



+U.S. Department of Housing and Urban Development  
San Francisco Regional Office  
1 Sansome Street, Suite 1200  
San Francisco, California 94104

## Environmental Assessment for HUD-Funded Proposals

Recommended format per 24 CFR 58.36, revised March 2005  
[Previously recommended EA formats are obsolete].



**Project Identification:** Magnolias Affordable Housing Project

**Preparer:** Raney Planning & Management, Inc.  
Rod Stinson, Vice President/Air Quality Specialist

**Responsible Entity:** City of Morgan Hill  
Development Services Department  
17575 Peak Avenue  
Morgan Hill, CA 95037

**Month/Year:** September 2024

**Environmental Assessment**  
**Determinations and Compliance Findings for HUD-assisted Projects**  
**24 CFR Part 58**

**Project Information**

**Project Name:** Magnolias Affordable Housing Project

**Responsible Entity:** City of Morgan Hill  
Development Services Department  
17575 Peak Avenue  
Morgan Hill, CA 95037  
Phone: (408) 778-6480  
Fax: (408) 779-7236

**Grant Recipient (if different than Responsible Entity):** The Magnolias LP  
22645 Grand Street  
Hayward, CA 94541  
Phone: (510) 582-1460

**State/Local Identifier:** N/A

**Preparer:** Raney Planning & Management, Inc.  
Rod Stinson, Vice President/Air  
Quality Specialist  
rods@raneymanagement.com  
Phone: 916-372-6100  
Fax: 916-419-6108

**Certifying Officer Name and Title:** Jennifer Carman, Development Services Director

**Consultant (if applicable):** Raney Planning & Management, Inc.

**Project Location:** 17965 Monterey Road  
Morgan Hill, CA 95037  
APN: 764-12-006

## **Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:**

The following sections describe the project site location and existing setting, as well as the components included as part of the Magnolias Affordable Housing Project (proposed project).

### Project Site Location, Existing Setting, and Surrounding Uses

The 1.53-acre project site is located at 17965 Monterey Road in the City of Morgan Hill (see Figure 1 and Figure 2). The site is identified by Assessor's Parcel Number (APN) 764-12-006. Currently, the site is used for vehicle storage and is developed with two storage buildings, a paved parking area, an unpaved storage yard, and landscaped areas.

Surrounding existing land uses include a mobile home park community (Hill Haven Mobile Park) to the north; an auto body shop (Rocci's Auto Collision) and self-storage company (Storage Mart) further to the north; a townhome residential community to the northeast, across Monterey Road; the Morgan Hill Community Adult School to the east, across Monterey Road; an auto repair shop (Star Motor Imports), a brake shop (A-1 Muffler & Brake), and multi-family residential apartments (Royal Court Apartments) to the south; and single-family residences to the southwest and west. Monterey Road bounds the site's eastern boundary. The Union Pacific Railroad (UPRR) tracks are located further to the east. The Morgan Hill General Plan designates the site as Mixed Use Flex (MU-F) and the site is zoned MU-F.

### Proposed Project

The proposed project would include demolition of the existing on-site structures and construction of a five-story, multi-family residential building, comprised of 66 units, including 16 studio units, 16 one-bedroom units, 17 two-bedroom units, and 17 three-bedroom units (see Figure 3 and Figure 4). In total, the building would feature 75,150 square feet (sf) and constructed at a height of 59 feet and nine inches. The ground floor would be comprised of a total of 11,790 sf, consisting primarily of an entry plaza and lobby, office suite, bike storage room, clubhouse, laundry room, storage, and maintenance facilities, as well as other areas. Additional on-site amenities would include a basketball half-court and an outdoor courtyard area, featuring a shade garden, raised garden beds, a barbecue and dining court, a play area, and multiple seating areas (see Figure 5). The second through fifth floors would consist of the residential units, with units on the second through fourth floors featuring a generally similar layout (see Figure 6 and Figure 7). The fifth floor would feature a roof deck recreational area, containing patio furniture, a raised planter bed with wood seating, and a guardrail. A total of 50 units would be restricted for households earning 30 percent of the area median income (AMI) for Santa Clara County. Another 15 units would be reserved for households earning up to 50 percent AMI. The remaining unit would be a manager's unit.

With respect to parking, the proposed project would include 68 total on-site surface parking spaces. Of the total, five spaces would be designed in compliance with the Americans with Disabilities Act (ADA) of 1990, seven spaces would be equipped with Level 2 electric vehicle (EV) chargers, and 26 would be EV receptacle (low-power Level 2) spaces. In addition, the project would provide short-term parking to accommodate a maximum of 24 bicycles and long-term parking to accommodate a maximum of 80 bicycles.

**Figure 1**  
**Regional Vicinity Map**



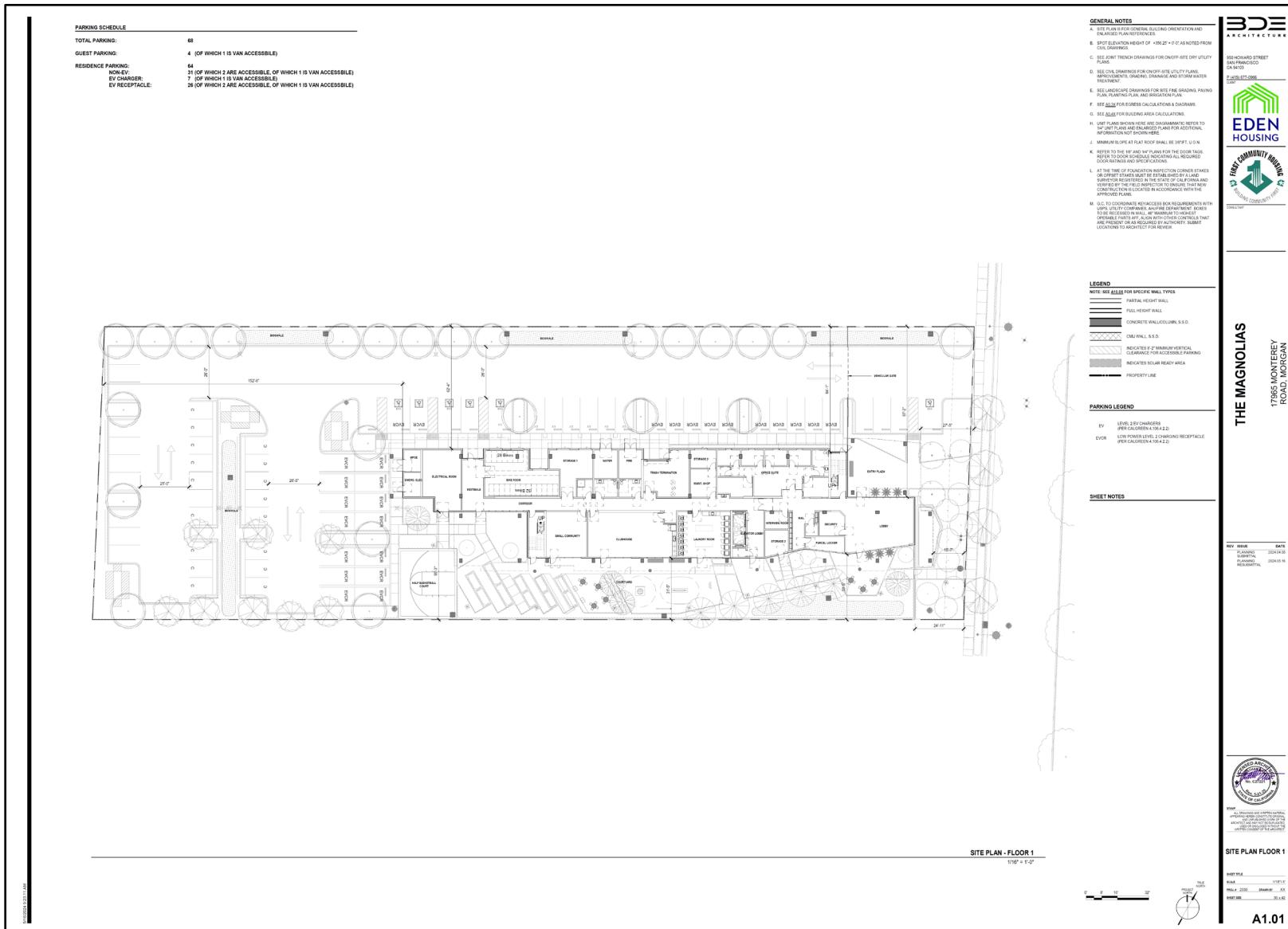
**Figure 2**  
**Project Site Boundaries**



**Figure 3**  
**Project Rendering**



## Figure 4 Site Plan – Floor 1



**Figure 5**  
**Illustrative Landscape Plan**



**Figure 6**  
**Building Plan – Floor 2**

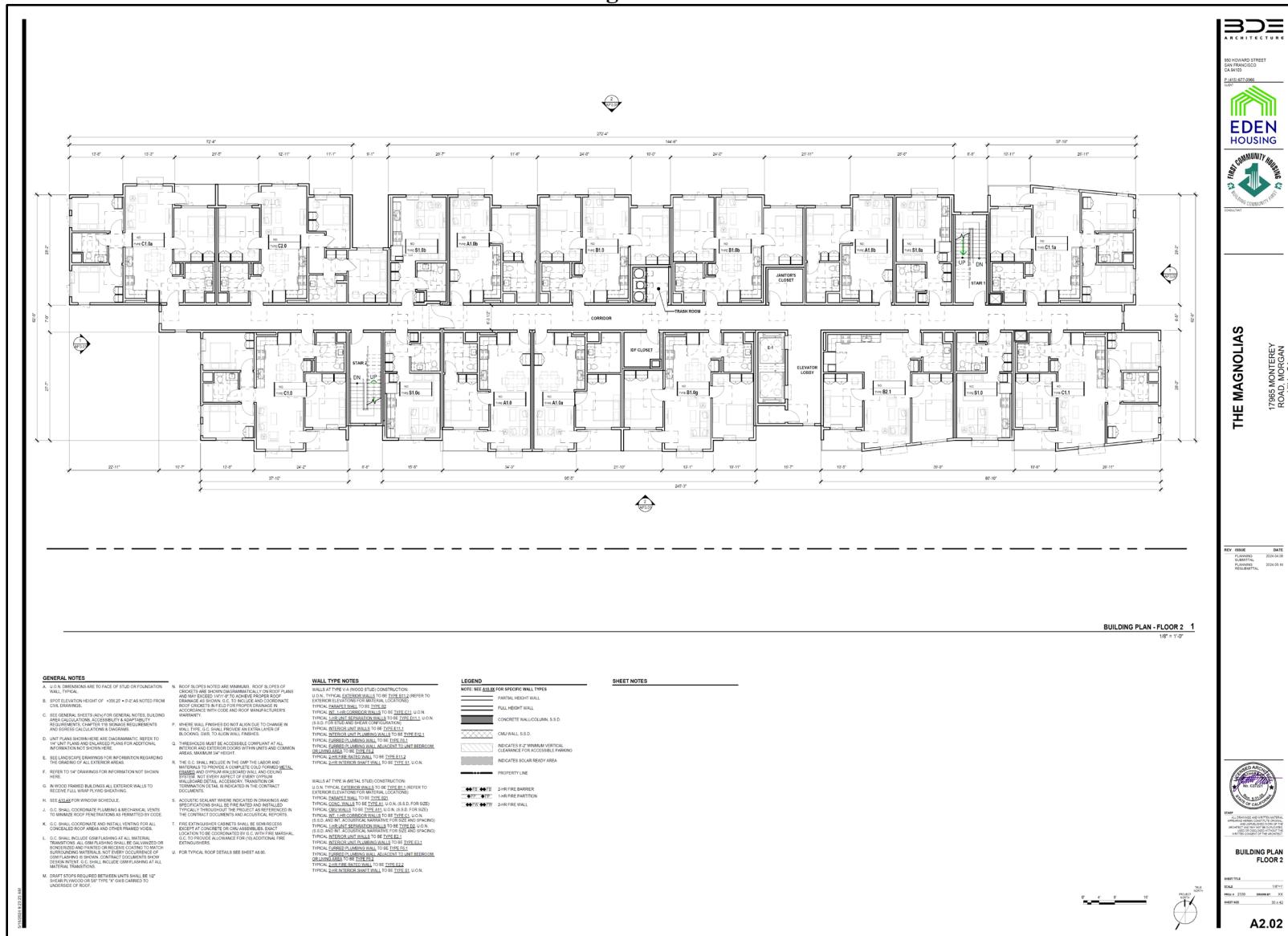
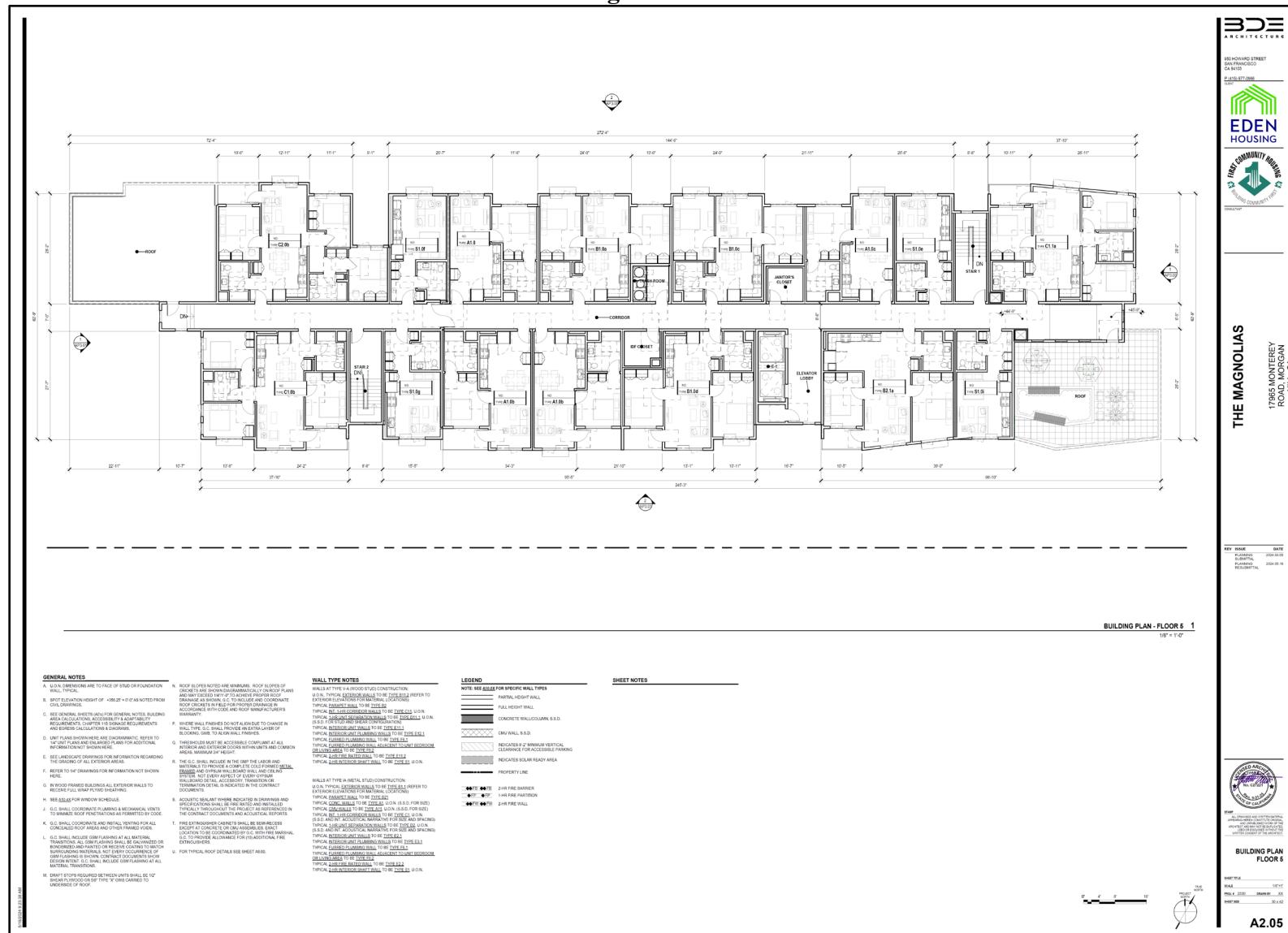


Figure 7  
Building Plan – Floor 5



Access to the project site would be provided from Monterey Road by way of a new 26-foot-wide driveway, which would connect to a drive aisle that extends westward into the site and provides access to the project's security gate and all proposed on-site parking stalls.

Water and sewer service for the proposed project would be provided by the City of Morgan Hill through connections to existing infrastructure located in Monterey Road (see Figure 8). From the point of connection, a new four-inch domestic water line and a new six-inch fire water line would be extended into the site, to which the proposed building would connect. In addition, a new six-inch sanitary sewer line, to which the proposed building would connect, would be extended into the site from the existing sewer line in Monterey Road. The new water and sewer infrastructure would be designed in accordance with applicable standards set forth by the City of Morgan Hill Design Standards and Standard Details for Construction.

The proposed project would be designed to manage stormwater runoff from new on-site impervious surfaces and a portion of Monterey Road across four drainage management areas (DMAs) (see Figure 9). Runoff within each DMA would first be directed to stormwater control measures such as bioswales, permeable pavers, and grassy swales, which would provide preliminary treatment prior to the flows conveying to a new 24-inch storm drain line that would proceed through each DMA and provide underground storage intended to mimic pre-development conditions, promote infiltration through native soils, and detain higher frequency storms to release at or below pre-development levels.

With respect to landscaping, the proposed project would include the planting of various trees, shrubs, and ground cover along the site perimeter, within the outdoor courtyard area, and near the proposed parking areas (see Figure 9). Plant selection would be in accordance with Morgan Hill Municipal Code Section 18.64.060, which requires that a minimum of 90 percent of plants and trees be drought-tolerant, with the City preferring native plants adapted to the local climate. In addition, a continuous seven-foot-tall good neighbor fence would be installed along the north, south, and west property lines.

Finally, the proposed project would include the off-site extension of the median within Monterey Road to restrict turn movements at the project driveway to right-turns only. The median extension would occur from south of the project site to Manresa Lane. The project would additionally replace the existing curb, gutter, and sidewalk with a new concrete curb and gutter and detached sidewalk and install new asphalt pavement along the Monterey Road frontage.

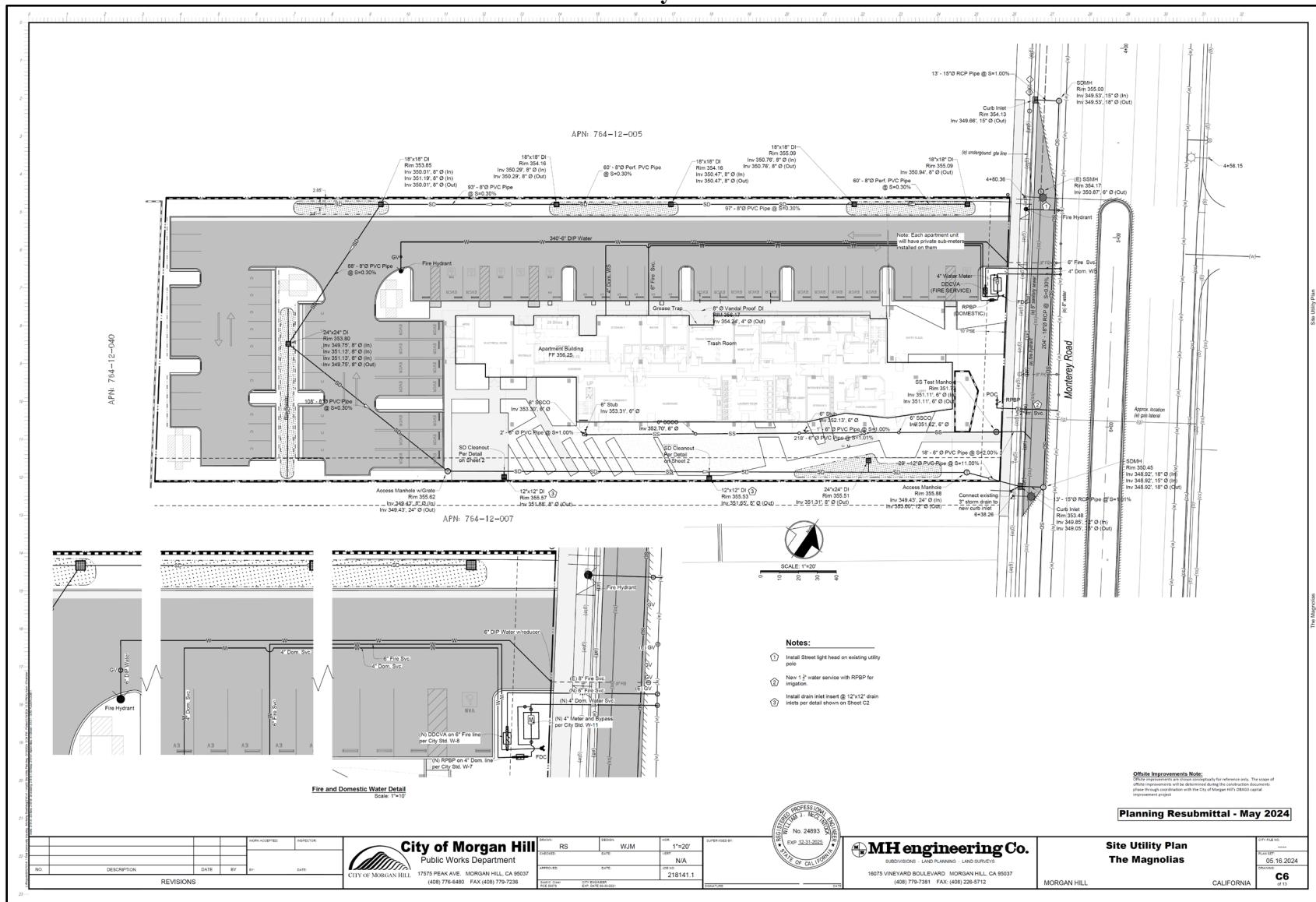
The proposed project has obtained various City of Morgan Hill discretionary approvals, which included an environmental review completed in accordance with the California Environmental Quality Act (CEQA).<sup>1</sup> Approved entitlements include:

- Conditional Use Permit (CUP) to allow for a reduction in the percent of required parking lot landscaping, consistent with the provisions set forth in Morgan Hill Municipal Code Section 18.72.070;

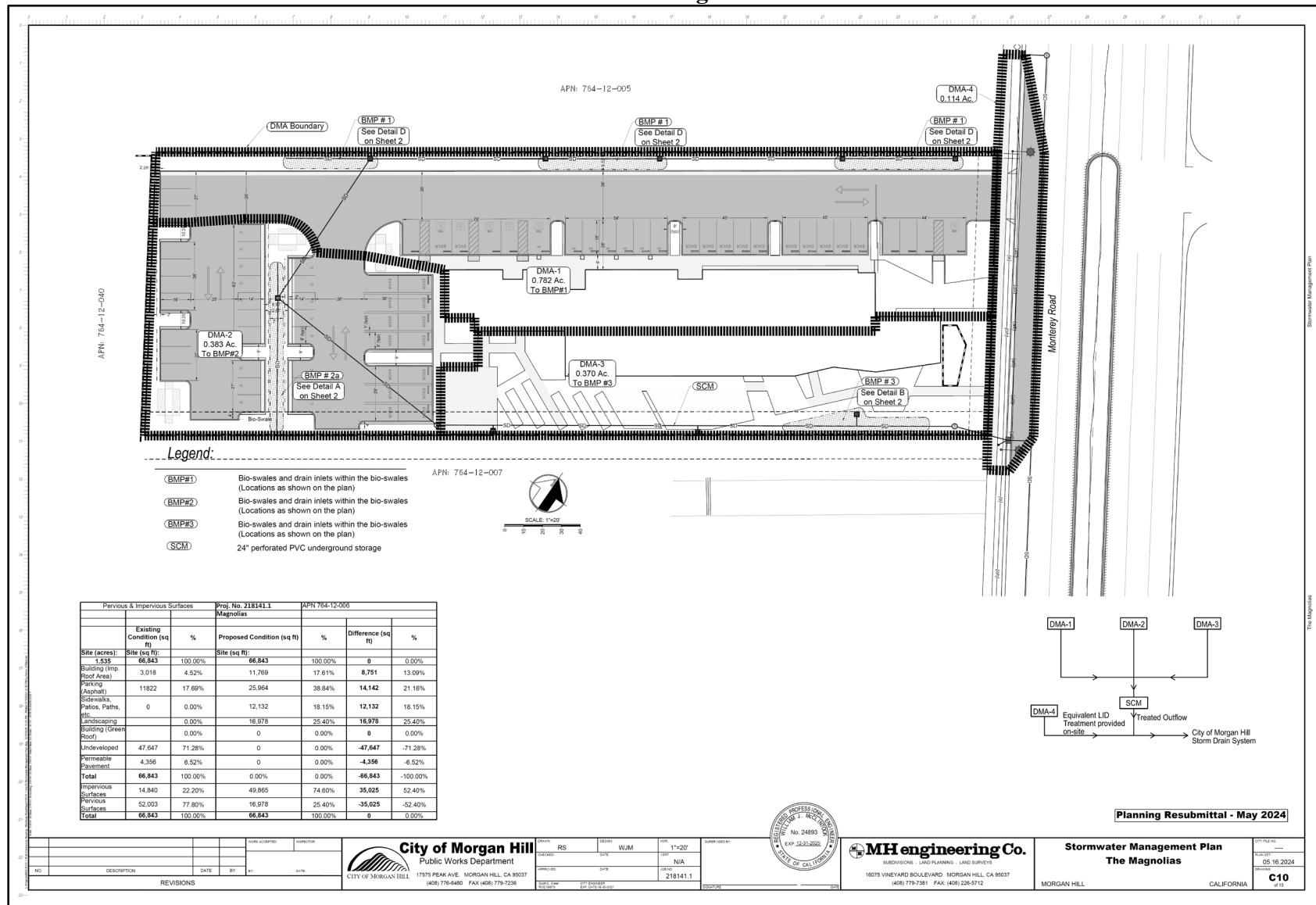
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<sup>1</sup> City of Morgan Hill. *City of Morgan Hill Planning Commission Resolution No. 21-17*. Adopted November 24, 2021.

