

County of Santa Clara
Office of the County Clerk-Recorder
Business Division

County Government Center
70 West Hedding Street, E. Wing, 1st Floor
San Jose, California 95110 (408) 299-5688



Santa Clara County - Clerk-Recorder Office
State of California

File Number: ENV24259

ENVIRONMENTAL FILING

No. of Pages: 3

Total Fees: \$0.00

File Date: 11/04/2022

Expires: 01/03/2023

REGINA ALCOMENDRAS, Clerk-Recorder

By: Patricia Camarena, Deputy Clerk-Recorder

CEQA DOCUMENT DECLARATION

ENVIRONMENTAL FILING FEE RECEIPT

PLEASE COMPLETE THE FOLLOWING:

1. LEAD AGENCY: City of Morgan Hill
2. PROJECT TITLE: Half-Dividend (Crosswinds) Residential Project
3. APPLICANT NAME: Dividend Homes, Inc. (Martin Jeffrey Frankel) PHONE: 408-888-1338
4. APPLICANT ADDRESS: 385 Woodview Avenue, Suite #100, Morgan Hill, CA 95037
5. PROJECT APPLICANT IS A: ☐ Local Public Agency ☐ School District ☐ Other Special District ☐ State Agency ☒ Private Entity
6. NOTICE TO BE POSTED FOR 60 DAYS.
7. **CLASSIFICATION OF ENVIRONMENTAL DOCUMENT**

a. PROJECTS THAT ARE SUBJECT TO DFG FEES

- | | | |
|--|-------------|----------------|
| <input type="checkbox"/> 1. <u>ENVIRONMENTAL IMPACT REPORT</u> (PUBLIC RESOURCES CODE §21152) | \$ 3,539.25 | \$ <u>0.00</u> |
| <input type="checkbox"/> 2. <u>NEGATIVE DECLARATION</u> (PUBLIC RESOURCES CODE §21080(C)) | \$ 2,548.00 | \$ <u>0.00</u> |
| <input type="checkbox"/> 3. <u>APPLICATION FEE WATER DIVERSION</u> (STATE WATER RESOURCES CONTROL BOARD ONLY) | \$ 850.00 | \$ <u>0.00</u> |
| <input type="checkbox"/> 4. <u>PROJECTS SUBJECT TO CERTIFIED REGULATORY PROGRAMS</u> | \$ 1,203.25 | \$ <u>0.00</u> |
| <input type="checkbox"/> 5. <u>COUNTY ADMINISTRATIVE FEE</u> (REQUIRED FOR a-1 THROUGH a-4 ABOVE)
Fish & Game Code §711.4(e) | \$ 50.00 | \$ <u>0.00</u> |

b. PROJECTS THAT ARE EXEMPT FROM DFG FEES

- | | | |
|---|----------|----------------|
| <input type="checkbox"/> 1. NOTICE OF EXEMPTION (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED) | \$ 50.00 | \$ <u>0.00</u> |
| <input type="checkbox"/> 2. A COMPLETED "CEQA FILING FEE NO EFFECT DETERMINATION FORM" FROM THE DEPARTMENT OF FISH & GAME, DOCUMENTING THE DFG'S DETERMINATION THAT THE PROJECT WILL HAVE NO EFFECT ON FISH, WILDLIFE AND HABITAT, OR AN OFFICIAL, DATED RECEIPT / PROOF OF PAYMENT SHOWING PREVIOUS PAYMENT OF THE DFG FILING FEE FOR THE *SAME PROJECT IS ATTACHED (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED) | | |
| DOCUMENT TYPE: <input type="checkbox"/> ENVIRONMENTAL IMPACT REPORT <input type="checkbox"/> NEGATIVE DECLARATION | \$ 50.00 | \$ <u>0.00</u> |

c. NOTICES THAT ARE NOT SUBJECT TO DFG FEES OR COUNTY ADMINISTRATIVE FEES

- | | | | |
|--|--|----------------------|------------------|
| <input type="checkbox"/> NOTICE OF PREPARATION | <input checked="" type="checkbox"/> NOTICE OF INTENT | NO FEE | \$ <u>NO FEE</u> |
| 8. OTHER: _____ | | FEE (IF APPLICABLE): | \$ _____ |
| 9. TOTAL RECEIVED..... | | | \$ <u>0.00</u> |

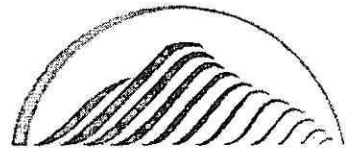
*NOTE: "SAME PROJECT" MEANS NO CHANGES. IF THE DOCUMENT SUBMITTED IS NOT THE SAME (OTHER THAN DATES), A "NO EFFECT DETERMINATION" LETTER FROM THE DEPARTMENT OF FISH AND GAME FOR THE SUBSEQUENT FILING OR THE APPROPRIATE FEES ARE REQUIRED.

