

City of Morgan Hill

**Addendum to the Morgan Hill 2035
Environmental Impact Report
(SCH# 2015022074)**

for the **Zoning Code Update**

April 4, 2018



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1. Introduction

1.1 BACKGROUND, PURPOSE, AND SCOPE

This document is an Addendum to the Environmental Impact Report (EIR) for the City of Morgan Hill's Morgan Hill 2035 Project, State Clearinghouse (SCH) No. 2015022074, certified on July 27, 2016 ("Certified EIR"). The project analyzed in the Certified EIR and adopted by the City of Morgan Hill is the Morgan Hill 2035 General Plan and Residential Development Control System, or RDSCS ("Approved Project"). This Addendum serves as the environmental review for the proposed Zoning Code Update ("proposed project"), prepared pursuant to the provisions of the State California Environmental Quality Act (CEQA) Guidelines Section 15164.

1.2 ENVIRONMENTAL PROCEDURES

Pursuant to Section 21166 of CEQA and Section 15162 of the State CEQA Guidelines, when an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR or negative declaration shall be prepared for the project unless the lead agency determines that one or more of the following conditions are met:

- Substantial project changes are proposed 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;
- Substantial changes would occur with respect to the circumstances under which the project is undertaken that require major revisions to 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
- New information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified or the negative declaration was adopted shows any of the following:
 - The project will have one or more significant effects not discussed in the previous EIR or negative declaration.
 - Significant effects previously examined will be substantially more severe than identified in the previous EIR.
 - 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 proponent declines to adopt the mitigation measures or alternatives.

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- Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponent declines to adopt the mitigation measures or alternatives.

Where none of the conditions specified in Section 15162¹ are present, the lead agency must determine whether to prepare an Addendum or whether no further CEQA documentation is required (CEQA Guidelines Section 15162(b)). An Addendum is appropriate where some minor technical changes or additions to the previously certified EIR are necessary, but there are no new or substantially more severe significant impacts (CEQA Guidelines Section 15164).

This Addendum relies on the attached environmental analysis, which addresses environmental checklist issues section by section. This Addendum reviews the changes proposed by the proposed project and examines whether, as a result of any changes or new information, any new or worsened impacts could occur that were not identified in the Certified EIR. In accordance with the CEQA Guidelines, the City has determined that an Addendum to the Certified EIR is the appropriate environmental clearance for the proposed project.

¹ See also Section 15163 of the State CEQA Guidelines, which applies the requirements of Section 15162 to supplemental EIRs.

2. Project Description

2.1 LOCATION AND SETTING

Morgan Hill is a City of 13 square miles located in the southern part of Santa Clara County. The city is located approximately 20 miles south of downtown San José and approximately 13 miles north of Gilroy, as shown in Figure 2-1.

Highway 101 provides north-south access to San José to the north and Gilroy to the south. The Santa Clara Valley Transportation Authority (VTA) provides local bus service with regional connections to destinations north and south of Morgan Hill. Morgan Hill is also served by a Caltrain Station located along Depot Street between 2nd and 4th Street. Additional access is provided by the Monterey-Salinas Transit (MST) Bus Service, which provides bus service between the Morgan Hill Caltrain Station and the Monterey Transit Plaza in Monterey.

2.2 PROJECT STUDY AREA

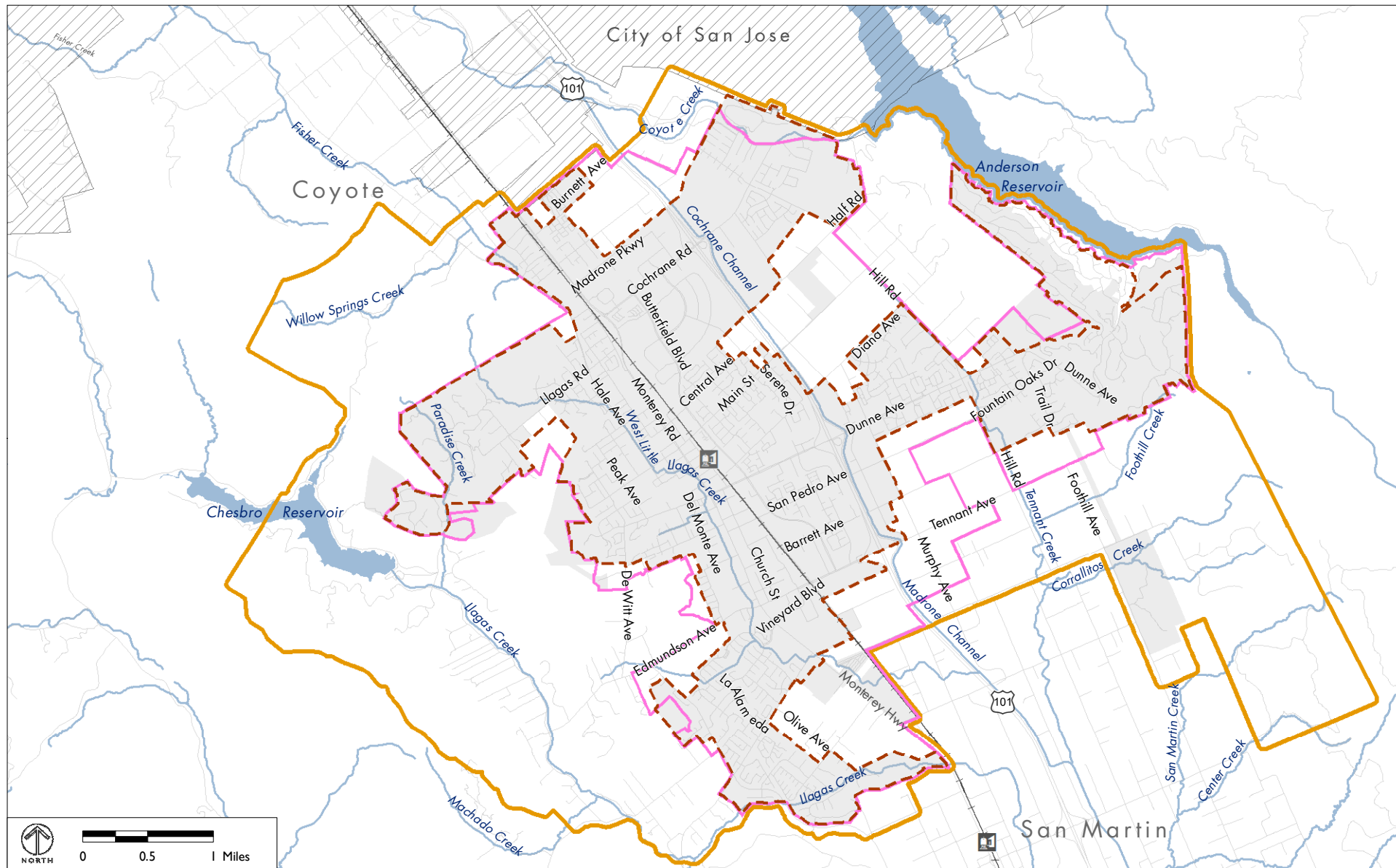
The city limit encompasses the land over which the City of Morgan Hill has jurisdictional authority and where the City's Zoning Code applies. The current city limit covers approximately 13 square miles. As shown in Figure 2-1, Morgan Hill's northern boundary extends in close proximity to the city limit of San Jose.

Other planning boundaries that the City uses in its growth planning include: Sphere of Influence (SOI), Urban Growth Boundary, and Urban Service Area. These planning boundaries are also shown in Figure 2-2.

2.3 PROPOSED PROJECT

California Government Code Section 65860(a) requires a city's zoning ordinance to be consistent with its General Plan. Therefore, the City is proposing to amend the Zoning Code to ensure that it conforms to the adopted General Plan and allow for development intensities and uses that are consistent with the adopted General Plan. Most of the changes in the proposed Zone Code Update are intended to improve the organization and ease of use of the Zoning Code and bring the Zoning Code into conformance with the City's adopted General Plan and Downtown Specific Plan (adopted in 2009).

The updated Zoning Code includes the districts listed in Table 2-1. Some zoning districts are renamed in the proposed Zoning Code Update. Where applicable, former zoning district names are noted in Table 2-1.



- Sphere of Influence
- Urban Service Area
- Urban Growth Boundary
- City Boundary
- San Jose City Boundary
- Train Station

Source: City of Morgan Hill, 2015.

Figure 2-1

Planning Boundaries

PROJECT DESCRIPTION

TABLE 2-1 ZONING DISTRICTS

Zoning District Symbol	Name of Zoning District (Previous Zoning District, If Applicable)	General Plan Designation
Residential Zoning Districts		
RE 10	Residential Estate (10 acre lots)	Residential Estate
RE 2.5	Residential Estate (2.5 acre lots) (formerly the RE Residential Estate 100,000 district)	
RE 1	Residential Estate (1 acre lots) (formerly the RE Residential Estate 40,000 district)	
RDL 20,000	Residential Detached Low Density (20,000 sq. ft. lots) (formerly the R-1 Single-Family Low Density 20,000 district)	Residential Detached Low
RDL 12,000	Residential Detached Low Density (12,000 sq. ft. lots) (formerly the R-1 Single-Family Low Density 12,000 district)	
RDM 9,000	Residential Detached Medium Density (9,000 sq. ft. lots) (formerly the R-1 Single-Family Medium Density 9,000 district)	Residential Detached Medium
RDM 7,000	Residential Detached Medium Density (7,000 sq. ft. lots) (formerly the R-1 Single-Family Medium Density 7,000 district)	
RDH 4,500	Residential Detached High Density (4,500 sq. ft. lots) (formerly the R-1 Single-Family High Density 4,500 district)	Residential Detached High
RAL 3,500	Residential Attached Low Density (3,500 sq. ft. per unit) (formerly the R-2 Medium Density 3,500 district)	Residential Attached Low
RAL 3,000	Residential Attached Low Density (3,000 sq. ft. per unit) (formerly the R-2 Medium Density 3,000 district)	
RAM	Residential Attached Medium Density (2,000 sq. ft. per unit) (formerly the R-3 Medium Density district)	Residential Attached Medium
RAH	Residential Attached High Density (1,100 sq. ft. per unit) (formerly the R-4 High Density district)	Residential Downtown
Mixed-Use Zoning Districts		
MU-D	Downtown Mixed Use (formerly the Central Business District (CBD) district)	Mixed Use
MU-N	Neighborhood Mixed Use (formerly the Central Commercial/Residential (CC-R) district)	
MU-F	Mixed Use Flex (formerly the Light Commercial/Residential (CL-R) district)	Mixed Use Flex
Commercial Zoning Districts		
CN	Neighborhood Commercial	Commercial
CG	General Commercial	
CH	Highway Commercial	
CS	Service Commercial	
Industrial Zoning Districts		
IL	Light Industrial	Industrial and Commercial/Industrial
IG	General Industrial	
IC	Campus Industrial	
IO	Office Industrial	

PROJECT DESCRIPTION

TABLE 2-1 ZONING DISTRICTS

Zoning District Symbol	Name of Zoning District (Previous Zoning District, If Applicable)	General Plan Designation
CI	Commercial Industrial	
Public, Open Space, and Recreational Zoning Districts		
OS	Open Space	Open Space
PF	Public Facilities	Public Facilities
SRL	Sports Recreation Leisure (A & B)	Sports Recreation Leisure
Overlay Zones		
AFSR	Active Fault Surface Rupture Combining District	- -
DGF	Downtown Ground Floor Overlay Zone	- -
DTSP	Downtown Specific Plan Overlay Zone	- -
H	Hillside Combining District	- -
PD	Planned Development Combining District	- -

Source: City of Morgan Hill, 2018.