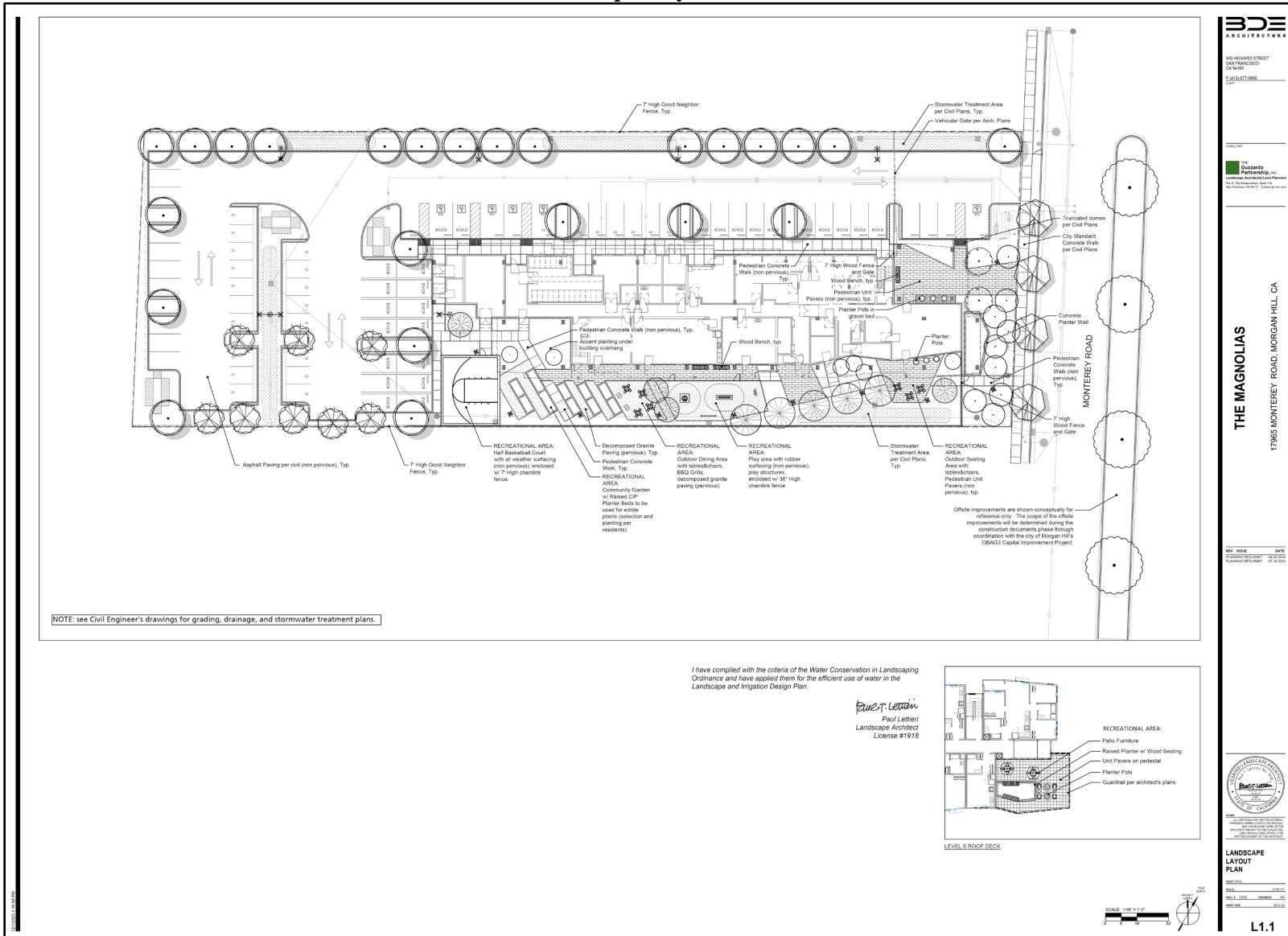
## Figure 8 Utility Plan



**Figure 9**  
Stormwater Management Plan



## Figure 10 Landscape Layout Plan



- Design Review Permit, which allowed the City to review the project's buildings, structures, and other facilities to ensure that the project enhances the City's appearance and livability, in accordance with Morgan Hill Municipal Code Section 18.108.040;
- Design Waivers in accordance with California Government Code Section 65915(e) from the following Morgan Hill Residential Development Design and Development Standards:
  - Design Standard No. 12: Waiver from the City's requirement that replacement of significant trees occur at a 2:1 ratio;
  - Development Standard Floor Area Ratio (FAR): Waiver from the maximum 0.5 FAR allowed within the MU-F zoning district;
  - Development Standard Building Height: Waiver from the maximum 45-foot building height allowed within the MU-F zoning district; and
  - Development Standard Front Setback: Waiver from the minimum setback distance of 15 feet allowed within the MU-F zoning district;
- Concessions in accordance with California Government Code Section 65915(d)(2)(D) from the following Morgan Hill Residential Development Design and Development Standards:
  - Design Standard No. 26: Waiver from the required minimum of two materials used on any one building façade, with each material comprised of at least 20 percent of the façade;
  - Design Standard No. 30: Waiver from the requirement that the number of colors appearing on any building exterior not exceed four colors;
  - Design Standard No. 31: Waiver from the requirement that the design proposal provide trim-less window detailing; and
  - Design Standard No. 39: Waiver from the requirements pertaining to multi-family roof form.

**Statement of Purpose and Need for the Proposal** [40 CFR 1508.9(b)]:

According to City of Morgan Hill Housing Element Goal 1, the City strives to ensure that adequate new housing is available to meet the full range of community housing needs, including housing needs related to affordability and accessibility.<sup>2</sup> In support of Goal 1, Policy HE-1.4 encourages development of income-diverse neighborhoods and the promotion of extremely low-, very low-, low-, median-, and moderate-income households within new market-rate development. In addition, Goal 2 encourages increasing the availability of affordable and workforce housing. In support of Goal 2, Policy HE-2.3 requires that the City assist developers in developing affordable rental units.

The California Department of Housing and Community Development (HCD) defines extremely low-income households as those earning less than 30 percent of the median household income and very low-income households as those earning less than 50 percent of the median household income. As previously discussed, the proposed project would include 50 units restricted to households earning 30 percent of the AMI for Santa Clara County and 15 units for households earning 50 percent of the AMI for the County. As such, the proposed project would contribute towards the City meeting its housing goals for extremely low- and very low-income households and would be consistent with Housing Element Goals 1 and 2 and Policies HE-1.4 and HE-2.3.

<sup>2</sup> City of Morgan Hill. *City of Morgan Hill Housing Element*. Adopted January 25, 2023.

The applicant is seeking funding assistance through the U.S. Department of Housing and Urban Development (HUD) Section 8 Project-Based Voucher (PBV) Program. The National Environmental Policy Act (NEPA) mandates that federal agencies consider the environmental ramifications of a wide variety of proposed actions. Due to funding from federal sources, the proposed project is subject to environmental review under NEPA. Because implementation of the proposed project has the potential to result in environmental impacts on the project site, the preparation of an Environmental Assessment is required.

### **Existing Conditions and Trends [24 CFR 58.40(a)]:**

The following sections describe the existing site conditions, as well as the flood hazard, surface water, and groundwater conditions, of the project site.

#### Existing Conditions

The 1.53-acre project site, which is located at 17965 Monterey Road, is used for vehicle storage and is developed with two storage buildings, a paved parking area, an unpaved storage yard, and landscaped areas. The nearest airport to the project site is the San Martin Airport, which is located 4.8 miles southeast of the site (see Figure 11).

The Morgan Hill General Plan designates the site MU-F and the site is zoned MU-F. As established by Morgan Hill Municipal Code 18.22.010, the purpose of the MU-F zoning district is to accommodate a mixture of residential and commercial uses typically along the Monterey Road corridor north and south of the downtown area. Multi-family dwellings are allowed within the MU-F zone through approval of a CUP. As previously discussed, the proposed project has obtained a CUP as part of the City's discretionary approval process, which was conducted subsequent to the CEQA environmental review process completed for the project.

As required by Morgan Hill Municipal Code Section 18.108.040, buildout of the majority of the project site with the proposed project was subject to the City's Design Review process, which allowed the City to ensure the project is consistent with applicable regulations and standards related to various criteria, including, but not limited to, community character, neighborhood compatibility, safety, architectural style, and parking and access.

#### Flood Hazard, Surface Water, and Groundwater Conditions

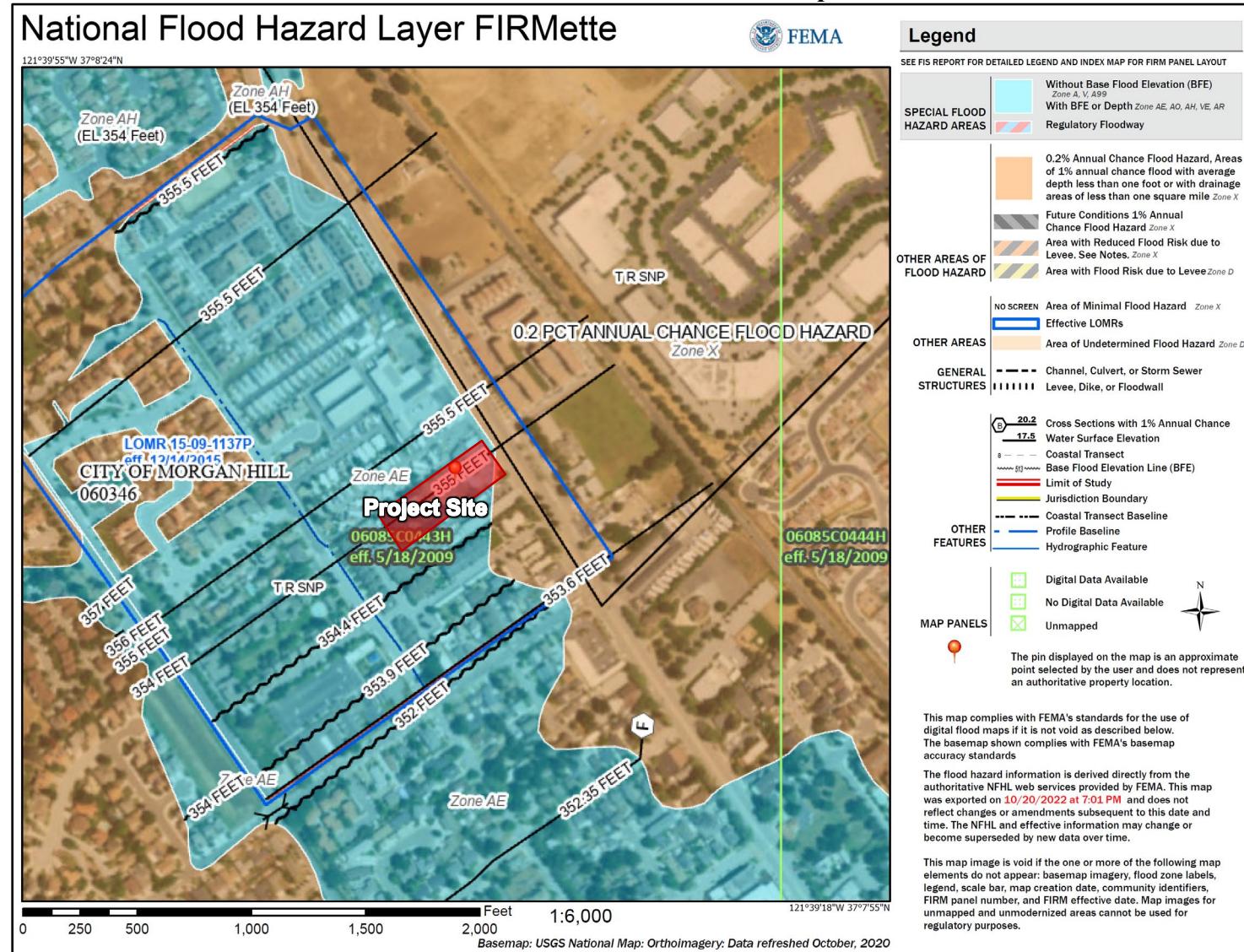
According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 06085C0443H, effective May 18, 2009, the majority of the project site is within Zone AE within the West Little Llagas Creek watershed, which is a Special Flood Hazard Area (SFHA) within the 100-year floodplain where the base flood elevation (BFE) has been identified (see Figure 12). The BFE at the project site is 355 feet above mean sea level (amsl).

According to the U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI), aquatic resources of any kind are not located on or adjacent to the project site (see Figure 13). As shown in Figure 14, the project site is located 16.45 miles from the Coastal Zone Boundary.

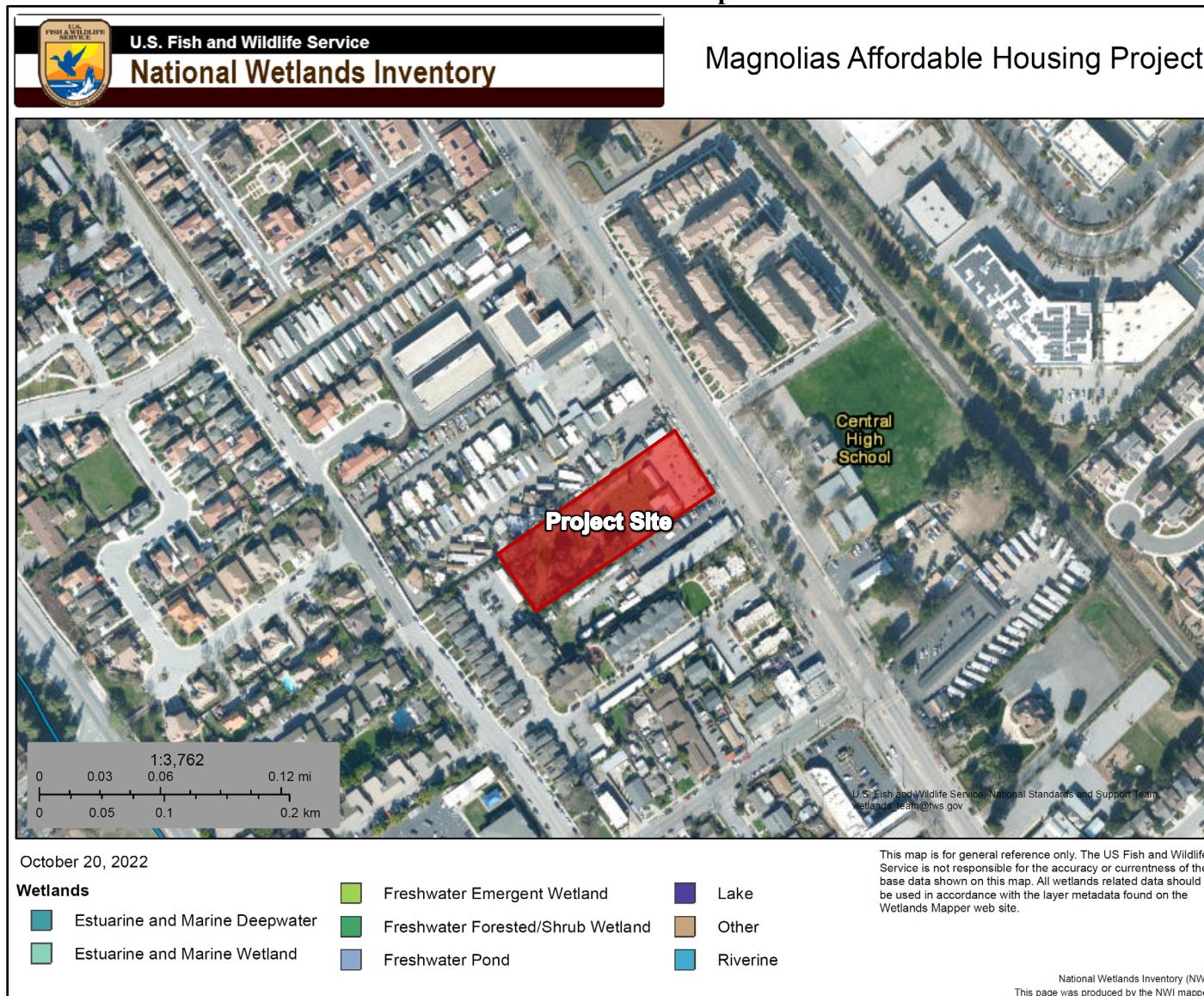
Figure 11  
Nearest Airport to Project Site



**Figure 12**  
**FEMA Flood Insurance Rate Map**



**Figure 13**  
**NWI Wetlands Map**



The project site is located 21.14 miles to the east of the nearest sole source aquifer, which is the Santa Margarita Aquifer (see Figure 15). The nearest designated Wild and Scenic River is the Big Sur River, located 60.74 miles to the south of the project site (see Figure 16).

## **Funding Information**

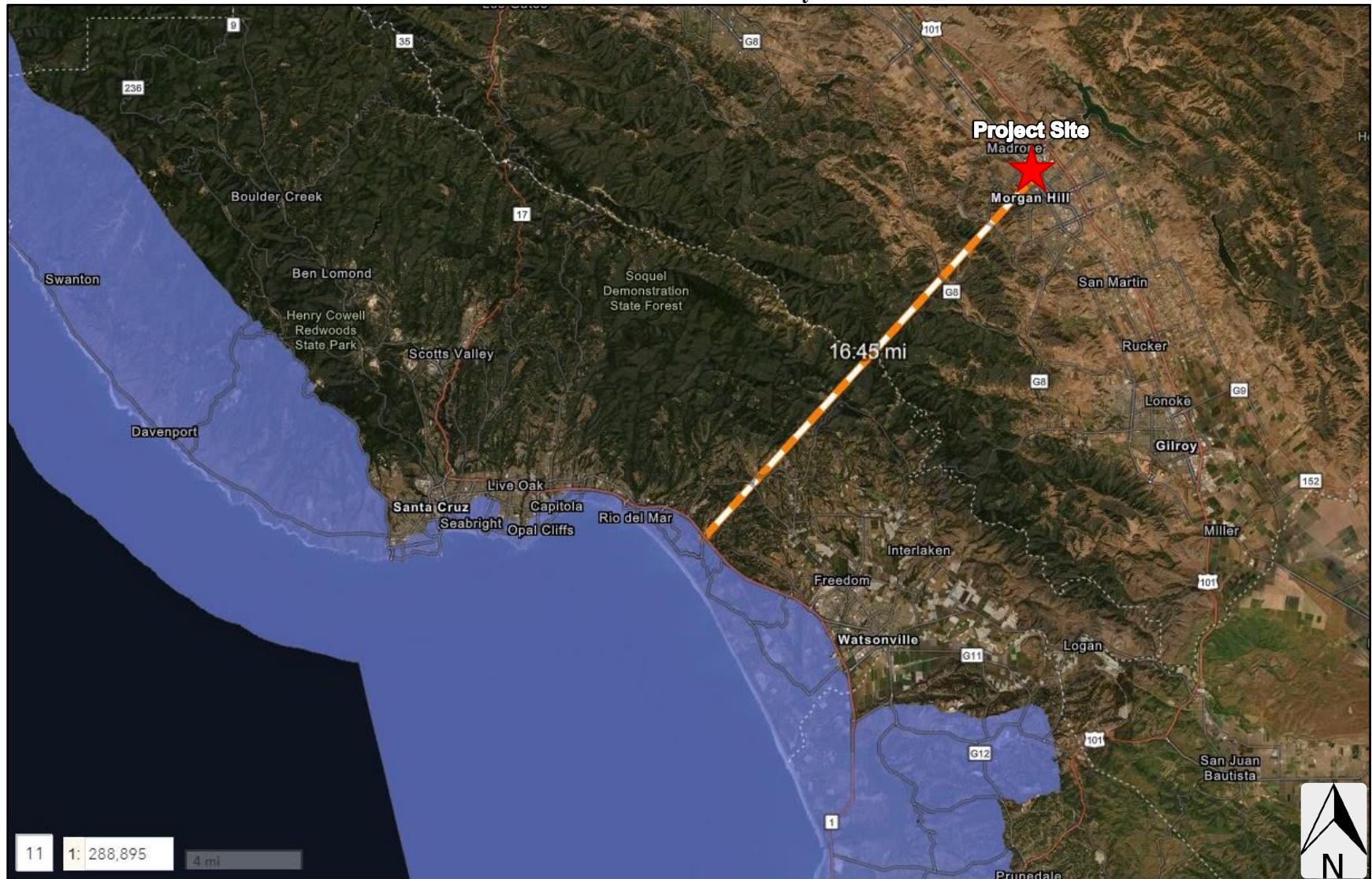
### **Estimated Total HUD Funded Amount:**

\$9,788,208

### **Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]:**

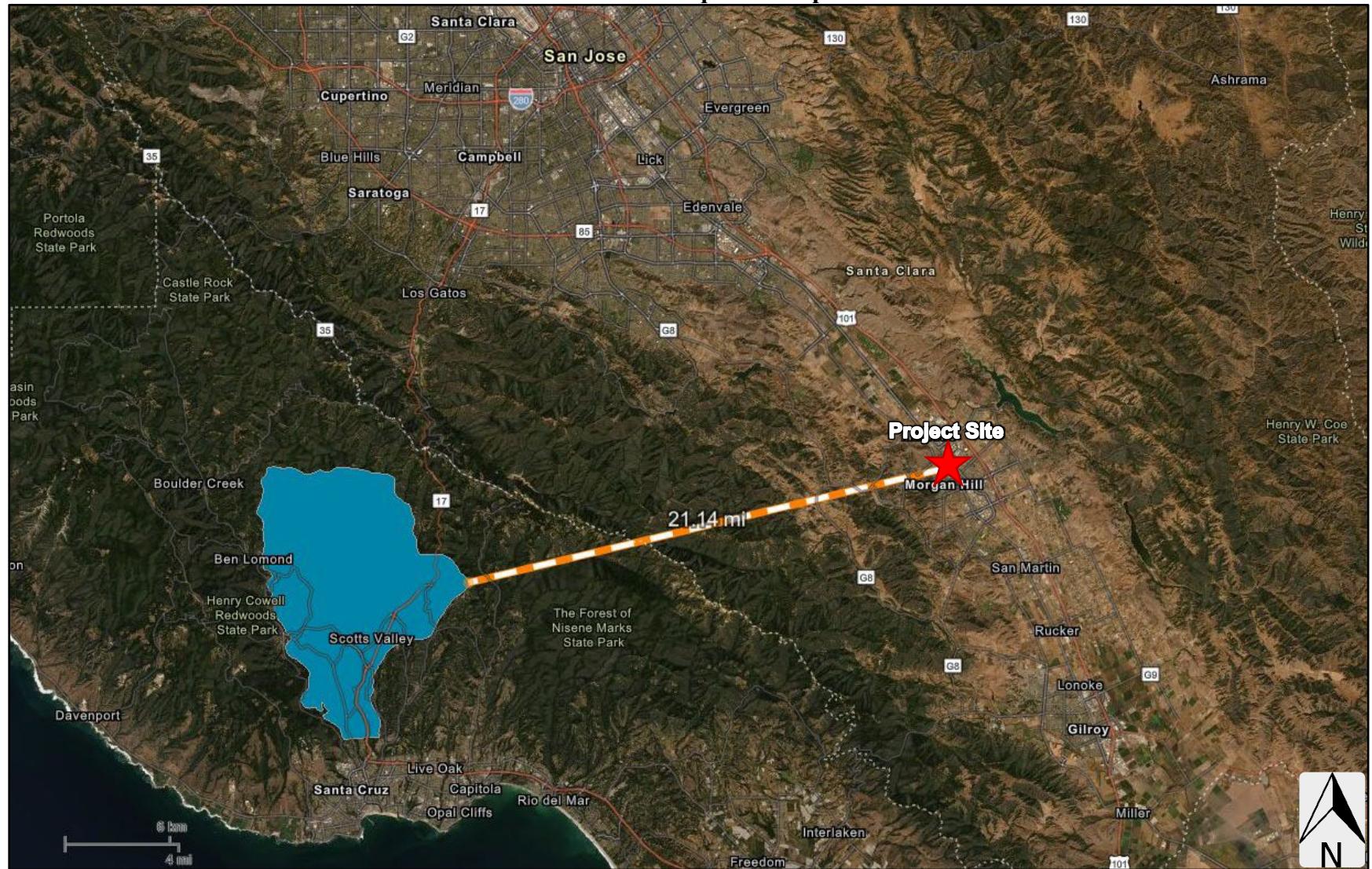
The total development cost is projected to be \$71,803,722, \$9,788,208 of which would be funded through 23 HUD Section 8 PBVs over a 20-year commitment.