THIS FORM MUST BE COMPLETED AND ATTACHED TO THE FRONT OF ALL CEQA DOCUMENTS LISTED ABOVE (INCLUDING COPIES) SUBMITTED FOR FILING. WE WILL NEED AN ORIGINAL (WET SIGNATURE) AND TWO (2) COPIES. IF THERE ARE ATTACHMENTS, PLEASE PROVIDE THREE (3) SETS OF ATTACHMENTS FOR SUBMISSION. (YOUR ORIGINAL WILL BE RETURNED TO YOU AT THE TIME OF FILING.)

CHECKS FOR ALL FEES SHOULD BE MADE PAYABLE TO: SANTA CLARA COUNTY CLERK-RECORDER

PLEASE NOTE: FEES ARE ANNUALLY ADJUSTED (Fish & Game Code §711.4(b); PLEASE CHECK WITH THIS OFFICE AND THE DEPARTMENT OF FISH AND GAME FOR THE LATEST FEE INFORMATION.

"... NO PROJECT SHALL BE OPERATIVE, VESTED, OR FINAL, NOR SHALL LOCAL GOVERNMENT PERMITS FOR THE PROJECT BE VALID, UNTIL THE FILING FEES REQUIRED PURSUANT TO THIS SECTION ARE PAID." Fish & Game Code §711.4(c)(3)



CITY OF MORGAN HILL
DEVELOPMENT SERVICES CENTER

NOTICE IS HEREBY GIVEN THAT IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), THE CITY OF MORGAN HILL HAS PREPARED AN ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED VESTING TENTATIVE MAP AND DESIGN PERMIT FOR A PROJECT FILED UNDER APPLICATIONS EA2020-0007, SD2020-0003, AND SR2020-0010: HALF – DIVIDEND (CROSSWINDS).

The Half-Dividend (Crosswinds) Draft EIR and associated documents will be available to the public on November 4, 2022. (Website: <https://www.morgan-hill.ca.gov/2088/Half-Dividend-Crosswinds-Residential-Dev>)

The purpose of an Environmental Impact Report is to inform decision-makers and the general public of the environmental impacts of a proposed project that an agency (in this case, the City of Morgan Hill) may implement or approve. The EIR process is intended to: (1) provide information sufficient to evaluate a project and its potential for significant impacts on the environment; (2) examine methods (e.g., project-specific mitigations, uniformly applied development regulations) for avoiding or reducing significant impacts; and (3) consider alternatives to the proposed project.

PROJECT LOCATION

The approximately 33-acre project site is located at the intersection of Half Road and Mission View Drive. The site is bounded by Half Road to the south, and Mission View Drive to the east. The project is located on four parcels. The Assessor's Parcel Numbers (APNs) are 728-30-001, 728-30-002, 728-30-003, and 728-30-004.

PROPOSED PROJECT

The project proposes to construct a total of 269 new residential units, comprised of 56 single-family, 64 duets, and 149 condominium units. The project would provide a total of 606 parking spaces, including 538 covered spaces for residences, and 68 uncovered parking spaces for visitors. There would be a total of 40 below-market-rate (BMR) units. Each unit would include a two-car garage on the ground floor. The single-family detached residences would be constructed on the eastern and southern perimeters of the project site, along Mission View Drive and Half Road. The single-family residences would be two-stories and reach a maximum height of 30 feet.

The two-story attached duets would be located in the center of the project site and would reach a maximum height of 30 feet. Three-story condominiums would be constructed along the western and northwestern perimeters of the project site, along DePaul Drive and adjacent to a vacant parcel. The condominiums would reach a maximum height of 39 feet.