In addition, the updated Zoning Code carries forward three legacy zones: the Residential Planned Development (RPD) overlay district, the Planned Unit Development (PUD) base zoning district, and the Conditional (C) base zoning district. A legacy zone is base zoning district, overlay zone, or combining district which was applied to a property prior to the effective date of proposed Zoning Code, remains the zoning in effect for the property, but which may not be applied to any additional properties in the future. All rules and regulations of the legacy zone, and any subsequent amendments thereto, continue to apply to the subject property.

The following list summarizes the proposed Zoning Code amendments that could potentially have impacts on the physical environment. Relevant sections of the proposed Zoning Code are referenced in parentheses below.

- New Zoning District:
 - A new district, the CI (Commercial Industrial) district, would be established to implement the new Commercial/Industrial General Plan land use designation. The CI district would allow buildings up to 55 feet in height, and up to 65 feet for hotels along the Highway 101 frontage with enhanced architecture, with approval of a Design Permit. The CI district would allow a maximum FAR of 0.5 for non-industrial uses and 0.6 for industrial uses. The CI district would require minimum lot area of 20,000 square feet and the following setbacks: 30-foot front setbacks, 20-foot rear setbacks, 10-foot interior side setbacks, and 15-foot street-side setbacks. Based on the zoning map included in the proposed Zoning Code Update, the CI district would be applied to a cluster of parcels on the east side of Highway 101 between Cochrane Road and Diana Avenue, most of which are currently not incorporated into the city. The CI district would be applied to these parcels if and when they are annexed to the city in the future. The parcels zoned CI that are located within the

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city are currently zoned PD (Planned Development. (Section 18.26.030, Industrial Zoning Districts, Development Standards)

- Building Density and Intensity Requirements:
 - The maximum floor area ratio (FAR) would be increased in the IC (Campus Industrial) district, from 0.2 to 0.5. (Section 18.26.030, Industrial Zoning Districts, Development Standards)
 - The maximum cumulative allowable residential density bonus granted for a development in the PD (Planned Development) district would be increased from 25 percent to 35 percent to make references to allowed maximum density bonus consistent with State law throughout the Zoning Code. (Section 18.48.060, Affordable Housing, Additional Density Bonus)
- Building Height Requirements:
 - Maximum allowable building heights in the IC district would be increased from 35 feet to 50 feet. (Section 18.26.030, Industrial Zoning Districts, Development Standards)
 - Maximum allowable heights in the CH district would be increased to up to 65 feet for hotels on sites adjacent to Highway 101, with a design permit (Section 18.24.030, Development Standards).
- Accessory Dwelling Units:
 - Accessory dwelling units (ADUs) would be permitted on lots containing one detached single-family home in all districts that allow single-family detached homes. This change would allow ADUs in the RAL (Residential Attached Low Density, formerly the R-2 (Medium Density)), RAM (Residential Attached Medium Density, formerly the R-3 (Medium Density)), RAH (Residential Attached High Density, formerly the R-4 (High Density)), MU-D (Downtown Mixed Use, formerly the CBD (Central Business District)), and MU-F (Mixed Use Flex, formerly the CL-R (Light Commercial/Residential)) districts, where they are not currently permitted. This change would also allow ADUs on any lot containing one detached single-family home in the MU-N (Neighborhood Mixed Use, formerly the CC-R (Central Commercial/Residential)) district, where they are now only permitted on lots over 6,000 square feet. (18.18.020, Residential Attached Zoning Districts, Land Use Regulations and 18.84.030, Accessory Dwelling Units, Permitted Zoning Districts)
 - Maximum floor areas would be increased for ADUs. Under the existing Zoning Code, the maximum allowable floor area ranges from 640 square feet to 1,000 square feet, depending on the district. Under the proposed Zoning Code, the maximum allowable floor area ranges from 750 square feet to 1,200 square feet, depending on the district. (18.84.050, Accessory Dwelling Units, Site and Design Standards)
- Setback Requirements:
 - Front setbacks would be reduced in the RDM (Residential Detached Medium Density, formerly the R-1 (Single-Family Medium Density))-9,000 and RDM-7,000 districts by 5 feet (from 25 feet to 20 feet for the first story and from 30 feet to 25 feet for upper stories). (Section 18.16.030 (Residential Detached Zoning Districts, Development Standards))
 - Upper-level setbacks in the RDH (Residential Detached High Density, formerly the R-1 (Single-Family High Density))-4,500 district would be adjusted to remove upper-level rear setbacks and

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introduce a new 20-foot front setback requirement for upper stories. (Section 18.16.030 (Residential Detached Zoning Districts, Development Standards))

- Setback requirements in the MU-N district would be differentiated for residential and non-residential uses, where previously they were not differentiated. As a result of this change, setbacks for non-residential uses would be reduced as follows: minimum front setbacks would be reduced from 15 feet to 0 feet, minimum rear setbacks would be reduced from 20 feet to 10 feet, and street-side setbacks would be reduced from 15 feet to 0 feet. (Section 18.22.040, Mixed Use Zoning Districts, Development Standards)
- Minimum front setbacks for residential uses in the MU-F district would be reduced from 25 feet to 15 feet. Minimum front setbacks for non-residential uses would be reduced from 15 feet to 10 feet. (Section 18.22.040, Mixed Use Zoning Districts, Development Standards)
- Minimum setbacks in the CN (Neighborhood Commercial) district would be reduced as follows: minimum front setbacks would be reduced from 40 feet to 25 feet, minimum rear setbacks would be reduced from 40 feet to 20 feet, and minimum interior side setbacks would be reduced from 40 feet to 0 feet. (Section 18.24.030, Commercial Zoning Districts, Development Standards)
- Minimum setbacks in the IC (Campus Industrial, formerly the MC (Campus Industrial)) district would be reduced: minimum rear setbacks would be reduced from 50 feet to 25 feet; minimum side setbacks would be reduced from 50 feet to 25 feet for interior sides and from 50 feet to 15 feet for street sides. (Section 18.26.030, Industrial Zoning Districts, Development Standards)
- Minimum Lot Area Requirements:
 - The minimum lot area requirement in the CN district would be reduced from 20,000 square feet to 10,000 square feet. (Section 18.24.030, Commercial Zoning Districts, Development Standards)
 - The minimum lot area requirement in the IC district would be reduced from 20 acres to 5 acres. (Section 18.26.030, Industrial Zoning Districts, Development Standards)
- Solar Energy Systems:
 - Consistent with State law, the proposed Zoning Code Update would permit rooftop solar energy systems in all zoning districts. No approval would be required other than a building permit. Solar energy systems would be allowed to project up to 4 feet above the maximum permitted structure height in the applicable zoning district. (Section 18.92.140, Supplemental Standards, Rooftop Solar Energy)
- Wireless Communication Facilities:
 - The proposed Zoning Code Update would add a new chapter to the Zoning Code to regulate wireless communication facilities. The chapter includes design standards for concealment, height, lighting, and other features. (Chapter 18.96, Wireless Communication Facilities)
- Signs:
 - The proposed Zoning Code Update would amend the City's sign permitting requirements and procedures. The Zoning Code Update would expand the types of signs that are exempt from

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permits to include internal signs, restaurant menu signs, and real estate listings, as well as decorations and murals that do not have a commercial message. (Chapter 18.88, Signs)

Some of these amendments – including those that would expand the districts where ADUs are permitted, increase the allowable floor areas of ADUs, increase allowable building heights, and increase the maximum cumulative allowable residential density bonus for development projects – would increase the residential development potential of land within the city. **The Certified EIR analyzed a total 2035 population of 68,057 people, including both existing population and net new population generated by residential growth allowed under the land use regulations and policies of the 2035 General Plan.**

In November 2016, Morgan Hill voters passed Measure S, an updated RDCS, codified as Chapter 18.78 of the City's Municipal Code. Section 18.78.040 of the Municipal Code establishes that Morgan Hill's population as of January 1, 2035 shall not exceed 58,200; that the City shall ensure that Morgan Hill's population does not exceed this limit by 2035 while continuing to meet the full range of housing needs in Morgan Hill; and that Morgan Hill's population limit is intended to limit all population growth, including growth from new housing exempt from receiving RDCS allotments. The number of allotments available each year and the process to adjust this number is intended to ensure that residential growth from all sources does not result in a population that exceeds the population limit of 58,200 residents in 2035. Therefore, the residential development potential of the proposed Zoning Code Update would not exceed the amount analyzed in the Certified EIR, since that EIR analyzed a 2035 population of 68,057 and the City's 2035 population has subsequently been capped at 58,200.