Figure 14  
Coastal Zone Boundary



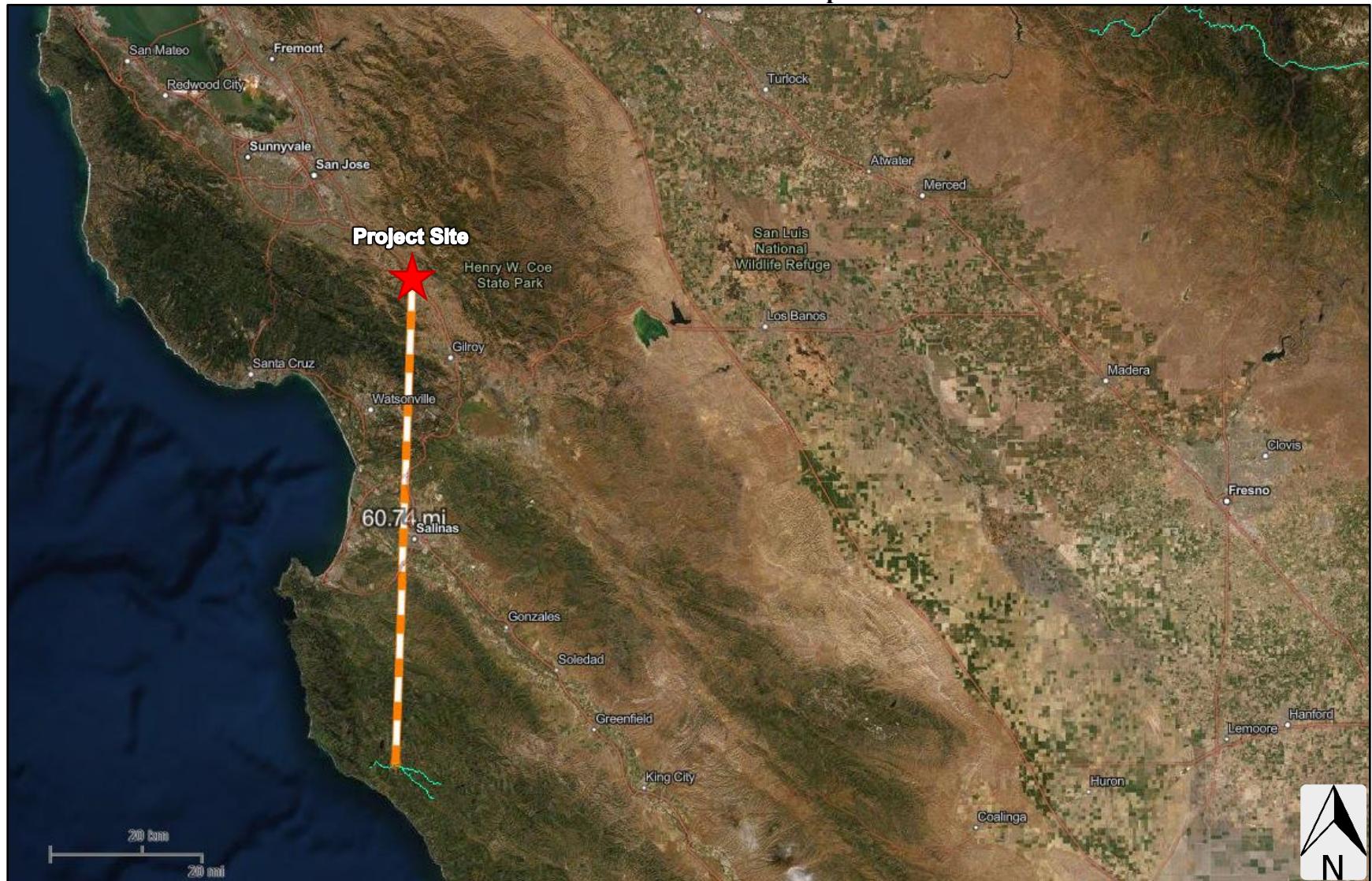
Source: California Department of Fish and Wildlife, BIOS, 2022.

**Figure 15**  
**Sole Source Aquifers Map**



Source: U.S. Environmental Protection Agency, NEPAssist, 2022.

**Figure 16**  
**Wild and Scenic Rivers Map**



Source: U.S. Environmental Protection Agency, NEPAssist, 2022.

## **Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities**

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6</b>		
<b>Airport Hazards</b>  24 CFR Part 51 Subpart D	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<p>HUD's policy is to apply standards to prevent incompatible development around civil airports or military airfields, consistent with Title 24 of the Code of Federal Regulations (CFR), Part 51, Subpart D.</p> <p>As shown in Figure 11, the nearest airport to the project site is the San Martin Airport, which is located 4.8 miles southeast of the site. Thus, the project site is not located within 2,500 feet of the end of a civilian airport or within 15,000 feet of a military airport. Therefore, the proposed project would not be located within an Airport Runway Clear Zone or an Accident Potential Zone, as defined in 24 CFR 51 D, and impacts related to Airport Clear Zones and/or Accidental Potential Zones would not occur.</p>
<b>Coastal Barrier Resources</b>  Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<p>The Coastal Barrier Resources Act (CBRA) of 1982 designated relatively undeveloped coastal barriers along the Atlantic and Gulf coasts as part of the John H. Chafee Coastal Barrier Resources System (CBRS), and made these areas ineligible for most new federal expenditures and financial assistance. The Coastal Barrier Improvement Act (CBIA) of 1990 reauthorized the CBRA; expanded the CBRS to include undeveloped coastal barriers along the Florida Keys, Great Lakes, Puerto Rico, and U.S. Virgin Islands; and added a new category of coastal barriers to the CBRS called "otherwise protected areas" (OPAs). OPAs are undeveloped coastal barriers that are within the boundaries of an area established under federal, state, or local law, or held by a qualified organization, primarily for wildlife refuge,</p>

		<p>sanctuary, recreational, or natural resource conservation purposes.</p> <p>The project site is not located in the vicinity of the Atlantic, Gulf, or Great Lakes coasts or within the areas expanded by the CBIA in 1990. Therefore, implementation of the proposed project would not conflict with either the CBRA or CBIA.</p> <p><u>Document Citation</u></p> <p>U.S. Fish &amp; Wildlife Service. <i>Coastal Barrier Resources Act</i>. Available at: <a href="https://www.fws.gov/program/coastal-barrier-resources-act/about-us">https://www.fws.gov/program/coastal-barrier-resources-act/about-us</a>. Accessed October 2022. (Appendix K)</p>
<p><b>Flood Insurance</b></p> <p>Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]</p>	<p>Yes      No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The Flood Disaster Protection Act of 1973 (42 USC 4012a) requires that projects receiving federal assistance and located in an area identified by the FEMA as being within a SFHA be covered by flood insurance under the National Flood Insurance Program.</p> <p>According to the FEMA FIRM 06085C0443H, effective May 18, 2009, the majority of the project site is within Zone AE within the West Little Llagas Creek watershed, which is a SFHA within the 100-year floodplain where the BFE has been identified (see Figure 12). Pursuant to Morgan Hill Municipal Code Section 15.80.160, development projects located within SFHAs must comply with various construction standards, including requirements related to anchoring, construction materials and methods, and elevation and floodproofing, in order to obtain applicable permits necessary to commence construction. In accordance with the requirements set forth by Municipal Code Section 15.80.160, the City conditioned the proposed project to elevate the ground floor of the proposed structure to an elevation of 356.2 feet amsl, which is above the 355-foot BFE identified by FEMA at the project site. Upon the completion, the ground floor elevation would be certified by a registered civil engineer or surveyor and verified by the floodplain administrator or inspector to ensure that the structure is properly elevated.</p> <p>In addition, a Flood Plain Study was prepared for the proposed project by MH Engineering to evaluate the potential impacts additional fill</p>

	<p>could have on the site's BFE. The hydraulics analysis was performed using a model of the project area approved by FEMA and the Hydrologic Engineering Center's River Analysis System (HEC-RAS) software. According to the Flood Plain Study, the effective model already considers the project site to be obstructed by existing development in the project vicinity and, thus, a change in the BFE would not occur as a result of the proposed project. Overall, the Flood Plain Study concludes the project would not result in any change to BFEs upstream or downstream of the project site. Additionally, the Santa Clara Valley Water District (Valley Water) reviewed the Flood Plain Study and determined that the analysis sufficiently demonstrates that the project would not result in any increases in the lateral extent of flooding along the West Little Llagas Creek, or any foreseeable impacts to the floodplain due to the proposed development.</p> <p>Furthermore, as discussed in the Floodplain Management section of this Environmental Assessment, the proposed project has completed the 8-Step Process for complying with the floodplain management requirements set forth by 24 CFR 55.20.</p> <p>Based on the above, through compliance with the standards set forth in Morgan Hill Municipal Code Section 15.80.160 and completion of the 8-Step Process, potential impacts associated with the SFHA would not occur. Therefore, the proposed project would not conflict with the requirements of the Flood Disaster Protection Act and National Flood Insurance Reform Act of 1994.</p> <p><u>Document Citation</u></p> <p>Federal Emergency Management Agency. <i>Flood Insurance Rate Map 06085C0443H</i>. Available at: <a href="https://msc.fema.gov/portal/home">https://msc.fema.gov/portal/home</a>. Accessed October 2022. (Figure 11)</p> <p>MH Engineering. <i>Flood Plain Study for APN 764-12-006 Morgan Hill, CA</i>. April 14, 2021. (Appendix A)</p>
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		Raney Planning & Management, Inc. <i>Floodplain Management Determination Step 3: Alternative Site Analysis</i> . March 2023. (Appendix B)
		City of Morgan Hill. <i>City of Morgan Hill Planning Commission Resolution No. 21-17</i> . Adopted November 24, 2021. (Appendix K)

## STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5

<b>Clean Air</b>  Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<p>The project site is located in the San Francisco Bay Area Air Basin (SFBAAB), which is under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). Pollutants for which air quality standards have been established are called “criteria” air pollutants. Major criteria air pollutants include ozone precursors – reactive organic gases (ROG) and nitrous oxides (NO<sub>x</sub>) – respirable or suspended particulate matter less than 10 microns in diameter (PM<sub>10</sub>), and fine particulate matter less than 2.5 microns in diameter (PM<sub>2.5</sub>).</p> <p>The SFBAAB area is currently designated as a nonattainment area for State and federal ozone, State and federal PM<sub>2.5</sub>, and State PM<sub>10</sub> ambient air quality standards (AAQS). The SFBAAB is designated attainment or unclassified for all other AAQS. It should be noted that on January 9, 2013, the U.S. Environmental Protection Agency (USEPA) issued a final rule to determine that the Bay Area has attained the 24-hour PM<sub>2.5</sub> federal AAQS. Nonetheless, the Bay Area must continue to be designated as nonattainment for the federal PM<sub>2.5</sub> AAQS until such time as the BAAQMD submits a redesignation request and a maintenance plan to the USEPA, and the USEPA approves the proposed redesignation. The USEPA has not yet approved a request for redesignation of the SFBAAB; therefore, the SFBAAB remains in nonattainment for 24-hour PM<sub>2.5</sub>.</p> <p>In compliance with regulations, due to the nonattainment designations of the area, the BAAQMD periodically prepares and updates air quality plans that provide emission reduction strategies to achieve attainment of the AAQS, including control strategies to reduce air pollutant emissions through regulations, incentive programs, public education, and partnerships</p>
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	<p>with other agencies. The current air quality plans are prepared in cooperation with the Metropolitan Transportation Commission and the Association of Bay Area Governments (ABAG).</p> <p>The most recent federal ozone plan is the 2001 Ozone Attainment Plan, which was adopted on October 24, 2001 and approved by the California Air Resources Board (CARB) on November 1, 2001. The plan was submitted to the USEPA on November 30, 2001 for review and approval. The most recent State ozone plan is the 2017 Clean Air Plan, adopted on April 19, 2017. The aforementioned air quality plans contain mobile source controls, stationary source controls, and transportation control measures to be implemented in the region to attain the State and federal AAQS within the SFBAAB. Adopted BAAQMD rules and regulations, as well as the thresholds of significance, have been developed with the intent to ensure continued attainment of AAQS, or to work towards attainment of AAQS for which the area is currently designated nonattainment, consistent with applicable air quality plans.</p> <p>The BAAQMD's established significance thresholds associated with development projects for emissions of the ozone precursors ROG and NO<sub>x</sub>, as well as for PM<sub>10</sub>, and PM<sub>2.5</sub>, expressed in pounds per day (lbs/day), are listed in Table 1. By exceeding the BAAQMD's mass emission thresholds for operational emissions of ROG, NO<sub>x</sub>, PM<sub>10</sub>, or PM<sub>2.5</sub>, a project would be considered to conflict with or obstruct implementation of the BAAQMD's air quality planning efforts.</p>										
	<p style="text-align: center;"><b>Table 1</b> <b>BAAQMD Thresholds of Significance</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center; background-color: #cccccc;"><b>Pollutant</b></th><th style="text-align: center; background-color: #cccccc;"><b>Construction and Operational Thresholds of Significance (lbs/day)</b></th></tr> </thead> <tbody> <tr> <td style="text-align: center;">ROG</td><td style="text-align: center;">54</td></tr> <tr> <td style="text-align: center;">NO<sub>x</sub></td><td style="text-align: center;">54</td></tr> <tr> <td style="text-align: center;">PM<sub>10</sub> (exhaust)</td><td style="text-align: center;">82</td></tr> <tr> <td style="text-align: center;">PM<sub>2.5</sub> (exhaust)</td><td style="text-align: center;">54</td></tr> </tbody> </table> <p style="text-align: center;"><i>Source: BAAQMD, May 2017.</i></p> <p>The proposed project's construction and operational emissions were quantified using the California Emissions Estimator Model</p>	<b>Pollutant</b>	<b>Construction and Operational Thresholds of Significance (lbs/day)</b>	ROG	54	NO <sub>x</sub>	54	PM <sub>10</sub> (exhaust)	82	PM <sub>2.5</sub> (exhaust)	54
<b>Pollutant</b>	<b>Construction and Operational Thresholds of Significance (lbs/day)</b>										
ROG	54										
NO <sub>x</sub>	54										
PM <sub>10</sub> (exhaust)	82										
PM <sub>2.5</sub> (exhaust)	54										

		<p>(CalEEMod) software version 2020.4.0 – a statewide model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify air quality emissions, including greenhouse gas (GHG) emissions, from land use projects. The model applies inherent default values for various land uses, including construction data, vehicle mix, trip length, average speed, compliance with the California Building Standards Code (CBSC), etc. Where project-specific information is available, such information should be applied in the model. Accordingly, the proposed project's modeling assumes the following project and/or site-specific information:</p> <ul style="list-style-type: none"> <li>• Construction would commence in March of 2023 and occur over an approximately 21-month period. It should be noted that although the project has not yet commenced construction, the foregoing assumption is adequate, as project construction would still require 21 months to complete. Additionally, the March 2023 assumption provides a conservative analysis, as vehicle fleets are required to be more efficient as time progresses, due to more stringent regulatory requirements and improvements in technology. Thus, actual project construction emissions would be lower than those modeled using a March 2023 commencement date;</li> <li>• The project would include demolition of the existing on-site structures (approximately 3,166 sf);</li> <li>• Approximately 1,774 cubic yards of material would be exported during site preparation;</li> <li>• Approximately 1,140 cubic yards of material would be imported during grading;</li> <li>• Natural gas infrastructure would not be provided, per City regulations;</li> <li>• The vehicle trip generation rate was adjusted to be consistent with the project-specific Trip Generation and Operations Analysis;</li> </ul>
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- Based on applicant-provided information:
  - The project would exceed Title 24 by 10.2 percent;
  - The project would include installation of solar panels with a combined output of approximately 234.9 STC kWh; and
  - The project would apply a water conservation strategy to reduce indoor and outdoor water usage by 35 percent.

#### Construction and Operational Emissions

Based on the modeling prepared for the proposed project, both construction and operational emissions are anticipated to be below the applicable BAAQMD thresholds of significance (see Table 2 and Table 3 below). Therefore, the proposed project would not result in significant impacts associated with criteria air pollutant emissions. All modeling results are included as Appendix C to this Environmental Assessment.

**Table 2**  
**Maximum Unmitigated Construction Emissions**

<b>Pollutant</b>	<b>Project Emissions (lbs/day)</b>	<b>Threshold of Significance (lbs/day)</b>
ROG	4.97	54
NO <sub>x</sub>	18.58	54
PM <sub>10</sub> (exhaust)	0.68	82
PM <sub>2.5</sub> (exhaust)	0.64	54

*Source: CalEEMod, August 2022. (see Appendix C)*

**Table 3**  
**Maximum Unmitigated Operational Emissions**

<b>Pollutant</b>	<b>Project Emissions (lbs/day)</b>	<b>Threshold of Significance (lbs/day)</b>
ROG	30.23	54
NO <sub>x</sub>	1.44	54
PM <sub>10</sub> (exhaust)	5.14	82
PM <sub>2.5</sub> (exhaust)	5.14	54

*Source: CalEEMod, August 2022. (see Appendix C)*

All projects under the jurisdiction of the BAAQMD are required to implement all of the BAAQMD's Basic Construction Mitigation Measures (BCMMs). The BCMMs include the following, which have been required for the

		<p>project by the City as conditions of approval (COAs):</p> <ol style="list-style-type: none"> <li>1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</li> <li>2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.</li> <li>3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</li> <li>4. All vehicle speeds on unpaved roads shall be limited to 15 mph.</li> <li>5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</li> <li>6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</li> <li>7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.</li> <li>8. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.</li> </ol> <p>The proposed project's incorporation of the above BCMMs would minimize impacts related to dust and further reduce the construction-related emissions from the levels estimated and presented in Table 2.</p>
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		<p><u>Cumulative Emissions</u></p> <p>Past, present, and future development projects contribute to the region's adverse air quality impacts on a cumulative basis. By nature, air pollution is largely a cumulative impact. A single project is not sufficient in size to, by itself, result in nonattainment of AAQS. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project's contribution to the cumulative impact is considerable, then the project's impact on air quality would be considered significant. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. The thresholds of significance presented in Table 1 represent the levels at which a project's individual emissions of criteria air pollutants or precursors would result in a cumulatively considerable contribution to the SFBAAB's existing air quality conditions. If a project exceeds the significance thresholds presented in Table 1, the proposed project's emissions would be cumulatively considerable, resulting in significant adverse cumulative air quality impacts to the region's existing air quality conditions. Because the proposed project would result in emissions below the applicable thresholds of significance, the proposed project would not be expected to result in a cumulatively considerable contribution to the region's existing air quality conditions.</p> <p><u>Toxic Air Contaminants</u></p> <p>Some land uses are considered more sensitive to air pollution than others, due to the types of population groups or activities involved. Heightened sensitivity may be caused by health problems, proximity to the emissions source, and/or duration of exposure to air pollutants. Children, pregnant women, the elderly, and those with existing health problems are especially vulnerable to the effects of air pollution. Accordingly, land uses that are typically considered to be sensitive receptors include residences, schools, childcare centers, playgrounds, retirement homes, convalescent</p>
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	<p>homes, hospitals, and medical clinics. The nearest existing sensitive receptors to the project site are the residences located north of the project site. The property line of the closest receptor to the project site is approximately 15 feet away from where construction activities would occur.</p> <p>Toxic Air Contaminants (TACs) are a category of environmental concern as well. The CARB's Air Quality and Land Use Handbook: A Community Health Perspective (Handbook) provides recommended setback distances for sensitive land uses from major sources of TACs, including, but not limited to, freeways and high-traffic roads, distribution centers, and rail yards. The CARB has identified diesel particulate matter (DPM) from diesel-fueled engines as a TAC; thus, high-volume freeways, stationary diesel engines, and facilities attracting heavy and constant diesel vehicle traffic are identified as having the highest associated health risks from DPM. Health risks associated with TACs are a function of both the concentration of emissions and the duration of exposure, where the higher the concentration and/or the longer the period of time that a sensitive receptor is exposed to pollutant concentrations results in a higher health risk.</p> <p>The Handbook provides recommendations on siting new sources of TACs near existing sensitive receptors. Operational-related emissions of TACs are typically associated with stationary diesel engines or land uses that involve heavy truck traffic or idling. The proposed residences would not involve long-term operation of any stationary diesel engines nor involve heavy truck traffic. In addition, the prevailing wind direction in the City of Morgan Hill is most often from the west. Therefore, future residents of the proposed project would not be exposed to emissions from the automotive repair shops and UPRR operations to the east of the site.</p> <p>Short-term construction-related activities could result in the generation of TACs, specifically DPM, from on-road haul trucks and off-road equipment exhaust emissions. Construction is temporary and occurs over a relatively short duration in comparison to the operational lifetime of the proposed project. Specifically, construction would occur over an approximately 21-month</p>
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		<p>period. The exposure period typically analyzed in health risk assessments is 30 years or greater, which is substantially longer than the estimated 21-month construction period associated with the proposed project.</p> <p>All construction equipment and operation thereof would be regulated by the In-Use Off-Road Diesel Vehicle Regulation, which is intended to help reduce emissions associated with off-road diesel vehicles and equipment, including DPM. In addition, the project applicant would be required to prepare, and include on all site development and grading plans, a management plan detailing strategies for control of noise, dust and vibration, and storage of hazardous materials during construction of the project. Pursuant to Morgan Hill Municipal Code Section 18.76.040, the management plan must include all applicable BAAQMD rules and regulations listed above, as well as the City's standard conditions for construction activity. The City of Morgan Hill Development Services Department would ensure that the conditions are noted on project construction drawings prior to issuance of a building permit or approval of improvement plans.</p> <p>During construction, only portions of the project site would be disturbed at a time. In addition, operation of construction equipment would occur intermittently throughout the course of a day over the overall construction period. Because construction equipment would not operate on-site for any long periods of time and would be used at various locations within the site, associated emissions of DPM would not occur at the same location (or be evenly spread throughout the entire project site) for long periods of time. Due to the temporary nature of construction and the relatively short duration of potential exposure to associated emissions, sensitive receptors in the area would not be exposed to pollutants for a permanent or substantially extended period of time. Any single nearby sensitive receptor would be exposed to varying concentrations of DPM emissions throughout the construction period. Furthermore, the prevailing wind direction in the City of Morgan Hill is most often from the west. Therefore, construction-related emissions of</p>
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		<p>DPM would not be directed towards the nearest sensitive receptors.</p> <p>Considering the short-term nature of construction activities, the regulated and intermittent nature of the operation of construction equipment, and the prevailing wind direction in the project area, the likelihood that any one sensitive receptor would be exposed to high concentrations of DPM associated with construction of the proposed project for any extended period of time would be low. For the aforementioned reasons, project construction would not be expected to expose sensitive receptors to substantial pollutant concentrations.</p> <p><u>Conclusion</u></p> <p>Based on the above, implementation of the proposed project would not result in any conflicts related to the Clean Air Act.</p> <p><u>Document Citation</u></p> <p>CalEEMod. <i>Magnolias Affordable Housing Project</i>. August 2021. (Appendix C).</p> <p>Bay Area Air Quality Management District. <i>California Environmental Quality Act Air Quality Guidelines</i>. [pgs. 2-4 to 2-6]. May 2017. (Appendix K)</p> <p>California Air Resources Board. <i>Air Quality and Land Use Handbook: A Community Health Perspective</i>. April 2005. (Appendix K)</p> <p>Weather Spark. <i>Climate and Average Weather Year in Morgan Hill</i>. Available at: <a href="https://weatherspark.com/y/1089/Average-Weather-in-Morgan-Hill-California-United-States-Year-Round">https://weatherspark.com/y/1089/Average-Weather-in-Morgan-Hill-California-United-States-Year-Round</a>. Accessed October 2022. (Appendix K)</p> <p>City of Morgan Hill. <i>City of Morgan Hill Planning Commission Resolution No. 21-17</i>. Adopted November 24, 2021. (Appendix K)</p>
<b>Coastal Zone Management</b>  Coastal Zone Management Act, sections 307(c) & (d)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The Coastal Zone Management Act Section 1453, Definitions, defines the term “coastal zone” as “..the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and

