CITY OF MORGAN HILL

Regular Meeting Agenda

Planning Commission

LIAM DOWNEY	-	*CHAIR*
PAUL LAKE	-	*VICE-CHAIR*
MOHAMMAD HABIB	-	*PLANNING COMMISSIONER*
MALISHA KUMAR	-	*PLANNING COMMISSIONER*
JAMES WILSON	-	*PLANNING COMMISSIONER*
JOSEPH MUELLER	-	*PLANNING COMMISSIONER*
WAYNE TANDA	-	*PLANNING COMMISSIONER*

Tuesday, February 25, 2025 7:00 PM

Council Chamber Building
17555 Peak Avenue, Morgan Hill, CA 95037

MEETING PARTICIPATION

Morgan Hill Planning Commission meetings are held in person. The community may attend in person or via Zoom (video/teleconference). The meetings are also live-streamed on the City's website, Facebook page, and Channel 17.

Those wishing to participate in the meetings remotely must register in advance at https://bit.ly/PlanningCommissionMtg. Additionally, Zoom participants must be running the latest version or will be required to update to the latest version before being able to join the meeting remotely.

Remote participation is also available by calling (669) 900-9128 and entering webinar id: 862 0324 6251#. Dial *9 to raise your hand, and be called upon to speak for up to 3 minutes. Dial *6 to unmute.

As a courtesy, and technology permitting, for members who attend online, the City cannot guarantee that the public's access to online technology will be uninterrupted, and technical difficulties may occur from time to time. Unless required by the Ralph M. Brown Act, the meeting will continue despite technical difficulties for participants using the online option.

PUBLIC COMMENT

Public comment may be offered verbally at the meeting or in writing before the meeting.

Those attending remotely may only offer public comment for items on the agenda in any of these three categories:

- Consent Calendar
- Other Business
- Public Hearings

Public comment will be heard from those attending in person first with the submission of a speaker card. Once that is complete, we will move to those on Zoom that have their hand raised. Following public comment from Zoom, we will close the public comment period for that item.

Remote public comment for items not on the agenda will not be accepted.

Written public comment may be submitted to the Planning Office:

- In person at the Planning Commission Meeting;
- Via email to pcpubliccomment@morganhill.ca.gov; or
- Hand delivered or mailed to the Planning Division at 17575 Peak Avenue, Morgan Hill, CA 95037

Please email your comments to the Planning Office no later than 3:00 p.m. on Monday (the day before the Planning Commission meeting) so that your comments can be submitted to the members of the Planning Commission with sufficient time to review them. You may continue to provide written comments up to noon on Tuesday (the day of the meeting), although Planning Commissioners may not have sufficient time to review them before the meeting. Public comments submitted to the Planning Division after noon (12:00 p.m.) the day of the meeting will be provided to the Planning Commission as time allows.

Written comments WILL NOT be read aloud during the Planning Commission Meeting. Please note that written comments are posted on the City's website. It is recommended that you do not include any personal information that you do not want to be posted on the web. Please be advised that communications directed to the Planning Commission are public records and are subject to disclosure pursuant to the California Public Records Act and Brown Act unless exempt from disclosure under the applicable law. Communications will NOT be edited for redactions and will be printed/posted as submitted.

AMERICANS WITH DISABILITIES ACT (ADA)

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the Planning Office at (408) 310-4709 or by email at planning@morganhill.ca.gov. Requests must be made as early as possible and at least two full business days before the start of the meeting.

CALL TO ORDER

ROLL CALL ATTENDANCE

DECLARATION Of POSTING

Pursuant to Government Code Section 54954.2

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Members of the public are entitled to address the Planning Commission concerning any item within the Morgan Hill Planning Commission's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the Commission is prohibited from discussing or taking action on any item not appearing on the posted agenda. (See additional noticing at the end of this agenda)

ORDERS OF THE DAY

PUBLIC HEARINGS

1. **SD2024-0003/EA2024-0003: DIANA - DIVIDEND: REQUEST FOR A TENTATIVE SUBDIVISION MAP OF AN EXISTING 3.05-ACRE SITE FOR THE DEVELOPMENT OF 23 LOTS TO CONSTRUCT 23 DETACHED SINGLE-FAMILY RESIDENCES LOCATED AT 730 & 760 DIANA AVENUE (APN: 726-06-013 & 726-06-015)**

   Recommendation:

   1. Open/close public hearing; and
   2. Adopt a Resolution approving a Tentative Subdivision Map for the future development of a single-family detached residential project consisting of 23 residences.

DIRECTOR'S REPORT/ANNOUNCEMENTS

ADJOURNMENT

NOTICE

Any documents produced by the City and distributed to the majority of the Planning Commission less than 72 hours prior to an open meeting, will be made available for public inspection at the front counter at City Hall located at 17575 Peak Avenue, Morgan Hill, CA, 95037 and at the Morgan Hill Public Library located at 660 West Main

Avenue, Morgan Hill, California, 95037 during normal business hours. (Pursuant to Government Code 54957.5)

PUBLIC COMMENT

Members of the Public are entitled to directly address the Planning Commission concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address the Planning Commission on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Council Chambers and deliver it to the Minutes Clerk prior to discussion of the item. You are not required to give your name on the speaker card in order to speak to the Planning Commission, but it is very helpful. When you are called, proceed to the podium and the Chair will recognize you. If you wish to address the Planning Commission on any other item of interest to the public, you may do so during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.

Please submit written correspondence to the Minutes Clerk, who will distribute correspondence to the Planning Commission.

Persons interested in proposing an item for the Planning Commission agenda should contact a member of the Commission who may plan an item on the agenda for a future Commission meeting. Should your comments require Planning's action, your request may be placed on the next appropriate agenda. Planning Commission discussion or action may not be taken until your item appears on an agenda. This procedure is in compliance with the California Public Meeting Law (Brown Act) Government Code §54950.