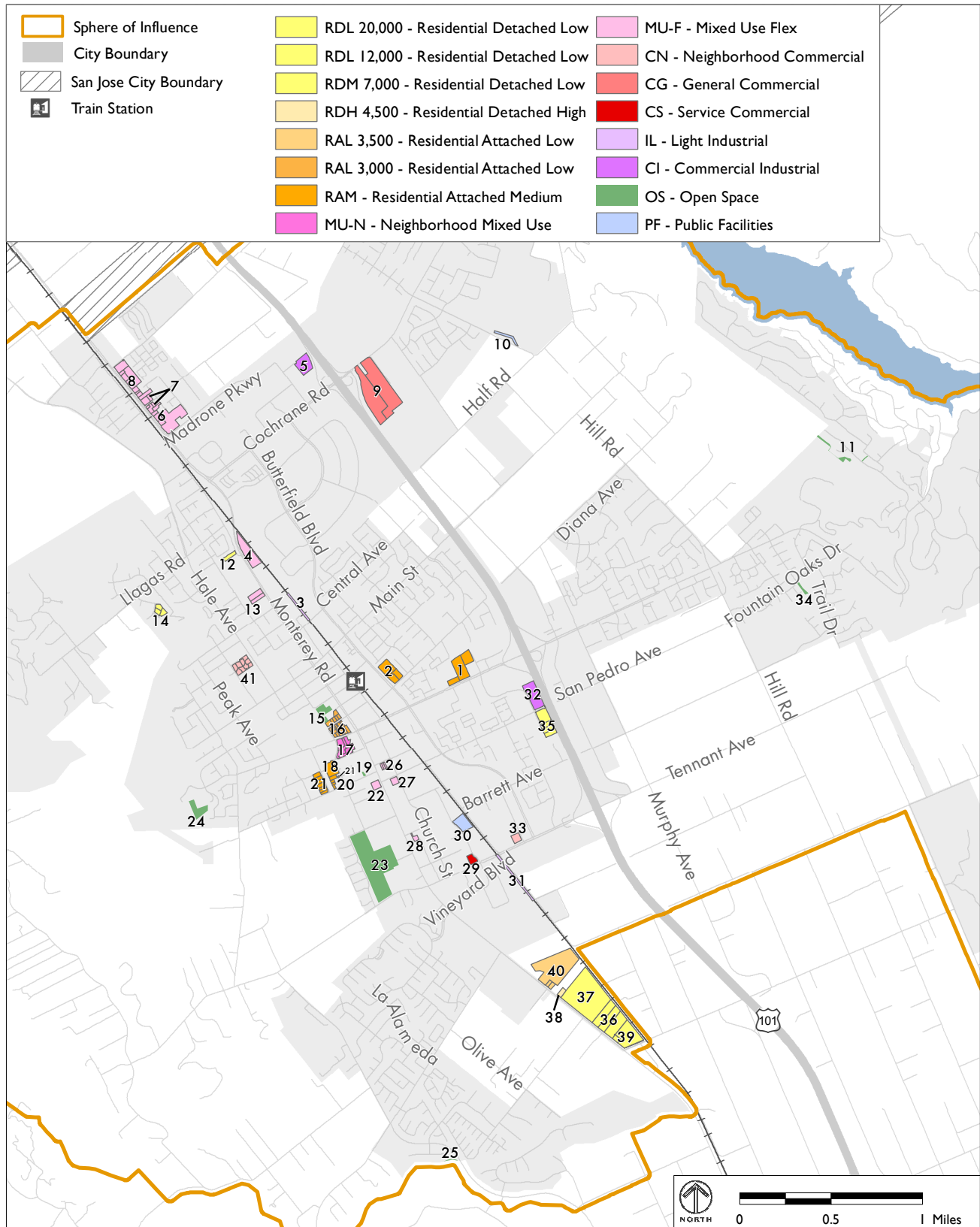
Some of these amendments – including those that would increase allowable building heights in the IC and CI districts and increase the maximum FAR in the IC district – would increase the non-residential development potential of land within the city. The Certified EIR analyzed the following non-residential development by 2035, including both existing and net new non-residential development: 3.26 million square feet of retail space, 2.14 million square feet of office space, 12.13 million square feet of industrial space, 1.55 million square feet of service space, and approximately 774,000 square feet of total public facilities space.

The proposed Zoning Code Update would allow increased building heights in the CI and CH districts (up to 65 feet for hotels on sites adjacent to Highway 101) above those analyzed in the Certified EIR, which analyzed building heights up to 50 feet in the corresponding Commercial/Industrial land use designation and 30 feet in the Commercial General Plan land use designation. Allowable FARs in the CI and CH districts would be consistent with the Commercial/Industrial and Commercial land use designations analyzed in the Certified EIR. Because FARs would be consistent with those analyzed in the Certified EIR, the increase in the allowable building height for hotel uses would not increase the overall amount of development allowed on sites in the CI and CH districts above levels analyzed in the Certified EIR. The proposed Zoning Code would also increase the maximum FAR and building heights in the IC district (which is not currently applied to any sites); however, the allowable FAR and building heights would still be consistent with the FARs analyzed in the Certified EIR. Therefore, non-residential development under the proposed Zoning Code would not increase non-residential development potential beyond the amount analyzed in the Certified EIR.

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In addition to the proposed Zoning Code amendments described above, the proposed project would include the site-specific rezonings shown in Figure 2-2 and listed in Table 2-2. None of these rezonings would apply urban (e.g., residential, commercial, mixed-use, or industrial) zoning districts to sites that were previously zoned for non-urban (e.g., open space) uses. In addition to these rezonings, the City's zoning map would be amended to reflect the changes to zoning district names shown in Table 2-1.

PROJECT DESCRIPTION



Source: City of Morgan Hill, 2018.

Figure 2-2
Parcels with a Zoning Change

PROJECT DESCRIPTION

TABLE 2-2 PARCELS WITH A PROPOSED ZONING CHANGE

Map ID	APNs	Existing Zoning	Proposed Zoning
1	72602008, 72602012, 72602016	R2 3,000	RAM
2	72612001, 72612004	R2 3,500	RAM
3	72624001	R2 3,500	IL
4	72625006	ML	MU-F
5	72633027	ML	CI
6	72636002, 72636003, 72636004, 72636007, 72636008, 72636009, 72636059 ^A	CG	MU-F
7	72636010, 72641015	R1 7,000	MU-F
8	72641018, 72641020, 72641021, 72641042, 72641065, 72642001, 72642002, 72642003, 72642010, 72642012	CS	MU-F
9	72831014, 72831016 ^B	CO	CG
10	72834001	R1 20,000	PF
11	72905027, 72906030	R1 12,000	OS
12	76411002	R2 3,500	RDM 7,000
13	76412006, 76412007	CG	MU-F
14	76431040, 76431041, 76431042	RE 40,000	RDL 20,000
15	76708008, 76708009, 76708010, 76708011	RE 100,000	OS
16	76708013, 76708018, 76708019, 76708020, 76708021, 76708024, 76708025, 76708026, 76708027, 76708028, 76708029, 76708035, 76708036, 76708037, 76708038, 76708039, 76708040, 76708041, 76708042, 76708043, 76708047	D-R3	RAL 3,000
17	76709015, 76709016, 76709017, 76709018, 76709019	R3 (CU)	MU-N
18	76709027	R3 2,000	RAM
19	76710008	R1 7,000	OS
20	76711007, 76711010, 76711011, 76711012	R2 3,500	RAM
21	76711045, 76711046, 76711047, 76711048, 76711050, 76711052, 76711053, 76711056	R2 3,500	RAM
22	76717051	CG	MU-F
23	76718048	PF	OS
24	77307033	R1 20,000	OS
25	77902022	RE 40,000	OS
26	81701008, 81701009, 81701010	R2 3,500	MU-F
27	81702001	R2 3,500	MU-F
28	81703011	R2 3,500	MU-F
29	81705041	ML	CS
30	81705082	ML	PF

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TABLE 2-2 PARCELS WITH A PROPOSED ZONING CHANGE

Map ID	APNs	Existing Zoning	Proposed Zoning
31	81706054	PF	IL
32	81711073	MO	CI
33	81729027	CO	CN
34	81750081	R1 7,000	OS
35	81760024, 81760025, 81760028, 81760029, 81760030	RE 40,000	RDL 20,000
36	82506012, 82506013, 82506014, 82506015	RE 100,000	RDL 12,000
37	82506016	RE 100,000	RDM 7,000
38	82506017	RE 100,000	RDH 4,500
39	82506023, 82506024, 82506025	RE 100,000	RDL 12,000
40	82506026	RE 100,000	RAL 3,500
41	76419016, 76419017, 76419018, 76419019, 76419020, 76419021, 76419022, 76419023, 76419024	CO	CN
Notes:			
A. Parcel 72636059 includes two different zoning changes. The portions along Monterey Road and Madrone Parkway will be changed from existing zoning CG and R1 7,000 to MU-F Mixed Use Flex. The interior of the site will be changed from existing zoning R1 7,000 to RAL 3,500.			
B. Zoning on Parcels 72831014 and 72831016 will only be changed on the southerly portion of the parcels. The portion along Cochrane Road that is currently zoned PUD will remain PUD. The southerly half with existing zoning CO will be changed to CG.			

Source: City of Morgan Hill, 2018.

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3. Environmental Analysis

3.1 AESTHETICS

Would implementation of the proposed project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) *Would the proposed project have a substantial adverse effect on a scenic vista?*

As identified in the Certified EIR, neither the California Scenic Highway Program nor the adopted General Plan designates official scenic view corridors or vistas Morgan Hill. However, the adopted General Plan recognizes that undeveloped hillsides visible from the valley floor are scenic characteristics of the area, and that views of prominent hillsides should be preserved. Throughout the low-lying area of Morgan Hill, scenic views are generally intermittent and partially obscured by existing development and trees. Uninterrupted scenic vistas to the surrounding hillsides exist throughout the city, primarily in agricultural areas, open spaces, and other areas that remain largely undeveloped. Much of the new development allowed under the adopted General Plan would be on lands that are already developed or on lands contiguous to urban uses and major roadways. Given the location of the urban uses and the presence of similar neighboring uses, little to no impact on views of hillsides or El Toro Mountain is anticipated in these areas. However, some future development would have the potential to partially or fully block scenic vistas where currently undeveloped lands would be designated for development. These sites include some large areas of existing vacant or agricultural uses where westward and eastward scenic views are relatively uninterrupted, including the area east of 101, where the proposed Zoning Code would allow higher building heights than were evaluated in the Certified EIR.

The proposed Zoning Code Update creates a new Design Permit that would allow building heights up to 65 feet in the CI and CH districts for hotel uses with enhanced architecture along Highway 101, where the Certified EIR evaluated building heights up to 50 feet. However, allowable FARs in the CI district would be consistent with the Commercial/Industrial land use designation analyzed in the Certified EIR. Therefore, the overall massing and building intensity of uses in the CI would be consistent with those analyzed in the Certified EIR. Although some buildings may have higher heights, the overall effect on scenic views would

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not be substantially different than those evaluated in the Certified EIR; new development would be required to comply with the General Plan goals, policies, and actions intended to protect scenic views and scenic resources; and intermittent views would still be available. Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR, and the proposed project would result in a *less-than-significant* impact and no mitigation measures are required.

b) *Would the proposed project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?*

As identified in the Certified EIR, there are no designated State scenic highways in Morgan Hill. Therefore, the proposed Zoning Code Update would have *no impact*.

c) *Would the proposed project substantially degrade the existing visual character or quality of the site and its surroundings?*

The following components of the proposed Zoning Code Update would have the potential to affect the visual character of the city and were not evaluated in the Certified EIR (these components are described in more detail in Chapter 2, Project Description):

- The CI and CH districts would allow buildings up to 65 feet for hotels adjacent to Highway 101 with enhanced architecture, where the Certified EIR evaluated heights up to 50 feet and 30 feet, respectively.
- The maximum cumulative allowable residential density bonus granted for a planned development would be increased from 25 percent to 35 percent.
- Maximum floor areas would be increased for ADUs.
- Setbacks would be reduced in the RDM, RDH, MU-N, MU-F, CN, and IC districts.
- Minimum lot area requirements would be reduced in the CN and IC districts.