		<p>thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal states, and includes islands, transitional and intertidal areas, salt marshes, wetlands, and beaches..." and extending "...inland from the shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters, and to control those geographical areas which are likely to be affected by or vulnerable to sea level rise."</p> <p>As shown in Figure 14, the project site is located outside of the Coastal Zone Boundary. In addition, as the project site is not located within proximity to a surface water body and would comply with applicable regulations during project construction and operation governing discharges in stormwater runoff, the proposed uses would not involve any operations that would increase the potential to degrade water quality downstream and have a negative effect on the Coastal Zone. Therefore, development of the proposed project would not affect a Coastal Zone, and impacts related to the Coastal Zone Management Act would not occur.</p> <p><u>Document Citation</u></p> <p>California Department of Fish and Wildlife. <i>California Department of Fish and Wildlife BIOS.</i> Available at: <a href="https://apps.wildlife.ca.gov/bios/">https://apps.wildlife.ca.gov/bios/</a>. Accessed October 2022. (Figure 13)</p>
<p><b>Contamination and Toxic Substances</b></p> <p>24 CFR Part 50.3(i) &amp; 58.5(i)(2)</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>HUD policy, as described in Section 50.3(i) and Section 58.5(i)(2), states the following:</p> <p>(1)... all property proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gasses, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property.</p> <p>(2) HUD environmental review of multifamily and non-residential properties shall include evaluation of previous uses of the site and other evidence of contamination on or near the site, to assure that occupants of proposed sites are not adversely affected by the hazards.</p> <p>(3) Particular attention should be given to any proposed site on or in the general proximity of such areas as dumps, landfills, industrial sites, or</p>

		<p>other locations that contain, or may have contained, hazardous wastes.</p> <p>(4) The responsible entity shall use current techniques by qualified professionals to undertake investigations determined necessary...</p> <p>Sites known or suspected to be contaminated by toxic chemicals or radioactive materials include, but are not limited to, sites: (i) listed on an Environmental Protection Agency (EPA) Superfund National Priorities or the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) List, or equivalent State list; (ii) located within 3,000 feet of a toxic or solid waste landfill site; or (iii) with an underground storage tank (which is not a residential fuel tank).</p> <p>A Phase I Environmental Site Assessment (ESA) was prepared for the proposed project by Krazan &amp; Associates, Inc. to ascertain the existing conditions of the project site and identify any potential on-site Recognized Environmental Conditions (RECs), in accordance with the American Society for Testing and Materials (ASTM) E1527-13 standard. A REC indicates the presence or likely presence of any hazardous substances in, on, or at a property due to any release into the environment, under conditions indicative of a release to the environment, or under conditions that pose a material threat of a future release to the environment.</p> <p>The Phase I ESA did not identify evidence of RECs associated with the project site; however, the Phase I ESA did identify two potential areas of concern and an ASTM non-scope issue. With respect to the former, a large soil mound was observed in the northwestern corner of the project site. Odors, surface staining, stressed vegetation, or other obvious evidence of the presence of hazardous materials or waste were not identified in association with the soil mound. However, the origin and composition of the soil contained within the mound is unknown, and the soil has the potential to be contaminated with agricultural chemicals or other hazardous materials. Additionally, because the project site was previously occupied by a plant nursery, the potential exists for the historical use of pesticides, herbicides, and other agricultural chemicals on-</p>
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	<p>site. Based on the aforementioned considerations, the Phase I ESA recommended that soil sampling be conducted to identify the presence or absence of hazardous materials.</p> <p>A Phase II Limited Subsurface Assessment (LSA) was prepared by Krazan &amp; Associates, Inc. in order to further evaluate such potential areas of concern and, specifically, to conduct soil sampling. The analysis conducted as part of the Phase II LSA included soil sampling of the unidentified soil mound and the central portion of project site where agricultural-related contamination could have occurred. Samples collected from the soil pile were submitted for analysis for total petroleum hydrocarbons (TPHs), volatile organic compounds (VOCs), organochlorine pesticides (OCPs), polychlorinated bi-phenyls (PCBs), and California Administrative Metals (CAM) 17 metals. Various metals, including barium, chromium, cobalt, copper, lead, nickel, vanadium, and zinc, were detected above laboratory reporting limits in soil pile sample CS1. However, none of the concentrations reported for the metals exceeded the residential environmental screening levels and, thus, the Phase II LSA found that the soil pile does not include substantial concentrations of any hazardous materials.</p> <p>For the central portion of the site, four discrete soils samples were collected and submitted for laboratory analysis for OCPs, chlorinated herbicides (CHs) and arsenic. Analytical results indicated that OCPs, CHs, and arsenic were not detectable above laboratory reporting limits.</p> <p>Based on the soil survey and the laboratory analysis conducted as part of the Phase II LSA, the soil on-site does not contain elevated concentrations of constituents of concern on the project site. Therefore, implementation of the proposed project would not expose construction workers or future residents to potentially hazardous materials related to on-site soils.</p> <p>With respect to the ASTM non-scope issue, the Phase I ESA determined that the southern on-site structure appears to have been constructed in 1978 and the northern structure was constructed prior to 1982. Based on a January 2019 site</p>
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		<p>reconnaissance conducted as part of the Phase I ESA, evidence of damaged building materials, friable asbestos-containing materials (ACMs), or peeling paint was not identified. However, for buildings constructed prior to 1980, the 29 CFR 1926.1101 states that all thermal system insulation (i.e., boiler insulation, pipe lagging, and related materials) and surface materials must be designated as “presumed asbestos-containing material” unless proven otherwise through sampling in accordance with the standards of the Asbestos Hazard Emergency Response Act. In addition, structures built prior to 1978, and especially prior to the 1960s, are expected to contain lead-based paint (LBP). As such, based on the years of construction, the Phase I ESA found that ACMs and LBP could be present on-site.</p> <p>Asbestos is the name for a group of naturally occurring silicate minerals that are considered to be “fibrous” and, through processing, can be separated into smaller and smaller fibers. The fibers are strong, durable, chemical resistant, and resistant to heat and fire. They are also long, thin, and flexible, such that they can be woven into cloth. Because of the above qualities, asbestos was considered an ideal product and has been used in thousands of consumer, industrial, maritime, automotive, scientific, and building products. However, later discoveries found that, when inhaled, the material caused serious illness. In addition, lead is a highly toxic material that may cause a range of serious illnesses, and in some cases death. Thus, in the event ACMs and LBP are on-site, such materials would pose a hazard to construction workers and receptors in the project area during demolition.</p> <p>To address potential hazards related to ACMs and LBP, the City has required as a COA that a comprehensive asbestos and LBP survey be conducted prior to demolition activities. If ACMs and LBP are identified, a licensed abatement contractor would be consulted as part of removal of the materials. Additionally, Morgan Hill General Plan Policy NRE-12.3 requires construction and demolition projects that have the potential to disturb asbestos (from soil or building material) to comply with all the requirements of the CARB’s airborne toxic control measures for</p>
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		<p>construction, grading, quarrying, and surface mining operations. As such, the proposed project's required compliance with Policy NRE-12.3 would ensure that proper precautions are taken regarding asbestos prior to demolition of the existing structures. With regard to lead, the California Division of Occupational Safety and Health's (Cal OSHA) Lead in Construction Standard (Title 8 CCR Section 1532.1) requires the proposed project to prepare a lead exposure assessment. As such, compliance with Cal OSHA's Lead in Construction Standard would ensure that proper precautions are taken prior to demolition of the existing structure.</p> <p>Based on the above, with implementation of the required asbestos and lead survey and compliance with General Plan Policy NRE-12.3, Cal OSHA standards, and the City-imposed COA, the proposed project would not expose construction workers or receptors in the project area to ACMs or LBP. Therefore, the proposed project would be consistent with HUD policy, as described in 24 CFR Part 50.3(i) and 24 CFR 58.5(i)(2), and the project would not result in impacts related to contamination and toxic substances.</p> <p><u>Document Citation</u></p> <p>Krazan &amp; Associates, Inc. <i>Phase I Environmental Site Assessment Proposed Acquisition Property</i>. January 22, 2019. (Appendix D)</p> <p>Krazan &amp; Associates, Inc. <i>Phase II Limited Subsurface Assessment Proposed Acquisition Property</i>. February 28, 2019. (Appendix E)</p>
<b>Endangered Species</b>  Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<p>The Endangered Species Act of 1973, as amended, and its implementing regulations were designed to protect and recover species in danger of extinction and the ecosystems that they depend upon. When passed, the Endangered Species Act spoke specifically to the value of conserving species for future generations. In passing the Endangered Species Act, Congress recognized a key fact that subsequent scientific understanding has only confirmed: the best way to protect species is to conserve their habitat.</p> <p>The USFWS offers consultation on threatened and endangered wildlife and plant species, as well as critical habitats, on a project-by-project basis.</p>

	<p>According to the USFWS Environmental Conservation Online System (ECOS) Information for Planning and Consultation (IPaC), the following species have the potential to occur within the project vicinity: (1) San Joaquin kit fox; (2) California condor; (3) California least tern; (4) California red-legged frog; (5) California tiger salamander; (6) delta smelt; (7) Bay checkerspot butterfly; (8) monarch butterfly; (9) Metcalf Canyon jewelflower; (10) Santa Clara Valley dudleya; and (11) Tiburon paintbrush. The IPaC query additionally concluded that the project site does not contain critical habitat.</p> <p>A query of the California Natural Diversity Database (CNDDB) was also conducted to further ascertain the potential for plant or wildlife species protected under the Endangered Species Act to occur within the project region. The query encompassed the U.S. Geological Survey Gridley quadrangle, as well as the eight surrounding quadrangles. In addition to the species identified by IPaC, the CNDDB returned records for the following plant and wildlife species that have previously occurred within the nine-quadrangle search area: (1) coyote ceanothus; (2) Monterey spineflower; (3) robust spineflower; (4) Smith's blue butterfly; (5) Contra Costa goldfields; (6) steelhead trout; and (7) least Bell's vireo.</p> <p>As previously discussed, the project site is located within an urbanized area of the City, adjacent to Monterey Road and existing residential and commercial/industrial uses, and is subject to ongoing disturbance as part of the site's existing uses. Currently, the site is used for vehicle storage and is developed with two storage buildings, a paved parking area, and an unpaved storage yard. Given the current uses of the project site, particularly the routine circulation of vehicles through the site, as well as the surrounding existing uses in the immediate vicinity, the necessary habitats required to accommodate the various species identified by the IPaC and CNDDB queries are not available on-site.</p> <p>In addition, the project site is located within the boundaries of the Santa Clara Valley Habitat Plan (SCVHP), a Habitat Conservation Plan (HCP)</p>
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	<p>and Natural Community Conservation Plan (NCCP) prepared in accordance with the federal and California Endangered Species Act. The SCVHP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The SCVHP includes conservation measures to protect the species covered by the SCVHP, as well as a conservation strategy designed to mitigate impacts on covered species and contribute to the recovery of the species in the County.</p> <p>The SCVHP designates the site as Urban-Suburban land cover. The Urban-Suburban land cover is described in the SCVHP as developed areas “where the native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, and is defined as one or more structures per 2.5 acres.” Typically, species covered by the SCVHP are unlikely to occur within Urban-Suburban areas. Pursuant to the SCVHP Geobrowser program, the project site is not located within a designated Plant or Wildlife Survey Area for any covered species. In addition, the SCVHP Geobrowser program indicates that the project site is located outside of the SCVHP Burrowing Owl Fee Area, and is not identified in the SCVHP as Occupied Nesting Burrowing Owl Habitat, Potential Burrowing Owl Nesting/Overwintering Habitat Depending on Site Conditions, or Overwintering Only Habitat. Thus, the proposed project would not conflict with the provisions of the SCVHP.</p> <p>It should be noted that various migratory birds could potentially nest in the existing on-site trees and other vegetation. Such species are protected under the Migratory Bird Treaty Act of 1918 (MBTA). As discussed further in the Vegetation and Wildlife section of this Environmental Assessment, as part of the City’s standard COAs, a preconstruction survey for migratory birds prior to removal of on-site trees has been required, which would ensure potential impacts to avian species protected under the MBTA do not occur.</p> <p>Based on the above, due to the site’s existing conditions and uses and the surrounding urban setting in which the site is located, the necessary</p>
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		<p>habitat to accommodate endangered species that have potential to occur in the project area does not occur on-site. Therefore, potentially substantial adverse effects to wildlife species protected under the Endangered Species Act would not occur.</p> <p><u>Document Citation</u></p> <p>U.S. Fish &amp; Wildlife Service. <i>IPaC: Information for Planning and Consultation</i>. Available at: <a href="https://ecos.fws.gov/ipac/">https://ecos.fws.gov/ipac/</a>. Accessed October 2022. (Appendix K)</p> <p>California Department of Fish and Wildlife. <i>California Natural Diversity Database: Rarefind</i> 5. Available at: <a href="https://apps.wildlife.ca.gov/rarefind/view/RareFind.aspx">https://apps.wildlife.ca.gov/rarefind/view/RareFind.aspx</a>. Accessed October 2022. (Appendix K)</p> <p>Santa Clara Valley Habitat Agency. <i>Final Santa Clara Valley Habitat Plan</i>. [pg. 3-100]. August 2012. (Appendix K)</p> <p>Santa Clara Valley Habitat Agency. <i>Geobrowser</i>. Available at: <a href="http://www.hcpmaps.com/habitat/">http://www.hcpmaps.com/habitat/</a>. Accessed October 2022. (Appendix K)</p>
<b>Explosive and Flammable Hazards</b>  24 CFR Part 51 Subpart C	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<p>Regulations set forth in 24 CFR Part 51 Subpart C require HUD-assisted projects to be separated from hazardous facilities that store, handle, or process hazardous substances by a distance based on the contents and volume of the facilities' aboveground storage tank (AST), or to implement mitigation measures. The requisite distances are necessary, because project sites that are too close to facilities handling, storing, or processing conventional fuels, hazardous gases, or chemicals of an explosive or flammable nature may expose occupants or end-users of a project to the risk of injury in the event of a fire or an explosion.</p> <p>With respect to surrounding existing land uses that could potentially contain ASTs, the California Environmental Protection Agency (CalEPA) Regulated Site Portal combines data about environmentally regulated facilities and sites throughout the State to provide a transparent, comprehensive view of regulated activities statewide through data on hazardous waste and materials, State and federal cleanups,</p>

impacted ground and surface waters, and toxic releases. According to the CalEPA Regulated Site Portal Aboveground Petroleum Storage regulatory program, the nearest aboveground petroleum storage site to the project site is located at 850 Jarvis Drive (Republic National Distributing Company), approximately 0.44-mile northeast of the site. The site is regulated under the Aboveground Petroleum Storage program, due to an on-site AST that stores diesel fuel, with a maximum volume of 2,999 gallons. In addition, other sites within one mile of the project site include those located at 400 Jarvis Drive (Andpak, Inc.), which stores a maximum of 10,000 gallons of petroleum; 18419 Technology Drive (Garda CL West), which stores diesel at a maximum volume of 2,999 gallons; and 17555 Peak Avenue (Morgan Hill City Hall), which stores diesel at a maximum volume of 5,999 gallons.

For proposed developments in proximity to ASTs that are not covered by 24 CFR Part 51 Subpart C requirements, the Acceptable Separation Distance (ASD) can be calculated based on the volume of the container, the contents, and whether or not the container is diked. Table 4 shows the ASDs for the aforementioned AST sites within a mile of the project site, which have been determined in accordance with the HUD ASD Calculator.

**Table 4**  
**ASTs Within One Mile of Project Site**

Site Name	Approx. Tank Size (gallons)	Approx. Distance From Project Site (feet)	ASD (feet) from People / Buildings
Republic National Distributing Company	2,999	2,323	437 / 83
Andpak, Inc.	10,000	3,273	722 / 146
Garda CL West	2,999	4,329	437 / 83
Morgan Hill City Hall	5,999	3,432	583 / 115

*Source: HUD ASD Calculator, 2022.*

As shown in Table 4, the project site would be located well beyond the ASD for both people and buildings for each of the four AST sites within a

		<p>mile of the project site. As such, potential impacts associated with the aforementioned AST sites would not occur. In addition, regulatory compliance of the AST facilities is provided by the Santa Clara County Hazardous Materials Compliance Division (HMCD), which serves as the Certified Unified Program Agency (CUPA) for the County. As part of the CUPA's responsibilities, the HMCD implements requirements set forth by the Aboveground Petroleum Storage Act, which regulates facilities with aggregate aboveground petroleum storage capacities of 1,320 gallons or more. Thus, compliance with the Aboveground Petroleum Storage Act, as necessitated by the HMCD, would further ensure potential impacts associated with the four AST facilities within a mile of the project site would not occur.</p> <p>Based on the above, the proposed project would not result in impacts associated with siting of HUD-assisted projects near explosive and flammable hazards, as regulated by 24 CFR Part 51 Subpart C.</p> <p><u>Document Citation</u></p> <p>Krazan &amp; Associates, Inc. <i>Phase I Environmental Site Assessment Proposed Acquisition Property</i>. January 22, 2019. (Appendix D)</p> <p>Krazan &amp; Associates, Inc. <i>Phase II Limited Subsurface Assessment Proposed Acquisition Property</i>. February 28, 2019. (Appendix E)</p> <p>California Environmental Protection Agency. <i>CalEPA Regulated Site Portal</i>. Available at: <a href="https://siteportal.calepa.ca.gov/nsite/map/help">https://siteportal.calepa.ca.gov/nsite/map/help</a>. Accessed October 2022. (Appendix K)</p> <p>U.S. Department of Housing and Urban Development. <i>Acceptable Separation Distance (ASD) Electronic Assessment Tool</i>. Available at: <a href="https://www.hudexchange.info/programs/enviro_nmental-review/asd-calculator/">https://www.hudexchange.info/programs/enviro_nmental-review/asd-calculator/</a>. Accessed October 2022. (Appendix K)</p>
<b>Farmlands Protection</b>  Farmland Protection Policy Act of 1981, particularly sections	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The importance of farmlands to the national and local economy requires the consideration of the impact of activities on land adjacent to prime or unique farmlands. The purpose of the Farmland Protection Policy Act (7 USC Section 4201 et

1504(b) and 1541; 7 CFR Part 658		<p>seq, implementing regulations 7 CFR Part 658, of the Agriculture and Food Act of 1981, as amended) is to minimize the effect of federal programs on the unnecessary and irreversible conversion of farmland to nonagricultural uses.</p> <p>According to the California Department of Conservation (DOC) California Important Farmland Finder, the entire project site is designated as “Urban and Built-up Land,” which is defined by the DOC as “...land [that] is used for residential, industrial, commercial, construction, institutional, public administration, railroad and other transportation yards, cemeteries, airports, golf course, sanitary landfills, sewage treatment, water control structures, and other developed purposes.” As such, development of the proposed project would not result in the unnecessary and irreversible conversion of farmland to nonagricultural uses.</p> <p>Based on the above, the proposed project would not convert existing farmland to nonagricultural uses and impacts related to the Farmland Protection Policy Act would not occur.</p> <p><u>Document Citation</u></p> <p>California Department of Conservation. <i>California Important Farmland Finder</i>. Available at: <a href="https://maps.conervation.ca.gov/dlrp/ciff">https://maps.conervation.ca.gov/dlrp/ciff</a>. Accessed October 2022. (Appendix K)</p>
<b>Floodplain Management</b> Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<p>The provisions of Executive Order 11988, Floodplain Management, require federal activities to avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable. For projects located within the 500-year floodplain, HUD policy provides that projects involving critical actions are subject to an eight-step process set forth in 24 CFR Part 55.20.</p> <p>As previously discussed in the Flood Insurance section of this Environmental Assessment, according to FEMA FIRM 06085C0443H, effective May 18, 2009, the majority of the project site is within Zone AE within the West Little Llagas Creek watershed, which is a SFHA within the 100-year floodplain where the BFE has</p>

