

MITIGATION MONITORING AND REPORTING PROGRAM

Hale Avenue Extension and Santa Teresa Corridor Widening and Realignment

**File No. 546007
State Clearinghouse #2016052076**



August 2017

P R E F A C E

Section 21081 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the Mitigation Monitoring and Reporting Program is to ensure compliance with the mitigation measures during project implementation.

The Environmental Impact Report (EIR) concluded that implementation of the Hale Avenue Extension and Santa Teresa Corridor Widening and Realignment project could result in significant effects on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval. This Mitigation Monitoring and Reporting Program addresses those measures in terms of how and when they will be implemented.

MITIGATION MONITORING AND REPORTING PROGRAM
HALE AVENUE EXTENSION AND SANTA TERESA CORRIDOR WIDENING AND REALIGNMENT

Impact	Mitigation and Avoidance Measures	Responsibility for Monitoring Compliance	Method of Compliance	Timing of Compliance
Air Quality				
Impact AQ-1: Construction activities associated with the proposed project, including both Phase I and Phase II, could temporarily generate fugitive dust in the form of PM ₁₀ and PM _{2.5} . (Significant Impact)	MM AQ-1: The project applicant shall ensure the following measures are implemented during construction of the proposed project: <ul style="list-style-type: none"> • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. • All haul trucks transporting soil, sand, or other loose material offsite shall be covered. • 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. • All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph) • 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. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. • 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 	Community Development Director	Incorporation of required measures on all project construction documents, contracts, and plans.	During project construction activities.

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	<p>determined to be running properly prior to operation.</p> <ul style="list-style-type: none"> • A publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints shall be posted. 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. <p>(Less Than Significant Impact with Mitigation Incorporated)</p>			
Impact AQ-2: The maximum increased residential cancer risk due to TAC emissions during construction would be 28.0 in one million for a child exposure, which exceeds the single-source threshold of 10.0 per million. The maximum modeled annual residential PM _{2.5} concentration	<p>MM AQ-2: The project shall develop a plan to demonstrate at least a 65 percent reduction in DPM emissions. This can be accomplished several ways.¹ Two examples of measures that could be implemented to achieve such reductions are provided, below:</p> <ul style="list-style-type: none"> • All diesel-powered construction equipment larger than 50 hp and operating on site for more than two days continuously shall meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent, or • All diesel-powered construction equipment larger than 50 hp and operating on site for more than two days continuously shall be retrofitted with CARB Level 3 Verified Diesel Emissions Control Strategy (VDECS). <p>(Less Than Significant Impact with Mitigation Incorporated)</p>	Community Development Director	<p>Incorporation of required measures on all project construction documents, contracts, and plans.</p> <p>Submittal of proposed DPM reduction plan to the Community Development Director for review and approval.</p>	Prior to the issuance of a Grading Permit for Phase I.

¹ Note that the construction contractor could use other measures to minimize construction period DPM emissions to reduce the predicted cancer risk below the thresholds. Such measures may be the use of alternative powered equipment (e.g., LPG powered forklifts), alternative fuels (e.g., biofuels), added exhaust devices, or a combination of such measures, provided that these measures are shown to be effective by a qualified air quality specialist and approved by the City of Morgan Hill.