As identified in the Certified EIR, currently undeveloped sites that are designated for development under the adopted General Plan would be the locations with the greatest potential for a change in visual character. Undeveloped sites include some large areas of existing vacant land or agricultural uses. Architectural styles, building heights, and new parking and landscaping on parcels throughout the city where new development or redevelopment would occur would affect the overall visual character of the city as a whole and of areas around development sites. In most cases, new development would be consistent with surrounding existing development in the Downtown and existing commercial and residential areas. However, in some areas of the city land is designated for urban uses in areas that are near existing agricultural or open space areas. In these areas, new development would substantially alter the existing rural and agricultural appearance of these undeveloped areas.

The design of future development would be subject to General Plan goals, policies, and actions promoting high-quality design, as well as to the City's design review process, as required. The proposed project would clarify and amend some aspects of the City's design review procedures, and would add a new subsection (Section 18.108.040, Subsection H) to address the broad range of design issues to consider through the design review process. Therefore, the project would not weaken the design review

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process or limit its applicability. The City's design review process would continue to apply to new development, significant expansion or modification to the exterior of an existing building, development on sensitive sites, and other projects.

Increased building heights in the CI district would only be allowed for buildings that incorporate enhanced architectural features, which would ensure that any building projects built to the maximum height are examples of high-quality design. In addition, as noted under criterion a), allowable FARs in the CI district would be consistent with the Commercial/Industrial land use designation analyzed in the Certified EIR. Therefore, the overall massing and building intensity of uses in the CI would be consistent with those analyzed in the Certified EIR.

Under the proposed Zoning Code Update, increased cumulative density bonuses would be increased from 25 to 35 percent in the PD district for projects that incorporate community benefits. This increase in residential density would only be applied to affordable housing units and would only be applied to PD projects incorporating community benefits. While it is currently unknown how many and which projects would choose to incorporate this density bonus, the incremental density bonus would be applied only to select projects scattered throughout the city. Therefore, this component of the proposed project would not significantly increase building intensity in any particular area of the city and would not have an adverse effect on the city's visual character.

Increased allowable unit sizes for ADUs could affect visual character by allowing more intensified development on residential lots throughout the city. Proposed zoning regulations would limit potential aesthetic impacts of the construction of new ADUs by applying the same design and development standards of the primary dwellings located on the same parcel, including applicable setback requirements, building height limits, and lot coverage limits. In addition, the proposed project would require that ADUs to be subordinate to the primary dwellings in terms of size, appearance, the location on the parcel, and compatibility with the design and scale of the primary dwelling and character of the surrounding neighborhood. With these regulations, ADUs would not have a substantial adverse effect on neighborhood visual character.

Reduced setbacks and lot area requirements under the proposed project could have a beneficial effect on character. Reduced setbacks would allow building frontages to more closely interact with the street, creating a more active pedestrian realm. Reduced lot areas would allow smaller lot sizes, resulting in smaller building massing and increased detail and articulation in building exteriors.

The proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR, and the proposed project would result in a *less-than-significant* impact and no mitigation measures are required.

d) *Would the proposed project create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?*

As identified in the Certified EIR, new lighting from future development would come mainly from commercial areas, safety lighting, building-mounted lights, illuminated signage, parking lot and street lights, and traffic on major arterials. New glare would come mainly from building materials and parked

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cars. In addition, solar photovoltaic panels could also create glare. The proposed Zoning Code Update would permit rooftop solar energy systems in all zoning districts. No approval would be required other than a building permit. Solar energy systems would be allowed to project up to 4 feet above the maximum permitted structure height in the applicable zoning district.

The General Plan policies and actions related to minimizing glare from nighttime lighting would remain in place. The proposed project would clarify and amend some aspects of the City's design review procedures, as described under criterion c) above, and would not weaken or limit design review procedures. The City's design review process would continue to apply to new development, significant expansion or modification to the exterior of an existing building, development on sensitive sites, and other projects. Therefore, the proposed Zoning Code Update would not generate new impacts associated with nighttime lighting or building-related glare.

The potential for glare impacts as a result of photovoltaic panels would depend on the placement and angle of the panels, and the materials with which the panels are composed. The proposed regulations regarding solar panels are necessary in order to bring the City's Municipal Code into conformance with the California Solar Rights Act and Revised Solar Rights Act. Section 65850.5 of the California Government Code requires that local jurisdictions not adopt ordinances that create unreasonable barriers to the installation of solar energy systems, including, but not limited to, design review for aesthetic purposes. Therefore, the proposed project would be consistent with State law and the potential aesthetic effect is not considered to be significant. The proposed amendments to the Zoning Code are considered to be *less than significant* and the project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

3.2 AGRICULTURE AND FORESTRY RESOURCES

Would implementation of the proposed project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Would implementation of the proposed project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a) *Would the project 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?*

The proposed Zoning Code Update would increase allowable building heights in the CI (Commercial Industrial) district above those analyzed in the Certified EIR on lands east of Highway 101 that contain Prime Farmland and Farmland of Statewide Importance. The Certified EIR finds that impacts associated with the conversion of important farmland to non-agricultural use would be significant and unavoidable. This zoning amendment would not identify additional lands for potential conversion of result in any new or more severe impacts than those already analyzed in the Certified EIR. Therefore, the proposed project would result in a *less-than-significant* impact and no mitigation measures are required.

- b) *Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?*

The proposed Zoning Code Update does not change any existing zoning for agricultural use.

The proposed Zoning Code Update does not involve any amendments that would increase development potential on parcels under Williamson Act contracts. The Certified EIR identified one 16-acre parcel outside of the City limits where the General Plan designation would conflict with the Williamson Act contract on that site. However, the proposed Zoning Code Update applies only within City limits and would not affect the identified parcel. Other Williamson Act contract parcels within the City limits are designated for agricultural use under the proposed General Plan and have a corresponding Open Space zoning designation.

Therefore, the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR, and the proposed project would result in a *less-than-significant* impact and no mitigation measures are required.

- c) *Would the project 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))?*

The proposed project does not change the zoning designation on forest land or timberland, and there is no timberland zoned Timberland Production in Morgan Hill. Therefore, there would be *no impact* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

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d) *Would the project result in the loss of forest land or conversion of forest land to non-forest use?*

As identified in the Certified EIR, isolated woodlands that could meet the definition of “forest land” under the Public Resources Code are located in the city limits, primarily in the hillsides to the east and west near Chesbro Reservoir and Anderson Reservoir. The proposed project would not change the development potential of any lands that currently contain forest resources or woodlands, would retain existing tree removal regulations in Chapter 12.32 of the Municipal Code, and would not result in any new or more severe impacts than those already analyzed in the Certified EIR. Therefore, the impact would be *less than significant*.

e) *Would the project 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?*

As described under criterion a) through d), the proposed project would not directly result in the conversion of any farmland, forest land, or timberland to urban uses. The proposed Zoning Code Update would provide detailed development regulations for sites already designated for urban uses in the adopted General Plan and would not result in the conversion of any new lands to urban uses. Therefore, the impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

3.3 AIR QUALITY

Would implementation of the proposed project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project area is in non-attainment under applicable federal or State ambient air quality standards (including releasing emissions which exceed quantitative Standards for ozone precursors or other pollutants)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or expose a substantial number of people to objectionable odors?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) *Would the project conflict with or obstruct implementation of the applicable air quality plan?*

The proposed Zoning Code Update would provide detailed development regulations for sites already designated for urban uses in the adopted General Plan and would not result in more development than analyzed in the Certified EIR. The proposed Zoning Code Update maintains the land use patterns analyzed

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in the Certified EIR. Therefore, the proposed Zoning Code Update would not increase the vehicle miles traveled (VMT) analyzed in the Certified EIR or interfere with General Plan policies intended to reduce VMT. The impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

b) *Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?*

The proposed Zoning Code Update would not result in more development than analyzed in the Certified EIR and would therefore not generate an additional contribution to cumulative development within the city that could exceed regional significance thresholds. The impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

c) *Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project area is in non-attainment under applicable federal or State ambient air quality standards (including releasing emissions which exceed quantitative thresholds for ozone precursors)?*

The proposed Zoning Code Update would not result in more development than analyzed in the Certified EIR and would therefore not generate additional increases in criteria air pollutant emissions from construction and operational activities beyond those analyzed in the Certified EIR. The impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

d) *Would the project expose sensitive receptors to substantial pollutant concentrations?*

The proposed Zoning Code Update would not increase traffic congestion or change the land use patterns analyzed in the Certified EIR. Therefore, the proposed project would remain consistent with VTA's 2013 Congestion Management Program and would not generate new or worsened carbon monoxide (CO) hotspots. The types of land uses and amount of development allowed under the proposed Zoning Code Update would be consistent with the uses analyzed in the Certified EIR. Therefore, the proposed project would not introduce new or worsened toxic air contaminants (TACs) beyond those analyzed in the Certified EIR. Because land use patterns under the proposed project would be consistent with those analyzed in the Certified EIR, the proposed project would not expose additional sensitive receptors to TACs. The impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

e) *Would the project create or expose a substantial number of people to objectionable odors?*

The types of land uses and land use patterns allowed under the proposed Zoning Code Update would be consistent with the uses analyzed in the Certified EIR. Therefore, the proposed project would not introduce new odors than were analyzed in the Certified EIR or expose additional sensitive receptors to odors beyond those analyzed in the Certified EIR. In addition, the proposed project would revise the performance standards related to odors. Section 18.76.100 of the proposed Zoning Code Update states "No use or activity shall produce objectionable odors that are perceptible without instruments by a reasonable person at the lot line of a site," and Note 3 was added after Table 18.16-1 prohibiting

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mushroom farms in the RE Zoning District where crop cultivation is an otherwise permitted use. Impacts related to odors would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

3.4 BIOLOGICAL RESOURCES

Would implementation of the proposed project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (CWA), (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local ordinances or policies protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) *Would the project 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 U.S. Fish and Wildlife Service (USFWS)?*

As identified in the Certified EIR, special-status species occurrences have been mapped in the city limits, primarily in the northwestern quadrant of the city. The proposed Zoning Code Update would provide detailed development regulations for sites already designated for urban uses in the adopted General Plan and would not result in the conversion of any new lands to urban uses. New development in the city under the proposed Zoning Code Update would be required to comply with all applicable regulations

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protecting special-status species and would not interfere with General Plan policies intended to protect special-status species. Therefore, the impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

- b) *Would the project 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?*

As identified in the Certified EIR, there are six natural communities within the city and Sphere of Influence (SOI), including grassland, oak woodland, chaparral and coastal scrub, riparian forest and scrub, wetland, and open water. Sensitive natural communities in the city limits are located primarily in the northwestern edge of the city, and riparian habitat is located primarily to the southwest and northeast of the city. The proposed Zoning Code Update would provide detailed development regulations for sites already designated for urban uses in the adopted General Plan and would not result in the conversion of any new lands to urban uses. New development in the city under the proposed Zoning Code Update would be required to comply with all applicable regulations protecting riparian habitat and sensitive natural communities and would not interfere with General Plan policies intended to protect these biological resources. In addition, Section 18.108.040 of the proposed Zoning Code Update adds new Design Permit requirements for sensitive sites that contain or are immediately adjacent to important habitat. Therefore, the impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