	<p>been identified (see Figure 12). However, pursuant to the requirements set forth by Morgan Hill Municipal Code Section 15.80.160, the City conditioned the proposed project to elevate the ground floor of the proposed structure to an elevation of 356.2 feet amsl, which is above the 355-foot BFE identified by FEMA at the project site. Upon the completion, the ground floor elevation would be certified by a registered civil engineer or surveyor and verified by the floodplain administrator or inspector to ensure that the structure is properly elevated.</p> <p>In addition, according to the Flood Plain Study prepared for the proposed project by MH Engineering to evaluate the potential impacts additional fill could have on the project site's BFE, the project would not result in any change to upstream or downstream BFEs in the project vicinity, given that the project site is obstructed due to existing development.</p> <p>Furthermore, in accordance with HUD's procedures for complying with Executive Order 11988, the 8-Step Process for complying with the floodplain management requirements set forth by 24 CFR 55.20 has been completed as part of the proposed project. Consistent with Step 2 of the 8-Step Process, an Early Notice and Public Review of a Proposed Activity in a 100-Year Floodplain was published on November 25, 2022. Additionally, as required by Steps 3 and 4, the proposed project has evaluated alternatives to being developed in the base floodplain and identified the impacts of the proposed action. Finally, consistent with Steps 7 and 8, the proposed project will publish findings and the Final Public Notice in combination with the Finding of No Significant Impact and Notice of Intent to Request Release of Funds, providing the public with an explanation of the project. Accordingly, the project would be in compliance with minimization plans and flood insurance requirements.</p> <p>Based on the above, through compliance with Morgan Hill Municipal Code Section 15.80.160 and completion of the 8-Step Process, the proposed project would not result in impacts related to conflicts with Executive Order 11988.</p>
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		<p><u>Document Citation</u></p> <p>Federal Emergency Management Agency. <i>Flood Insurance Rate Map 06085C0443H</i>. Available at: <a href="https://msc.fema.gov/portal/home">https://msc.fema.gov/portal/home</a>. Accessed October 2022. (Figure 11)</p> <p>MH Engineering. <i>Flood Plain Study for APN 764-12-006 Morgan Hill, CA</i>. April 14, 2021. (Appendix A)</p> <p>Raney Planning &amp; Management, Inc. <i>Floodplain Management Determination Step 3: Alternative Site Analysis</i>. March 2023. (Appendix B)</p> <p>City of Morgan Hill. <i>City of Morgan Hill Planning Commission Resolution No. 21-17</i>. Adopted November 24, 2021. (Appendix K)</p>
<p><b>Historic Preservation</b></p> <p>National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>The National Historic Preservation Act (NHPA) (16 USC 470 et seq.) directs each federal agency, and those tribal, State, and local governments that assume federal agency responsibilities, to protect historic properties and to avoid, minimize, or mitigate possible harm that may result from agency actions. The review process, known as Section 106 review, is detailed in 36 CFR Part 800. Early consideration of historic places in project planning and full consultation with interested parties are key to effective compliance with Section 106. The State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer (THPO) are primary consulting parties in the process.</p> <p>In accordance with Section 106 of the NHPA, a request for consultation was distributed on August 31, 2022 to representatives of the following tribes, which were identified by the Native American Heritage Commission as potentially having knowledge of cultural resources in the project area: Amah Mutsun Tribal Band, Amah Mutsun Tribal Band of Mission San Juan Bautista, Indian Canyon Mutsun Band of Costanoan, Muwekma Ohlone Indian Tribe of the San Francisco Bay Area, North Valley Yokuts Tribe, Rumsen Am:a Tur:ataj Ohlone, and the Tamien Nation. Representatives of the foregoing tribes did not respond within the review period.</p>

		<p>A letter requesting review of the findings for historic records search was submitted to the SHPO for the proposed project on October 7, 2022. A response was not received from the SHPO within 30 days. Thus, the City may proceed in its consideration of the proposed project, pursuant to 36 CFR Part 800.3(c)(4).</p> <p>While the project site has already been subject to previous ground disturbance, the potential exists for subsurface, unrecorded archaeological resources and/or human remains to be encountered on the project site during grading and other ground-disturbing activities associated with the proposed project. In the event that such resources are unearthed, the following City standard COAs related to the protection of historical and archaeological resources would be implemented, consistent with Section 18.60.090 of the City's Municipal Code:</p> <ol style="list-style-type: none"> <li>1. Prior to start of grading or earthmoving activity on the “first day of construction”, the archaeologist and Tamien Nation Tribal Monitor shall hold a preconstruction meeting for the purposes of “cultural sensitivity training” with the general contractor and subcontractors.</li> <li>2. An archaeologist and a Tamien Nation Tribal Monitor shall be present on-site to monitor all ground disturbing activities. Where historical or archaeological artifacts are found, work in areas where remains or artifacts are found will be restricted or stopped until proper protocols are met, as described below: <ol style="list-style-type: none"> <li>a) Work at the location of the find will halt immediately within fifty feet of the find. If an archaeologist is not present at the time of the discovery, the applicant shall contact an archaeologist for evaluation of the find to determine whether it qualifies as a unique archaeological resource as defined by this chapter;</li> <li>b) If the find is determined not to be a Unique Archaeological Resource, construction can continue. The archaeologist will</li> </ol> </li> </ol>
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		<p>prepare a brief informal memo/letter in collaboration with a tribal representative that describes and assesses the significance of the resource, including a discussion of the methods used to determine significance for the find;</p> <ul style="list-style-type: none"> <li>c) If the find appears significant and to qualify as a unique archaeological resource, the archaeologist will determine if the resource can be avoided and will detail avoidance procedures in a formal memo/letter; and</li> <li>d) If the resource cannot be avoided, the archaeologist in collaboration with a tribal representative shall develop within forty-eight hours an action plan to avoid or minimize impacts. The field crew shall not proceed until the action plan is approved by the Development Services Director. The action plan shall be in conformance with California Public Resources Code 21083.2.</li> </ul> <p>3. The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply. If human remains are discovered, it is probable they are the remains of Native Americans,</p> <ul style="list-style-type: none"> <li>a) If human remains are encountered, they shall be treated with dignity and respect as due to them. Discovery of Native American remains is a very sensitive issue and serious concern. Information about such a discovery shall be held in confidence by all project personnel on a need to know basis. The rights of Native Americans to practice ceremonial observances on sites, in labs and around artifacts shall be upheld.</li> <li>b) Remains should not be held by human hands. Surgical gloves</li> </ul>
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		<p>should be worn if remains need to be handled.</p> <p>c) Surgical mask should also be worn to prevent exposure to pathogens that may be associated with the remains.</p> <p>4. In the event that known or suspected Native American remains are encountered, or significant historic or archaeological materials are discovered, ground-disturbing activities shall be immediately stopped. Examples of significant historic or archaeological materials include, but are not limited to, concentrations of historic artifacts (e.g., bottles, ceramics) or prehistoric artifacts (chipped chert or obsidian, arrow points, ground stone mortars and pestles), culturally altered ash stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire-altered rock and/or burned or charred organic materials and historic structure remains such as stone lined building foundations, wells or privy pits. Ground-disturbing project activities may continue in other areas that are outside the exclusion zone as defined below.</p> <p>5. An “exclusion zone” where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable buffer zone by the contractor foreman or authorized representative, or party who made the discovery and initiated these protocols, or if on-site at the time of discovery, by the monitoring archaeologist and tribal representative (typically twenty-five to fifty feet for single burial or archaeological find).</p> <p>6. The discovery locale shall be secured (e.g., 24-hour surveillance) as directed by the City or County if considered prudent to avoid further disturbances.</p> <p>7. The Contractor Foreman or authorized representative, or party who made the discovery and initiated these protocols shall be responsible for immediately contacting by telephone the parties listed below to report the find and initiate the</p>
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		<p>consultation process for treatment and disposition:</p> <ul style="list-style-type: none"> <li>• The City of Morgan Hill Development Services Director (408) 779-7247</li> <li>• The Contractor's Point(s) of Contact</li> <li>• The Coroner of the County of Santa Clara (if human remains found) (408) 793-1900</li> <li>• The Native American Heritage Commission (NAHC) in Sacramento (916) 653-4082</li> <li>• The Amah Mutsun Tribal Band (916) 481-5785 (H) or (916) 743-5833 I</li> <li>• The Tamien Nation (707)295-4011 (office) and (925)336-5359 (THPO)</li> </ul> <ol style="list-style-type: none"> <li>8. The Coroner has two working days to examine the remains after being notified of the discovery. If the remains are Native American the Coroner has 24 hours to notify the NAHC.</li> <li>9. The NAHC is responsible for identifying and immediately notifying the Most Likely Descendant (MLD). (Note: NAHC policy holds that the Native American Monitor will not be designated the MLD.)</li> <li>10. Within 24 hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose.</li> <li>11. Within 24 hours of their notification by the NAHC, the MLD may recommend to the City's Development Services Director the recommended means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The recommendation may include the scientific removal and non-destructive or destructive analysis of human remains and items associated with Native American burials. Only those osteological analyses or DNA analyses recommended by the appropriate tribe may be considered and carried out.</li> </ol>
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		<p>12. If the MLD recommendation is rejected by the City of Morgan Hill the parties will attempt to mediate the disagreement with the NAHC. If mediation fails then the remains and all associated grave offerings shall be reburied with appropriate dignity on the property in a location not subject to further subsurface disturbance.</p> <p>Based on the above, through compliance with the City's standard COAs, the proposed project would not conflict with the requirements of the NHPA. Thus, impacts related to historic preservation would not occur.</p> <p><u>Document Citation</u></p> <p>Raney Planning and Management, Inc. <i>Section 106 Consultation Materials</i>. October 7, 2022. (Appendix F)</p>
<b>Noise Abatement and Control</b>  Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<p>According to HUD's noise standards set forth in 24 CFR Part 51, Subpart B, all sites whose environmental or community noise exposure exceeds the day-night average sound level (DNL or L<sub>dn</sub>) of 65 decibels (dB) are considered noise-impacted areas. As established by 24 CFR Part 51, as well as Morgan Hill General Plan Policy SSI-8.1, the maximum allowable interior noise level for residential land uses is 45 dB DNL. In addition, General Plan Policy SSI-8.5 provides that noise level increases resulting from traffic associated with new projects is significant if: (a) the noise level increase is 5.0 dBA DNL or greater, with a future noise level of less than 60 dBA DNL, or (b) the noise level increase is 3.0 dBA DNL or greater, with a future noise level of 60 dBA DNL or greater.</p> <p>To assess the proposed project's consistency with HUD's noise standards set forth in 24 CFR Part 51, Subpart B and the City's interior noise level standard, an Environmental Noise and Vibration Assessment (Noise Assessment) was prepared for the proposed project by Bollard Acoustical Consultants, Inc. (BAC).</p> <p>Pursuant to the Noise Assessment, the existing ambient noise environment within the project vicinity is defined primarily by noise from traffic on Monterey Road, activities at nearby</p>

	<p>commercial uses to the south (automotive and small engine repair businesses), and, to a lesser extent, by intermittent railroad operations on the railroad track located approximately 500 feet to the east. In order to define the existing noise environment, long-term noise measurements were conducted at three sites selected to be representative of the ambient noise level environment within the project vicinity, including contributions from adjacent Monterey Road traffic, railroad operations to the east, and nearby commercial activities. As shown in Table 7 of the Noise Assessment, measured daytime hourly average noise levels in the project vicinity ranged from 54 to 62 dB equivalent continuous sound level (<math>L_{eq}</math>) and day-night average sound levels ranged from 54 to 63 dB DNL. As such, consistent with HUD's noise standards set forth in 24 CFR Part 51, Subpart B, the project site is not considered a noise-impacted area.</p> <p>With respect to future exterior traffic noise levels at the project site during project operations, according to the Noise Assessment, the segment of Monterey Road adjacent to the project site currently experiences an average daily traffic (ADT) volume of approximately 15,000 vehicles. Assuming vehicle speeds of 35 miles per hour (mph), a medium- and heavy-truck mix of two percent and one percent, respectively, and a traffic volume of 15,000, the Federal Highway Administration (FHWA) Traffic Noise Model (FHWA-RD-77-108) predicts a roadway noise level of 61 dB DNL at a distance of 120 feet from the centerline of Monterey Road. The existing traffic noise level predicted by the FHWA Model is within 2.0 dB of the measured ambient DNL noise level at the project site, which maintained a 120-foot setback from the centerline of Monterey Road. The difference in predicted versus measured noise levels indicates close agreement, which suggests that the ambient noise environment at the project site adjacent to Monterey Road is defined primarily by traffic noise.</p> <p>The FHWA Model was used with future traffic data to predict future Monterey Road traffic noise levels at the project site. The future (Cumulative Plus Project conditions) daily traffic (ADT) volume for the roadway was calculated using data</p>
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obtained from Hexagon Transportation Consultants, Inc., the transportation consultant for the proposed project. The predicted future Monterey Road traffic noise levels at the common outdoor space and residential building facades proposed nearest to Monterey Road are summarized in Table 5.

**Table 5**  
**Predicted Future Exterior Traffic Noise Levels at the Project Site**

<b>Location<sup>1</sup></b>	<b>Future Exterior DNL (dB)<sup>2</sup></b>
Common Outdoor Space – Garden/Recreation Area	55
Common Outdoor Space – Entry Plaza	64
Common Outdoor Space – Fifth Floor Deck	65
Nearest Second and Third Floor Building Facades	68
Nearest Fourth and Fifth Floor Building Facades	70

<sup>1</sup> Common outdoor space shown on Figure 2 of the Noise Assessment.

<sup>2</sup> Positive offsets applied at upper-floor locations to account for reduced ground absorption at elevated locations. Negative offsets were applied where a reduced view of the roadway or shielding provided by proposed barriers would be present.

*Source: Bollard Acoustical Consultants, Inc., 2021.*

Table SSI-1 of the Morgan Hill General Plan includes the State of California Land Use Compatibility Guidelines for Community Noise Environments. For new multi-family residential land uses, such as those proposed by the project, the General Plan table indicates a normally acceptable exterior noise level of up to 65 dB DNL for common outdoor recreation areas. The table also identifies a conditionally allowable exterior noise level of up to 70 dB DNL at those locations, provided that a detailed analysis of noise reduction requirements is made, and the needed noise insulation features are included in building design.

As shown in Table 5, future Monterey Road traffic noise level exposure is predicted to satisfy the Morgan Hill General Plan's normally acceptable noise level standard of 65 dB DNL at the nearest common outdoor spaces of the development, which is consistent with HUD's 65 dB noise standard. As a result, potential impacts associated with exterior traffic noise levels at the

	<p>project site during operations of the proposed project would not occur.</p> <p>With respect to future interior noise levels at the project site from traffic and UPRR noise levels, Morgan Hill General Plan Policy SSI-8.1 uses an interior noise level standard of 45 dB DNL for new residential housing units. Policy SSI-8.1 states that noise levels in new residential development exposed to an exterior DNL of 60 dB or greater should be limited to a maximum instantaneous interior noise level (e.g., trucks on busy streets, train warning whistles) of 50 dB maximum noise level (<math>L_{max}</math>) in bedrooms and 55 dB <math>L_{max}</math> in all other habitable rooms.</p> <p>As indicated in Table 5, future noise exposure from Monterey Road traffic is predicted to be 68 dB DNL at the second and third floor building facades of residences proposed nearest to the roadway. At the nearest fourth and fifth floor building facades, future Monterey Road traffic noise levels are predicted to approach 70 dB DNL. To satisfy the 45 dB DNL interior noise level standard set forth by HUD, as well as the City's General Plan, a minimum noise reduction of 23 dB would be required of the second and third floor building facades, and a reduction of 25 dB would be required at the fourth and fifth floor building facades of residences constructed nearest to Monterey Road.</p> <p>The nearest at-grade UPRR crossing is located in excess of 0.5-mile to the south of the project site. As a result, noise levels associated with train passbys east of the project site would not include warning horn usage or at-grade crossing bells. Based on the experience of BAC with projects within the City of Morgan Hill located near the UPRR track, maximum noise levels associated with train passbys are approximately 100 dB <math>L_{max}</math> at a distance of 100 feet (excluding warning horn usage and at-grade crossing bells). Based on the reference noise level above, train passby noise levels are anticipated to be approximately 80 dB <math>L_{max}</math> at the apartment building facades proposed nearest to the track.</p> <p>To satisfy the General Plan 50 dB <math>L_{max}</math> interior noise level standard (applicable to bedrooms), a minimum noise reduction of 30 dB would be</p>
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		<p>required of the residential building facades constructed nearest to the railroad track. To satisfy the General Plan 55 dB <math>L_{max}</math> interior noise level standard (applicable to all other habitable rooms), a minimum noise reduction of 25 dB would be required of the nearest residential building facades.</p> <p>Standard building construction (i.e., stucco siding, Sound Transmission Class-rated 27 [STC-27] windows, door weather-stripping, exterior wall insulation, composition plywood roof), typically results in an exterior-to-interior noise reduction of approximately 25 dB with windows closed and approximately 15 dB with windows open. Therefore, window construction upgrades would be warranted for portions of the development.</p> <p>To reduce future traffic and railroad noise level exposure to a state of compliance with the applicable Morgan Hill General Plan interior noise level limits, the windows of the building locations identified on Figures 4 and 5 of the Noise Assessment would be required to be upgraded to the minimum STC rating indicated. In addition, mechanical ventilation (i.e., air conditioning) should be provided to all residences of the development to allow the occupants to close doors and windows, as desired, for additional acoustical isolation. Finally, disclosure statements would be required to be provided to all prospective residents of the proposed project, notifying them of elevated noise levels during railroad passages, particularly during nighttime operations and periods of warning horn usage.</p> <p>The City of Morgan Hill conditioned the project to incorporate the above noise-reducing features and disclosure statements as part of project approval. Through incorporation of the foregoing COAs, the proposed project would comply with the applicable HUD and Morgan Hill General Plan 45 dB interior noise level limits.</p> <p>Based on the above, through incorporation of the noise-reducing features and disclosure statements identified in the Noise Assessment as project COAs, impacts related to the Noise Control Act of 1972 would not occur.</p>
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		<u>Document Citation</u>  Bolland Acoustical Consultants, Inc. <i>Environmental Noise &amp; Vibration Assessment: Magnolias Apartments, Morgan Hill, California.</i> September 21, 2021. (Appendix G)  City of Morgan Hill. <i>City of Morgan Hill Planning Commission Resolution No. 21-17.</i> Adopted November 24, 2021. (Appendix K)
<b>Sole Source Aquifers</b>  Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<p>Aquifers and surface water are drinking water systems that may be impacted by development. The Safe Drinking Water Act of 1974 requires protection of drinking water systems that are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health.</p> <p>As shown in Figure 15, the project site is not located within an area designated by the USEPA as being supported by a sole source aquifer. The project site is located 21.14 miles to the east of the nearest sole source aquifer, which is the Santa Margarita Aquifer. As such, the project site is not within the vicinity of a region that depends solely on an aquifer for access to water, or located within a sole source aquifer recharge area. Therefore, the proposed project would not conflict the Safe Drinking Water Act of 1974, as amended, and potential project impacts related to sole source aquifers would not occur.</p>
<b>Wetlands Protection</b>  Executive Order 11990, particularly sections 2 and 5	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<p>The provisions of Executive Order 11990 – Protection of Wetlands require federal activities to avoid adverse impacts to wetlands, where practicable. As preliminary screening, HUD or grantees must verify whether the project is located within wetlands identified on the USFWS NWI or else consult directly with USFWS.</p> <p>According to the NWI, aquatic resources of any kind are not located on or adjacent to the project site (Figure 13). Therefore, the proposed project would not conflict with Executive Order 11990,</p>

		and impacts related to wetlands protection would not occur.
<u>Document Citation</u>		
<b>Wild and Scenic Rivers</b>  Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<p>The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287) provides federal protection for certain free-flowing, wild, scenic, and recreational rivers designated as components or potential components of the National Wild and Scenic Rivers System (NWSRS). The NWSRS was created by Congress in 1968 to preserve certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations.</p> <p>According to the USEPA NEPAssist tool, officially designated Wild and Scenic Rivers do not occur on the project site or within the project vicinity (see Figure 16). The nearest officially designated Wild and Scenic River is the Big Sur River, located 60.74 miles to the south of the site. In addition, rivers or river segments currently being studied as a potential component of the NWSRS do not occur on-site or in the project vicinity.</p> <p>Based on the above, the proposed project would not result in impacts related to the Wild and Scenic Rivers Act of 1968, and impacts related to Wild and Scenic Rivers would not occur.</p>

## ENVIRONMENTAL JUSTICE

<b>Environmental Justice</b>  Executive Order 12898	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Environmental justice means ensuring that the environment and human health are protected fairly for all people regardless of race, color, national origin, or income. Executive Order 12898 – Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations requires certain
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	<p>federal agencies, including HUD, to consider how federally assisted projects may have disproportionately high and adverse human health or environmental effects on minority and low-income populations.</p> <p>As discussed in the Contamination and Toxic Substances section of this Environmental Assessment, the proposed project would not result in impacts related to contamination and toxic substances. In addition, as detailed in the Explosive and Flammable Hazards section of this Environmental Assessment, the project site would be located well beyond the ASD for both people and buildings for each of the four AST sites within a mile of the project site (see Table 4). As such, potential impacts associated with the aforementioned AST sites would not occur. The proposed project is consistent with the City's land use and zoning designations for the site, and as part of the CEQA environmental review process already completed for the project, has obtained various City of Morgan Hill discretionary approvals, including a CUP, Design Review Permit, and various Design Waivers and Concessions. Furthermore, the project would not involve long-term operation of any stationary diesel engine or other major on-site stationary source of TACs, and due to the prevailing wind direction in the City of Morgan Hill being most often from the west, future occupants would not be exposed to emissions from the automotive repair shops and UPRR operations to the east of the site. The project has also been conditioned by the City as part of project approval to incorporate noise-reducing features and disclosure statements to ensure noise-related impacts on future residents do not occur.</p> <p>Based on the above, the proposed project would not result in adverse human health or environmental effects on minority and low-income populations, and impacts related to Executive Order 12898 would not occur.</p> <p><u>Document Citation</u></p> <p>U.S. Environmental Protection Agency. <i>Learn About Environmental Justice</i>. Available at: <a href="https://www.epa.gov/environmentaljustice/learn-">https://www.epa.gov/environmentaljustice/learn-</a></p>
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		about-environmental-justice. Accessed October 2022. (Appendix K)
		City of Morgan Hill. <i>City of Morgan Hill Planning Commission Resolution No. 21-17.</i> Adopted November 24, 2021. (Appendix K)

**Environmental Assessment Factors** [24 CFR 58.40; Ref. 40 CFR 1508.8 & 1508.27] Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

**Impact Codes:** Use an impact code from the following list to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact – May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>LAND DEVELOPMENT</b>		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	2	<p>The Morgan Hill General Plan designates the site MU-F and the site is zoned MU-F. As established by the Morgan Hill General Plan, the purpose of the MU-F zoning district is to accommodate a mixture of residential and commercial uses typically along the Monterey Road corridor north and south of the downtown area. The MUF designation allows a density of seven to 24 dwelling units per acre (du/ac) and a maximum floor area ratio (FAR) of 0.5. Pursuant to Morgan Hill Municipal Code 18.22.020, multi-family dwellings are allowed within the MU-F zone through approval of a CUP.</p> <p>As previously discussed, the proposed project has obtained a CUP as part of the City's discretionary approval process, which was conducted subsequent to the CEQA environmental review process completed for the project. In addition, as required by Morgan Hill Municipal Code Section 18.108.040, buildout of the majority of the project site with the proposed project was subject to the City's Design Review process, allowing the City to ensure the project is consistent with applicable regulations and standards related to various criteria, including, but not limited to, community character, neighborhood compatibility, safety, architectural style,</p>

		<p>and parking and access. The project also obtained several Concessions in accordance with Government Code Section 65915(d)(2)(D), further ensuring the project satisfies City standards related to community character and neighborhood compatibility.</p> <p>Finally, the proposed project would result in a density of 43.1 du/ac and a FAR of 1.4, which would exceed the City's maximum allowances for each within the MU-F land use designation. However, in accordance with Government Code Section 65915, the City must grant a density bonus to any project that meets applicable State qualifications. As the proposed project is 100 percent affordable, the project qualifies for an 80 percent Density Bonus, thus, ensuring the project is consistent with the site's density requirements. With respect to FAR, the proposed project has obtained various Design Waivers in accordance with Government Code Section 65915(e), including a waiver from the maximum allowed FAR within the MU-F land use designation.</p> <p>Based on the above, the proposed project would be consistent with the MU-F land use designation and zoning district, and impacts related to conformance with plans, compatibility with land use and zoning, and scale and urban design would not occur.</p>
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff	2	<p>The following discussions assess the potential impacts associated with development of the proposed project related to soil suitability, slope, and erosion, drainage, and stormwater runoff.</p> <p><u><a href="#">Soil Suitability and Slope</a></u></p> <p>Potential impacts related to liquefaction, landslides, lateral spreading, subsidence/settlement, and expansive soils are discussed below and based on information from the Geotechnical Investigation prepared for the proposed project by TRC Companies.</p> <p>Liquefaction is the temporary transformation of loose, saturated granular sediments from a solid state to a liquefied state as a result of seismic ground shaking. In the process, the soil undergoes transient loss of strength, which commonly causes ground displacement or ground failure to occur. Because saturated soils are a necessary condition for liquefaction, soil layers in areas where the groundwater table is near the surface have higher liquefaction potential than those in which the water table is located at greater depths. Additionally, loose unsaturated sandy soils have the potential to settle during strong seismic shaking. According to the Geotechnical Investigation, the project site is not located within an area zoned by the State of California for seismically induced liquefaction hazard. The site is also not located within an area zoned by the Santa Clara County Geologic Hazard Zone maps as a Liquefaction Hazard Zone. Based on the analysis, loose to moderately dense non-cohesive soils were not</p>