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would be 0.5 $\mu\text{g}/\text{m}^3$, which exceeds the single-source threshold of 0.3 $\mu\text{g}/\text{m}^3$. (Significant Impact)				
Biological Resources				
Impact BIO-1: The proposed extension of Hale Avenue (Phase I) would impact sensitive creek, drainage, and wetland habitats. (Significant Impact)	<p>MM BIO-1: The proposed project is located within the Habitat Plan coverage area. As part of the Habitat Plan application process, a wetland delineation will be completed and the square footage of project impacts to sensitive creek, drainage, and wetland habitats will be calculated. The Habitat Plan fees paid by the project will be based, in part, upon the calculated square footage of each sensitive habitat.</p> <p>(Less Than Significant Impact with Mitigation Incorporated)</p>	Community Development Director	<p>Incorporation of required measures on all project construction documents, contracts, and plans.</p> <p><i>Santa Clara Valley Habitat Plan Fees and Conditions Worksheet for Public Projects</i> will be completed for the project and submitted to the Community Development Director for review and approval.</p>	Prior to the issuance of a Grading Permit for Phase I.
Impact BIO-2: Construction of the proposed Hale Avenue alignment would result in the	MM BIO-2.1: TREE PROTECTION: Unless tree removal has been previously approved, all trees located within the project shall be protected using the following minimum protection measures (these guidelines shall be included with all site development plans):	Community Development Director	Incorporation of required measures on all project construction documents, contracts, and plans.	MM BIO-2.1 shall be completed prior to and during Phase I project

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<p>removal of 12 ordinance sized trees, and construction activities near the five ordinance sized and two non-ordinance sized trees designated to be retained could impact tree health and survival.</p> <p>(Significant Impact)</p>	<ul style="list-style-type: none"> • Mark all trees to be saved with a survey flag or ribbon. Do not nail or staple directly to the tree. • Erect a temporary fence enclosing an area equal to at least the dripline of the tree (or as far from the trunk as possible). This tree protection zone shall not be used for parking, storage of building materials, or other equipment or the placement of temporary or permanent fill. Signs should be posted identifying the restriction of uses in the tree protection zone. • Locate structures, grade changes, and other ground or surface disturbances (e.g. concrete pours) as far as feasible from the “dripline” area of the tree. • Avoid root damage through grading, trenching, compaction, etc at least within an area 1.5 times the dripline area of the tree. Where root damage cannot be avoided, roots encountered over 1" in diameter should be exposed approximately 12" beyond the area to be disturbed (towards the tree stem), by hand excavation, or with specialized hydraulic or pneumatic equipment, cut cleanly with hand pruners or power saw and immediately back-filled with soil. Avoid tearing or otherwise disturbing that portion of the roots to remain. • The addition of plant or other landscaping materials shall remain outside of the dripline of all trees. • Any tree subject to Chapter 12.32 Restrictions on Removal of Significant Trees of the Morgan Hill Municipal Code requires approval from the Planning Division. The applicant shall request approval prior to removing any significant trees. 		<p>The tree assessment report shall be submitted to the Community Development Director for review and approval.</p>	<p>construction activities.</p> <p>MM BIO-2.2 shall be completed prior to issuance of a Grading Permit for Phase I.</p>

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	<p>MM BIO-2.2: TREE ASSESSMENT: Prior to site development, the applicant shall retain the services of a certified arborist to assess all trees that may be impacted by the proposed project. The arborist will conduct a tree assessment and submit a report to the City detailing all trees subject to the Chapter 12.32 Restrictions on Removal of Significant Trees. The report will include:</p> <ul style="list-style-type: none"> • Tree species and common name. • Size (dbh) and approximate height of tree(s) • Current health of the tree including at a minimum: bark, foliage, structure/integrity, and roots. • Evaluation of current health and potential impacts to future health. • Recommendations for protection or removal of tree (if removal of tree is recommended, provide justification). • Proposed mitigation measures and/protection measures. <p>(Less Than Significant Impact with Mitigation Incorporated)</p>			
Hazardous Materials				
Impact HAZ-1: Grading and excavation activities associated with the Phase I project could expose construction workers and/or the environment to	<p>MM HAZ – 1.1: Soil sampling and testing shall be completed at the time of future implementation when the project design has been finalized. Prior to the start of demolition, grading, and excavation activities associated with the proposed extension of Hale Avenue, soil within the proposed Phase I alignment will be sampled and tested for pesticides and the soil in the area of the PG&E building will be sampled and tested for PCBs, petroleum hydrocarbons, and heavy metals to determine whether</p>	Community Development Director	Incorporation of required measures on all project construction documents, contracts, and plans. A report summarizing the results of the soil sampling and testing	Prior to issuance of a Grading Permit for Phase I.