- c) *Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (CWA), (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

All sites of mapped wetlands are designated either Open Space or Rural County in the adopted General Plan. The proposed Zoning Code Update would provide detailed development regulations for sites already designated for urban uses in the adopted General Plan and would not result in the conversion of any new lands to urban uses. New development in the city under the proposed Zoning Code Update would be required to comply with all applicable regulations protecting wetlands and would not interfere with General Plan policies intended to protect wetlands. In addition, Section 18.108.040 of the proposed Zoning Code Update retains Design Permit requirements for any development that contains or is immediately adjacent to a mapped riparian habitat area, is within 50 feet of a stream or watercourse, or is within 200 feet of a lake or shore. Therefore, the impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

- d) *Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

As identified in the Certified EIR, there are five riverine habitats within the city and SOI, mostly located outside of the city limit. Given the urbanized context of the city, opportunities for wildlife movement are limited. The proposed Zoning Code Update would provide detailed development regulations for sites already designated for urban uses in the adopted General Plan and would not result in the conversion of any new lands to urban uses. New development in the city under the proposed Zoning Code Update

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would be required to comply with all applicable regulations protecting migratory wildlife and wildlife corridors, including new provisions described under criteria b) and c) above, and would not interfere with General Plan policies intended to minimize impacts to wildlife corridors. Therefore, the impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

e) *Would the project conflict with any local ordinances or policies protecting biological resources, such as a tree preservation policy or ordinance?*

The proposed Zoning Code Update would retain existing tree removal regulations in Chapter 12.32 of the Municipal Code and would not affect ongoing enforcement of local regulations and policies protecting biological resources. Therefore, the impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

f) *Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

As identified in the Certified EIR, the City adopted the Santa Clara Valley Habitat Plan on October 17, 2012 and incorporated the Habitat Plan by reference in Chapter 18.69 of the Morgan Hill Municipal Code. As a condition of a planning permit, a private project applicant must pay mitigation fees to the City and implement applicable mitigation measures that are identified in Chapter 6 of the Habitat Plan, which are then transmitted to the implementing entity as identified in the Habitat Plan. The City will continue to enforce ordinances that support Habitat Plan implementation. The proposed Zoning Code Update would retain existing regulations in Municipal Code Chapter 18.69, which requires project applicants, as a condition of approval, to contribute mitigation fees to offset impacts that may occur as a result of development activities, but would renumber this section to Chapter 18.132. Therefore, the proposed project would continue to support ongoing enforcement of the Habitat Conservation Plan. The impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

3.5 CULTURAL RESOURCES

Would implementation of the proposed project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource, site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Would implementation of the proposed project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
e) Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a) *Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?*

As identified in the Certified EIR, several historical resources exist within the city, and future development in the city would have the potential to cause a significant impact on historical resources. The proposed Zoning Code Update would retain existing regulations in Municipal Code Chapter 18.75, which applies to potentially significant, significant, and designated historical resources within the city, and would incorporate these regulations as Chapter 18.60 of the updated Zoning Code. Section 18.60.130 would revise existing Section 18.75.065 to make all historic resources eligible for incentives, not just local register resources, thereby increasing incentives for historic preservation. New development in the city under the proposed Zoning Code Update would be required to comply with all applicable regulations protecting historical resources. Therefore, the impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

- b) *Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?*

As identified in the Certified EIR, historical and pre-contact archaeological deposits that meet the definition of archeological resources under CEQA could be damaged or destroyed by ground-disturbing activities associated with future development in the city. The adopted General Plan calls for concentric growth and infill of existing developed areas, which would reduce the potential for disturbing archaeological deposits since ground disturbing activities have already taken place in developed areas, and the proposed Zoning Code Update would not change the land use patterns analyzed in the Certified EIR. In addition, future development under the proposed project would be required to comply with applicable regulations protecting archaeological resources in the event that they are discovered. Therefore, the impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

- c) *Would the project directly or indirectly destroy a unique paleontological resource, site, or unique geologic feature?*

As identified in the Certified EIR, no paleontological resources have been explicitly identified as being found within Morgan Hill. As described under criterion b), the adopted General Plan calls for concentric growth and infill of existing developed areas, which would reduce the potential for disturbing undiscovered paleontological resources, and the proposed Zoning Code Update would not change the land use patterns analyzed in the Certified EIR. Future development under the proposed project would be required to comply with applicable regulations and procedures protecting paleontological resources in the event that they are discovered. Therefore, the impact would be *less than significant* and the proposed

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project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

d) *Would the project disturb any human remains, including those interred outside of formal cemeteries?*

As identified in the Certified EIR, human remains associated with pre-contact archaeological deposits could exist in the city and could be encountered at the time potential future development occurs. Future development under the proposed project would be required to comply with applicable regulations and procedures in the event that human remains are discovered. In addition, Section 18.60.090, subsection B.3, of the proposed Zoning Code Update replaces and strengthens existing language regarding discovery of human remains. Therefore, the impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

e) *Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074?*

A Tribal Cultural Resource (TCR) is defined under AB 52 as a site, feature, place, cultural landscape that is geographically defined in terms of size and scope, sacred place, and object with cultural value to a California Native American tribe that are either included or eligible for inclusion in the California Register of Historic Resources or included a local register of historical resources, or if the City of Morgan Hill, acting as the lead agency, supported by substantial evidence, chooses at its discretion to treat the resource as a TCR.

The adopted General Plan calls for concentric growth and infill of existing developed areas, which would reduce the potential for disturbing TCRs since ground-disturbing activities have already taken place in developed areas, and the proposed Zoning Code Update would not change the land use patterns analyzed in the Certified EIR. In addition, future development under the proposed project would be required to comply with applicable regulations protecting cultural resources in the event that they are discovered, the provisions of the Morgan Hill Municipal Code would protect TCR's in the same way that they ensure the protection of archeological resources. Therefore, the impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

3.6 GEOLOGY AND SOILS

Would implementation of the proposed project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:				

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Would implementation of the proposed project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Seismic-related landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Be located on soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) *Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving: (i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; (ii) Strong seismic ground shaking; (iii) Seismic-related ground failure, including liquefaction; (iv) Landslides, mudslides or other similar hazards?*

As identified in the Certified EIR, the city is subject to several seismic-related hazards. Several faults have been identified within the city. The California Geological Survey (CGS) has designated most of the northern part of the city and SOI as a seismically-induced liquefaction hazard zone, with the mapped zone spanning the width of the valley and generally extending northwest from Cochrane Road where it joins Highway 101. Mapping available from the CGS shows isolated, small seismic-induced landslide hazard areas in the city and SOI, with most of these zones found in the northeast part of the city and SOI beyond Hill Road where they are almost exclusively limited to steeper hillsides. Landslides are not an issue in the majority of the city, where the topography is flat. The proposed Zoning Code Update would provide detailed development regulations for sites already designated for urban uses in the adopted General Plan and would not result in the conversion of any new lands to urban uses. New development in the city under the proposed Zoning Code Update would be required to comply with the California Building Code (CBC) and all applicable regulations intended to reduce the effects of seismic and natural hazards, and would not interfere with General Plan policies intended to reduce these hazards. In addition, proposed Zoning Code update would change the existing Seismic overlay zone to the Active Fault Surface Rupture

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(AFSR) overlay zone (proposed Section 18.30.060), intended to protect the public from hazards by prohibiting development across or within 50 feet of active faults. The proposed project also carries forward the provisions of the existing Geologic and Seismic Hazards Zones Combining District (proposed Chapter 18.70) but clarifies that the provisions of the chapter apply citywide. Therefore, the impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

b) Would the project result in substantial soil erosion or the loss of topsoil??

As identified in the Certified EIR, mapped most soils in the city and SOI as loams or gravelly loams, and their erodibility is judged low to moderate in light of the prevailing low topographic relief. However, clearing, grading, excavation, and construction activities associated with future development would have the potential to impact water quality through soil erosion and increasing the amount of silt and debris carried in runoff. New development in the city under the proposed Zoning Code Update would be required to comply with applicable regulations and procedures that address erosion and runoff, and would not interfere with General Plan policies or State regulations intended to prevent erosion and runoff. The requirements of Municipal Code Chapter 13.30, Urban Storm Water Quality Management & Discharge Control, would remain unchanged. Therefore, the impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

c) Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

As described under criterion a), the city contains areas mapped as susceptible to landslide and liquefaction. New development in the city under the proposed Zoning Code Update would be required to comply with the CBC and all applicable regulations intended to reduce the effects of seismic and natural hazards, and would not interfere with General Plan policies intended to reduce these hazards, and would clarify and expand provisions requiring geologic investigation through the citywide Geologic Hazard provisions. Therefore, the impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

d) Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

As identified in the Certified EIR, expansive soils, while not widespread, are known to be locally present in the city and SOI. New development in the city under the proposed Zoning Code Update would be required to comply with the CBC and all applicable regulations intended to reduce hazards associated with expansive soils, including the citywide Geologic Hazard provisions in Chapter 18.70 of the proposed Zoning Code Update, and the General Plan policies intended to reduce these hazards would remain in effect. Therefore, the impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

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- e) *Would the project be located on 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?*

The proposed Zoning Code Update would provide detailed development regulations for sites already designated for urban uses in the adopted General Plan and would not result in the conversion of any new lands to urban uses. Future development under the proposed project would occur only within the City limits and would be required to be served by the Sewer Operations Division of the City of Morgan Hill Department of Public Works. Future development would not involve the use of septic tanks or alternative wastewater disposal systems except in very limited situations, such as the addition of an allowed accessory dwelling unit in a residential area that was annexed into the City with an approved private septic system already in place. In that case, Section 18.84.050 (L) establishes that any new septic systems shall be designed and installed in accordance with current septic system requirements of the Santa Clara County Environmental Health Services. Therefore, there would be *no impact* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

3.7 GREENHOUSE GAS EMISSIONS

Would implementation of the proposed project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
a) Directly or indirectly generate greenhouse gas (GHG) emissions that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a) *Would the project directly or indirectly generate greenhouse gas (GHG) emissions that may have a significant impact on the environment?*

The proposed Zoning Code Update would provide detailed development regulations for sites already designated for urban uses in the adopted General Plan and would not result in more development than analyzed in the Certified EIR. The proposed Zoning Code Update maintains the land use patterns analyzed in the Certified EIR and would not increase the VMT analyzed in the Certified EIR or interfere with measures or General Plan policies intended to reduce greenhouse gas (GHG) emissions. The impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

- b) *Would the project conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs?*