	<p>encountered below the ground water depth of 13 feet. Therefore, the risk of liquefaction at the project site is low.</p> <p>Seismically induced landslides are triggered by earthquake ground shaking. The risk of landslide hazard is greatest in areas with steep, unstable slopes. The project site is relatively flat and is not located near any slopes. Therefore, landslides would not represent a hazard at the site.</p> <p>Lateral spreading is horizontal/lateral ground movement of relatively flat-lying soil deposits towards a free face such as an excavation, channel, or open body of water; typically, lateral spreading is associated with liquefaction of one or more subsurface layers near the bottom of the exposed slope. According to the Geotechnical Investigation, the probability of lateral spreading occurring at the site during a seismic event is low.</p> <p>Subsidence is the settlement of soils of very low density, generally from either oxidation of organic material, or desiccation and shrinkage, or both, following drainage. Subsidence takes place gradually, usually over a period of several years. Settlement is a process in which unsaturated, relatively clean, loose sandy soils are densified by the vibratory motion of a strong seismic event. Liquefaction can often result in subsidence or settlement. According to the Geotechnical Investigation, cohesionless soil layers above the groundwater level were not encountered and, as discussed above, the potential for liquefaction to occur at the site is low. It should be noted that compliance with standard construction regulations included in the CBSC would ensure that the proposed project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving subsidence or settlement. Given that the proposed project would comply with the CBSC, the potential for subsidence, seismically induced settlement, and settlement of very low-density soils to occur at the project site is relatively low.</p> <p>Expansive soils can undergo significant volume changes with changes in moisture content. Specifically, such soils shrink and harden when dried and expand and soften when wetted. If structures are underlain by expansive soils, foundation systems must be capable of withstanding the potential damaging movements of the soil. According to the Geotechnical Investigation prepared for the proposed project, the near-surface soils indicate Plasticity Indexes of seven and 17, which is indicative of a low plasticity to moderate expansion potential of the near-surface soils. However, the Geotechnical Investigation includes recommendations to address potentially hazardous conditions related to soil conditions on the project site, the implementation of which would ensure that risks related to expansive soils do not occur. The City of Morgan Hill has required as a COA that the proposed project implement the</p>
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	<p>recommendations presented within the Geotechnical Investigation. As such, the proposed project would not result in potential impacts related to expansive soils.</p> <p><b><u>Erosion, Drainage, and Stormwater Runoff</u></b></p> <p>Development of the proposed project would cause disturbance of topsoil during construction activity. After grading and excavation and prior to overlaying the disturbed ground surfaces with impervious surfaces and structures, the potential exists for soil erosion to occur.</p> <p>New development within the City that disturbs one or more acres of land is required to comply with the National Pollutant Discharge Elimination System (NPDES) Construction General Permit and prepare a Storm Water Pollution Prevention Plan (SWPPP) incorporating Best Management Practices (BMPs) to control sedimentation, erosion, and hazardous materials contamination of runoff during construction. The proposed project would disturb approximately 1.53 acres and, thus, would be subject to the foregoing requirements. In addition, pursuant to Morgan Hill Municipal Code Chapter 13.30, the project applicant would be required to submit a sediment and erosion control plan to the Morgan Hill Land Development Engineering Division, prior to the approval of improvement plans and issuance of building permits. The plan(s) would be required to conform to City standards to prevent significant sediment and soil erosion during construction and include the standards and guidelines found in the California Stormwater Quality Association, Stormwater BMP Handbook. Implementation of the SWPPP and the sediment and erosion control plan would ensure that substantial soil erosion does not occur during construction.</p> <p>With respect to project operation, development of the proposed project would result in an increase of impervious surface area on-site. During the dry season, vehicles and other urban activities may release contaminants onto the impervious surfaces, where they would accumulate until the first storm event. During the initial storm event, or first flush, the concentrated pollutants would be transported through stormwater runoff from the site to the stormwater drainage system and eventually a downstream waterway. Typical urban pollutants that would likely be associated with the proposed project include sediment, pesticides, oil and grease, nutrients, metals, bacteria, and trash.</p> <p>The project site is located within the jurisdiction of the Central Coast Regional Water Quality Control Board (RWQCB) and, therefore, the proposed project would be managed in accordance with Resolution R3-2013-0032 issued by the RWQCB. This resolution formally adopts post-construction stormwater management requirements for development projects in the Central</p>
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	<p>Coast Region. The requirements identify 10 Watershed Management Zones (WMZs) in the covered area, and specify stormwater management requirements for each zone, depending on the size of the development project. Because the project site is located in an area classified as WMZ-1, stormwater management at the project site must include site design and runoff features to limit the amount of runoff from the project site as well as on-site water quality treatment to reduce pollutant loads in the stormwater runoff using a Low Impact Development (LID) treatment system such as biofiltration. In WMZ-1, the treatment system must retain 95 percent of the runoff from the project site and also maintain peak runoff flows such that they do not exceed pre-project flows.</p> <p>A preliminary Stormwater Control Plan (SWCP) has been prepared for the proposed project. Pursuant to the SWCP, the project site would be divided into four DMAs in order to address and treat all runoff (see Figure 9). The DMAs have been designed to detain runoff from the 95th percentile, 24-hour storm event, pursuant to Tier 3 requirements for WMZ 1. Runoff within each DMA would first be directed to stormwater control measures such as bioswales, permeable pavers, and grassy swales, which would provide preliminary treatment prior to the flows conveying to a new 24-inch storm drain line that would proceed through each DMA and provide underground storage intended to mimic pre-development conditions, promote infiltration through native soils, and detain higher frequency storms to release at or below pre-development levels.</p> <p>The design, construction, operation, and maintenance of the proposed stormwater system would be detailed in a final SWCP that would be submitted to the City of Morgan Hill in accordance with the stormwater management requirements set forth in Chapter 18.140 of the City's Municipal Code. The final SWCP would demonstrate how the stormwater system would meet the specified water quality, runoff retention, and peak flow management requirements. Prior to the issuance of building permits, the stormwater controls would be verified by the City of Morgan Hill to confirm design of the controls in accordance with the specified standards, and the controls would be subject to later operation and maintenance inspections by the property owner. Therefore, water quality standards or waste discharge requirements would not be violated, and water quality would not be substantially degraded as a result of operations of the proposed project.</p> <p><u>Conclusion</u></p> <p>Based on the above, the proposed project would comply with applicable provisions of the CBSC and the Morgan Hill Municipal Code and incorporate the recommendations contained in the project-specific Geotechnical Investigation, and potential impacts</p>
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		<p>related to soil suitability, slope, erosion, drainage, or stormwater runoff would not occur.</p> <p><u>Document Citation</u></p> <p>TRC Companies. <i>Geotechnical Investigation Residential Development 17965 Monterey Road Morgan Hill, California</i>. January 27, 2020. (Appendix H)</p> <p>Magnolias, First Community Housing. <i>Stormwater Control Plan and Operation &amp; Maintenance for The Magnolias, First Community Housing a California Non-Profit Mutual Benefit Corporation</i>. April 2021. (Appendix I)</p>
Hazards and Nuisances including Site Safety and Noise	3	<p>The following discussions assess the potential impacts associated with development of the proposed project related to hazards and site safety, including natural hazards, air pollution generators, man-made site hazards, and nuisances such as noise.</p> <p><u>Natural Hazards</u></p> <p>Natural hazards to which development projects in the State could potentially be subject include earthquake-related hazards (e.g., faults, fracture, etc.), landslides, floods, and wildfire.</p> <p>With respect to earthquake-related hazards, according to the Geotechnical Investigation prepared for the proposed project, major faults are not located in the project vicinity. The site is not located within an Alquist-Priolo Earthquake Zone or Santa Clara County Fault Rupture Hazard zone. Given that known surface expressions of fault traces do not exist within the project vicinity, including the site, fault rupture hazard is not a significant geologic hazard at the site. The Bay Area is known to be a seismically active region, and the City of Morgan Hill would be subject to ground shaking should an earthquake occur. However, the proposed project would be subject to all applicable regulations within the CBSC and Morgan Hill Municipal Code Chapter 15.08, which provide standards to protect property and public safety by regulating the design and construction of foundations, building frames, and other building elements. Based on the above, the proposed project would not be subject to earthquake-related hazards.</p> <p>With respect to landslides, as discussed in the Soil Suitability, Slope, Erosion, Drainage, and Storm Water Runoff section of this Environmental Assessment, the project site is not subject to landslides. In regard to flooding, as discussed in the Floodplain Management section of this Environmental Analysis, the majority of the project site is within Zone AE within the West Little Llagas Creek watershed, which is a SFHA within the 100-year floodplain where the BFE has been identified (see Figure 11). However, pursuant to the requirements set forth by Morgan Hill Municipal</p>

	<p>Code Section 15.80.160, the City conditioned the proposed project to elevate the ground floor of the proposed structure to an elevation of 356.2 feet, which is above the 355-foot BFE identified by FEMA at the project site. Upon the completion, the ground floor elevation would be certified by a registered civil engineer or surveyor and verified by the floodplain administrator or inspector to ensure that the structure is properly elevated.</p> <p>In addition, according to the Flood Plain Study prepared for the proposed project by MH Engineering, the proposed project would not result in any change to upstream or downstream BFEs in the project vicinity, as the project site is currently obstructed by existing surrounding development. Furthermore, in accordance with HUD's procedures for complying with Executive Order 11988, the proposed project has completed the 8-Step Process for complying with the floodplain management requirements set forth by 24 CFR 55.20. Through compliance with Morgan Hill Municipal Code Section 15.80.160 and completion of the 8-Step Process, potential impacts related to flooding would not occur.</p> <p>Finally, with respect to wildfire, the City's Wildland Urban Interface map indicates that the project site is not located in a High or Very High Fire Hazard Severity Zone (FHSZ). Furthermore, the California Department of Forestry and Fire Protection's (CAL FIRE) Fire and Resource Assessment Program indicates that the project site is not located within a State Responsibility Area and, based on the Local Responsibility Area map of the City, the project site is not located in a High or Very High FHSZ. Based on the above, the proposed project would not be subject to wildfire-related hazards.</p> <p><u>Air Pollution Generators</u></p> <p>HUD policy necessitates the consideration of the proximity of a proposed development project to various air pollution generators, such as heavy industry, incinerators, power plants, rendering plants, cement plants, and heavily traveled highways, defined as having six or more lanes. Potential health risks associated with DPM and TAC emissions are addressed in the Clean Air section of this Environmental Assessment. As detailed therein, risks associated with on-site exposure to DPM from vehicle traffic are not expected and impacts associated with exposing sensitive receptors to TACs would not occur.</p> <p><u>Man-made Site Hazards</u></p> <p>According to HUD policy, man-made hazards are hazards caused by human action or inaction. Such types of hazards can have an adverse impact on humans, other organisms, biomes, and ecosystems. The frequency and severity of man-made hazards are key elements in some risk analysis methodologies.</p>
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	<p>With respect to hazards associated with transport and storage of hazardous chemicals, the use, storage, and transport of hazardous materials by developers, contractors, business owners, industrial businesses, and others are required to be in compliance with local, State, and federal regulations during project construction and operation. Pursuant to California Health and Safety Code Section 25510(a), the handler or an employee, authorized representative, agent, or designee of a handler, must, upon discovery, immediately report any release or threatened release of a hazardous material to the unified program agency (in the case of the proposed project, the HMCD) in accordance with the regulations adopted pursuant to Section 25510(a). The handler or an employee, authorized representative, agent, or designee of the handler must provide all State, city, or county fire or public health or safety personnel and emergency response personnel with access to the handler's facilities. In the case of the proposed project, the project contractor would be required to notify the HMCD in the event of an accidental release of a hazardous material, who would then monitor the conditions and recommend appropriate remediation measures. Compliance with the foregoing provisions of the California Health and Safety Code would ensure impacts associated with transport and storage of hazardous materials during project construction would not occur. Due to its residential nature, the proposed project would not involve the transport or storage of hazardous materials during project operation.</p> <p>Through compliance with all applicable standards set forth in the City's Municipal Code, the proposed project would not be subject to man-made hazards such as inadequate separation of pedestrian/vehicle traffic, inadequate street lighting, or overhead transmission lines. The project site does not include bodies of water or access to lakes. In addition, a continuous seven-foot-tall good neighbor fence would be installed along the north, south, and west property lines, which would ensure access between adjacent uses, such as the commercial/industrial uses south of the project site, are separated from future occupants of the project, particularly children and the elderly.</p> <p>Finally, Government Code Section 65962.5 requires the CalEPA to develop at least annually an updated Hazardous Waste and Substances Sites (Cortese) list. DTSC is responsible for a portion of the information contained in the Cortese list. The project site is not located on a site identified by the DTSC's portion of Cortese list, nor is the site identified on the CalEPA State Water Resources Control Board GeoTracker for leaking Underground Storage Tanks (USTs), which is another portion of the Cortese list.</p> <p>Based on the above, the proposed project would be consistent with HUD policy and would not be subject to man-made site hazards.</p>
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	<p><u>Nuisances</u></p> <p>HUD policy necessitates the consideration of potential impacts related to nuisances for projects receiving funding from federal sources. Potential nuisances to which the proposed project could be subject include noise, vibration, and odors.</p> <p>With respect to noise, some land uses are considered more sensitive to noise than others, and thus, are typically referred to as sensitive noise receptors. Land uses often associated with sensitive noise receptors generally include residences, schools, libraries, hospitals, and passive recreational areas. Noise sensitive land uses are typically given special attention in order to achieve protection from excessive noise. Within the project vicinity, the nearest sensitive receptors include the nearby residences and an adult school. The property line of the closest receptor to the project site is approximately 15 feet away from where construction activities would occur.</p> <p>Morgan Hill Municipal Code Chapter 8.28 provides a standard for unlawful noise sources (i.e., animals, birds, auto body repairs, blowers, fans, combustion engines, construction activities, exhausts, loudspeakers) but does not provide quantitative performance standards. Morgan Hill Municipal Code Section 8.28.040 sets a specific time frame for construction noise, which is prohibited other than between the hours of 7:00 AM and 8:00 PM, Monday through Friday, and between the hours of 9:00 AM to 6:00 PM on Saturday. Construction activities may not occur on Sunday or federal holidays. Because the proposed project would be required to comply with the hours set forth by Municipal Code Section 8.28.040, the proposed project would not conflict with the City's standards for unlawful noise sources. Furthermore, construction activities would be temporary and would occur in different areas of the project footprint, at different times. As such, noise levels experienced at the nearest sensitive receptor would be attenuated during times construction activities occur further away from the receptor. Based on the above, impacts related to noise would not occur.</p> <p>With respect to vibration, vibration involves a source, a transmission path, and a receiver, with vibration typically consisting of the excitation of a structure or surface. A person's perception of the vibration depends on their individual sensitivity to vibration, as well as the amplitude and frequency of the source and the response of the system which is vibrating. Vibration is measured in terms of acceleration, velocity, or displacement.</p> <p>A common practice is to monitor vibration in terms of peak particle velocities (PPV) in inches per second (in/sec). Standards pertaining to perception as well as damage to structures have been</p>
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developed for vibration levels defined in terms of PPV. Human and structural response to different vibration levels is influenced by a number of factors, including ground type, distance between source and receptor, duration, and the number of perceived vibration events. Pursuant to standards developed by Caltrans, the vibration level that would normally be required to result in architectural damage to structures is 0.2 in/sec PPV. Table 6 shows the typical vibration levels produced by construction equipment at 25 feet.

<b>Table 6</b> <b>Vibration Levels for Various Construction Equipment</b>	
<b>Type of Equipment</b>	<b>PPV at 25 feet (in/sec)</b>
Hoe Ram	0.089
Large Bulldozer	0.089
Caisson Drilling	0.089
Loaded Trucks	0.076
Jackhammer	0.035
Vibratory Hammer	0.003

*Source: Federal Transit Administration, Transit Noise and Vibration Impact Assessment Guidelines, May 2006.*

As shown in Table 6, the maximum vibration levels generated by common construction equipment at a distance of 25 feet would be 0.089, which falls well below both Caltrans' threshold of 0.20 PPV for architectural damage. However, given that the nearest receptor to the project site is 15 feet away, vibration levels generated from on-site project construction activities could exceed Caltrans' 0.20 in/sec PPV threshold for damage to residential structures. Therefore, groundborne vibration impacts associated with project construction could occur.

Finally, with respect to odors, as discussed in the Clean Air section of this Environmental Assessment, the project site is located within the jurisdictional boundaries of the BAAQMD. As such, the project would be required to comply with all adopted rules and regulations, particularly those associated with permitting of air pollutant sources. Compliance with BAAQMD regulations would help to minimize air pollutant emissions as well as any associated odors. Accordingly, substantial objectionable odors would not occur during construction activities or affect a substantial number of people. In addition, residential land uses are not known to be odor-generating uses. Therefore, project operation would not result in odor-related impacts.

#### Conclusion

Based on the above, the proposed project would not result in impacts related to natural hazards, air pollution generators, man-made site hazards, and nuisances such as noise and odors. However, construction of the proposed project could result in adverse impacts to adjacent residential structures associated with

		<p>groundborne vibration. Therefore, Mitigation Measure 1 shall be required. With implementation of Mitigation Measure 1, the proposed project would not result in impacts related to natural hazards, air pollution generators, man-made site hazards, and nuisances such as noise, vibration, and odors.</p> <p><i><u>Mitigation Measure 1: During construction activities associated with the proposed project, any compaction required within 25 feet of existing structures adjacent to the project site shall be accomplished by using static drum rollers rather than vibratory compactors/rollers. The aforementioned criteria shall be included in the project improvement plans for review and approval by the City Engineer prior to approval of the improvement plans.</u></i></p> <p><u>Document Citation</u></p> <p>TRC Companies. <i>Geotechnical Investigation Residential Development 17965 Monterey Road Morgan Hill, California.</i> January 27, 2020. (Appendix H)</p> <p>MH Engineering. <i>Flood Plain Study for APN 764-12-006 Morgan Hill, CA.</i> April 14, 2021. (Appendix A)</p> <p>City of Morgan Hill. <i>City of Morgan Hill Wildland Urban Interface Map.</i> March 2009. (Appendix K)</p> <p>California Department of Forestry and Fire Protection. <i>FRAP FHSZ Viewer.</i> Available at: <a href="https://egis.fire.ca.gov/FHSZ/">https://egis.fire.ca.gov/FHSZ/</a>. Accessed October 2022. (Appendix K)</p> <p>Department of Toxic Substances Control. <i>Site Mitigation &amp; Restoration Program.</i> Available at: <a href="https://dtsc.ca.gov/dtscs-cortese-list/">https://dtsc.ca.gov/dtscs-cortese-list/</a>. Accessed October 2022. (Appendix K)</p> <p>State Water Resources Control Board. <i>GeoTracker.</i> Available at: <a href="https://geotracker.waterboards.ca.gov/">https://geotracker.waterboards.ca.gov/</a>. Accessed October 2022. (Appendix K)</p> <p>City of Morgan Hill. <i>City of Morgan Hill Planning Commission Resolution No. 21-17.</i> Adopted November 24, 2021. (Appendix K)</p>
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Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>SOCIOECONOMIC</b>		
Employment and Income Patterns	1	The proposed project is intended to provide affordable housing to those earning a maximum of 30 or 50 percent of the AMI for Santa Clara County through the construction of 65 new multi-family units, consistent with the affordable housing goals set forth in the City of Morgan Hill Housing Element. The project

		would also provide an on-site manager's unit. The proposed project would provide temporary employment for construction workers. Once operational, the proposed project would provide ongoing employment for a site manager, maintenance workers, and landscape workers necessary for the operation of the building. Because the proposed project would provide employment opportunities and 65 new housing units for City residents who qualify for affordable housing, the project would have a potentially beneficial impact to employment and income patterns.
Demographic Character Changes, Displacement	2	<p>The proposed project would include the construction of 65 affordable housing units. According to current population estimates provided by the U.S. Census Bureau, the City of Morgan Hill has a population of 45,342 residents and an average household size of 3.10 persons per household. Based on such estimates, the proposed project could result in 205 new residents, representing a 0.5 percent population increase for the City, assuming all residents of the proposed project are new residents to the City. Therefore, the proposed project would not substantially increase the City's population.</p> <p>According to the U.S. Census estimates, 4.2 percent of the City's population is below the poverty line. As such, the proposed project would provide new residences specifically for those in need of affordable housing. Additionally, developing the project site with affordable housing residential units is consistent with Housing Element Policy HE-1.4, which encourages the production and preservation of affordable housing units.</p> <p>A range of retail businesses, grocery stores, convenience stores, banks, and pharmacies are all located in relatively close proximity to the project site along Monterey Road. In addition, the project site is located 0.18-mile from Santa Clara Valley Transportation Authority's (VTA) Route 68 bus stop on Hale Avenue and 0.48-mile from Santa Clara VTA's Route 87 bus stop on East Main Avenue. Santa Clara VTA is responsible for public transit services, congestion management, specific highway improvement projects, and countywide transportation planning for Santa Clara County. Therefore, the proposed project would not create physical barriers or difficult access to local services, facilities, or institutions for future residents of the project, as the project site is located on Monterey Road, which serves as a primary commercial corridor in the City.</p> <p>Finally, the project site, which is currently used for vehicle storage, is located within the immediate vicinity of an existing mobile home park community, a townhome residential community, multi-family residential apartments, and single-family residences. Therefore, the proposed project would not create a concentration of low-income or disadvantaged people in violation of HUD site and neighborhood standards, nor would</p>

		<p>the project result in the displacement of persons occupying the property.</p> <p>Based on the above, impacts related to demographic character changes and displacement would not occur with implementation of the proposed project.</p> <p><u>Document Citation</u></p> <p>U.S. Census Bureau. <i>QuickFacts: Morgan Hill city, California</i>. Available at: <a href="https://www.census.gov/quickfacts/fact/table/morganhillcitycalifornia/PST045221">https://www.census.gov/quickfacts/fact/table/morganhillcitycalifornia/PST045221</a>. Accessed October 2022. (Appendix K)</p> <p>Santa Clara Valley Transportation Authority. <i>About VTA</i>. Available at: <a href="https://www.vta.org/about">https://www.vta.org/about</a>. Accessed October 2022. (Appendix K)</p>
Environmental Justice	2	<p>Environmental justice means ensuring that the environment and human health are protected fairly for all people regardless of race, color, national origin, or income. As part of compliance with applicable federal laws, federal agencies, including HUD, must consider how federally assisted projects may have disproportionately high and adverse human health or environmental effects on minority and low-income populations.</p> <p>The proposed project would consist of an affordable multi-family residential development comprised of 65 units earning up to 30 or 50 percent of the AMI for Santa Clara County, plus an on-site manager's unit. In order to better meet the agency's responsibilities related to the protection of public health and the environment, the USEPA has developed the EJScreen mapping and screening tool, which provides socioeconomic and environmental information for a selected area. Pursuant to EJScreen Environmental Justice Indexes, which highlight block groups with the highest intersection of low-income populations, people of color, and a given environmental indicator, the project site is identified as being below the 80<sup>th</sup> national percentile for the majority of environmental indicators (i.e., PM<sub>2.5</sub>, ozone, DPM, air toxics cancer risks, air toxics respiratory health impacts, traffic proximity, lead paint, superfund proximity, RMP facility proximity, USTs, and wastewater discharge), which indicates the project site is not in an area where low-income populations, people of color, and a given environmental issue have been aggregated to a substantial degree.</p> <p>The only environmental indicator in which the project site is above the 80<sup>th</sup> national percentile is the Environmental Justice Index for Hazardous Waste Proximity, which the project site is located in an area designated as being at the 81<sup>st</sup> percentile. However, as discussed in the Contamination and Toxic Substances section of this Environmental Assessment, the</p>