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harmful chemicals. (Significant Impact)	<p>contamination is present at levels that exceed applicable standards. The number and location of the test samples shall be determined by a qualified hazardous materials specialist in consultation with the Santa Clara County Department of Environmental Health (SCCDEH) and the City of Morgan Hill. If contamination is found to be present above applicable screening levels, then a soil management plan will be prepared by the hazardous material specialist under SCCDEH oversight. The soil management plan will identify the specific procedures for the excavation, storage, transport, and disposal of contaminated soil, as necessary, consistent with applicable regulations.</p> <p>(Less Than Significant Impact with Mitigation Incorporated)</p>		<p>prepared by a qualified hazardous materials specialist shall be submitted to the Community Development Director for review and approval.</p> <p>The soil management plan, if necessary, shall be submitted to the Community Development Director for review and approval.</p>	

Hydrology and Water Quality

Impact HYD-1: During large storm events, the runoff generated by the proposed extension of Hale Avenue (Phase I) could exacerbate flooding downstream of the Hale Avenue extension. (Significant Impact)	<p>MM HYD-1.1: The proposed retention basins shall be sized to meet the Hydromodification Management requirement. In order to meet this requirement, the post-project runoff shall not exceed pre-project flow rates for the two-year, 24-hour storm.</p> <p>MM HYD-1.2: The proposed retention basins shall be sized to meet the City of Morgan Hill storm drain design standards. In order to meet these standards, the basins shall be designed to provide storage for a 25-year, 24-hour storm with an additional capacity of 25 percent for freeboard. The storm drain outlet from the detention basins to the public storm drain system would be sized to limit the runoff rate from the proposed roadway</p>	Community Development Director	Incorporation of required measures on all project construction documents, contracts, and plans. A stormwater quality control plan prepared by a qualified engineer, documenting that the retention basins and bioretention areas meet the Hydromodification	Prior to issuance of a Grading Permit for Phase I.
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	<p>improvements to existing conditions. If there is no outlet, the retention basins shall be designed to contain the 100-year storm event.</p> <p>MM HYD-1.3: The stormwater runoff generated by the proposed roadway improvements shall be treated using bioretention areas that are designed to meet the requirements set forth in the Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast Region.</p> <p>MM HYD-1.4: The stormwater runoff generated by the proposed roadway improvements shall be retained onsite through the use of infiltration, evaporation, or rainwater harvesting. If retention is deemed infeasible due to poorly draining soils, 10 percent of the equivalent impervious surface shall be set aside for stormwater management controls as described in the Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast Region. This will be incorporated into the two retention basins.</p> <p>(Less Than Significant Impact with Mitigation Incorporated)</p>		<p>Management requirement, the City of Morgan Hill storm drain design standards, and the Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast Region shall be submitted to the Community Development Director for review and approval.</p>	
Impact HYD-2: During large storm events, the runoff generated by the planned future	<p>MM HYD – 2: A Hydrology and Water Quality Report would be prepared for the proposed roadway improvements, which would evaluate the potential for the proposed improvements to cause or exacerbate downstream flooding. Mitigation measures would be identified to ensure that the existing frequency of</p>	Community Development Director	The Hydrology and Water Quality Report shall be prepared by a qualified engineer and submitted to the Community	At the time of future project level environmental review for Phase