The proposed Zoning Code Update would provide detailed development regulations for sites already designated for urban uses in the adopted General Plan and would not interfere with measures or General Plan policies intended to reduce GHG emissions. The impact would be *less than significant* and the

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proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

3.8 HAZARDS AND HAZARDOUS MATERIALS

Would implementation of the proposed project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a safety hazard for people residing or working in the project area within an airport land use plan or within two miles of a public airport or public use airport?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Result in a safety hazard for people residing or working in the project area within the vicinity of a private airstrip?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) *Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

As identified in the Certified EIR, commercial and industrial uses allowed under the adopted General Plan could use, store, or generate hazardous materials for research, manufacturing, cleaning, or other commercial uses, and the adopted General Plan would allow agricultural uses that may also use or transport hazardous materials, such as pesticides. The types of land uses and amount of development allowed under the proposed Zoning Code Update would be consistent with the uses analyzed in the Certified EIR. New development in the city under the proposed Zoning Code Update would be required to comply with all applicable regulations intended to reduce potential hazards associated with the transport, use, and disposal of hazardous materials, and the proposed project would replace existing Section

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18.48.050, Hazardous Wastes, with new Section 18.76.070, Hazardous Materials. This new section reiterates that the use, handling, storage and transportation of hazardous materials shall comply with the California Hazardous Materials Regulations and the California Fire and Building Codes, as well as the laws and regulations of the California Department of Toxic Substances Control and the County Environmental Health Agency, and adds a local requirement that any use that handles, stores, or transports hazardous materials requires a Conditional Use Permit. Therefore, the impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

- b) *Would the project 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?*

As identified in the Certified EIR, new development in the city could occur on properties that possibly are contaminated and inactive, undergoing evaluation, and/or undergoing corrective action. In addition, construction of new buildings and improvements could have the potential to release potentially hazardous soil-based materials into the environment during site grading, excavation, demolition, and operation. The types of land uses and amount of development allowed under the proposed Zoning Code Update would be consistent with the uses analyzed in the Certified EIR. New development in the city under the proposed Zoning Code Update would be required to comply with all applicable regulations intended to reduce potential hazards associated with the accidental release of hazardous materials, including requirements of proposed Section 18.76.070 regulating hazardous materials. Therefore, the impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

- c) *Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

As identified in the Certified EIR, the Morgan Hill Unified School District (MHUSD) operates ten elementary schools, two middle schools, and three high schools in the city, and there are a number of private schools in the city that are not operated by MHUSD. Development allowed under the adopted General Plan would allow land uses that could be reasonably expected to handle hazardous materials or generate hazardous emissions, possibly within ¼ mile of an existing or proposed school. As described under criterion a), the types of land uses and amount of development allowed under the proposed Zoning Code Update would be consistent with the uses analyzed in the Certified EIR, and new development under the proposed project would be required to comply with all applicable regulations related to hazardous materials. Therefore, the impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

- d) *Would the project be located on a site which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment?*

As identified in the Certified EIR, the city contains a number of hazardous materials sites are listed on databases compiled pursuant to Government Code Section 65962.5. New development under the proposed project would be required to comply with all applicable regulations related to hazardous

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materials. Therefore, the impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

- e) *Would the project result in a safety hazard for people residing or working in the project area within an airport land use plan or within two miles of a public airport or public use airport?*

As identified in the Certified EIR, a small portion of the city is located within the Airport Influence Area (AIA) of the South County Airport, which is located in the unincorporated community of San Martin between Morgan Hills and Gilroy. All development projects within the AIA must be reviewed by the Santa Clara County Airport Land Use Commissions (ALUC) to ensure consistency with the Airport Comprehensive Land Use Plan (ACLUP), which establishes height restrictions within the AIA. The proposed project would not interfere with the ACLUP or interfere with compliance with ALUC review procedures. Therefore, the impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

- f) *Would the project result in a safety hazard for people residing or working in the project area within the vicinity of a private airstrip?*

As identified in the Certified EIR, there are no private airstrips in the vicinity of the locations where future development could occur as a result of implementation of the adopted General Plan, and the impact would be *less than significant*. The proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

- g) *Would the project impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?*

As identified in the Certified EIR, the City of Morgan Hill Office of Emergency Services is responsible for coordinating agency response to disasters or other large-scale emergencies in the City of Morgan Hill with assistance from the Santa Clara County Office of Emergency Services and the Santa Clara County Fire Department (SCCFD). The Morgan Hill Emergency Operations Plan (EOP) establishes policy direction for emergency planning, mitigation, response, and recovery activities within the city. The proposed Zoning Code Update would not interfere with General Plan policies intended to ensure adequate access and prompt response time, and would not allow any features or uses that would interfere with an adopted emergency response plan or emergency evacuation plan. Therefore, the impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

- h) *Would the project 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?*

As identified in the Certified EIR, the Fire Severity Zones mapped by the California Department of Forestry and Fire Protection (CAL FIRE) within the city range from moderate to high. Areas with high or very high fire hazard severity are located along the eastern and western edges of the city in the upland areas of the city. The proposed Zoning Code Update would not increase development potential in these areas of the city. Future development under the proposed project would be required to comply with the California Fire Code, and would be subject to General Plan policies intended to reduce wildlife hazards. Therefore, the

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impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

3.9 HYDROLOGY AND WATER QUALITY

Would implementation of the proposed project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the 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 would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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, or place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) *Would the project violate any water quality standards or waste discharge requirements?*

As identified in the Certified EIR, future development in the city could affect drainage patterns and increase the overall amount of impervious surfaces, thus creating changes to stormwater flows and water quality. The types of land uses and amount of development allowed under the proposed Zoning Code Update would be consistent with the uses analyzed in the Certified EIR. New development in the city under the proposed Zoning Code Update would be required to comply with all applicable regulations

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intended to reduce and control runoff, and with General Plan policies intended to reduce water quality impacts. The requirements of Municipal Code Chapter 13.30, Urban Storm Water Quality Management & Discharge Control, would remain unchanged. Therefore, the impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

- b) *Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level?*

As identified in the Certified EIR, future development in the city could result in an increase in impervious surfaces, which would reduce infiltration and could lead to reduced groundwater recharge. Although much of the development permitted under the adopted General Plan would be located on sites that have already been developed, future development under the adopted General Plan would increase impervious surfaces over existing conditions due to infill development on undeveloped sites and development in areas that are currently agricultural or sparsely developed. The proposed Zoning Code Update would not change the land use patterns analyzed in the Certified EIR, and amount of development allowed under the proposed Zoning Code Update would be within the amount analyzed in the Certified EIR. In addition, future development would be required to implement site design measures, low-impact development (LID) methods, and best management practices (BMPs), which include infiltration features such as detention and retention basins, that will contribute to groundwater recharge and minimize stormwater runoff, and with General Plan policies intended to reduce groundwater impacts. Therefore, the impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

- c) *Would the project substantially alter the existing drainage pattern of the area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?*

As identified in the Certified EIR, future development in the city is not anticipated to require alteration of the course of an existing stream or river, and adherence to local regulations would ensure that in the course of development, watercourse and drainage patterns would not be altered in a manner that would significantly increase the rate or amount of erosion or siltation. The proposed Zoning Code Update would not change the land use patterns analyzed in the Certified EIR and would not extend urban uses or redevelopment to any areas not already analyzed in the Certified EIR. Therefore, the impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

- d) *Would the project substantially alter the existing drainage pattern of the 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 would result in flooding on- or off-site?*

As described under criterion c), future development in the city under the proposed Zoning Code Update is not anticipated to require alteration of the course of an existing stream or river. Section 18.92.110 of the proposed Zoning Code Update requires all development to be set back at least 35 feet from any perennial or intermittent stream. Future development under the proposed project would be required to comply

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with regulations regarding development in floodplains, and General Plan policies intended to reduce flooding-related impacts would remain in effect. Therefore, the impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

- e) *Would the project create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?*

As identified in the Certified EIR, future development in the city could result in an increase in impervious surfaces, which would increase stormwater runoff that could exceed the capacity of existing or planned drainage systems. The proposed Zoning Code Update would not change the land use patterns analyzed in the Certified EIR, and amount of development allowed under the proposed Zoning Code Update would be within the amount analyzed in the Certified EIR. In addition, future development would be required to implement site design measures, LID methods, and BMPs to minimize stormwater runoff, and pay storm drainage fees. The proposed project would not change the City's regulations related to storm drainage or interfere with General Plan policies intended to reduce impacts regarding the capacity of the storm drainage system and water quality. Therefore, the impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

- f) *Would the project otherwise substantially degrade water quality?*

As identified in the Certified EIR, the principal sources of water pollutants from future development in the city would be oil and grease, metals, sediment, and chemicals from roadways, parking lots, rooftops, and landscaped areas. In addition, future development would be required to implement site design measures, LID methods, and BMPs to reduce and control runoff, and with General Plan policies intended to reduce water quality impacts. In addition, the requirements of Municipal Code Chapter 13.30, Urban Storm Water Quality Management & Discharge Control, would remain unchanged. Therefore, the impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

- g) *Would the project 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, or place within a 100-year flood hazard area structures which would impede or redirect flood flows?*

As identified in the Certified EIR, a portion of Morgan Hill along and west of Monterey Road and the areas along Llagas Creek to the south and Coyote Creek to the north are within the 100-year floodplain. The proposed Zoning Code Update would not change the land use patterns analyzed in the Certified EIR, and the amount of development allowed under the proposed Zoning Code Update would be within the amount analyzed in the Certified EIR. Future development would be required to comply with regulations pertaining to development within a floodplain, and with General Plan policies intended to reduce flooding-related impacts. In addition, Section 18.92.110 of the proposed Zoning Code Update requires all development to be located outside of the floodplain, unless the development is consistent with the limitations contained in the City's Flood Damage Prevention Ordinance (Chapter 15.80). Therefore, the impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

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h) *Would the project 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?*

As identified in the Certified EIR, much of the city is within the Anderson Reservoir dam inundation zone and a small portion of the city south of Monterey Highway is within the Chesbro Reservoir dam inundation zone. Coyote Reservoir operates in tandem with Anderson Reservoir and a release from the Coyote Reservoir would have the same dam inundation zone as Anderson Reservoir. The proposed Zoning Code Update would not change the land use patterns analyzed in the Certified EIR and would not extend urban uses or redevelopment to any areas not already analyzed in the Certified EIR. The proposed project would not interfere with monitoring and inspection activities conducted to ensure dam safety, or with Emergency Action Plans maintained by the Santa Clara Valley Water District for each dam. In addition, the General Plan policies intended to reduce potential impacts regarding dam failure would remain in effect. Therefore, the impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

i) *Would the project expose people or structures to a significant risk of inundation by seiche, tsunami, or mudflow?*

