and retail restaurant. The project would, therefore, not result in a cumulatively considerable GHG impact. GHG mitigation measures from the Downtown Specific Plan MEIR would be implemented to further reduce GHG impacts.

The Downtown Specific Plan MEIR disclosed that buildout of the Specific Plan would result in a significant unavoidable intersection level of service impact. Since the proposed project was assumed in the Specific Plan, the project would contribute to the significant unavoidable intersection level of service impact disclosed in the Downtown Specific Plan MEIR. The proposed project impacts on

level of service would be consistent with what was disclosed in the previously approved Downtown Specific Plan MEIR.

The cumulative impacts on aesthetics, agricultural lands, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use, noise, population and housing, public services, recreation, and utilities and service systems from buildout of the Specific Plan were analyzed in the certified Downtown Specific Plan MEIR. The proposed project would not result in any new or more significant cumulative impacts than the previously approved project (disclosed in the Specific Plan MEIR). Mitigation measures were adopted for the previously approved project where feasible, and will be implemented by the proposed project.

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

4.18.3 Short-term Environmental Goals vs. Long-term Environmental Goals

(Checklist Question c)

The project site is currently vacant with foundations and remnant structures of a former single-family house and farming complex. The project proposes to develop the site with residential and commercial uses, consistent with the long-term goals for the site outlined in the General Plan. The construction of the project would result in the temporary disturbance of developed land as well as an irreversible and irretrievable commitment of resources and energy during construction.

Construction of the proposed project would not result in the conversion of a greenfield site (i.e., land which is undeveloped land in a city or rural area used for agriculture) to urban uses or otherwise commit resources in a wasteful or inefficient manner. The project proposes to develop a currently underutilized, infill location and it is anticipated that short-term effects resulting from construction would be substantially off-set by meeting the long-term environmental goals for the City's General Plan. The operational phase would consume energy for multiple purposes including building heating and cooling, lighting, and electronics. Energy, in the form of fossil fuels, would be used to fuel vehicles traveling to and from the project site. The project would result in an increase in demand upon nonrenewable resources; however, the project is required to comply with the City's Green Building Standards. The project shall incorporate a variety of design features including community design and planning, site design, landscape design, building envelope performance, and material selections to reduce energy use and conserve water.

With implementation of the mitigation measures included in the project and compliance with City Downtown Specific Plan and General Plan policies, the proposed project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

4.18.4 Direct or Indirect Adverse Effects on Human Beings

(Checklist Question d)

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

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SECTION 6.0 LEAD AGENCY AND CONSULTANTS

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