		<p>proposed project would not result in impacts related to contamination and toxic substances. In addition, as detailed in the Explosive and Flammable Hazards section of this Environmental Assessment, the project site would be located well beyond the ASD for both people and buildings for each of the four AST sites within a mile of the project site (see Table 4). Therefore, the project site would not be at risk of potential impacts from being located in proximity to hazardous waste sites.</p> <p>As discussed throughout this Environmental Assessment, the proposed project is consistent with the permitted uses allowed in the MU-F land use designation and zoning district, as established by Morgan Hill Municipal Code 18.22.010. Buildout of the project site with the proposed uses was subject to the City's Design Review process, as required by Morgan Hill Municipal Code Section 18.108.040, which allowed the City to ensure the project is consistent with applicable regulations and standards related to various criteria, including, but not limited to, community character, neighborhood compatibility, safety, architectural style, and parking and access. Although potential impacts could affect future occupants of the proposed project, as demonstrated in this Environmental Assessment, incorporation of the City's standard COAs and compliance with applicable federal, State, and local regulations would ensure that all potentially significant impacts are reduced to a level of less than significant. As such, future residents of the project would not be disproportionately exposed to undue hazards relative to any other resident of the City of Morgan Hill.</p> <p>Based on the above, potential impacts related to environmental justice on future residents of the proposed project would not occur.</p> <p><u>Document Citation</u></p> <p>U.S. Environmental Protection Agency. <i>EJScreen: Environmental Justice Screening and Mapping Tool</i>. Available at: <a href="https://www.epa.gov/ejscreen">https://www.epa.gov/ejscreen</a>. Accessed October 2022. (Appendix K)</p>
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Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>COMMUNITY FACILITIES AND SERVICES</b>		
Educational and Cultural Facilities	2	The Morgan Hill Unified School District (MHUSD) operates public education facilities that serve the project site and surrounding area. The MHUSD has 10 elementary schools, two middle schools, and three high schools serving more than 8,000 students within and in the vicinity of Morgan Hill. Using the MHUSD student yield rate of 0.465 students per household, the total anticipated development potential for the project site could

		<p>add approximately 31 new students to MHUSD schools. The proposed project would be subject to the MHUSD Developer Fee, which would serve as the project's fair-share contribution for funding expanded educational services that could result from a student population increase generated by the project's future residents. The MHUSD collects \$4.08 per square foot for new residential construction. Revenues generated through payment of the fee would ensure sufficient funds exist to pay for any expanded or new equipment or facilities the MHUSD deems necessary.</p> <p>With respect to cultural facilities, the City is served by the Santa Clara County Library District, which maintains a library branch in the City at 660 West Main Avenue, located 0.75-mile south of the project site. While future residents of the proposed project could increase demand for such services, the increase would be relatively minor and would not necessitate the expansion of existing facilities or construction of new facilities. Additionally, the City of Morgan Hill sets aside funds from developer fees to pay for expansions to the Morgan Hill Library. Given that the proposed project would be subject to the City's Development Impact Mitigation Fee, in accordance with Morgan Hill Municipal Code Section 3.56.030, the project's payment of the fee would serve as the project's fair-share contribution for funding expanded library services that could result from a population increase generated by the project.</p> <p>Based on the above, impacts related to educational and cultural facilities would not occur with implementation of the proposed project.</p> <p><u>Document Citation</u></p> <p>Morgan Hill Unified School District. <i>Annual and Five Year Developer Fee Report 2020-21</i>. 2021. (Appendix K)</p> <p>Santa Clara County Library District. <i>Morgan Hill Library</i>. Available at: <a href="https://sccl.org/locations/morganhill/">https://sccl.org/locations/morganhill/</a>. Accessed October 2022. (Appendix K)</p>
Commercial Facilities	2	<p>The project site is located on Monterey Road, which serves as a primary commercial corridor in the City. A range of retail businesses, grocery stores, convenience stores, banks, and pharmacies are all located in relatively close proximity to the project site along Monterey Road. In addition, the project site is located 0.18-mile from Santa Clara VTA Route 68 bus stop on Hale Avenue and 0.48-mile from Santa Clara VTA's Route 87 bus stop on East Main Avenue. Santa Clara VTA is responsible for public transit services, congestion management, specific highway improvement projects, and countywide transportation planning for Santa Clara County. Therefore, future residents of</p>

		<p>the proposed project would have access to existing commercial facilities.</p> <p>Based on the above, impacts related to commercial facilities would not occur with implementation of the proposed project.</p> <p><u>Document Citation</u></p> <p>Santa Clara Valley Transportation Authority. <i>About VTA</i>. Available at: <a href="https://www.vta.org/about">https://www.vta.org/about</a>. Accessed October 2022. (Appendix K)</p>
Health Care and Social Services	2	<p>Health care facilities are provided in the City by way of several independent primary care practices in proximity to Monterey Road. Orchard Hospital is located at 240 Spruce Street, 0.65 miles to the north of the project site. In addition, multiple hospitals are located in the City of San Jose to the north of Morgan Hill and accessible by way of U.S. Route 101 (US-101), including Kaiser Permanente San Jose Medical Center, Santa Clara Valley Medical Center, and Good Samaritan Hospital.</p> <p>Social services are provided in the City through the Santa Clara County Social Services Agency (SSA). SSA supports County residents with applying for benefits through CalFresh, CalWORKS, Medi-Cal, and Covered California. SSA provides assistance for the aforementioned programs from the agency's Department of Employment and Benefit Services, located at 1867 Senter Road, 16.5 miles northwest of the project site. Future residents of the proposed project would be able to access the Department of Employment and Benefit Services through Santa Clara VTA bus routes.</p> <p>Based on the above, impacts related to health care and social services would not occur with implementation of the proposed project.</p> <p><u>Document Citation</u></p> <p>Santa Clara County Social Services Agency. <i>Department of Employment and Benefit Services</i>. Available at: <a href="https://socialservices.sccgov.org/about-us/department-employment-and-benefit-services">https://socialservices.sccgov.org/about-us/department-employment-and-benefit-services</a>. Accessed October 2022. (Appendix K)</p>
Solid Waste Disposal / Recycling	2	<p>Recology South Valley provides solid waste and recycling services to the businesses and residents of the cities of Morgan Hill and Gilroy. Upon arrival at the San Martin Transfer Station, solid waste is sorted for compost, recycle and waste purposes. Clean yard waste is transported to South Valley Organics for composting in Gilroy. Recology South Valley has contracted with the Salinas Valley Solid Waste Authority to dispose of municipal solid waste at Johnson Canyon Sanitary Landfill. The Johnson Canyon Sanitary Landfill has a maximum permitted</p>

		<p>throughput capacity of 1,694 tons per day, a remaining site capacity of 12,590,000 cubic yards, and an estimated closure date of 2066. Over the course of the 2019/2020 fiscal year, 224,979 tons of waste were disposed of at the Johnson Canyon Sanitary Landfill, an annual rate that equates to approximately 606 tons of waste per day, which is less than the permitted limit of 1,694 tons per day.</p> <p>According to the USEPA, the average solid waste generation rate is 4.9 pounds per person. Based on the anticipated number of residents, the proposed project would result in approximately 980 pounds, or 4.9 tons, of solid waste per day. Because the maximum permitted tonnage is 1,574 tons per day, and the facility currently operates at approximately 606 tons per day, the Johnson Canyon Sanitary Landfill has sufficient capacity to accommodate solid waste generated by the proposed project.</p> <p>During project construction, as required by CBSC Section 4.408, the proposed project would be required to submit a Waste Management Plan to the City detailing on-site sorting of construction debris. Implementation of the Waste Management Plan would ensure that the proposed project meets established diversion requirements for reused or recycled construction waste.</p> <p>Based on the above, the project would be in compliance with all applicable State and local regulations related to solid waste during project construction and sufficient capacity would be available to accommodate the disposal of waste and recyclables generated by the future project residents. Therefore, impacts related to solid waste disposal and recycling would not occur with implementation of the proposed project.</p>
Waste Water / Sanitary Sewers	2	<p><u>Document Citation</u></p> <p>California Department of Resources Recycling and Recovery. <i>Facility/Site Summary Details: Johnson Canyon Sanitary Landfill</i> (27-AA-0005). Available at: <a href="https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2636?siteID=1971">https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2636?siteID=1971</a>. Accessed June 2024. (Appendix K)</p> <p>U.S. Environmental Protection Agency. <i>National Overview: Facts and Figures on Material, Wastes and Recycling</i>. Available at: <a href="https://www.epa.gov/facts-and-figures-about-materials-waste-and-recycling/national-overview-facts-and-figures-materials">https://www.epa.gov/facts-and-figures-about-materials-waste-and-recycling/national-overview-facts-and-figures-materials</a>. Accessed October 2022. (Appendix K)</p>

	<p>Treatment Plant (WWTP), located southeast of Gilroy. The SCRWA WWTP is currently permitted to treat up to 8.5 million gallons per day (mgd) of wastewater; however, an expansion project is underway that is expected to be completed in 2024 would increase the facility's capacity to 11 mgd. The City of Morgan Hill has an allocation of 3.56 mgd from the WWTP. In 2015, the average dry weather flow from the City of Morgan Hill was approximately 2.7 mgd, according to the City's General Plan EIR.</p> <p>The proposed project would connect to existing sewer lines along Monterey Road and remove existing sewer laterals on-site. Based on an average wastewater generation rate of 56 gallons per day (gpd) per person, the proposed project would generate approximately 11,200 gpd, or 0.0112 mgd. Considering the WWTP receives approximately 2.7 mgd of wastewater from Morgan Hill and has an allocated capacity to treat up to 3.56 mgd, the WWTP has adequate capacity to accommodate the 0.0112 mgd of wastewater generated by the proposed project. Therefore, the proposed project would not generate wastewater flows beyond the allocated capacity of existing wastewater treatment facilities or planned future improvements to such facilities.</p> <p>In addition, the proposed project would be subject to the City's Development Impact Mitigation Fee, in accordance with Morgan Hill Municipal Code Section 3.56.030. The revenues generated through payment of the fee are used by the City to pay for needed upgrades and/or expansions to City facilities, including sewer facilities. Therefore, payment of the City's Development Impact Mitigation Fee would further serve to reduce the proposed project's potential impacts on the wastewater conveyance and treatment facilities that serve the City.</p> <p>Based on the above, sufficient capacity would exist to serve the sanitary sewer service needs of the proposed project. Therefore, impacts related to wastewater would not occur with implementation of the proposed project.</p> <p><u>Document Citation</u></p> <p>City of Morgan Hill. <i>2035 General Plan Draft EIR</i>. [pg. 4.15-30]. January 2016. (Appendix K)</p> <p>City of Morgan Hill. <i>Sewer System Master Plan Final</i>. [pg. ES-9]. October 2017. (Appendix K)</p> <p>The Morgan Hill Times. <i>Expansion to increase South County recycled water capacity</i>. Available at: <a href="https://morganhilltimes.com/expansion-to-increase-south-">https://morganhilltimes.com/expansion-to-increase-south-</a></p>
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		county-recycled-water-capacity/. Accessed June 2024. (Appendix K)
Water Supply	2	<p>The City of Morgan Hill provides potable water service to residential, commercial, industrial, and institutional customers within the City limits. The City's water system facilities include 14 groundwater wells, 10 potable water storage tanks, 10 booster stations, and over 160 miles of pressured pipes ranging from two to 14 inches in diameter. The City's water distribution system meets the needs of existing customers. The City has planned and constructed water projects in conjunction with new street construction in anticipation of future growth and water needs.</p> <p>The City of Morgan Hill 2020 Urban Water Management Plan (UWMP) includes a water service reliability assessment that evaluates the ability for the City's projected water supply to meet projected demand in normal, single dry, and multiple dry years, in accordance with buildout of adopted land use designations set forth by the Morgan Hill General Plan. As shown in Tables 7-2, 7-3, and 7-4 of the UWMP, the City is projected to have sufficient water supply available to meet the demand under all scenarios through 2045. Considering that the proposed project is consistent with the MU-F designation, development of the project site with the proposed uses was generally considered as part of the UWMP's water service reliability assessment. As such, the proposed project would not result in potential water supply impacts beyond those identified in the UWMP and the City would have sufficient water supply to serve the demand for potable water services generated by the project.</p> <p>In addition, the proposed project would be subject to the City's Development Impact Mitigation Fee, in accordance with Morgan Hill Municipal Code Section 3.56.030. The revenues generated through payment of the fee are used by the City to pay for needed upgrades and/or expansions to City facilities, including water facilities. Therefore, payment of the City's Development Impact Mitigation Fee would further serve to reduce the proposed project's potential impacts on the domestic water system.</p> <p>Based on the above, sufficient water supply exists to serve the demands generated by the proposed project. Therefore, impacts related to water supply would not occur with implementation of the proposed project.</p> <p><u>Document Citation</u></p> <p>City of Morgan Hill. <i>2020 Urban Water Management Plan</i>. [pgs. 7-4 and 7-7]. October 2021. (Appendix K)</p>
Public Safety - Police, Fire and Emergency Medical	2	The City of Morgan Hill contracts with CAL FIRE for fire protection services. The nearest fire station is located approximately 0.4-mile to the north of the site. Although the City has not adopted response time standards or goals related to fire

	<p>suppression, CAL FIRE is held to a seven minute, 59 second response time standard based on the 911 Emergency Medical Services Provider Agreement between the City of Morgan Hill and the County of Santa Clara Emergency Medical Services Agency. The project site is already served by CAL FIRE, and the proposed project would be consistent with the site's MU-F designation and zoning. Given the project site's proximity to the nearest fire station, the response time standard of seven minutes, 59 seconds could reasonably be maintained. In addition, the proposed structures would be equipped with fire sprinklers and fire alarm systems. Such features would help to address fire situations within the site, which would reduce the demand for fire protection services from the project site.</p> <p>Additionally, the project site is located in close proximity to the Morgan Hill Police Department, which is located at 16200 Vineyard Boulevard, approximately 1.6 miles south of the site. The project site is located within the Morgan Hill Police Department's normal patrol route, and, thus, police response times would be comparable to nearby existing developments. Furthermore, given that the project is an allowable use under the site's MU-F land use and zoning designations, impacts related to the provision of new or physically altered fire and police protection facilities have been previously analyzed in the City's General Plan EIR. The General Plan EIR concluded that buildout of the City would have a less-than-significant impact related to the provision of such public services. As such, development of the project site with the proposed uses would not result in impacts beyond what were identified in the General Plan EIR.</p> <p>Finally, the proposed project would be subject to the City's Development Impact Mitigation Fee, in accordance with Morgan Hill Municipal Code Section 3.56.030. The revenues generated through payment of the fee are used by the City to pay for needed upgrades and/or expansions to City facilities, including those maintained by the Morgan Hill Police Department. Therefore, payment of the City's Development Impact Mitigation Fee would further serve to reduce the proposed project's potential impacts on law enforcement services.</p> <p>Based on the above, CAL FIRE and the Morgan Hill Police Department would be able to adequately serve the population generated by the proposed project. Thus, impacts related to public safety would not occur with implementation of the proposed project.</p> <p><u>Document Citation</u></p> <p>City of Morgan Hill. <i>2035 General Plan Draft EIR</i>. [pg. 4.13-13 to 4.13-14]. January 2016. (Appendix K)</p>
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Parks, Open Space and Recreation	2	<p>The City's Community Services Department oversees the provision and maintenance of parks and recreation amenities and services within the City limits. The Community Services Department operates the Centennial Recreation Center, Aquatic Center, Outdoor Sports Center, Community and Cultural Center, and a variety of recreation programs and activities year-round. In addition, the City maintains and operates various community parks, neighborhood parks, and mini parks throughout the City limits.</p> <p>As discussed in the Demographic Character Changes and Displacement section of this Environment Assessment, the proposed 66-unit housing development would be expected to generate 205 new residents, assuming all residents of the proposed project are new residents to the City. Due to the increase in population associated with the project, the proposed project could increase demand on existing recreational facilities. However, the proposed project would provide on-site recreational facilities, including an on-site garden area as well as a half-court basketball court and playground area for residents to use. The provision of on-site recreational facilities would reduce the demand and/or use of existing, off-site recreational facilities.</p> <p>In addition, as discussed above, the proposed project would be subject to the City's Development Impact Mitigation Fee, in accordance with Morgan Hill Municipal Code Section 3.56.030. The revenues generated through payment of the fee are used by the City to pay for needed upgrades and/or expansions to City facilities, including park facilities. Therefore, payment of the City's Development Impact Mitigation Fee would further serve to reduce the proposed project's potential impacts on park facilities.</p> <p>Based on the above, through incorporation of the proposed recreational amenities and payment of the City's Development Impact Mitigation Fee, sufficient parks, open space, and recreation facilities would exist to serve the needs of future residents. Therefore, impacts related to parks, open space, and recreation would not occur with implementation of the proposed project.</p> <p><u>Document Citation</u></p> <p>City of Morgan Hill. <i>Parks &amp; Recreation</i>. Available at: <a href="https://www.morgan-hill.ca.gov/144/Parks-Recreation">https://www.morgan-hill.ca.gov/144/Parks-Recreation</a>. Accessed October 2022. (Appendix K)</p>
Transportation and Accessibility	2	<p>Access to the project site would be provided from Monterey Road, which consists of four vehicle lanes, with two lanes each for both northbound and southbound traffic. As part of the proposed project, access would be provided from Monterey Road by way of a new 24-foot-wide driveway that would extend</p>

	<p>westward into the site and provide access to all proposed on-site parking stalls. In addition, an EVA would be provided through a second point of entry from Monterey Road, south of the main driveway and designed to feature a minimum width of 18 feet and a gated entrance. The proposed project would include 68 total on-site surface parking spaces, including five ADA-compliant spaces, seven Level 2 EV-charging spaces, and 26 EV receptacle spaces. To accommodate bicyclists, the project would provide short-term parking to accommodate a maximum of 24 bicycles and long-term parking to accommodate a maximum of 80 bicycles. Finally, as discussed previously, the project site is located 0.18-mile from Santa Clara VTA's Route 68 bus stop on Hale Avenue and 0.48-mile from Santa Clara VTA's Route 87 bus stop on East Main Avenue. Based on the above, the project site would be accessible to motor vehicles, pedestrians, bicyclists, and public transit riders.</p> <p>Traditionally, jurisdictions have used level of service (LOS) to assess the significance of transportation-related impacts generated by proposed development projects. LOS represents a qualitative description of the traffic operations experienced by the driver along a roadway segment or at an intersection and ranges from LOS A, which represents the absence of congestion and little delay, to LOS F, which signifies excessive congestion and delays. Pursuant to the Transportation Element in the City's General Plan, the minimum acceptable LOS for most City intersections and roadway segments is LOS D.</p> <p>The General Plan EIR evaluated LOS of roadway segments under buildup conditions under Impact TRAF-2. With respect to roadway segment LOS, Table 4.14-10 of the General Plan EIR provides the projected LOS of segments along Monterey Road, all of which are anticipated to operate at LOS D or better under buildup conditions. Considering that the proposed project is consistent with the MU-F designation and zoning for the project site, buildup of the site with the proposed uses was generally considered as part of the General Plan EIR. As such, the proposed project would not be expected to deteriorate LOS along Monterey Road to below the City's minimum LOS D standard.</p> <p>With respect to intersection LOS, a Trip Generation and Operations Analysis was prepared for the proposed project by Hexagon Transportation Consultants, Inc. As detailed therein, the proposed project would result in the addition of 19 AM peak hour trips and 25 PM peak hour trips to the roadway system under Existing Plus Project conditions. A review of intersection LOS at three selected study intersections (i.e., Monterey Road/Cochrane Road, Monterey Road/Old Monterey Road, and Monterey Road/Wright Avenue) indicated that under Existing Plus Project and Cumulative Plus Project conditions, all study intersections would operate at LOS C or better. Therefore, the</p>
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		<p>proposed project would not be expected to deteriorate LOS at intersections along Monterey Road in the project vicinity to below the City's minimum LOS standard.</p> <p>Finally, as discussed above, the proposed project would be subject to the City's Development Impact Mitigation Fee, in accordance with Morgan Hill Municipal Code Section 3.56.030. The revenues generated through payment of the fee are used by the City to pay for needed upgrades and/or expansions to City facilities, including streets. Therefore, payment of the City's Development Impact Mitigation Fee would further serve to reduce the proposed project's potential impacts on roads in the project vicinity.</p> <p>Based on the above, impacts related to transportation and accessibility would not occur with implementation of the proposed project.</p> <p><u>Document Citation</u></p> <p>City of Morgan Hill. <i>2035 General Plan Draft EIR</i>. [pg. 4.14-47]. January 2016. (Appendix K)</p> <p>Hexagon Transportation Consultants, Inc. <i>Memorandum: Trip Generation and Operations Analysis for the Proposed Magnolias Affordable Housing Development in Morgan Hill, California</i>. July 30, 2021. (Appendix J)</p>
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Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>NATURAL FEATURES</b>		
Unique Natural Features, Water Resources	2	<p>Examples of unique natural features include sand dunes, waterfalls, unique rock outcroppings, caves, canyons, endemic and/or disjunct plant/animal communities, coral reefs, unique stands of trees, and unique colonies of animals. The project site is located within an urbanized area of the City and does not include any unique natural features. Although the site contains trees that would require removal as part of development of the proposed project, none of the trees constitute a unique natural feature, as none of the on-site trees are species that occur only within a limited region. Conversely, an example of unique stands of trees is ancient redwood stands, because redwoods are only found on the coast from Central California through Southern Oregon and do not live 50 miles inland, thus, making redwoods rare.</p> <p>Furthermore, as discussed in the Wetlands Protection and Wild and Scenic Rivers sections of this Environmental Assessment, the project site does not contain wetlands and is not located within the vicinity of an officially designated Wild and Scenic</p>

		<p>River. Therefore, the project would not result in impacts to surface water.</p> <p>Finally, as detailed in the Soil Suitability, Slope, Erosion, Drainage, and Storm Water Runoff section of this Environmental Assessment, as part of compliance with the NPDES Construction General Permit, the proposed project would be required to prepare a SWPPP and incorporate BMPs to prevent erosion and drainage impacts during project construction. As such, compliance with the Construction General Permit and the provisions contained therein would ensure that runoff entering receiving waters does not contain sufficient quantities of sediment or pollutants generated by construction activities and that impacts to water resources do not occur. During project operation, the proposed project would be managed in accordance with Resolution R3-2013-0032 issued by the RWQCB and include site design and runoff features to limit the amount of runoff from the project site as well as on-site water quality treatment to reduce pollutant loads in the stormwater runoff. Therefore, the project would not result in impacts to groundwater.</p> <p>Based on the above, impacts related to unique natural features and water resources would not occur with implementation of the proposed project.</p> <p><u>Document Citation</u></p> <p>U.S. Fish &amp; Wildlife Service. <i>National Wetlands Inventory</i>. Available at: <a href="https://www.fws.gov/wetlands/data/Mapper.html">https://www.fws.gov/wetlands/data/Mapper.html</a>. Accessed October 2022. (Figure 12)</p>
Vegetation, Wildlife	2	<p>The project site is located within an urbanized area of the City, adjacent to Monterey Road and existing residential and commercial/industrial uses, and has been subjected to previous disturbance as part of the site's existing uses. As discussed in the Endangered Species section of this Environmental Assessment, IPaC and CNDDB queries were conducted to ascertain the extent to which plant and wildlife species protected under the Endangered Species Act could be present on-site. Due to the project site's previous and existing uses, plants and wildlife protected under the Endangered Species Act are not present on-site.</p> <p>In addition to the avian species protected under the Endangered Species Act, the MBTA prohibits the killing, possessing, or trading of migratory birds except in accordance with regulations prescribed by the Secretary of Interior. Various migratory birds and raptors could potentially nest in the existing on-site trees and other vegetation. However, as part of the City's standard COAs, a preconstruction survey for migratory birds prior to removal of on-site trees has been required. The survey must be conducted,</p>

