

**MITIGATION MONITORING AND REPORTING PROGRAM
QUAIL VINEYARDS
MORGAN HILL, CALIFORNIA**

Prepared for the:



Community Development Department
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MITIGATION MONITORING AND REPORTING PROGRAM

INTRODUCTION

The City of Morgan Hill, as Lead Agency under the California Environmental Quality Act (CEQA) and State CEQA Guidelines, has prepared the Final Mitigated Negative Declaration (MND) for the Quail Vineyards Project (proposed project). When a lead agency makes findings on significant effects identified in an MND, it must also adopt a program for reporting or monitoring mitigation measures that were adopted or made conditions of project approval (Public Resources Code [PRC] Section 21081.6[a]; State CEQA Guidelines Sections 15091[d], 15097).

This document represents the mitigation monitoring and reporting program (MMRP) prepared by the City of Morgan Hill for the proposed project. This MMRP includes all measures required to reduce potentially significant environmental impacts to a less-than-significant level. In addition, the MMRP identifies the timing of implementation; the agency responsible for implementing the mitigation; and the agency responsible for monitoring the mitigation. The mitigation measures, timing, and responsibility are summarized in Table 1. The implementation and monitoring of the mitigation measures, in conjunction with the implementation of the City's Standard Measures required for such projects, will ensure the reduction of potentially significant environmental effects to less-than-significant levels.

This MMRP has been prepared by the City of Morgan Hill, with technical assistance from Raney Planning & Management, Inc., an environmental consulting firm. Questions should be directed to Tiffany Brown, Senior Planner, at the City of Morgan Hill.

Contact Information:

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TABLE 1. MITIGATION MONITORING AND REPORTING PROGRAM – SUMMARY OF MITIGATION MEASURES

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility ¹	Timing of Implementation
Prior to Construction			
<p>BIO-1 (IV-1): A southwestern pond turtle survey shall be conducted by a qualified biologist no more than 48 hours prior to construction in the portion of the project site where construction activities overlap within 100 feet of Llagas Creek. The results of the survey shall be submitted to the City of Morgan Hill Development Services Department.</p> <p>If southwestern pond turtles or nests are not found, further mitigation is not necessary. If a southwestern pond turtle is observed within the proposed impact area, a qualified biologist shall relocate the individual to habitat of equivalent or greater value (e.g., riparian wetlands or riparian woodlands adjacent to a perennial creek or intermittent drainage) outside of the proposed impact area prior to construction. If a southwestern pond turtle nest is observed within the proposed impact area, the nest shall be fenced off and avoided until the eggs hatch. The exclusion fencing shall be placed no less than 25 feet from the nest. A qualified biologist shall monitor the nest daily during construction to ensure that hatchlings do not disperse into the construction area. Relocation of hatchlings shall occur as stipulated above, if necessary.</p>	Project Applicant with a Qualified Biologist	City of Morgan Hill Development Services Department	No more than 48 hours prior to construction in the portion of the project site where construction activities overlap within 100 feet of Llagas Creek.
<p>BIO-2 (IV-2): Initial ground-disturbing activities associated with development of the project site (e.g., grading, vegetation removal, staging) should take place between September 1 and March 31 (i.e., outside the colony active period) to avoid potential impacts on special-status bumblebees. If initial ground-disturbing activities does not occur between September 1 and March 31, then at a maximum of 14 days prior to the commencement of construction activities, a qualified biologist with 10 or more years of experience</p>	Project Applicant with a Qualified Biologist	City of Morgan Hill Development Services Department	If initial ground-disturbing activities occur outside of September 1 through March 31, then a maximum of 14 days prior to commencement of construction activities, a preconstruction survey for special-status bumblebees shall be conducted.