As identified in the Certified EIR, because the City of Morgan Hill is more than 15 miles from the Pacific Ocean and more than 25 miles from San Francisco Bay, and also more than 300 feet above mean sea level, there is no potential for a tsunami to impact the city. However, the city could potentially be affected by a seiche that could theoretically occur in a nearby reservoir as the result of an earthquake, although the flooding impact would be less than that of the dam inundation zone. In addition, limited portions within the city are within areas that could result in debris flows. The proposed Zoning Code Update would not change the land use patterns analyzed in the Certified EIR and would not extend urban uses or redevelopment to any areas not already analyzed in the Certified EIR. Future development in the city would be required to comply with regulations pertaining to hillside development, where the proposed Zoning Code Update requires geotechnical investigations. The General Plan policies intended to reduce impacts associated with landslides, development near reservoirs, and other hazards would remain in effect. Therefore, the impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

3.10 LAND USE

Would implementation of the proposed project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Would implementation of the proposed project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) *Would the project physically divide an established community?*

As identified in the Certified EIR, the adopted General Plan does not propose any new major roadways or other physical features through existing neighborhoods that would create new barriers. Land uses evaluated in the Certified EIR are largely consistent with existing development patterns or extend existing land use patterns into underutilized or vacant areas to connect, rather than divide, established communities. The proposed project would not change the land use patterns analyzed in the Certified EIR. The proposed Zoning Code Update, which applies only within City limits, would provide detailed development regulations for sites already designated for urban uses in the adopted General Plan and would not result in the conversion of any new lands to urban uses. In addition, the General Plan policies intended to promote cohesive and compatible neighborhoods and prevent new development from dividing existing uses where different land uses about one another would remain in effect. Therefore, the impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

b) *Would the project 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?*

The City's General Plan is the primary planning document for Morgan Hill, and the proposed Zoning Code Update is proposed to ensure consistency with the adopted General Plan. Therefore, the proposed project would serve to reduce conflicts with applicable policies.

As identified in the Certified EIR, the adopted General Plan would be consistent with *Plan Bay Area*, the Bay Area's Regional Transportation Plan/ Sustainable Community Strategy. The proposed project would not change the land use patterns analyzed in the Certified EIR and would therefore maintain consistency with *Plan Bay Area*.

The proposed Zoning Code Update provides regulations for sites within the city limit and therefore would not conflict with any policies for sites outside of the city within the Santa Clara County General Plan.

As identified in the Certified EIR, a small portion of the city is located within the South County Airport AIA, where all development projects must be reviewed for consistency with the ACLUP. The proposed project would not interfere with the ALUCP or interfere with compliance with ALUC review procedures.

Therefore, the impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

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c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

As identified in the Certified EIR, the City adopted the Santa Clara Valley Habitat Plan on October 17, 2012 and incorporated the Habitat Plan by reference in Chapter 18.69 of the Morgan Hill Municipal Code. The City will continue to enforce ordinances that support Habitat Plan implementation. The proposed Zoning Code Update would not affect ongoing enforcement of the Habitat Conservation Plan but would renumber the section that incorporates the Habitat Plan to Section 18.132. Therefore, the impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

3.11 NOISE

Would implementation of the proposed project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
a) Expose people to or generate noise levels in excess of standards established in the local General Plan or noise ordinance, or other applicable standards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Expose people to or generate excessive ground-borne vibration or ground-borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For projects within an area covered by an airport land use plan or within 2 miles of a public airport or public use airport when such an airport land use plan has not been adopted, or within the vicinity of a private airstrip, expose people residing or working in the project area to excessive aircraft noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Would the project expose people to or generate noise levels in excess of standards established in the local General Plan or noise ordinance, or other applicable standards?

As identified in the Certified EIR, the adopted General Plan would allow infill development along or near Highway 101 and/or major roadways, which are significant noise sources within the city. The proposed project would not change the land use patterns analyzed in the Certified EIR. The proposed project does not include any changes to the noise-related regulations in the Noise Ordinance and would not interfere with General Plan policies intended to prevent and reduce noise-related impacts. Future development would avoid significant impacts by conforming to requirements for acoustic analysis under the City's

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General Plan, including the Land Use Compatibility Guidelines for Community Noise Environments, as well as by achieving subsequent compliance with interior and exterior noise standards through application of any necessary special construction or noise insulation techniques. Through adherence to the requirements, policies, and strategies in the adopted General Plan, the City would prevent future development of land uses in areas with inappropriately high ambient noise levels; would ensure that any development of noise-sensitive land uses include the study and adequate mitigation of noise impacts; and would prevent activities or new uses that generate excessive levels of noise at sensitive receptors. Therefore, the impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

b) *Would the project expose people to or generate excessive ground-borne vibration or ground-borne noise levels?*

The types of land uses and amount of development allowed under the proposed Zoning Code Update would be consistent with the uses analyzed in the Certified EIR and therefore noise- and vibration-related impacts would be similar to those discussed in the Certified EIR. As identified in the Certified EIR, vibration impacts related to the construction of future development would be short-term, temporary, and generally restricted to the areas in the immediate vicinity of active construction equipment. Compliance with policies in the City's General Plan would serve to ensure that construction activities do not result in sustained levels of vibration that could result in architectural damage or ongoing annoyance.

The Certified EIR identifies that are some locations within the city allow residential or other sensitive land uses adjacent to land use designations that would allow industrial operations. In these areas, potential vibration impacts would result from the juxtaposition of sensitive land uses and land uses with the potential to generate vibration. In these areas, appropriate setbacks, buffers, use restrictions, and/or other measures can largely eliminate potential impacts. Section 18.92.130 of the proposed Zoning Code Update provides Residential Transition Standards for increased setbacks, height, and landscaping standards for non-residential land uses that abut residential properties in order to reduce impacts from non-residential uses. The proposed Zoning Code Update would not change restrictions in Section 18.48.075 of the existing Municipal Code regarding the generation of vibration that is perceptible without instruments at the lot line of the receiving property. Therefore, the impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

c) *Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?*

As described under criteria a) and b), the types of land uses and amount of development allowed under the proposed Zoning Code Update would be consistent with the uses analyzed in the Certified EIR and therefore noise-related impacts would be similar to those discussed in the Certified EIR. The proposed Zoning Code Update would not change regulations in the Noise Ordinance regarding noise sources, and General Plan policies intended to avoid and reduce noise impacts would remain in effect. Therefore, the impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

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- d) *Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

As identified in the Certified EIR, it is possible that certain construction activities associated with future development may, in some cases, lead to substantial temporary or periodic increases to ambient noise levels. The policies in the adopted General Plan and regulations in the City's Noise Ordinance would serve to reduce these impacts. With appropriate noise reduction and shielding measures, temporary or periodic increases to the ambient noise level could be substantially reduced. Because the proposed Zoning Code Update would not change noise-related regulations in the Noise Ordinance, and General Plan policies intended to avoid and reduce noise impacts would remain in effect, the impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

- e) *For projects within an area covered by an airport land use plan or within 2 miles of a public airport or public use airport when such an airport land use plan has not been adopted, or within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive aircraft noise levels?*

As identified in the Certified EIR, despite the proximity of the San Martin Airport, located in the unincorporated community of San Martin between Morgan Hills and Gilroy, its Projected 2022 Aircraft Noise Contours do not extend into the city. Therefore, there would be *no impact* related to excessive airport noise levels under the proposed project.

- f) *For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?*

As identified in the Certified EIR, the nearest heliport is located almost 5 miles from Morgan Hill, at the St. Louise Regional Hospital in Gilroy. Therefore, under the proposed project there would be *no impact* related to excessive noise levels from private airstrips.

3.12 POPULATION AND HOUSING

Would implementation of the proposed project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
a) Induce substantial unexpected population growth, or growth for which inadequate planning has occurred, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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- a) *Would the project induce substantial unexpected population growth, or growth for which inadequate planning has occurred, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

The types of land uses and amount of development allowed under the proposed Zoning Code Update would be consistent with the uses analyzed in the Certified EIR. Moreover, the Certified EIR analyzed a 2035 population of 68,057 and the City's 2035 population has subsequently been capped at 58,200 by voter approval of Measure S, codified as Chapter 18.78 of the City's Municipal Code. Therefore, the proposed project would not induce population growth not already analyzed in the Certified EIR. In addition, the General Plan policies intended to provide a planning framework for growth in the city would remain in effect. The impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

- b) *Would the project displace substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere?*

The types of land uses, amount of development, and land use patterns allowed under the proposed Zoning Code Update would be consistent with those analyzed in the Certified EIR. Therefore, the proposed project would not result in displacement-related impacts not already analyzed in the Certified EIR. In addition, the General Plan policies in the City's Housing Element intended to minimize displacement of housing would remain in effect. The impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

- c) *Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

The types of land uses, amount of development, and land use patterns allowed under the proposed Zoning Code Update would be consistent with those analyzed in the Certified EIR. Therefore, the proposed project would not result in displacement-related impacts not already analyzed in the Certified EIR. The impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

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3.13 PUBLIC SERVICES

Would implementation of the proposed project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
a) Result in substantial adverse physical impacts associated with the provision of 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Library facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a) *Would the project result in substantial adverse physical impacts associated with the provision of 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, police protection, schools, or library facilities?*

The types of land uses and amount of development allowed under the proposed Zoning Code Update would be consistent with the uses analyzed in the Certified EIR. Therefore, the proposed project would not generate population growth not already analyzed in the Certified EIR and would subsequently not increase demands for public services beyond those analyzed in the Certified EIR. In addition, future development would be required to pay all required impact fees and would be subject to General Plan policies intended to ensure adequate service provision. The impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

3.14 PARKS AND RECREATION

Would implementation of the proposed project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Would implementation of the proposed project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated?*

The types of land uses and amount of development allowed under the proposed Zoning Code Update would be consistent with the uses analyzed in the Certified EIR. Therefore, the proposed project would not increase demands for parks and recreational facilities beyond those analyzed in the Certified EIR and would not increase the use of parks and recreational facilities such that these facilities would physically deteriorate beyond levels discussed in the Certified EIR. In addition, the General Plan policies intended to ensure that parkland goals are met would remain in effect. The impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

- b) *Would the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

The types of land uses and amount of development allowed under the proposed Zoning Code Update would be consistent with the uses analyzed in the Certified EIR. Therefore, the proposed project would not increase demands for parks and recreational facilities beyond those analyzed in the Certified EIR and the proposed project would not increase facility use beyond the City's ability to maintain acceptable facility conditions. In addition, the General Plan policies intended to protect the public's investment in recreational facilities would remain in effect. The impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

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3.15 TRANSPORTATION AND CIRCULATION

Would implementation of the proposed project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location, which would result in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a-b) Would the project 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?

Would the project 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?