City Council Policies and Procedures (CP 03-01) outlines the procedure for the conduct of public hearings. Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the Commission at, or prior to the Public Hearing on these matters.

The time within which judicial review must be sought of the action by the Commission, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

For a copy of Commission Policies and Procedures CP 97-01, please contact the City Clerk's office (408) 779-7259, (408) 779-3117 (fax) or by email cityclerk@morganhill.ca.gov.

CITY OF MORGAN HILL

PLANNING COMMISSION STAFF REPORT
MEETING DATE: February 25, 2025

PREPARED BY:
Roshni Saxena, Assistant Planner
APPROVED BY: Jennifer Carman

SD2024-0003/EA2024-0003: DIANA - DIVIDEND: REQUEST FOR A TENTATIVE SUBDIVISION MAP OF AN EXISTING 3.05-ACRE SITE FOR THE DEVELOPMENT OF 23 LOTS TO CONSTRUCT 23 DETACHED SINGLE-FAMILY RESIDENCES LOCATED AT 730 & 760 DIANA AVENUE (APN: 726-06-013 & 726-06-015)

RECOMMENDATION(S)

1. Open/close public hearing; and
2. Adopt a Resolution approving a Tentative Subdivision Map for the future development of a single-family detached residential project consisting of 23 residences.

LOCATION MAP/PROJECT INFORMATION:

1.	Location:	Located east of Cayman Street at 730 & 760 Diana Avenue (APN: 726-06-013 & 726-06-015)
2.	Site Area:	3.05-acres
3.	General Plan:	Residential Detached Medium
4.	Zoning:	Residential Detached Medium (RDM)

BACKGROUND:

The 3.05-acre site (APNs 726-06-013 and a portion of -015) is developed with three single-family residences and associated accessory structures.

On November 6, 2024, the City Council approved the request for one concession and 18 waivers related to undergrounding utility lines, lot size, street widths/connections/grading, sidewalks, open space, and other design standards from the City's Objective Development Standards for residential development (Link to staff report provided here).

PROJECT DESCRIPTION:

The Diana - Dividend Residential Project is a development proposed at 730 and 760 Diana Avenue. The proposal consists of subdividing the site into 23 lots to allow for the development of 23 single-family residences, for a density of 7.5 du/acre. The site would be accessed off Diana Avenue and designed to plan for future connection to Walnut Grove Drive.

The project would include the demolition of all existing on-site structures and the removal of 47 trees to allow for the subdivision of the site and the development of 23 new two-story single-family residences on lots ranging from 2,896 sf to 4,259 sf. If approved, the next step would be a Design Permit which is publicly noticed with approval authority at the administrative level. As proposed, each residence would range from 2,536 sf to 3,116 sf and would include three to four bedrooms, a private driveway and two-car garage, and a private backyard with associated on and off-site improvements including planting replacement trees. Three of the residences would be designated as moderate-income for-sale units. The maximum height of the residential units would be 29-feet and eight-inches.

Site Description

The project site is a 3.05-acre site located on the south side of Diana Avenue between Rosemary Circle and James Lex Lane. The site is currently developed with a variety of structures and features including three single-family residences, two ancillary buildings, a barn, and a utility shed. The site includes 49 existing trees located throughout the project site, 47 of which are proposed for removal. Of the 47 trees proposed for removal, 22 are protected under the City's Municipal Code due to species and/or size. An Arborist Report has been provided, and a Tree Removal Permit with replacement trees will be required as part of the project entitlements.

Surrounding Uses

	General Plan Land Use	Zoning	Existing Use
North	Residential Detached Medium (RDM)	Residential Detached Medium Density (RDM -7,000)	Single-family residences
South	Residential Attached Medium (RAM); General Commercial (CG) to the southeast	Residential Attached Medium (RAM); General Commercial (GC) to the southeast	Undeveloped land, Trader Joe's to the southeast
East	Residential Detached Medium Density (RDM)	Residential Detached Medium Density (RDM -7,000)	Single-family residences
West	Residential Detached Medium Density (RDM)	Residential Detached Medium Density (RDM -7,000)	Single-family residences

PROJECT ANALYSIS AND FINDINGS:

ANALYSIS

The proposed project was analyzed with respect to conformance with: 1) Morgan Hill 2035 General Plan; 2) Zoning Ordinance and Subdivision Findings; and 3) California Environmental Quality Act (CEQA).

1. General Plan Land Use Consistency

The site has a General Plan land use designation of Residential Detached Medium Density, supporting up to 7-dwelling units per acre. The maximum allowable base density for the project site is 22 dwelling units. Under State Density Bonus Law (DBL), the project can propose 24 dwelling units. The project is proposing 23 single-family detached dwelling units.

Goal CNF-2 An improved, orderly, and efficient pattern of urban development.

Consistent: The proposed project would allow for the development of an in-fill site that is surrounded by existing residential uses.

Policy CNF-2.1 Orderly Development. Promote the orderly development of the City, with concentric growth and infill of existing developed areas.

Consistent: The proposed project would be developed on an infill site that is surrounded by primarily existing developed areas. The project site is surrounded by existing developed residential areas with a commercial center to the south.

Goal CNF-10 A variety of housing types and densities available to all residents.

Consistent: In addition to adding medium density homes on a variety of lot sizes to the community and City's housing supply, the project will provide 3 units (13%) to be restricted for-sale to qualified moderate-income buyers and will comply with the City Inclusionary Housing Ordinance.

Policy CNF-10.6 Density Near Infrastructure. Encourage higher residential densities at locations where convenient access and adequate infrastructure is readily available.

Consistent: The project proposes an additional dwelling unit, maintaining the 'medium density,' and is located on Diana Avenue, which has adequate utility service and infrastructure available around the project site.

2. Zoning Ordinance Consistency

The project was reviewed for compliance with development standards and approved waivers. Below is a table summarizing compliance.