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<p>widening and realignment of the Santa Teresa Corridor (Phase II) could exacerbate flooding downstream of the proposed roadway improvements.</p> <p>(Significant Impact)</p>	<p>capacity exceedance of the storm drain system downstream of the planned future roadway improvements is maintained or decreased. These measures may be similar to mitigation measures MM HYD-1.1 through MM HYD-1.4 identified above to reduce potential flooding impacts from the proposed Phase I roadway improvements to a less than significant level.</p> <p>(Less Than Significant Impact with Mitigation Incorporated)</p>		<p>Development Director for review and approval.</p>	<p>II of the proposed project.</p>
<p>Impact HYD-3: During large storm events, the increased rate and volume of stormwater runoff resulting from the proposed extension of Hale Avenue could result in downstream erosion and siltation.</p> <p>(Significant Impact)</p>	<p>As described above under mitigation measures MM HYD-1.1 through MM HYD-1.4, the proposed retention basins will be designed to reduce the rate of stormwater runoff from the proposed Hale Avenue extension to existing conditions. In addition to reducing downstream flooding impacts to a less than significant level, implementation of mitigation measures MM HYD-1.1 through MM HYD-1.4 would also reduce downstream erosion and siltation to a less than significant level.</p> <p>(Less Than Significant Impact with Mitigation Incorporated)</p>	<p>Community Development Director</p>	<p>Incorporation of required measures on all project construction documents, contracts, and plans.</p>	<p>Prior to issuance of a Grading Permit for Phase I.</p>
<p>Impact HYD-4: During large storm events, the runoff generated by the</p>	<p>As described above under mitigation measure MM HYD-2, a Hydrology and Water Quality Report would be prepared for the planned future Phase II roadway improvements, which would evaluate the potential for the roadway improvements to cause or</p>	<p>Community Development Director</p>	<p>The Hydrology and Water Quality Report shall be prepared by a qualified engineer and submitted to</p>	<p>At the time of future project level environmental</p>

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<p>planned future widening of the Phase II segment of the Santa Teresa Corridor could result in downstream erosion and siltation. (Significant Impact)</p>	<p>exacerbate downstream flooding. Mitigation measures would be identified to ensure that the existing frequency of capacity exceedance of the storm drain system downstream of the planned future roadway improvements is maintained or decreased. These measures may be similar to mitigation measures MM HYD-1.1 through MM HYD-1.4 identified above to reduce potential flooding impacts from the proposed Phase I roadway improvements to a less than significant level. In addition to reducing flooding, implementation of MM HYD-2 would also reduce downstream erosion and siltation to a less than significant level.</p> <p>(Less Than Significant Impact with Mitigation Incorporated)</p>		<p>the Community Development Director for review and approval.</p>	<p>review for Phase II of the proposed project.</p>

Noise and Vibration				
<p>Impact NOI-1: Groundborne vibration levels at adjacent structures could be substantial during the construction of planned Phase II roadway improvements. (Significant Impact)</p>	<p>MM NOI – 1: An environmental noise assessment would be completed at the time of future project-level environmental review prior to commitment to implement a specific Phase II alignment to identify potential noise and vibration impacts during construction and operation of the Phase II roadway improvements. If vibration levels at adjacent residences during construction is projected to exceed 0.3 in/sec PPV, then mitigation measures would be identified to reduce the vibration impact to less than significant.</p> <p>(Less Than Significant Impact with Mitigation Incorporated)</p>	<p>Community Development Director</p>	<p>The environmental noise assessment shall be submitted to the Community Development Director for review and approval.</p>	<p>At the time of future project level environmental review for Phase II of the proposed project.</p>