The types of land uses, amount of development, and land use patterns allowed under the proposed Zoning Code Update would be consistent with those analyzed in the Certified EIR. The proposed Zoning Code Update would provide detailed development regulations for sites already designated for urban uses in the adopted General Plan. Therefore, development allowed under the proposed project would not generate additional vehicle trips or different traffic patterns from those analyzed in the Certified EIR. The impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

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- c) *Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

As identified in the Certified EIR, construction and modifications of new and existing roadways would be necessary to support the growth allowed by the adopted General Plan. The proposed Zoning Code Update would not result in the creation of any physical features that would increase hazards or create hazards not considered in the Certified EIR. In addition, new development or roadway construction would be subject to the General Plan policies that would reduce potential hazards due to roadway design or incompatible uses. The impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

- d) *Would the project result in inadequate emergency access?*

As identified in the Certified EIR, the adopted General Plan would not designate any new land for development within wildland fire hazard zones and would not contribute to the need for increased emergency access in these areas. The land use patterns allowed under the proposed Zoning Code Update would be consistent with those analyzed in the Certified EIR, and the proposed project would not increase development potential in areas of the city within wildland fire hazard zones. In addition, as discussed in the Certified EIR, the adopted General Plan would require the City to maintain and improve emergency access and response times. The General Plan policies intended to ensure efficient circulation and adequate access in the city would remain in effect. The impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

- e) *Would the project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?*

As identified in the Certified EIR, the Santa Clara Countywide Bicycle Plan provides guidelines about bicycle facilities in Santa Clara County and the Valley Transportation Plan 2040 identifies future bicycle improvement projects in Morgan Hill. The City of Morgan Hill Bikeways Master Plan Update identifies bicycle infrastructure improvements in the city. The proposed Zoning Code Update would not create any new physical features or changes to the City's circulation system that would conflict with these adopted plans. In addition, the proposed project would not conflict with General Plan policies that provide for an integrated network of bicycle facilities, support an expanded and better connected pedestrian network, and plan for the needs of transit users. The impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

- f) *Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location, which would result in substantial safety risks?*

As identified in the Certified EIR, the building heights allowed under the adopted General Plan land use designations within the South County AIA would be well under the maximum height established in the South County Airport Comprehensive Land Use Plan of 531 to 631 feet for the affected areas, and the adopted General Plan includes policies to maintain safe living and working conditions within the vicinity of the South County Airport. The proposed Zoning Code Update would not affect and sites within the AIA

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and would not interfere with General Plan policies related to safety and compatibility related to airport uses. The impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

3.16 UTILITIES AND SERVICE SYSTEMS

Would implementation of the proposed project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
a) Have sufficient water supplies available to serve the project from existing entitlements and resources, or require new or expanded entitlements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider, which serves or may serve the proposed project that it does not have adequate capacity to serve the proposed project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the buildout of the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, State, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Result in a substantial increase in natural gas and electrical service demands, not use appropriate energy conservation and efficiency measures, or require new energy supply facilities and distribution infrastructure or capacity enhancing alterations to existing facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) *Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or require new or expanded entitlements?*

As identified in the Certified EIR, sufficient water supplies would be available to serve the development under the adopted General Plan from existing entitlements and resources and new or expanded entitlements would not be required during single- and multiple-dry years. The types and amount of development allowed under proposed project would be consistent with the uses and within the amount analyzed in the Certified EIR. Therefore, the proposed project would not increase water demands above

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those analyzed in the Certified EIR. In addition, development under the proposed project would be required to comply with all applicable regulations and water conservation policies in the adopted General Plan. The impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

- b) *Would the project require or result in the construction of new water facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

As identified in the Certified EIR, the City periodically makes improvements to its infrastructure to improve system reliability and accommodate projected growth in its regional service areas. As discussed under criterion a), available capacity is sufficient to meet projected demand from buildout of the adopted General Plan, and the proposed Zoning Code Update would not result in an additional demand for water supplies beyond the demand analyzed in the Certified EIR. Therefore, the proposed project would not prompt a need to expand treatment facilities or regional water system conveyance and storage facilities in order to meet projected demand beyond what has already been planned for an analyzed. The impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

- c) *Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?*

As identified in the Certified EIR, the residential, industrial, office, retail, service, and public facilities land uses that would result from buildout of the adopted General Plan would not generate wastewater of different quality and treatability than wastewater currently generated in the city. The South County Regional Wastewater Authority (SCRWA) wastewater treatment plant is currently in compliance with its National Pollutant Discharge Elimination System (NPDES) permit requirements. Therefore, Certified EIR finds that buildout of the city would not be expected to generate wastewater that would exceed the treatment requirements of the Central Coast Regional Water Quality Control Board (RWQCB). The types and amount of development allowed under proposed project would be consistent with the uses and within the amount analyzed in the Certified EIR and, therefore, the proposed project would not generate wastewater that would exceed levels analyzed in the Certified EIR. The impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

- d) *Would the project require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

As identified in the Certified EIR, the SCRWA wastewater treatment plant's current capacity is projected to be exceeded—and plans are underway to expand capacity at the treatment plant—even without development allowed under the adopted General Plan. Therefore, development under the adopted General Plan, in combination with anticipated future development in Gilroy, would require expansion of the existing wastewater treatment facilities. The SCRWA is conducting CEQA review of the environmental impacts associated with the planned expansion project. After expansion of the treatment plant, it is anticipated the NPDES discharge permit will be amended to reflect the expanded capacity of the plant. The Certified EIR finds that, in accordance with General Plan policies and actions and applicable regulations, the adopted General Plan would not require or result in the construction of new wastewater

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treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. As discussed under criterion c), the proposed Zoning Code Update would not generate additional wastewater beyond the amount analyzed in the Certified EIR. Therefore, the proposed project would not prompt a need to expand treatment facilities. The impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

e) *Would the project result in a determination by the wastewater treatment provider, which serves or may serve the proposed project that it does not have adequate capacity to serve the proposed project's projected demand in addition to the provider's existing commitments?*

As noted above under criterion e), the SCRWA is conducting the CEQA review of environmental impacts associated with the planned treatment plant expansion project. It is anticipated that the plant will need to be expanded again in the mid-2030s, in conjunction with buildout of the adopted General Plan and future growth in Gilroy. CEQA evaluation of impacts associated with expansion of the SCRWA facility to address insufficient capacity the expansion project will be addressed by SCRWA when those impacts are more certain. The City regularly replaces aging components of its wastewater collection and transmission system. As discussed under criterion c), the proposed Zoning Code Update would not generate additional wastewater beyond the amount analyzed in the Certified EIR. Therefore, the proposed project would not result in a determination by the wastewater treatment provider that it does not have adequate capacity to serve projected demand. The impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

f) *Would the project be served by a landfill with sufficient permitted capacity to accommodate the buildout of the project's solid waste disposal needs?*

As identified in the Certified EIR, two of the three landfills that receive the majority of the solid waste from Morgan Hill are likely to reach their permitted maximum capacity prior to 2035. However, the Johnson Canyon Landfill is not estimated to close until 2040. In addition, there are eight other landfills that received waste from Morgan Hill, as of 2014. If one or more of the three landfills were unavailable in the future, it is likely Morgan Hill's solid waste volume could be increased at one or more of the other landfills that already serve Morgan Hill. As identified in the Certified EIR, the solid waste generation under the adopted General Plan would not exceed the combined daily capacity of the three landfills providing 95 percent disposal services to the city in 2014. The types and amount of development allowed under proposed project would be consistent with the uses and within the amount analyzed in the Certified EIR and, therefore, the proposed project would not generate more solid waste than was analyzed in the Certified EIR. In addition, development under the proposed project would be required to comply with applicable solid waste regulations and would not interfere with General Plan policies that would enhance solid waste diversion and management. The impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

g) *Would the project comply with federal, State, and local statutes and regulations related to solid waste?*

As identified in the Certified EIR, the City has complied with State requirements to reduce its volume of solid waste through recycling and reuse, and the City's per capita disposal rates are below the target rates

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established by the California Department of Resources, Recycling and Recovery. The City has also established solid waste recycling requirements in its Municipal Code. The proposed Zoning Code Update would not change the City's Municipal Code requirements related to solid waste or interfere with General Plan policies that promote recycling and conservation, and help ensure adequate waste collection and disposal facilities are available for the residents and workers of Morgan Hill. The proposed Zoning Code Update includes Section 18.76.080 establishing performance standards that require solid wastes to be handled and stored so as to prevent nuisances, health, safety and fire hazards, and to facilitate recycling. The impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

h) Would the project result in a substantial increase in natural gas and electrical service demands, not use appropriate energy conservation and efficiency measures, or require new energy supply facilities and distribution infrastructure or capacity enhancing alterations to existing facilities?

As identified in the Certified EIR, future development under the adopted General Plan would result in a long-term increase in energy demand associated with the operation of lighting and space heating/cooling in the added building space, and vehicle travel. In addition, construction activities associated with future development would require the use of energy (e.g., electricity and fuel) for various purposes such as the operation of construction equipment and tools, as well as excavation, grading, demolition, and construction vehicle travel. The types and amount of development allowed under proposed project would be consistent with the uses and within the amount analyzed in the Certified EIR and, therefore, the proposed project would not generate more demand for electricity or natural gas than the development analyzed in the Certified EIR. In addition, future development would not be required to adhere to applicable energy efficiency and conservation requirements, and would not interfere with General Plan policies intended to enhance energy conservation. The impact would be *less than significant* and the proposed project would not result in any new or more severe impacts than those already analyzed in the Certified EIR.

3.17 MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
a) Would implementation of the proposed Plan 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
b) Would implementation of the proposed Plan have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Would implementation of the proposed Plan have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- 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?*

As described in this Addendum, no new construction or physical changes resulting from future projects under the proposed Zoning Code Update would result in new or more severe impacts than those already analyzed in the Certified EIR. Therefore, the proposed project would not significantly degrade the quality of the environment. The proposed Zoning Code Update would provide detailed development regulations for sites already designated for urban uses in the adopted General Plan and would not result in the conversion of any new lands to urban uses. Future development under the proposed project would be required to comply with all applicable regulations and adopted Santa Clara Valley Habitat Plan policies protecting wildlife species and biotic resources, and new development would be subject to the City's goals and policies intended to minimize environmental impacts. Therefore, the proposed project would result in a *less-than-significant* impact.

- 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)?*

The types of land uses, amount of development, and land use patterns allowed under the proposed Zoning Code Update would be consistent with those analyzed in the Certified EIR and the proposed project would result in a *less-than-significant* impact.

- c) *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

As described in this Addendum, the proposed Zoning Code Update would not result in any new or more severe impacts than those already analyzed in the Certified EIR. Therefore, the proposed project would not result in a substantial adverse effect, directly or indirectly, on human beings and the proposed project would result in a *less-than-significant* impact.

4. Organizations and Persons Consulted

This Addendum was prepared by the following consultants and individuals:

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ORGANIZATIONS AND PERSONS CONSULTED

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