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<p>conducting biological resource surveys within California shall conduct a preconstruction survey for special-status bumblebees in the area(s) proposed for impact.</p> <p>The survey shall occur during the period from one hour after sunrise to two hours before sunset, with temperatures between 65 degrees Fahrenheit and 90 degrees Fahrenheit, with low wind and zero rain. If the timing of the start of construction makes the survey infeasible due to the temperature requirements, the surveying biologist shall select the most appropriate days based on the National Weather Service seven-day forecast and shall survey at a time of day that is closest to the temperature range stated above. The survey duration shall be commensurate with the physical extent of suitable floral resources (which represent foraging habitat) present within the area proposed for impact, and the level of effort shall be based on the metric of a minimum of one person-hour of searching per three acres of suitable floral resources/foraging habitat. A meandering pedestrian survey shall be conducted throughout the area proposed for impact in order to identify patches of suitable floral resources.</p> <p>Suitable floral resources for Crotch's bumblebee include species in the following families: Apocynaceae, Asteraceae, Boraginaceae, Fabaceae, and Lamiaceae. Suitable floral resources for western bumblebee include species in the following families: Asteraceae, Fabaceae, Rhamnaceae, and Rosaceae, as well as plants in the genera Eriogonum and Penstemon.</p> <p>At a minimum, preconstruction survey methods shall include the following:</p>			

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<ul style="list-style-type: none"> Search areas with floral resources for foraging bumblebees. Observed foraging activity may indicate a nest is nearby, and therefore, the survey duration shall be increased when foraging bumblebees are present; If special-status bumblebees are observed, watch any special-status bumblebees present and observe their flight patterns. Attempt to track their movements between foraging areas and the nest; Visually look for nest entrances. Observe burrows, any other underground cavities, logs, or other possible nesting habitat; If floral resources or other vegetation preclude observance of the nest, small areas of vegetation may be removed via hand removal, line trimming, or mowing to a height of a minimum of four inches to assist with locating the nest; Look for concentrated special-status bumblebee activity; Listen for the humming of a nest colony; and If bumblebees are observed, attempt to photograph the individual and identify it to species. <p>The biologist conducting the survey shall record when the survey was conducted, a general description of any suitable foraging habitat/floral resources present, a description of observed bumblebee activity, a list of bumblebee species observed, a description of any vegetation removed to facilitate the survey, and their determination of if survey observations suggest a special-status bumblebee nest(s) may be present or if construction activities could result in take of special-status bumblebees. The report shall be submitted to the</p>			

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Morgan Hill Development Services Department prior to the commencement of construction activities.			
If bumblebees are not located during the preconstruction survey or the bumblebees located are definitively identified as a common species (i.e., not special-status species), then further mitigation or coordination with the California Department of Fish and Wildlife (CDFW) is not required.			
If any sign(s) of a bumblebee nest is observed, and if the species present cannot be established as a common bumblebee, then construction shall not commence until either (1) the bumblebees present are positively identified as common (i.e., not a special-status species), or (2) the completion of coordination with CDFW to identify appropriate mitigation measures, which may include, but not be limited to, waiting until the colony active season ends, establishment of nest buffers, or obtaining an Incidental Take Permit (ITP) from CDFW.			
BIO-3 (IV-3): Construction activities shall be scheduled to avoid the nesting season for most birds in Santa Clara County (February 1 through August 31). If construction activities are scheduled to take place outside the nesting season, all impacts to nesting birds protected under the MBTA and California Fish and Game Code would be avoided.	Project Applicant with a Qualified Biologist	City of Morgan Hill Development Services Department	If construction activities are scheduled to take place outside the nesting season (February 1 through August 31), a preconstruction survey for nesting birds shall be conducted.
If construction activities and/or tree removal are proposed during nesting season (February 1 to August 31), a preconstruction survey for nesting birds and other protected migratory birds shall be conducted by a qualified ornithologist, consistent with conditions set forth by the SCVHP to ensure that nests are not disturbed during project implementation. The survey			