Table 1-Zoning Consistency Summary

Development Standard	Requirement	Proposed	Consistency
Lot Area	7,000 sf (corner lot); 7,500 sf	+/- 2,948 sf	No; Waiver Granted
Lot Depth	85'	+/- 3,838 sf	No; Waiver Granted
Lot Width	40' (corner lot); 60'	37'	No; Waiver

			Granted
Lot Coverage	50%	55%	No; Waiver Granted
Private Open Space	375'	Varies; meets min. requirement	Yes
Common Open Space	3,281.25'	None	No; Waiver Granted

Tentative Subdivision Map

Parking & Circulation

Each unit would include a private garage, containing two cars per residence, for a total of 46 covered spaces. In addition, 20 of the proposed residences would include two additional driveway parking spaces. A total of 10 on-street spaces for additional guest parking would be provided on-site, including one ADA compliant space.

Vehicular access to the project site would be provided by an extension of Cayman Street from Diana Avenue located in the northwestern corner of the project site. This access to the project site would be provided from Diana Avenue by way of a proposed 34-foot wide extension of Cayman Street. In the southern corner of the project site, the Cayman Street extension would connect to a 20-foot wide private street that would provide access to the residential lots in the central and eastern portions of the project.

The private street would terminate at Lot 17, where a gated easement for an off-site public water line would extend from Lot 17 to Diana Avenue. The private street would include a ”hammerhead” turnaround for emergency vehicle uses. The proposed internal roadway improvements would include curb, gutter, sidewalk, and parking improvements. In addition, access to Lot 1 would be provided directly from Diana Avenue.

The Cayman Street extension, located along the western boundary of the project site, would connect to a 20-foot wide private street, which would be located along the street’s eastern boundary and within the southern portion of the site. The proposed private street and Cayman Street extension would connect in the southern corner of the project site.

Utilities, Stormwater, & Flood Control

Water and sewer services will be provided by the City through connections to the existing water and sewer mains located in Diana Avenue. A public water line would be installed within an easement from Diana Avenue to Lot 17. Each proposed unit would connect to the City’s water and sewer systems through separate, newly installed service laterals. Electricity service for the proposed project would be provided by Pacific Gas & Electric Company (PG&E) by way of existing electrical infrastructure in the project vicinity. The project would not use natural gas, as natural gas is prohibited in all new construction, pursuant to Morgan Hill Municipal Code Chapter 15.63.

The project will be required to submit and comply with a Stormwater Management Plan. There will be new stormwater facilities to provide water quality treatment and peak management at the pre-project levels across nine drainage management areas (DMAs). Once captured and treated, stormwater from the DMAs would be directed to on-site storm drain lines, before being released to the City’s stormwater system through manholes located along the proposed Cayman Street extension and Diana Avenue. Additionally, two detention ponds would be located in the southern corners of the site to help capture and treat on-site runoff. The runoff from the two detention basins

would outfall into the undeveloped land to the south of the project site.

Finding:
That the proposed subdivision, together with its provisions for its design and improvements, is consistent with applicable general or specific plans adopted by the city.

The Tentative Subdivision Map entitled "730 & 760 Diana Avenue Tentative Map" submitted by Dividend Homes, Inc. dated July 1, 2024, attached as Exhibit A has been designed consistent with the City's General Plan, considering neighborhood circulation patterns and providing future connections.

CONCLUSION:
The project has been found to be consistent with the General Plan and Zoning Code, with development standards deviations permitted through State Density Bonus Law. Staff recommends the Planning Commission approve the Tentative Subdivision Map.

CEQA (California Environmental Quality Act):
The City has determined that the project is exempt from further environmental review. The proposed project was evaluated through a Modified Initial Study consistent with California Environmental Quality Act (CEQA) Section 15183 and Government Code Sections 65915 through 65918. As set forth by Sections 15168 and 15183 of the CEQA Guidelines, a program EIR (the City's General Plan EIR) serves as a basis for the Modified Initial Study to determine if project-specific impacts would occur that are not adequately covered in the previously certified EIR.

Based upon 15183(f), this Modified Initial Study has identified the Morgan Hill General Plan policies and actions that apply to the development of the project, and have been determined in the General Plan EIR to substantially mitigate environmental effects. To the extent that the General Plan policies and/or actions substantially mitigate a particular project impact, the impact shall not be considered peculiar (Attachment 3, page 7), pursuant to 15183(f), thus, eliminating the requirement for further environmental review.

COMMUNITY ENGAGEMENT:
The project was publicly noticed by mail to property owners within 300 feet of the project site. Newspaper legal noticing and site signage were posted at the project site pursuant to Planning Division requirements.

ATTACHMENTS:
1. Tentative Map Resolution - Diana Dividend
2. Tentative Parcel Map
3. Conditions of Approval SD2024-0003 Diana - Dividend_Engineering Tentative Map
4. Diana Dividend Initial Study CEQA Checklist

RESOLUTION NO. 25-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL APPROVING A 23-LOT TENTATIVE SUBDIVISION MAP ON A 3.05-ACRE SITE, FOR PROPERTY LOCATED ON 730 DIANA AVENUE AND 760 DIANA AVENUE (726-06-013 & 726-06-15)

WHEREAS, on, February 15, 2024, Dividend Homes, Inc., submitted an application for a 23-lot Tentative Subdivision Map to develop 23 single-family residential units on an approximately 3.05-acres site (SD2024-0003/EA2024-0003: Diana - Dividend; and

WHEREAS, On November 6,2024 the City Council approved the request for one concession and 18 waivers related to undergrounding utility lines, lot size, street widths, street connections, street grading, sidewalks, open space, and other design standards from the City's Objective Development Standards for residential Development; and

WHEREAS, the project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the Development Services Director has determined that the project is exempt from further environmental review pursuant to Section 15183 of the CEQA Guidelines; and

WHEREAS, such request was considered by the Planning Commission at their regular meeting of February 25, 2025; and

WHEREAS, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:

SECTION 1. Recitals

The Planning Commission has considered the full record before it, which may include but not limited to such things as the staff report, public testimony, and other materials and evidence submitted or provided. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. California Environmental Quality Act Finding

Finding: A Modified Initial Study/15183 Checklist prepared for the Project has been completed in compliance with CEQA Guidelines Section 15183 and the project is exempt from further environmental review consistent with state and local guidelines

implementing CEQA.