		<p>at most, 14 days prior to the commencement of construction if construction activities occur during the breeding season (February 1 to August 31). If nesting migratory birds or raptors are detected on or adjacent to the site, a suitable construction-free buffer must be established around all active nests. Thus, implementation of the foregoing provisions would ensure potential impacts to avian species protected under the MBTA do not occur.</p> <p>Based on the above, impacts to vegetation and wildlife would not occur with implementation of the proposed project.</p> <p><u>Document Citation</u></p> <p>California Department of Fish and Wildlife. <i>California Natural Diversity Database: Rarefind 5</i>. Available at: <a href="https://apps.wildlife.ca.gov/rarefind/view/RareFind.aspx">https://apps.wildlife.ca.gov/rarefind/view/RareFind.aspx</a>. Accessed October 2022. (Appendix K)</p>
Other Factors	2	N/A

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>CLIMATE AND ENERGY</b>		
Climate Change Impacts	2	<p>Global climate change is, by nature, a cumulative impact. GHG emissions contribute, on a cumulative basis, to the adverse environmental impacts of global climate change (e.g., sea level rise, impacts to water supply and water quality, public health impacts, impacts to ecosystems, impacts to agriculture, and other environmental impacts). A single project does not generate enough GHG emissions to contribute noticeably to a change in the global average temperature. However, the combination of GHG emissions from a project in combination with other past, present, and future projects could contribute substantially to the world-wide phenomenon of global climate change and the associated environmental impacts.</p> <p>Pursuant to HUD guidance, a HUD-assisted project should consider the potential future impacts of climate change on occupants of the project, specifically as they relate to residents' safety, wellbeing, and property from risks associated with hazardous conditions (i.e., flooding, sea level rise, drought, extreme heat, etc.) and site suitability (i.e., air quality, urban heat island effects, soil suitability, and water resources).</p> <p>The Morgan Hill General Plan EIR evaluated the potential for development facilitated by buildup of the General Plan planning area to result in potential substantial adverse effects related to GHG emissions. Through incorporation of applicable policies that support the reduction of GHG emissions, such as those containing requirements related to water standards for</p>

	<p>private development, water-efficient landscaping, reduction of vehicle miles traveled (VMT), energy conservation, and green building, the General Plan EIR concluded that a less-than-significant impact would occur. As discussed throughout this Environmental Assessment, the proposed project would be subject to applicable federal, State, and local regulations, including those adopted for the purpose of mitigating effects related to climate change. Furthermore, the project is consistent with the project site's MU-F land use designation and zoning and was, thus, generally considered as part of the evaluation of buildup of the General Plan. Therefore, the proposed project would not result in impacts related to GHG emissions and climate change beyond those identified in the General Plan EIR.</p> <p>Furthermore, pedestrian supportive facilities and uses in the project vicinity would help support a reduced project VMT, and in turn, the project's effects related to GHG emissions. Pedestrian supportive facilities and uses in the project vicinity include transit bus stops along Hale Avenue and Main Avenue, commercial uses (i.e., restaurants, retail, etc.) along Monterey Road, and downtown Morgan Hill. In addition, existing employment uses are located within walking distance of the project site.</p> <p>Finally, as discussed in the Floodplain Management section of this Environmental Assessment, pursuant to the requirements set forth by Morgan Hill Municipal Code Section 15.80.160, the City conditioned the proposed project to elevate the ground floor of the proposed structure to an elevation of 356.2 feet amsl, which is above the 355-foot BFE identified by FEMA at the project site. Upon the completion, the ground floor elevation would be certified by a registered civil engineer or surveyor and verified by the floodplain administrator or inspector to ensure that the structure is properly elevated. In addition, the proposed project has completed the 8-Step Process for complying with the floodplain management requirements set forth by 24 CFR 55.20 in accordance with HUD's procedures for complying with Executive Order 11988. As such, the proposed project would not be subject to potential flood impacts, which could occur as a result of global climate change.</p> <p>Overall, as demonstrated in this Environmental Assessment, incorporation of the City's standard COAs and compliance with applicable federal, State, and local regulations would ensure that all potentially significant environmental impacts, including those related to climate change, are reduced to a level of insignificance. As such, future residents of the project would not be disproportionately exposed to undue climate change hazards relative to any other resident of the City of Morgan Hill.</p> <p>Based on the above, potential impacts related to climate change on future residents of the proposed project would not occur.</p>
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Energy Efficiency	2	<p>The proposed project would be subject to all applicable provisions of the CBSC (Title 24 CCR), including the 2022 Building Energy Efficiency Standards (Title 24 CCR Part 6) and California Green Building Standards Code (Title 24 CCR Part 11), otherwise known as the CALGreen Code. Adherence to the current Building Energy Efficiency Standards and CALGreen Code would ensure that the proposed structures would consume energy efficiently. Required compliance with the CBSC would ensure that the building energy use associated with the proposed project would not be wasteful, inefficient, or unnecessary.</p> <p>In addition, the Building Energy Efficiency Standards are required by law to be updated every three years with standards that are cost effective for homeowners over the 30-year lifespan of a building. The standards are updated to consider and incorporate new energy efficient technologies and construction methods in order to save energy, increase electricity supply reliability, increase indoor comfort, avoid the need to construct new power plants, and help preserve the environment. The proposed project would be subject to the 2022 Building Energy Efficiency Standards, which became effective on January 1, 2023. The 2022 Building Energy Efficiency Standards include requirements that encourage efficient electric heat pumps, establish electric-ready requirements for new homes, expand solar photovoltaic and battery storage standards, and strengthen ventilation standards.</p> <p>During project construction, the proposed project would involve on-site energy demand and consumption related to use of oil in the form of gasoline and diesel fuel for construction worker vehicle trips, hauling and materials delivery truck trips, and operation of off-road construction equipment. However, all construction equipment and operation thereof would be regulated per the CARB's In-Use Off-Road Diesel Vehicle Regulation. The In-Use Off-Road Diesel Vehicle Regulation is intended to reduce emissions from in-use, off-road, heavy-duty diesel vehicles in California by imposing limits on idling, requiring all vehicles to be reported to CARB, restricting the</p>

	<p>addition of older vehicles into fleets, and requiring fleets to reduce emissions by retiring, replacing, or repowering older engines, or installing exhaust retrofits. The temporary increase in energy use occurring during construction of the proposed project would not result in a significant increase in peak or base demands or require additional capacity from local or regional energy supplies. In addition, project construction would be required to comply with all applicable regulations related to energy conservation and fuel efficiency, which would help to reduce the temporary increase in demand.</p> <p>Based on the above, impacts related to energy efficiency and energy consumption would not occur with implementation of the proposed project.</p> <p><u>Document Citation</u></p> <p>California Energy Commission. <i>2019 Building Energy Efficiency Standards: Frequently Asked Questions</i>. Available at: <a href="https://www.energy.ca.gov/sites/default/files/2020-03/Title_24_2019_Building_Standards_FAQ_ada.pdf">https://www.energy.ca.gov/sites/default/files/2020-03/Title_24_2019_Building_Standards_FAQ_ada.pdf</a>. Accessed October 2022. (Appendix K)</p>
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### **Additional Studies Performed:**

- MH Engineering. *Flood Plain Study for APN 764-12-006 Morgan Hill, CA*. April 14, 2021. (Appendix A)
- Raney Planning & Management, Inc. *Floodplain Management Determination Step 3: Alternative Site Analysis*. March 2023. (Appendix B)
- CalEEMod. *Magnolias Affordable Housing Project*. August 2021. (Appendix C)
- Krazen & Associates, Inc. *Phase I Environmental Site Assessment Proposed Acquisition Property*. January 22, 2019. (Appendix D)
- Krazen & Associates, Inc. *Phase II Limited Subsurface Assessment Proposed Acquisition Property*. February 28, 2019. (Appendix E)
- Raney Planning and Management, Inc. *Section 106 Consultation Materials*. October 7, 2022. (Appendix F)
- Bolland Acoustical Consultants, Inc. *Environmental Noise & Vibration Assessment: Magnolias Apartments, Morgan Hill, California*. September 21, 2021. (Appendix G)
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### **Field Inspection (Date and completed by):**

- January 10 and February 12, 2019, Krazen & Associates, Inc.

- December 9, 2019, TRC Companies.
- July 15 to July 19, 2021, Bolland Acoustical Consultants, Inc.

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### **List of Permits Obtained:**

- None.

### **Public Outreach [24 CFR 50.23 & 58.43]:**

As part of the previous environmental review that was completed for the proposed project in accordance with CEQA requirements, the Morgan Hill Planning Commission conducted a public hearing on the Design

Permit and CUP on November 23, 2021. In addition, the City Council conducted a public hearing on April 21, 2021, to consider four Government Code Sections 65915(d)(2)(D) concessions. Each meeting included an opportunity for public comment on the proposed project.

### **Cumulative Impact Analysis [24 CFR 58.32]:**

Cumulative impacts can result from incremental minor impacts that can be seen as collectively significant over time. Air quality, noise, and traffic are often the environmental issues which present cumulative impacts. Cumulative impacts associated with air quality would be a result of construction and operation of the proposed development. However, construction-related equipment would be regulated by CARB, and construction would occur over a relatively short duration compared to the operational lifetime of the proposed project. In addition, during project construction and operation, emissions would not exceed the applicable BAAQMD thresholds of significance (see Table 1, Table 2, and Table 3). Cumulative impacts related to noise would be a result of future development projects within the City, including the proposed project, incrementally affecting the future cumulative ambient noise environment. Under the cumulative conditions, the proposed project would not significantly contribute to the ambient noise environment during project operation, given that residential developments do not typically involve activities that exceed the City's noise standards. During project construction, the project would comply with the allowed construction times established by Morgan Hill Municipal Code Section 8.28.040. Finally, as cumulative development occurs within the City, traffic volumes along local roadways would increase relative to existing conditions. However, the proposed project is consistent with the MU-F zoning district. As such, development of the project site with the proposed uses was generally planned as part of buildout of the General Plan, and evaluated as part of the General Plan EIR, which serves as a cumulative analysis. As discussed in the Transportation and Accessibility section of this Environmental Assessment, buildout of the project site with the proposed use would not deteriorate LOS along applicable road segments and intersections beyond what was anticipated in the General Plan EIR. Thus, given that the proposed project is consistent with the General Plan and would comply with all applicable policies and programs, the project would not result in any new impacts beyond what the City has already anticipated. Furthermore, potential cumulative impacts to air quality, noise, transportation, and City services would be offset by developer fees and the City's ongoing capital improvements as laid out in the City's General Plan.

### **Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]:**

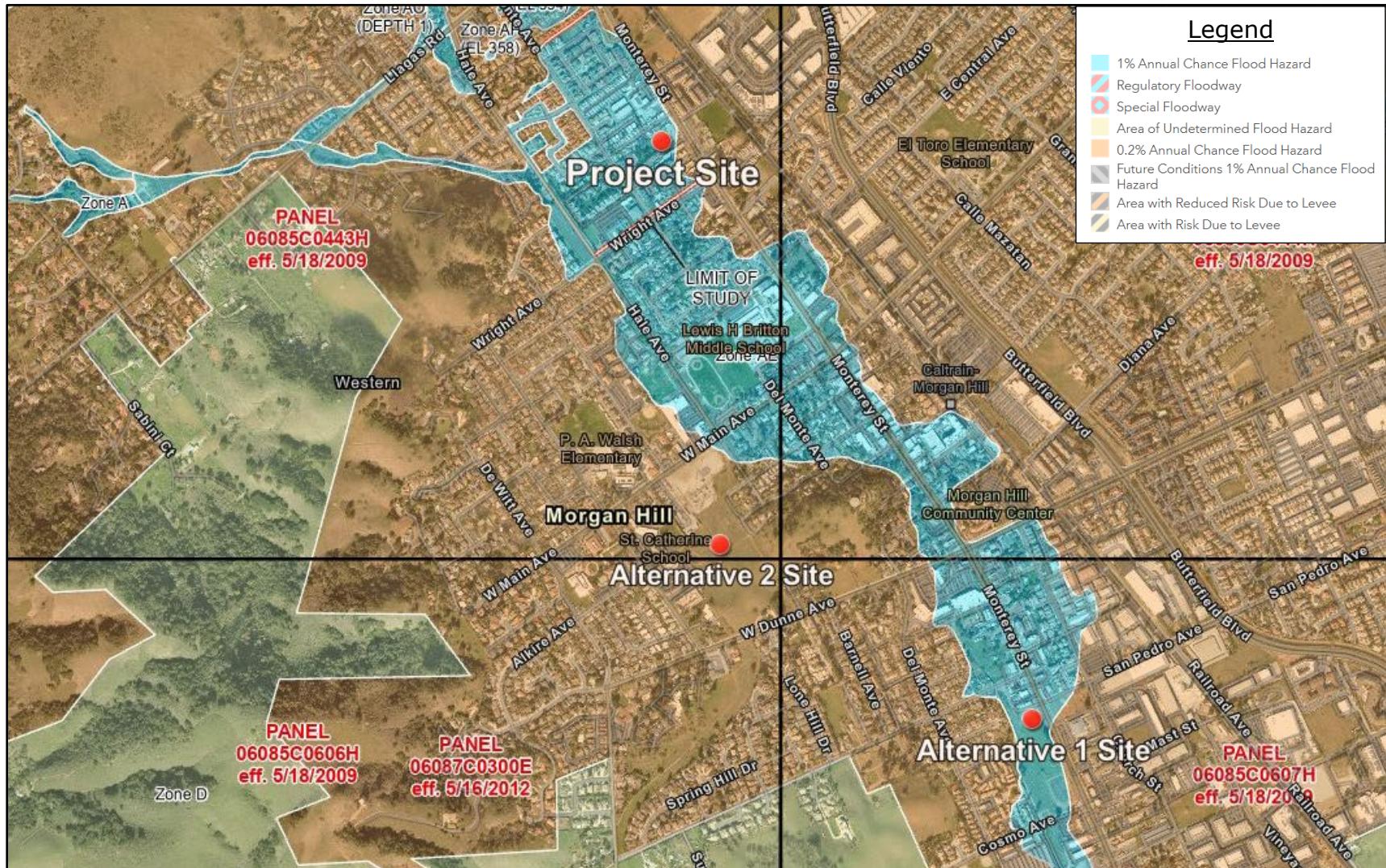
The alternatives evaluated in this section (see Appendix B) are included for discussion in order to attempt to minimize or eliminate impacts associated with the floodplain. The alternatives to the proposed project evaluated in this section are shown in Figure 16 and are as follows:

1. Locate the Project in the Floodplain
2. Locate the Project Outside of the Floodplain
3. No Action Alternative

#### **1. Locate the Project in the Floodplain**

Alternative 1 would be located immediately to the southwest of the Monterey Road/San Pedro Avenue intersection and would implement the majority of the proposed project components, including a five-story, multi-family residential building comprised of 66 units; 68 total on-site surface parking spaces; short-term and long-term bicycle parking; exterior amenities such as a basketball half-court and an outdoor courtyard area; and new utility connections and landscaping improvements.

**Figure 17**  
Alternative Site Locations



Alternative 1 would not include off-site improvements to Monterey Road. The Alternative 1 site is located within a SFHA designated by FEMA as Zone AE, and the BFE is 335 feet.<sup>3</sup>

#### *Natural Environment*

The Alternative 1 site is currently undeveloped and is comprised of ruderal grasses that are routinely mowed (see Figure 17). The site is bound by Monterey Road to the east. Existing uses in the site vicinity include commercial uses immediately to the north; a fueling station and convenience store to the northeast, across Monterey Road; a U.S. Postal Service office to the southeast; and single-family residences to the west.

Based on the natural environment, occupants of the Alternative 1 site would be subject to potential impacts related to flooding, as well as noise impacts due to the site's proximity to Monterey Road. In addition, the Alternative 1 site could be subject to potential impacts related to air quality, contamination and toxic substances, and explosive and flammable hazards given the site's proximity to the existing fueling station. Construction of Alternative 1 has the potential to result in adverse effects to endangered species due to the existing trees adjacent to the project site and the ruderal grassland habitat on-site. Finally, implementation of Alternative 1 could result in impacts to historic and cultural resources because the site is undeveloped and the potential for subsurface resources to occur on-site is unknown.

#### *Social Concerns*

Based on the location, the Alternative 1 site could be subject to potential environmental justice impacts, specifically related to equal protection from environmental and health hazards and equal access to a healthy environment in which to live, due to the potential impacts related to noise associated with the site's proximity to Monterey Road and the potential impacts related to air quality, contamination and toxic substances, and explosive and flammable hazards associated with the site's proximity to the existing fueling station.

#### *Economic Aspects*

The Alternative 1 site is not owned by the project applicant. Purchase of the Alternative 1 site could render development of the proposed affordable multi-family housing economically infeasible due to the lack of available funding.

#### *Legal Constraints*

Similar to the project site, the Alternative 1 site is designated and zoned MU-F. As such, the Alternative 1 components would be generally consistent with the site's land use and development regulations. However, development of Alternative 1 would require City approval of the various entitlements already obtained by the proposed project as part of the previous CEQA environmental review, including Concessions and Design Waivers in accordance with California Government Code Sections 65915(d)(2)(D) and 65915(e).

#### *Conclusion*

Development of the Alternative 1 site with the proposed uses could expose future residents to potential impacts related to environmental justice, flooding, air quality, contamination and toxic substances, explosive and flammable hazards, and excessive noise that would be equal to or potentially greater than

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<sup>3</sup> Federal Emergency Management Agency. *FEMA's National Flood Hazard Layer (NFHL) Viewer*. Available at: <https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9> cd. Accessed November 2022.

those associated with the proposed project. To address such impacts, development of Alternative 1 would require mitigation measures similar to those set forth in the Environmental Assessment prepared for the proposed project.

## 2. Locate the Project Outside of the Floodplain

Alternative 2 would be constructed to the east of Peak Avenue at the end of Noble Court. Alternative 2 would implement the majority of the proposed project components, including a five-story, multi-family residential building, comprised of 66 units; 68 total on-site surface parking spaces; short-term and long-term bicycle parking; exterior amenities such as a basketball half-court and an outdoor courtyard area; and new utility connections and landscaping improvements. Alternative 2 would not include off-site improvements to Monterey Road. The Alternative 2 site is located within Zone X, which is designated by the FEMA as the 500-year floodplain.<sup>4</sup> Zone X is not a designated by FEMA as a SFHA.

### *Natural Environment*

The Alternative 2 site is currently undeveloped and is comprised of ruderal grasses that are routinely mowed (see Figure 17). Existing uses in the site vicinity include religious institutions to the west. In addition, a stormwater detention basin is located adjacent to the site's western property line, and overhead electrical transmission lines are located along the site's eastern boundary.

Based on the natural environment, occupants of the Alternative 2 site could be subject to potential impacts related to hazards and nuisances, including site safety, given the site's proximity to the transmission lines and detention basin. Construction of Alternative 2 has the potential to result in adverse effects to endangered species due to the existing trees adjacent to the project site and the ruderal grassland habitat on-site. Finally, implementation of Alternative 2 could result in impacts to historic and cultural resources because the site is undeveloped and the potential for subsurface resources to occur on-site is unknown.

### *Social Concerns*

Based on the location, the Alternative 2 site could be subject to potential environmental justice impacts due to potential impacts related to hazards and nuisances, including site safety, given the site's proximity to the transmission lines and detention basin.

### *Economic Aspects*

The Alternative 2 site is not owned by the project applicant. Purchase of the site could render development of the proposed affordable multi-family housing project economically infeasible due to the lack of available funding.

### *Legal Constraints*

The Alternative 2 site is designated Residential Attached Low (six to 16 du/ac) and zoned Residential Attached Low Density. Alternative 2 would result in a density of 43.1 du/ac. As such, the proposed density of Alternative 2 would be inconsistent with the site's existing land use and development regulations, and the alternative would require a General Plan Amendment and Rezone to MU-F. In addition, development

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<sup>4</sup> Federal Emergency Management Agency. *FEMA's National Flood Hazard Layer (NFHL) Viewer*. Available at: <https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9> cd. Accessed November 2022.

of Alternative 2 would require approval by the City of Morgan Hill of the various discretionary actions already obtained by the proposed project as part of the previous CEQA environmental review.

### *Conclusion*

The Alternative 2 site is not designated or zoned to allow for the proposed uses. In addition, development of the Alternative 2 site could expose future residents to potential impacts related to environmental justice, endangered species, historic and cultural resources, and hazards and nuisances, including site safety, that would be equal to or potentially greater than those associated with the proposed project. To address such impacts, development of Alternative 2 would require mitigation measures similar to those set forth in the Environmental Assessment prepared for the proposed project.

### 3. No Action Alternative [24 CFR 58.40(e)]:

Under the No Action Alternative, the proposed project would not be developed, and the project site would remain in its current state. A project proponent could choose to develop the project site in accordance with the site's existing MU-F land use and zoning designations. However, considering that the proposed project is generally consistent with the uses allowed under the site's land use and zoning designations, development of the project site facilitated by the No Action Alternative would likely result in similar potential impacts and require similar mitigation measures as those identified in the Environmental Assessment prepared for the proposed project. For example, because the site is located within Zone AE, any development proposed for the site would be required to comply with the regulations set forth by Morgan Hill Municipal Code Section 15.80.160 and elevate the ground floor of the proposed structure to an elevation of 356.2 feet, which would be above the 355-foot BFE identified by FEMA at the project site. Similarly, future structures built at the project site in accordance with the existing land use and zoning designations would be subject to the City's standard Conditions of Approval to prevent potential impacts to inadvertently discovered cultural resources and nesting and migratory birds and raptors. Thus, development of the site facilitated by the No Action Alternative is not expected to result in substantially fewer impacts relative to those identified for the proposed project.

Finally, the City of Morgan Hill Housing Element provides that the City must strive to ensure that adequate new housing is available to meet the full range of community housing needs, including housing needs related to affordability and accessibility. Should future development of the project site include multi-family housing, such housing may or may not be affordable. Thus, the No Action Alternative could hinder the City's ability to achieve its affordable housing goals identified in the City's General Plan.

### **Summary of Findings and Conclusions:**

The following areas of concern were evaluated and assigned an impact code 1, meaning potentially beneficial impacts are anticipated:

- Employment and Income Patterns.

The following areas of concern were evaluated and assigned an impact code 2, meaning no impact is anticipated:

- Conformance with Plans, Compatible Land Use and Zoning, Scale and Urban Design;
- Soil Suitability, Slope, Erosion, Drainage, Storm Water Runoff.
- Demographic Character Changes, Displacement;
- Environmental Justice;

- Educational and Cultural Facilities;
- Commercial Facilities;
- Health Care and Social Services;
- Solid Waste Disposal, Recycling;
- Waste Water, Sanitary Sewers;
- Water Supply;
- Public Safety - Police, Fire and Emergency Medical;
- Parks, Open Space and Recreation;
- Transportation and Accessibility;
- Unique Natural Features, Water Resources;
- Vegetation, Wildlife;
- Climate Change Impacts; and
- Energy Efficiency.

The following areas of concern were evaluated and assigned an impact code 3, meaning a minor adverse impact, which might require mitigation, is anticipated:

- Hazards and Nuisances including Site Safety and Noise.

#### **Mitigation Measures and Conditions [40 CFR 1505.2(c)]:**

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

<b>Law, Authority, or Factor</b>	<b>Mitigation Measure</b>
City Engineer	Mitigation Measure 1

*Mitigation Measure 1:* During construction activities associated with the proposed project, any compaction required within 25 feet of existing structures adjacent to the project site shall be accomplished by using static drum rollers rather than vibratory compactors/rollers. The aforementioned criteria shall be included in the project improvement plans for review and approval by the City Engineer prior to approval of the improvement plans.

**Determination:**

**Finding of No Significant Impact** [24 CFR 58.40(g)(1); 40 CFR 1508.27]

The project will not result in a significant impact on the quality of the human environment.

**Finding of Significant Impact** [24 CFR 58.40(g)(2); 40 CFR 1508.27]

The project may significantly affect the quality of the human environment.

Preparer Signature:

 \_\_\_\_\_ Date: 9/5/24

Name/Title/Organization: Rod Stinson, Vice President, Raney Planning & Management, Inc.

Certifying Officer Signature:

 \_\_\_\_\_ Date: 10/4/24

Name/Title: Jennifer Carman, Development Services Director, City of Morgan Hill

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).