The project would include recreational areas including a clubhouse, pool, children's play area, and barbeque/picnic areas. The project would also include pedestrian paths, and landscaping, including trees and lawn areas. The EIR evaluates two project options related to the management of stormwater. Under Option 1, stormwater runoff would be directed to underground retention facilities designed for a 25-year, 24-hour storm event and under Option 2, 100 percent of stormwater from the site would be directed to underground retention facilities designed for a 100-year, 24-hour storm event. The two project options would have the same site design, including the proposed number of residences, building elevations, and site layout.

The project would result in a significant, unavoidable impact to agricultural resources as a result of conversion of Prime Farmland, as well as significant, unavoidable Vehicle Miles Traveled (VMT) impacts from project residents' daily travel. The project site is designated as Prime Farmland, Unique Farmland, and Farmland of Statewide Importance. The project proposes to develop the site with residential uses. Conversion of the above-

mentioned farmland types to residential uses would constitute a significant impact to agricultural resources, for which no feasible mitigation exists to replace the lost resources. The Morgan Hill citywide average VMT per capita is currently 24.64. The impact threshold of 15 percent below the citywide average VMT per capita equates to 20.94 VMT per capita. The project is estimated to generate 27.41 VMT per capita, which would exceed the impact threshold of 20.94 VMT per capita. The project would implement mitigation measures/TDM measures such as carshare and school pool programs to reduce VMT. Implementation of the above mitigation measures would reduce the project's VMT per capita to 24.37. The reduced VMT per capita, however, would still be greater than the impact threshold of 20.94 VMT per capita, and no additional feasible measures are available.

All other impacts of the proposed project would be mitigated to a less than significant level with incorporation of applicable project-level mitigation measures identified in this EIR.

Pursuant to CEQA Guidelines Section 15087(c)(6), the subject site is **not** listed on any of the lists of sites compiled under Section 65962.5 of the Government Code concerning hazardous waste or hazardous waste disposal.

PUBLIC REVIEW PERIOD

The City of Morgan Hill is making this Draft EIR available in accordance with CEQA for a 60-day review and comment period.

The Public Review Period begins on November 4, 2022 and ends on January 3, 2023.

During the comment period, written comments may be submitted in the following ways:

- By mail to Attn: Gina Paolini, Development Services, 17575 Peak Avenue, Morgan Hill, CA 95037
- Through the City's website: <https://www.morgan-hill.ca.gov/2088/Half-Dividend-Crosswinds-Residential-Dev>
- By email to gina.paolini@morganhill.ca.gov with the subject line "Draft EIR Comment"

Comments must be received electronically or postmarked on or before January 3, 2023. The City of Morgan Hill will prepare a Final EIR, which will include responses to comments received during the comment period.

COMMUNITY OPEN HOUSE

The City of Morgan Hill invites you to participate in a community open house to provide an opportunity for the public to submit verbal comments on the Draft EIR.

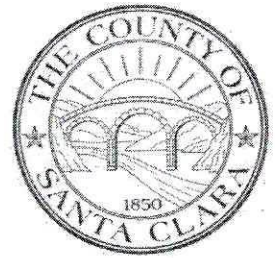
DATE: Tuesday, December 6, 2022
TIME: 7:00 p.m.
LOCATION: Virtual Meeting
Weblink: <https://bit.ly/12062022CrosswindsCommunityOpenHouse>
Phone: (996) 900-9128 Webinar ID: 830 4117 0505

NOTICE IS ALSO GIVEN, pursuant to Government Code Section 65009, that any challenge of the above-referenced EIR in court may be limited to issues raised during this public review period or prior to the public hearing on this matter. The time within which judicial review must be sought of the action by the City Council on this EIR is governed by the provisions of Section 21167 et seq. of the California Public Resources Code and Section 15112 of the CEQA Guidelines.

Date: October 28, 2022
Publish: November 4, 2022

County of Santa Clara
FINANCE AGENCY
Office of the County Clerk-Recorder

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01/04/2023

CITY OF MORGAN HILL
17575 PEAK AVENUE
MORGAN HILL, CA. 95037

Re: CALIFORNIA ENVIRONMENTAL QUALITY ACT POSTINGS

Dear Lead Agency:

Enclosed please find the public copy posted in Santa Clara County Clerk-Recorder's Office for 60 days per CALIFORNIA CODES PUBLIC RESOURCES CODE SECTION 21152 (c)

Sincerely,
REGINA ALCOMENDRAS, Santa Clara County Clerk-Recorder



By: 
Mike Louie, Deputy Clerk-Recorder