SECTION 3. Tentative Subdivision Map Finding

Finding: The Planning Commission finds that the proposed subdivision, together with its provisions for its design and improvements, is consistent with applicable general or specific plans adopted by the city.

The Tentative Subdivision Map entitled "730 & 760 Diana Avenue Vesting Tentative Map" submitted by Dividend Homes, Inc. dated July 1, 2024, attached as Exhibit A has been designed consistent with the City's General Plan, considering neighborhood circulation patterns and providing future connections.

SECTION 4. The Planning Commission approves the Tentative Subdivision Map "Exhibit A" and as conditioned and incorporated herein as "Exhibit B".

PASSED AND ADOPTED THIS 25th DAY OF FEBRUARY 2025, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

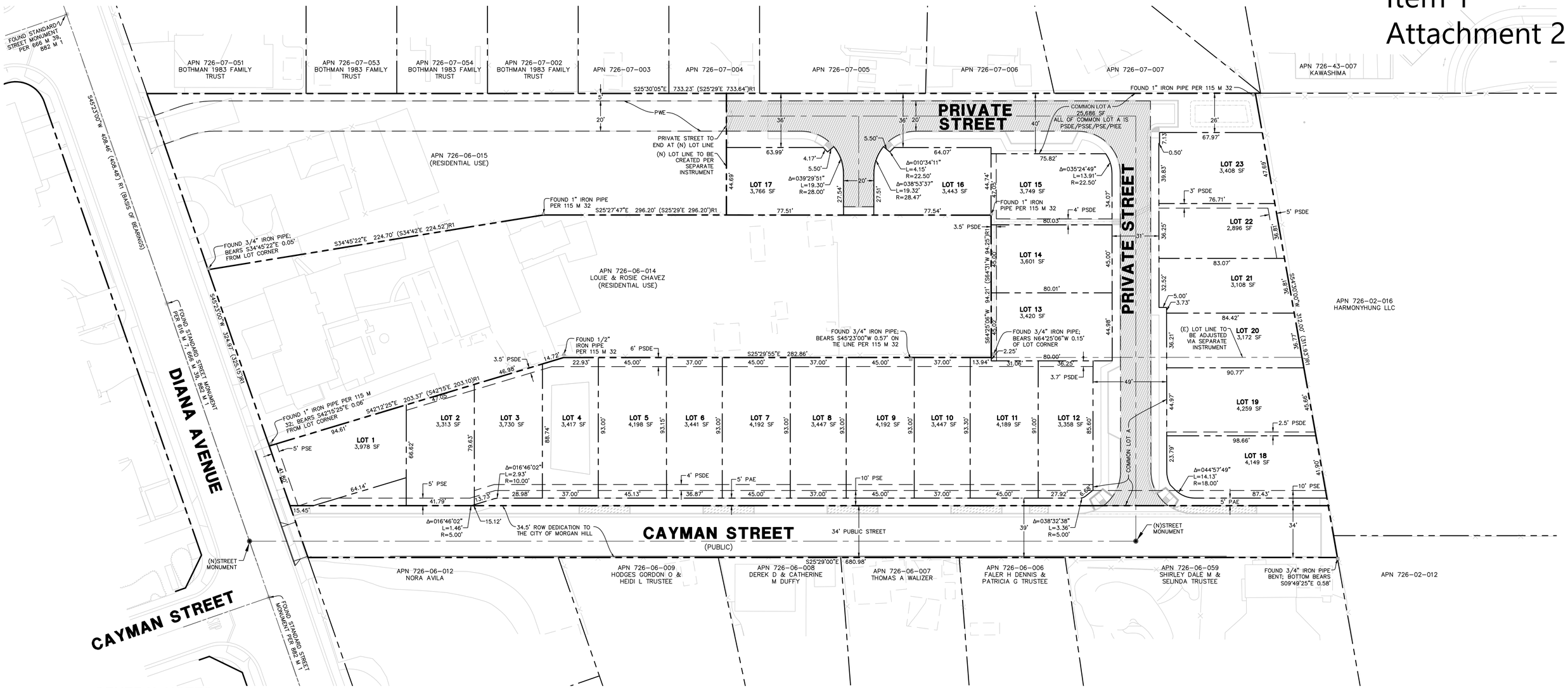
AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:
ABSENT: COMMISSIONERS:

ATTEST: **APPROVED:**

JENNA LUNA, Deputy City Clerk **LIAM DOWNEY, Chair**



GENERAL NOTES

1. OWNER: DIANA AVENUE INVESTORS, LLC
2. DEVELOPER: DIANA AVENUE INVESTORS, LLC
   385 WOODVIEW AVENUE, SUITE 100
   MORGAN HILL, CA 95037
   CONTACT: JOSHUA VROTSOS
   (408) 779-5900
3. CIVIL ENGINEER: BKF ENGINEERS
   1730 N. FIRST STREET
   SAN JOSE, CA 95112
   CONTACT: PHONG KIET
   (408) 467-9100
4. PROPERTY DESCRIPTION: A NEW 23 R-1 SINGLE FAMILY HOMES PROJECT LOCATED ON A 3.05± ACRE SITE
5. ASSESSORS PARCEL NO: 726-06-013, 726-06-015
6. GENERAL PLAN: RESIDENTIAL DETACHED MEDIUM DENSITY
7. EXISTING ZONING: RDM
8. PROPOSED ZONING: RDM
9. EXISTING USE: RESIDENTIAL
10. PROPOSED USE: RESIDENTIAL
11. GROSS AREA: 3.05± ACRES 132,905 SF
12. NET AREA: 2.60± ACRES 109,233 SF
13. NUMBER OF UNITS: 23
14. NUMBER OF LOTS: 23 (23 DEVELOPABLE LOTS AND 1 NON-DEVELOPABLE COMMON LOT)
15. UTILITIES:
    A. WATER:
       PUBLIC STREETS: CITY OF MORGAN HILL
       PRIVATE STREETS: HOME OWNERS ASSOCIATION (HOA)
    B. SANITARY SEWER:
       PUBLIC STREETS: CITY OF MORGAN HILL
       PRIVATE STREETS: HOME OWNERS ASSOCIATION (HOA)
    C. STORM DRAIN:
       PUBLIC STREETS: CITY OF MORGAN HILL
       PRIVATE STREETS: HOME OWNERS ASSOCIATION (HOA)
    D. GAS/ELECTRIC: PACIFIC GAS & ELECTRIC
    E. TELEPHONE: AT&T
    F. CABLE TV: COMCAST
16. BENCHMARK: BM 528
    SANTA CLARA VALLEY WATER DISTRICT
    DESCRIBED AS FOLLOWS:

    BRASS DISK ON TOP OF CURB; AT THE NORTH CORNER OF E. DUNNE AVENUE BRIDGE OVER HIGHWAY 101 (BRIDGE NO. 37-0334 PM16.01 1972). DISK IS LOCATED 6.5 FEET NORTHEAST FROM THE END OF CONCRETE HEADWALL; 12.8 FEET WESTERLY FROM TELEPHONE MANHOLE AND 57.0 FEET SOUTHWEST FROM ELECTROLIER. CITY OF MORGAN HILL

    ELEVATION = 382.20 FEET (NAVD88, 2020.33 EPOCH)
17. TOPOGRAPHY: INFORMATION SHOWN IS BASED ON AERIAL SURVEY PREPARED BY 360 AERIAL SURVEYS. (DATED 8/22/23), AND BASED ON FIELD SURVEY PREPARED BY BKF ENGINEERS (DATED JANUARY 2024).
18. FLOOD ZONE: THIS PROPERTY IS LOCATED WITHIN ZONE X AS SHOWN IN FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 06085C0444H, DATED MAY 18, 2009.
19. LOT SIZES: COMMON LOT A = 25,686 SF (INCLUDES EVAE & PAE)

    LOTS 1-23 = 83,547 SF
    TOTAL = 109,233 SF
20. EASEMENTS: EVAE = EMERGENCY VEHICLE ACCESS EASEMENT
    PSE = PUBLIC SERVICE EASEMENT
    PWE = PUBLIC WATER LINE EASEMENT
    PDE = PRIVATE DRAINAGE EASEMENT
    PSDE = PRIVATE STORM DRAIN EASEMENT
    PIEE = PRIVATE INGRESS EGRESS EASEMENT
    PSSE = PRIVATE SANITARY SEWER EASEMENT
21. PRIVATE LOT UTILITIES: PSDE, PSE FOR BANKED GAS METERS, & PGE EASEMENTS FOR INDIVIDUAL LOTS FOR THE BENEFIT OF OTHER LOTS WILL BE PROVIDED ON THE FINAL MAP
22. COMMON LOT: ALL COMMON LOTS ARE COVERED BY PIEE, PSE, PSDE, AND PSSE.

LEGEND

- PROJECT BOUNDARY
- ADJACENT LOT LINE
- EASEMENT LINE
- STREET CENTER LINE
- EMERGENCY VEHICLE ACCESS EASEMENT (EVAE)
- (N) (E) STREET MONUMENT
- 1" IRON PIPE
- ¾" IRON PIPE
- ½" IRON PIPE

NOTES:

1. LOT NUMBERS ARE FOR IDENTIFICATION ONLY AND ARE NOT INTENDED AS FINAL.
2. LOT DIMENSIONS AND LOT AREAS ARE PRELIMINARY AND SUBJECT TO CHANGE DURING FINAL DESIGN.

1"=30'

GRAPHIC SCALE
30 0 30 60

BKF ENGINEERS
1730 N. FIRST STREET
SUITE 600
SAN JOSE, CA 95112
(408) 467-9100
www.bkf.com

DRAWING NAME: \\BKF-SJ\vol4\2023\231724_730_Diana_Subdivision_Morgan_Hill\ENG-L\Planning\Sheets\02-DIANA_TM.dwg
PLOT DATE: 11-26-24 PLOTTED BY: hoon

730 & 760 DIANA AVENUE

VESTING TENTATIVE MAP

C2.0
11/26/2024
20231724-10

CITY OF MORGAN HILL
PUBLIC SERVICES DEPARTMENT – LAND DEVELOPMENT ENGINEERING

17575 Peak Avenue Morgan Hill CA 95037 (408) 778-6480 Fax (408) 779-7236
Website Address: www.morgan-hill.ca.gov

Date: **February 19, 2025**

To: **Roshni Saxena & Tiffany Brown, Planning Division**

From: **Nolen Ugalde and Maria Angeles, Land Development Engineering**

Subject: **SD2024-0003 Diana – Dividend (SB330)**
Engineering Conditions for Tentative Map Only

LAND DEVELOPMENT ENGINEERING – PROJECT-SPECIFIC CONDITIONS

A. **Lot Line Adjustment:** The developer's proposed Lot Line Adjustment on the two parcels with current addresses of 730 Diana Avenue (APN: 726-06-013) and 760 Diana Avenue parcel (APN: 726-06-015) shall be recorded prior to City's review of the project's Final Map.