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<p>shall be submitted to the City of Morgan Hill Development Services Department for review no more than seven days prior to the start of construction.</p> <p>The survey shall be conducted no more than seven days prior to the initiation of demolition or construction activities, including tree removal and pruning. During this survey, the ornithologist shall inspect all trees and other potential nesting habitats (e.g., trees, shrubs, ruderal grasslands, buildings) in and immediately adjacent to the impact areas for nests. If an active nest is observed during the survey, the ornithologist shall determine the extent of a construction-free buffer zone to be established around the nest (typically 300 feet for raptors and 100 feet for other species), to ensure that no nests of species protected by the MBTA and California Fish and Game Code shall be disturbed during project implementation.</p>			
<p>BIO-4 (IV-4): The project applicant shall obtain a Tree Removal Permit prior to the removal of any Ordinance Sized Trees as defined by the City. The project applicant shall mitigate for the removal of the Ordinance Sized Trees located within the project site, as identified in the Arborist Report prepared by Monk Smith Tree Specialists, Inc. for the proposed project, by providing an on-site replacement planting at a minimum 1:1 ratio with 15-gallon minimum size trees.</p> <p>For the Ordinance Sized Trees to be preserved as part of the project, the project applicant shall implement Tree Preservation Recommendations, including, but not limited to, the following</p> <ul style="list-style-type: none"> Include tree identification numbers, protection fence locations, and preservation and guidelines on all the project plans, or 	Project Applicant	City of Morgan Hill Development Services Department	The measures shall be included in the notes on construction drawings, prior to initiation of construction.

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<p>alternatively create a separate plan sheet that includes all tree protection measures labeled “T-1 Tree Protection Plan;”</p> <ul style="list-style-type: none"> • Place a protection fence around the trees to be retained at a radius of eight times the diameter at breast height (DBH); • Install temporary irrigation or soaker hoses in the Tree Protection Zones (TPZs); • Monitor watering times or amounts to ensure adequate soil saturation; • All tree maintenance and care shall be performed by a qualified arborist with a C-61/D-49 California Contractors License. Tree maintenance and care shall be specified in writing according to American National Standard for Tree Care Operations: Tree, Shrub and Other Woody Plant Management: Standard Practices parts 1 through 10 and adhere to ANSI Z133.1 safety standards and local regulations. All maintenance is to be performed according to ISA Best Management Practices; • Implement general tree protection guidelines including recommendations for arborist assistance while working under trees, trenching, or excavation within a tree’s drip line or designated TPZ/Critical Root Zone (CRZ); • Provide a copy of the Arborist Report to all contractors and project managers, including the architect, civil engineer, and landscape designer or architect; and • Arrange a pre-construction meeting with the project arborist or landscape architect to verify tree protection is in place, with the correct materials, and at the proper distances. 			

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The above measures shall be included in the notes on construction drawings, subject to review and approval by the City of Morgan Hill Development Services Department, prior to initiation of construction.			
BIO-5 (IV-5): Prior to issuance of a grading permit for the proposed project, the owner or designee shall pay the Santa Clara Valley Habitat Plan per-acre fee in effect for the appropriate fee zone of the project site, as determined by the Santa Clara Valley Habitat Agency, in compliance with Section 18.132.050 of the Morgan Hill Municipal Code.	Project Applicant	City of Morgan Hill Development Services Department	Prior to issuance of a grading permit.
GEO-1 (VII-1): Prior to approval of any grading permits, the project Civil Engineer shall show on the project plans that the project design adheres to all engineering recommendations provided in the site-specific Geologic Hazard Evaluation and Soil Engineering Study prepared for the proposed project by Earth Systems Pacific. Proof of compliance with all recommendations specified in the Geologic Hazard Evaluation and Soil Engineering Study shall be subject to review and approval by the City Engineer.	Project Applicant with a Civil Engineer	City of Morgan Hill Development Services Department City Engineer Qualified Geotechnical Engineer	Prior to approval of any grading permits.
The project plans shall include, but not be limited to, engineering recommendations related to site preparation and grading, utility trench excavation, backfill, foundations, concrete slab-on-grade floors, exterior concrete flatwork, pavement areas, and project review and construction monitoring.			
The site demolition activities shall also specify that any trees; aboveground structures; and underground structures, such as abandoned utility and/or irrigation lines, septic tanks, and leach fields, encountered during demolition and construction shall be properly removed, all excavations left open for backfilling, and			