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Impact	Mitigation and Avoidance Measures	Responsibility for Monitoring Compliance	Method of Compliance	Timing of Compliance
Impact NOI-2: Operation of the planned future widening and realignment of the Santa Teresa Corridor (Phase II) could substantially increase noise levels at adjacent receptors. (Significant Impact)	<p>MM NOI – 2: An environmental noise assessment would be completed at the time of future project-level environmental review prior to commitment to implement a specific Phase II alignment to identify potential noise and vibration impacts during construction and operation of the Phase II roadway improvements. If noise levels at adjacent receptors during operation are projected to substantially increase, then feasible mitigation measures (e.g., sound walls) would be identified to reduce traffic noise to a less than significant level.</p> <p>(Less Than Significant Impact with Mitigation Incorporated)</p>	Community Development Director	The environmental noise assessment shall be submitted to the Community Development Director for review and approval.	At the time of future project level environmental review for Phase II of the proposed project.
Impact NOI-3: Operation of the planned future widening and realignment of the Santa Teresa Corridor in combination with planned future development in the project area could substantially increase noise levels at adjacent receptors. (Significant Impact)	<p>MM NOI – 3: An environmental noise assessment would be completed at the time of future project-level environmental review prior to commitment to implement a specific Phase II alignment to identify potential noise and vibration impacts during construction and operation of the Phase II roadway improvements. If noise levels at adjacent receptors during operation are projected to substantially increase, then feasible mitigation measures (e.g., sound walls) would be identified to reduce traffic noise to a less than significant level.</p> <p>(Less Than Significant Cumulative Impact with Mitigation Incorporated)</p>	Community Development Director	The environmental noise assessment shall be submitted to the Community Development Director for review and approval.	At the time of future project level environmental review for Phase II of the proposed project.

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Transportation				
Impact TRAN-1: Under Existing Plus Project conditions, the proposed extension of Hale Avenue (Phase I) would cause the intersection of Hale Avenue and Wright Avenue to operate at an unacceptable LOS E during the PM peak hour. (Significant Impact)	<p>MM TRAN-1: Peak-hour signal warrants would be met during the PM peak hour under Existing Plus Project conditions. Signalizing the intersection would reduce the impact to a less than significant level.</p> <p>(Less Than Significant Impact with Mitigation Incorporated)</p>	Community Development Director	Incorporation of required measures on all project construction documents, contracts, and plans.	Prior to operation of the Hale Avenue extension (Phase I).
Impact TRAN-2: Under Year 2020 Plus Project conditions, the proposed extension of Hale Avenue (Phase I) would cause the intersection of Hale Avenue and Wright Avenue to operate at an unacceptable LOS F	<p>MM TRAN-2: Peak-hour signal warrants would be met during both the AM and PM peak hours under Year 2020 Plus Project conditions. Signalizing the intersection would reduce the impact to a less than significant level.</p> <p>(Less Than Significant Cumulative Impact with Mitigation Incorporated)</p>	Community Development Director	Incorporation of required measures on all project construction documents, contracts, and plans.	Prior to operation of the Hale Avenue extension (Phase I).

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during the PM peak hour. (Significant Cumulative Impact)				
Impact TRAN-3: Under Year 2035 Plus Project conditions, the proposed project, including both Phase I and Phase II, would exacerbate unacceptable operations at the intersection of Hale Avenue and Wright Avenue. (Significant Cumulative Impact)	<p>MM TRAN-3: Peak-hour signal warrants would be met during both the AM and PM peak hours under Year 2035 Plus Project conditions. Signalizing the intersection or implementing other measures to reduce delays at the intersection (e.g., traffic circle) would reduce the impact to a less than significant level.</p> <p>(Less Than Significant Cumulative Impact with Mitigation Incorporated)</p>	Community Development Director	Incorporation of required measure on all construction documents, contracts, and project plans.	Prior to operation of the Hale Avenue extension (Phase I).