B. **Final Map:** The project's tract/final map shall be approved by the City Council prior to issuance of a grading permit.

C. **Diana Avenue Right-of-Way Rededication:** The project shall rededicate to the City in fee a total of 33' feet of right-of-way from the centerline of Diana Avenue to the property line of the project's 730 Diana Avenue frontage.

   1. Include the street right-of-way rededication in fee along the 730 Diana Avenue frontage on the project's Final Map.

D. **Public Water Line Easement:** The project shall dedicate to the City a Public Water Line Easement with a minimum width of 20' on a portion of the resultant 760 Diana Avenue parcel.

   1. The Public Water Line Easement shall be recorded by separate instrument prior to Final Map approval.

E. **Grading & Drainage**: The Cayman Street extension shall be installed as a City standard half street section with the street crown located at the centerline of the ultimate right-of-way width of Cayman Street.

1. At Design Permit stage, show the proposed drainage pattern(s) and conveyance path(s) along the westerly side of the Cayman Street extension.

F. **Street Improvements**

1. Cayman Street:
   a. The project shall install a City standard half street section for a 48' right-of-way along the Cayman Street extension with a minimum width of 28' from the face of curb on the project side to the edge of pavement. In the future, when the properties to the west of the project site redevelop, the properties to the west will be required to dedicate the necessary right-of-way to construct the ultimate 52' right-of-way width along the Cayman Street extension.
   b. At the time of this project's Tentative Map approval, the City has not been successful in acquiring the necessary right-of-way to align the centerline of the existing Cayman Street with the centerline of the new Cayman Street extension. Additional right-of-way is needed from the property owner of the adjacent property to the west of the project site, with address 690 Diana Avenue (APN: 726-06-012).
      i. The City may decide to commence an eminent domain action to acquire the needed right-of-way for the Cayman Street centerline alignment.
         (a) If the additional right-of-way has not been acquired by the City at the time of review of the project's Final Map, the project's proposed offset driveway approach at the Cayman Street extension will be allowed to be constructed as an interim condition. Future developer(s) or the City will construct the ultimate condition which will have a centerline-to-centerline alignment of existing Cayman Street and Cayman Street extension when the necessary right-of-way is obtained.
         (b) If the additional right-of-way is acquired by the City at the time of review of the project's Final Map, the City will provide the developer with the plan modifications on the project's frontage to implement the centerline-to-centerline alignment of existing Cayman Street and Cayman Street extension. The plan modifications shall be completed to the satisfaction of the City Engineer prior to approval of the project's public improvement plans.
   c. A residential driveway approach is shown at the intersection of Diana Avenue and the Cayman Street extension. City and Developer have not agreed on an acceptable design of the Diana and Cayman Street extension intersection. The design will be finalized at Design Permit stage.
   d. The proposed curb returns at the cross-drain approach of the intersection of the Cayman Street extension and the proposed Private Street have a

radius of 28 feet. The project shall address the following at Design Permit stage:

i. Provide vehicle turning templates using a 28-foot curb return radius, a 20-foot curb return radius, and a 10-foot curb return radius for Recology trucks and City of Morgan Hill Fire Apparatus that demonstrate there is adequate space for turning movements.

ii. The City will determine the final curb return radius after review of the vehicle turning templates.

e. The public streetlights installed on the Cayman Street extension shall be spaced per City Standard Drawing No. E-17. At Design Permit stage, revise the plans to show the streetlights are spaced appropriately, and that there are no conflicts with the streetlight locations.

2. Undergrounding: The project obtained approval from the City Council on 11/6/2024 on a concession request from the undergrounding requirements. The project's minimum undergrounding requirement is to only underground the portion of the overhead utilities along the project frontage that cross the Cayman Street extension.

   a. At Design Permit stage, show the proposed extents of overhead utilities to be undergrounded and locations of new/relocated utility poles if known. The locations of the new/relocated poles shall not conflict with the future improvements associated with the ultimate Cayman Street centerline alignment.

   b. At improvement plan/building permit stage, submit the Joint Trench Plans that show the extents of the proposed undergrounding and location of utility poles as coordinated with PG&E.

3. At Design Permit stage, provide separate cross-sections for the Diana Avenue frontage at the intersection with Cayman Street extension and at the intersection with the Private Street. Also provide a separate cross-section for the Cayman Street extension with an attached sidewalk.

4. Pavement Condition: The project may be required to evaluate the pavement condition of Diana Avenue and improve the street, as necessary to meet current City standards for collector streets. Evaluation may involve pavement core sampling at multiple locations to the satisfaction of the City Engineer.

   a. If the existing pavement condition does not meet current City Standards, the project shall remove and replace the existing section of the asphalt concrete pavement on Diana Avenue. The minimum required street improvement shall be a two-inch removal and replacement of the existing asphalt concrete pavement along the entire Diana Avenue property frontage and up to the street centerline.

5. The project is currently proposing a detached sidewalk along the project's Diana Avenue frontage and at the reconstructed driveway in front of 760 Diana Avenue. At improvement plan/building permit stage, the project will be

required to construct an ADA-compliant transition between the existing adjacent attached sidewalk and the newly-constructed detached sidewalk.

6. The developer/future HOA shall maintain the private water easement service road adjacent to the resultant 760 Diana Avenue parcel (APN: 726-06-015).
7. At improvement plan stage, the project shall submit a separate Offsite Improvement Plan set to Land Development Engineering. The Onsite Improvement Plans shall be submitted to the Building Division as part of the project's grading/building permit application.
8. Landscaping
    a. At improvement plan/building permit stage, submit the final Landscape Plans that show the proposed street trees and other proposed project landscaping.
    b. The locations of the proposed street trees along the Cayman Street extension shall not conflict with the location of the stormwater control facilities.