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loose material created by the demolition of existing structures should be excavated and replaced as engineered fill.	Project Applicant and Licensed Contractor	Morgan Hill Building Division Santa Clara County Department of Environmental Health	Prior to issuance of a grading permit.
HAZ-1 (IX-1): Prior to issuance of a grading permit, the project applicant shall hire a licensed contractor to obtain the applicable abandonment permit from Santa Clara County Department of Environmental Health (SCCDEH) and the City of Morgan Hill, and properly abandon the on-site septic system for review and approval by the SCCDEH and the City of Morgan Hill Building Division.	Project Applicant and Licensed Contractor	Morgan Hill Building Division Santa Clara County Department of Environmental Health	Prior to issuance of a grading permit.
HAZ-2 (IX-2): Prior to the issuance of a grading permit, a well permit shall be obtained from the Santa Clara Valley Water District (SCVWD) for the removal of the existing cistern-type water supply well. Following approval of the well permit, the well removal must be in accordance with County and State regulations and in cooperation with the SCVWD. Proof of compliance shall be submitted to the City of Morgan Hill Building Division.	Project Applicant and Licensed Contractor	Morgan Hill Building Division Santa Clara County Department of Environmental Health	Prior to issuance of a grading permit.
HAZ-3 (IX-3): Prior to issuance of a demolition permit for any on-site structure, the Developer shall consult with certified Asbestos and/or Lead Risk Assessors to complete a visual inspection/pre-demolition survey, and possible sampling, to determine whether any structures to be demolished contain lead-based paint (LBP), asbestos, mercury, or polychlorinated biphenyl caulk. Sampling shall be conducted in accordance with the California Department of Toxic Substances Control's 2006 Interim Guidance Evaluation of School Sites with Potential Contamination from Lead based Paint, Termiteicides, and Electrical Transformers. The report shall be submitted for review to the Building Department.	Project Applicant and Certified Asbestos and/or Lead Risk Assessor	Morgan Hill Building Division	Prior to issuance of a demolition permit.

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<p>If asbestos-containing materials or lead-containing materials are not discovered during the survey, further mitigation related to asbestos-containing materials or lead-containing materials shall not be required. If asbestos-containing materials and/or lead-containing materials are discovered by the survey, the project applicant shall prepare a work plan to demonstrate how all building materials containing LBP, asbestos, mercury, or polychlorinated biphenyl caulk shall be removed in accordance with current California Occupational Health and Safety Administration (Cal/OSHA) regulations and disposed of in accordance with all CalEPA regulations, prior to the demolition and/or removal of the on-site structures. The plan shall include the requirement that work shall be conducted by a Cal/OSHA registered asbestos and lead abatement contractor in accordance with Cal/OSHA Lead in Construction Standard Title 8, CCR 1529 and Title 8, CCR 1532.1 including employee training, employee air monitoring, and dust control.</p>			
<p>If asbestos is found, all construction activities shall comply with all requirements and regulations promulgated through the National Emission Standards for Hazardous Air Pollutants (NESHAP). The demolition contractor shall be informed that all paint on the buildings shall be considered as containing lead and/or asbestos. The contractor shall follow all work practice standards set forth in the Asbestos National Emission Standards for Hazardous Air Pollutants (Asbestos NESHAP, 40 CFR, Part 61, Subpart M) regulations, as well as Section V, Chapter 3 of the OSHA Technical Manual. All potentially friable asbestos-containing materials shall be removed in accordance with NESHAP guidelines prior to any building demolition or renovation that may disturb the</p>			

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<p>materials. A registered asbestos abatement contractor shall be retained to remove and dispose of asbestos-containing materials identified in the asbestos survey performed for the site in accordance with the standards stated above. The applicant shall submit the work plan to the City for review and approval. The City has the right to defer the work plan to the Santa Clara County Department of Environmental Health for additional review. Materials containing more than one (1) percent asbestos that is friable are also subject to BAAQMD regulations. Removal of materials containing more than one (1) percent friable asbestos shall be completed in accordance with BAAQMD Section 11-2-303.</p>			
Prior to Issuance of a Building Permit			
<p>TRA-1 (XVII-1): The project applicant shall implement the following CAPCOA VMT reduction strategies to reduce the number of vehicle trips that would be generated by future residents, subject to review and approval by the City Engineer. The timing for each strategy is set forth below:</p>	<p>Project Applicant</p>	<p>City of Morgan Hill Development Services Department</p>	<p>Prior to resident occupancy (#1).</p>
<p>1) <i>Community-based travel planning (CAPCOA Handbook Strategy T-23)</i></p>			
<p>Prior to resident occupancy, the project applicant shall partner with a CBTP service provider such as the Santa Clara Valley Transportation Authority (VTA) or the City of Morgan Hill and ensure that CBTP services are available to project residents.</p>	<p>City Engineer</p>	<p>Prior to issuance of a building permit (#2).</p>	
<p>According to CAPCOA, this strategy would reduce project-generated residential VMT per capita by 2.28 percent.</p>			