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Standard Measures	Responsibility for Monitoring Compliance	Method of Compliance	Timing of Compliance
Biological Resources			
<p>Standard Measures: The following standard measures shall be implemented in conformance with the Morgan Hill Citywide Burrowing Owl Habitat Mitigation Plan and the Habitat Plan to reduce impacts to burrowing owls and burrowing owl habitat to a less than significant level.</p> <p>In addition to compensatory mitigation required by the Morgan Hill Citywide Burrowing Owl Habitat Mitigation Plan that shall be paid to the Santa Clara Valley Habitat Agency, pre-construction surveys for burrowing owls shall be conducted prior to conducting any site grading activities, and are required by both the Habitat Plan and the Citywide Burrowing Owl Habitat Mitigation Plan. The project shall implement the Habitat Plan survey requirements, which are outlined below:</p> <ul style="list-style-type: none"> • A minimum of two pre-construction burrowing owl surveys are required, with the first survey initiated no more than 14 days prior to grading initiation and the final survey concluded no more than two days prior to grading initiation. In the event that burrowing owls are discovered in the Phase I alignment, a qualified biologist shall delineate the extent of western burrowing owl habitat in the alignment, and additional avoidance measures shall be implemented according to the Habitat Plan as follows, depending on whether owls are encountered during the non-nesting or nesting seasons: <ul style="list-style-type: none"> ▪ If the survey finds burrowing owls in or adjacent to the Phase I alignment during the non-nesting season (September 1 through January 31), impacts to individuals may be avoided by establishing a 250-foot exclusion buffer between active burrows and any earth-moving activities or other disturbance in the Phase I alignment. Construction activities outside of this 250-foot buffer would be allowed. Construction activities within the non-disturbance buffer would be allowed if: a qualified biologist monitors the owls for at least 3 days prior to construction to determine baseline foraging behavior and monitors the owls 	Community Development Director	<p>Incorporation of required measures on all project construction documents, contracts, and plans.</p> <p>A report prepared by a qualified biologist documenting the findings of the burrowing owl preconstruction surveys shall be submitted to the Community Development Director for review and approval.</p>	Prior to issuance of a Grading Permit for Phase I.

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<p>during construction and finds no change in owl foraging behavior in response to construction activities. If there is any change in owl nesting and foraging behavior as a result of construction activities, these activities will cease within the 250-foot buffer. If the owls are gone for at least one week, the project proponent may request approval from the Santa Clara Valley Habitat Agency (Implementing Entity) that a qualified biologist excavate usable burrows to prevent owls from re-occupying the site. After all usable burrows are excavated, the buffer zone will be removed and construction may continue. Monitoring must continue as described above for the non-breeding season as long as the burrow remains active.</p> <ul style="list-style-type: none"> • If the survey finds burrowing owls in or adjacent to the Phase I alignment during the nesting season (February 1 through August 31), all nest sites that could be disturbed by project construction during the remainder of the breeding season or while the nest is occupied by adults or young will be avoided. Avoidance will include establishment of a 250-foot exclusion zone required between each nest burrow and any earth-moving activities or other disturbance in the Phase I alignment. Construction may occur outside of the 250-foot non-disturbance buffer zone. Construction may occur inside of the 250-foot non-disturbance buffer during the breeding season if: the nest is not disturbed, and the project proponent develops an avoidance, minimization, and monitoring plan that will be reviewed by the Santa Clara Valley Habitat Agency and the CDFW prior to project construction based on criteria set forth in the Habitat Plan. The exclusion zone can be removed once it is determined by a qualified biologist that the nest is abandoned prior to the end of the nesting season and the burrow is no longer in use by owls. 			

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<p>Standard Measures: Implementation of following Habitat Plan standard measures will reduce impacts to special-status and non-special-status native nesting birds from the proposed Hale Avenue alignment to a less than significant level:</p> <p><u>Special-Status and Non-Special-Status Native Nesting Birds</u></p> <ul style="list-style-type: none"> • To reduce potential nesting habitat and impacts to nesting birds in the Phase I alignment, all vegetation scheduled for removal shall be cleared during the non-nesting season (September 1st through January 31st) prior to grading activities. This will reduce suitable nesting habitat for many common species. • During the avian nesting season (February 1st through August 31st), a qualified biologist shall conduct a nesting bird survey no more than 14 days prior to initial vegetation removal and ground disturbance to determine if any birds are nesting on or adjacent to the Phase I alignment. If active nests are found close enough to the alignment to impact nesting success, a qualified biologist shall establish an appropriate exclusion zone around the nest. This exclusion zone may be modified depending upon the species, nest location, and existing visual or auditory buffers. Once all young have become independent of the nest, vegetation removal and ground disturbance may take place in the former exclusion zone. <p><u>Tricolored Blackbird</u></p> <ul style="list-style-type: none"> • To avoid impacts to nesting tricolored blackbirds, any existing emergent vegetation deemed suitable by a qualified biologist for tricolored blackbird nesting shall be removed. Removal shall occur outside of the nesting season (September 1st through January 31st) and vegetation shall be maintained such that it does not grow to a sufficient height and density to support nesting. If construction of the proposed Hale Avenue alignment during the nesting season cannot be avoided, Section 6 of the 	Community Development Director	<p>Incorporation of required measures on all project construction documents, contracts, and plans.</p> <p>If project construction activities start during the nesting season, then a report prepared by a qualified biologist and summarizing the findings of the nesting bird survey(s) shall be submitted to the Community Development Director for review and approval.</p>	Prior to issuance of a Grading Permit for Phase I.