G. **Stormwater Post-Construction Requirements:**

1. The project is required to comply with the California Regional Water Quality Control Board Central Coast Region (Region 3) Resolution No. R3-2013-0032 as described below and as documented by the Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements. The project is creating and/or replacing more than 22,500 square feet of impervious surface, and is required to comply with the Stormwater Post-Construction Performance Requirement Numbers 1, 2, 3, and 4.
    a. Performance Requirement No. 2 - Water Quality Treatment
        i. The project is proposing six (6) in-ground flow through planter boxes in the park strips along the Cayman Street extension as the treatment control measures for the new impervious areas created by the public roadway and public sidewalk at the Cayman Street extension (DMA-R1 thru DMA-R6). Based on the review of the Preliminary Stormwater Calculations, it appears that the in-ground flow through planter boxes are not adequately sized to meet the Performance Requirement No. 2 requirements. The calculations do not appear to take into account the required warning curb adjacent to the public sidewalk, the driveway aprons to comply with City Standards, or the minimum 6-inch bench as recommended in the Geotechnical Investigation.
            (a) Due to the space constraints within the proposed in-ground flow through planter boxes, possible pedestrian safety issue, limited frontage space for public improvements (streetlight poles, street trees, fire hydrants, etc.), the project shall

consider a different type of treatment control measure for the new public roadway and public sidewalk and/or resize the other proposed onsite treatment control measures to treat the new public roadway and public sidewalk at Design Permit stage.

(b) The proposed warning curbs within the in-ground flow through planter boxes are deviations from City Standard detached sidewalk and would require an exception be granted by the City Engineer. At Design Permit stage, the use of the warning curb within the park strips in the public right-of-way will be evaluated by the City Engineer.

ii. Address the following at Design Permit stage:

(a) Clarify how Performance Requirement No. 2 is being addressed for DMA 1 and DMA 2.

(b) Stormwater pre-treatment is required prior to discharging to subsurface infiltration facilities. Add a narrative in the project's Stormwater Control Plan/Report explaining how the project satisfies the pretreatment requirements for the proposed subsurface infiltration systems, TCM-1 and TCM-2.

b. Performance Requirement No. 3 - Runoff Retention

i. On page 3 of 11 of the "Public Street Preliminary Post-Construction Requirements Calculations", Section A is labeled "Detention Volume Requirements." Please note that Performance Requirement No. 3 is a Retention requirement.

(a) At Design Permit stage, revise the language within the section to reference the Runoff Retention requirement.

ii. The "Urban Pond Concrete Stormwater Detention" brochure shows the outlet pipe aligned with the bottom of the concrete vaults. It appears the 95th percentile volume would exit the subsurface infiltration facilities before it is allowed to be infiltrated. Address the following at Design Permit stage:

c. Performance Requirement No. 4 - Peak Management

i. In the "Public Street Preliminary Post-Construction Requirements Calculations", under section "Morgan Hill Detention-Public Street", the first sentence states "PCR 4 requires retention of 10-yr storm event to match pre-project condition." Performance Requirement No. 4 requires projects to "Control post-project peak flows to not exceed pre-project peak flows for the 2-year through 10-year storm events."

(a) At Design Permit stage, revise this statement to include the requirement of mitigating post-project peak flows for the 2-year, through 10-year storm events. Provide additional

narrative and calculations demonstrating compliance with this requirement.

2. Geotechnical Investigation Report: A Geotechnical Investigation Report ("Geotechnical Report") dated 3/26/2024 was prepared for the project by Quantum Geotechnical Inc.

    a. At Design Permit stage, address as applicable the design of the stormwater treatment control measures to follow the recommendations from the Geotechnical Report.

    b. R-Value tests were not performed as part of the Geotechnical investigation. At improvement plan stage, the project shall perform R-Value tests to determine the R-Value and recommended road section for the Cayman Street Extension. The project shall construct the public road section to be either the determined by the R-Value from the Geotechnical Engineer or the City Standard for residential roadways, whichever is greater.

3. Sheet C6.0 (Preliminary Stormwater Control Plan) shows "Grasspave Pervious Section" in the legend, which is no longer being proposed for the private water easement service road adjacent to the resultant 760 Diana Avenue parcel. At Design Permit stage, update the legend and hatch to remove the reference to "Grasspave Pervious Section", and show the private water easement service road as indicated on Sheet C3.0 (Site Development Plan).

4. The proposed water easement service road section shall be adequate to support the City's maintenance trucks. The final design of the proposed service road section will be reviewed at building permit/improvement plan stage.

5. On Sheet C6.2 (Preliminary Stormwater Control Calculations), several tables reference "Pervious Area (Permeable Pavement)". The project is no longer proposing permeable pavement, but rather a pervious section for the private water easement service road. At Design Permit stage, remove the reference to permeable pavement from the tables.

6. At Design Permit stage, submit an updated Stormwater Control Plan/Report that includes all the revisions to the previously submitted Stormwater Control Plan dated July 1, 2024.

H. **Flood Control/25-Year Detention:** The project is required to comply with the City's Flood Control Standard, as outlined in Storm Drain Design Standard 4.1600, *Ponding Basins*. The City is in the process of revising its Flood Control/Detention Standard.

1. The project was informed that it can satisfy the Flood Control requirement by complying with the proposed, proposed revised standard as follows:

a. Mitigate post-development flows to not exceed the pre-development flows for the 10-, 25-, and 100-year, 24-hour storms.

b. The 25-year and 100-year design storms shall be based on the criteria in Table 3.4, “Hydrology and Hydraulics Design Criteria for Ponding Basins” of the City’s 2018 Storm Drainage System Master Plan.

c. The release of pre-project flows during the storm event is allowed.