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2) <i>Extend Transit Network Coverage or Hours (CAPCOA Handbook Strategy T-25)</i>	Prior to issuance of a building permit, the project applicant shall pay a fee of \$4,800 per residential unit (\$4,800 x 14 residential units = \$67,200), which would support the City's current MoGo or future rideshare service for current and future use up to 20 years. The project applicant would be required to fund the construction of a 0.711-mile expansion of a rideshare service through the new completed road with up to two rideshare stops (one located near Watsonville Road, and one near Secretariate Way and Santa Teresa intersection to be reviewed by the City Civil Engineer). The rideshare stop(s) shall be installed and operational prior to certificate of occupancy of the first residence. According to CAPCOA, this strategy would reduce project-generated residential VMT per capita by 2.71 percent.		
During Construction			
NOI-1 (XIII-1): Noise-generating construction activities associated with the proposed project shall only occur within the hours identified in Municipal Code Section 8.28.040(D). The above language shall be included on final project improvement plans prior to issuance of a grading permit by the City of Morgan Hill Development Services Department.	Project Applicant with Construction Contractor	City of Morgan Hill Development Services Department	Included on final project improvement plans prior to issuance of grading permits, and implemented during construction.
NOI-2 (XIII-2): The following measures shall be implemented during project construction:	Project Applicant with Construction Contractor	City of Morgan Hill Development Services Department	These requirements shall be included via notation on project grading plans, subject to review and approval by the

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<ul style="list-style-type: none"> • All noise-producing project equipment and vehicles using internal-combustion engines shall be equipped with manufacturers-recommended mufflers and be maintained in good working condition; • All mobile or fixed noise-producing equipment used on the project site that are regulated for noise output by a federal, State, or local agency shall comply with such regulations while in the course of project construction; • Electrically powered equipment shall be used instead of pneumatic or internal-combustion-powered equipment, where feasible; • Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors; • Project area and site access road speed limits shall be established and enforced during the construction period; and • Nearby residences shall be notified of construction schedules so that arrangements can be made, if desired, to limit their exposure to short-term increases in ambient noise levels. <p>The above requirements shall be included via notation on project grading plans, subject to review and approval by the Development Services Department prior to issuance of a grading permit.</p>			Development Services Department prior to issuance of a grading permit.
TRA-2 (XVII-2): Prior to issuance of demolition or grading permits, the project applicant shall prepare and submit a Traffic Control Plan to the City for review and approval. The Traffic Control Plan shall include, but	Project Applicant with Construction Contractor	City of Morgan Hill Development Services Department	Prior to issuance of demolition or grading permits.

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<p>not necessarily be limited to, the following items, to the satisfaction of the City Engineer:</p> <ul style="list-style-type: none"> • Truck drivers shall be notified of and required to use the most direct route between the site and U.S. Route (US) 101, as determined by the City Engineering Department; • All site ingress and egress shall occur only at the main driveways to the project site and construction activities may require installation of temporary (or ultimate) traffic signals as determined by the City Engineer; • Specifically-designated travel routes for large vehicles shall be monitored and controlled by flaggers for large construction vehicle ingress and egress; • Warning signs indicating frequent truck entry and exit shall be posted on Watsonville Road and Santa Teresa Boulevard; • Any debris and mud on nearby streets caused by trucks shall be monitored daily and may require instituting a street cleaning program; • Construction employee parking shall be provided on the project site to eliminate conflicts with nearby areas. Construction of the project shall be staggered so that employee parking demand is met primarily by using on-site parking; and • If importation and exportation of material becomes a traffic nuisance, the City Engineer shall limit the hours the activities can take place. 		City Engineer	

¹ The City of Morgan Hill may hire a qualified contractor to conduct mitigation monitoring.

FINDING

The City of Morgan Hill Development Services Director hereby finds that the proposed project could have a significant effect on the environment; however, there would not be a significant effect in this case because mitigation measures included above and described in the MND are included in the project.

Jennifer Carman
Development Services Director

Date: _____