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<p>Habitat Plan requires a pre-construction survey of any potential tri-colored blackbird nesting habitat that shall be completed no more than two days prior to initial vegetation removal or ground disturbance. A preliminary survey may be additionally conducted up to 14 days prior to the start of construction. If nesting activity is observed, a 250-foot exclusion zone shall be implemented around the active nesting area, and the appropriate wildlife agencies shall be notified. The exclusion zone shall remain in place until the colony abandons the site or the nesting season ends (beginning September 1st).</p>			
Cultural Resources			
<p>Standard Measures: Although unlikely, the proposed project could 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:</p> <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> ▪ 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 	Community Development Director	Incorporation of required measures on all project construction documents, contracts, and plans.	Prior to issuance of a Grading Permit for Phase I.

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<p>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.</p> <ul style="list-style-type: none"> • An "exclusion zone" where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable buffer zone by the contractor foreman or authorized representative, or party who made the discovery and initiated these protocols, or if on-site at the time of discovery, by the monitoring archaeologist (typically twenty-five to fifty feet for single burial or archaeological find). • The exclusion zone shall be secured (e.g., twenty-four 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: <ul style="list-style-type: none"> ▪ 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, and ▪ 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 twenty-four hours to 			

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<p>notify the NAHC.</p> <ul style="list-style-type: none"> • 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 twenty-hour hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose. • Within twenty-four 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. 			
<p>Standard Measures: At the time of future implementation of Phase II and consistent with the recommendations in Section 18.75 of the City of Morgan Municipal Code, the following standard measures would be implemented:</p> <p>The City will consult with the Northwest Information Center for information about whether the project is located within or adjacent to a known archaeological site, and if it is determined that it is so located, then a historical alteration permit is required for the project, and CEQA review of the project shall consider potentially significant impacts on archaeological resources and identify appropriate mitigation measures to be imposed as conditions of approval in addition to the standard conditions identified below.</p>	Community Development Director	A report prepared by a qualified archaeologist and summarizing the results of the Northwest Information Center consultation shall be submitted to the Community Development Director for review and approval.	At the time of future project level environmental review for Phase II of the proposed project.

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<ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> ▪ 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. <p>In addition to standard conditions listed above, 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. The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply:</p> <ul style="list-style-type: none"> • 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 			

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<p>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:</p> <ul style="list-style-type: none"> ▪ 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 of discovery, by the monitoring archaeologist (typically twenty-five to fifty feet for single burial or archaeological find). • The exclusion zone shall be secured (e.g., twenty-four hour surveillance) as directed by the City or county if considered prudent to avoid further disturbances. 			

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Standard Measures	Responsibility for Monitoring Compliance	Method of Compliance	Timing of Compliance
<ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> ▪ 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, and ▪ 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 twenty-four 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 twenty-hour hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose. • Within twenty-four 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. 			

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Hazards and Hazardous Materials			
<p>Standard Measures: Phase I and Phase II of the proposed project includes the following standard measures to reduce impacts related to asbestos and lead-based paint containing building materials:</p> <ul style="list-style-type: none"> • All potentially friable asbestos-containing materials shall be removed in accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to building demolition or renovation that may disturb the materials. • All demolition activities will be undertaken in accordance with Cal/OSHA standards, contained in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect workers from exposure to asbestos. Materials containing more than one percent asbestos are also subject to BAAQMD regulations. • During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, CCR 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed. 	Community Development Director	Incorporation of required measures on all project construction documents, contracts, and plans.	Prior to issuance of a Grading Permit for Phase I and II.
Hydrology and Water Quality			
<p>Standard Measures: Phase I and Phase II of the proposed project would implement the following standard measures in conformance with Federal and State requirements:</p> <ul style="list-style-type: none"> • Preparation of a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) prior to construction activities. The SWPPP shall include the following: <ul style="list-style-type: none"> ▪ Erosion Control Plan. The Erosion Control Plan shall include components for erosion control, such as phasing of grading, limiting areas of disturbance, designation of restricted-entry zones, diversion of runoff away from disturbed areas, protective measures for sensitive areas, outlet protection, and provision for re-vegetation or mulching. The plan would also prescribe treatment measures to trap sediment once it has been mobilized, at a scale and density appropriate to 	Community Development Director	Incorporation of required measures on all project construction documents, contracts, and plans.	Prior to issuance of a Grading Permit for Phase I and Phase II.

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Standard Measures	Responsibility for Monitoring Compliance	Method of Compliance	Timing of Compliance
<p>the size and scale of the catchment.</p> <ul style="list-style-type: none"> ▪ Identification of construction best management practices (BMPs). BMPs shall be implemented in accordance with criteria in the <i>California Stormwater BMP Handbook for Construction</i> or other accepted guidance. ▪ The City shall identify a SWPPP manager. The SWPPP manager shall be the responsible party to ensure proper implementation, maintenance, and performance of the identified BMPs. 			
<p>Standard Measures: Phase I and Phase II of the proposed project would implement the following standard measures in conformance with the City of Morgan Hill's NPDES Small MS4s General Permit:</p> <ul style="list-style-type: none"> • Preparation of a SWMP. The SWMP shall implement post-construction water quality BMPs that control pollutant levels to pre-development levels, or to the maximum extent practicable. • Preparation of an operations and maintenance plan for water quality and quality control measures. The design and maintenance documents shall include measures to limit vector concerns, especially with respect to control of mosquitoes. 	Community Development Director	Incorporation of required measures on all project construction documents, contracts, and plans.	Prior to issuance of a Grading Permit for Phase I and Phase II.
Noise and Vibration			
<p>Standard Measures: Phase I and Phase II of the proposed project would implement the following standard construction noise suppression measures during construction activities:</p> <ul style="list-style-type: none"> • Equip all internal combustion engine-driven equipment with mufflers, air-inlet silencers, and any other shrouds shields, or other noise-reducing features that are in good operating condition and appropriate for the equipment; • Use “quiet” models of air compressors and other stationary noise sources where such technology exists; • Use electrically powered equipment instead of pneumatic or internal combustion 	Community Development Director	Incorporation of required measures on all project construction documents, contracts, and plans.	During Phase I and Phase II construction activities.

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<p>powered equipment, where feasible;</p> <ul style="list-style-type: none"> • Limit noise-producing signals, including horns, whistles, alarms, and bells, to safety warning purposes only; • Locate stationary noise-generating equipment, construction parking, and maintenance areas as far as reasonable from sensitive receptors when sensitive receptors adjoin or are near the construction project area; • Avoid unnecessary idling of internal combustion engines (i.e., in excess of five minutes); • Place temporary sound walls or enclosure around stationary noise-generating equipment when located near noise sensitive areas; • Ensure that project-related public address or music systems are not audible at adjacent receptors; and • Notify adjacent residents in advance of construction work. 			

SOURCE: City of Morgan Hill. *Hale Avenue Extension and Santa Teresa Corridor Widening and Realignment Final EIR*. August 2017.