2. Summary tables were provided showing the total rainfall volumes for the pre-project and post-project conditions for the 25-year storm.

a. At Design Permit stage, provide additional calculations and summary tables to adequately demonstrate compliance with the City’s Flood Control requirements for the flow rates during the 25-year and 100-year storms.

b. The project is proposing to use infiltration volume to contribute towards the total provided volume. At Design Permit stage, provide a routing analysis demonstrating compliance with the proposed revised Flood Control Standard. The use of infiltration to satisfy the Flood Control Standard will only be allowed with approval from the City Engineer.

c. The 25-year, 24-hour total rainfall volume for DMAs 1, 2, R1, and R2 appear to be greater than the total volume provided (via storage and infiltration) for the respective Treatment Control Measures (TCMs).

i. At Design Permit stage, the project shall clarify how it intends to mitigate the peak flows for these DMAs where the TCM cannot store the total resultant volume from the 25-year, 24-hour storm.

I. **Utilities**

1. <u>Water:</u>

a. The proposed looped water main within the proposed Cayman Street extension and Private Street shall be a public water main maintained by the City and constructed to current City water standards.

b. The proposed water meters for all 23 units will be public water meters. At Design Permit stage, revise the plans to show water meters are located either within City right-of-way or within a recorded Public Service Easement (PSE).

c. The project is proposing a private access gate at the end of the Private Street, across Lot 17. At improvement plan/building permit stage, the plans shall include a note that the project will provide access to the City’s maintenance vehicles. City’s access will be confirmed prior to acceptance of the project’s public improvements.

d. At improvement plan/building permit stage, straighten the water main to eliminate bends, if possible.

e. Pursuant to City Water Design Standard 2.300, in no case shall the horizontal clearance between a water main and sanitary sewer be less than 10' and the horizontal alignment between a water main and storm drain be less than 6'. At improvement plan/building permit stage, compliance with the minimum horizontal clearances between the proposed water main and sanitary sewer / storm drain will be confirmed.

f. All new water main installations (public and private) shall adhere to the separation criteria established by the California Waterworks Standards (California Code of Regulations (CCR), Title 22, Division 4, Chapter 16, Section 64572). Any proposal for alternative compliance to these requirements shall be submitted to the State Water Resources Control Board' Division of Drinking Water, pursuant to CCR, Title 22, Section 64551.100.

g. At improvement plan stage, show the required removal of the existing water service connection to the existing dwelling on 730 Diana Avenue and abandon at the water main per City Standard.

h. The project shall address the following at improvement plan stage:

(a) Show on the Utility Plan three valves at the water main "tee" at the intersection of the Cayman Street extension and the Private Street, pursuant to City Water Design Standard 2.700.

(b) Show water valves at any bends along the proposed looped water main.

2. Fire Hydrants:

a. The number, locations, and spacing of required fire hydrants along the project's Cayman Street and Diana Avenue frontages will be reviewed and coordinated with the City's Fire Prevention staff at Design Permit stage.

b. Fire Hydrant Breakaway Check Valves/Hydrant Guards shall be installed in all new fire hydrants. The criteria for acceptable hydrant guards shall be determined at improvement plan/building permit stage.

3. Sanitary Sewer: At improvement plan stage, the project shall remove the existing sanitary sewer connection to the existing dwelling on 730 Diana Avenue per City Standard.

J. **CC&Rs:** At improvement plan/building permit stage, submit the project's CC&Rs that includes the easements, restrictions or conditions, and maintenance responsibilities on the private storm drain lines that cross lot lines and on the private water easement service road with a public water main located on a portion of 760 Diana Avenue parcel (APN: 726-06-015).

K. **Fees:**

1. The developer will be required to pay all applicable impact fees and other engineering review fees (fees other than impact fees are automatically adjusted annually on July 1st) prior to building permit issuance and building final. The fees will be based on the Public Works Fee Schedule prepared by Land Development Engineering. The estimated total amount of impact fees and engineering review fees for this project based on the Fee Schedule currently in effect is **$1,310,000** without any credits applied.
2. This project is subject to the Parkland Dedication and Parkland Fee In-Lieu requirements (Morgan Hill Municipal Code Chapter 17.28).
    a. The developer shall pay fees, in lieu of parkland dedication, at the time of filing of the project's Final Map to meet the parkland obligation. The project's parkland obligation will be calculated using the formula shown in Municipal Code Section 17.28.060. The estimated Parkland In-Lieu fee for the proposed 23 units without credits is **$484,108**.
    b. Private recreation credits, which could allow a credit of up to 40% towards the parkland obligation, could be available for private open space(s) within the subdivision that meets the standard requirements listed in Municipal Code Section 17.28.130.

L. **Private Sanitary Sewer Maintenance Agreement**: Prior to final map approval/building permit issuance, the Owner(s) shall enter into a Private Sanitary Sewer Maintenance Agreement with the City for maintenance of all private sanitary sewer facilities which includes the private sewer mains and sewer laterals. The Agreement shall be recorded at the County Recorder's Office prior to building final.

LAND DEVELOPMENT ENGINEERING - STANDARD CONDITIONS

I. GENERAL

A. **Final Map:** The applicant shall have a Final Map prepared by a registered engineer (licensed prior to 01/01/1982: registration number 33,965 or lower) or licensed land surveyor delineating all parcels and easements created. There shall be concurrence in writing by PG & E, Telephone, Cable TV and any other affected agencies to all improvements and easements which are applicable to them. The number and locations of monuments shall be set as required by the City Engineer. **(MHMC 17.20.200 A; 17.20.290; 17.24.010)**

B. **Subdivision Improvements Agreement:** Enter into a Subdivision Improvements Agreement with the City of Morgan Hill to cover required improvements. **(MHMC 12.02.150; 17.32.010 B; 17.32.160)**

C. **Reciprocal Access:** Reciprocal access easements and maintenance agreements ensuring access to all parcels and joint maintenance of all common roads, drives or parking areas shall be provided by CC&R's and by deed and shall be recorded concurrent with the map, or prior to issuance of building permit where no map is involved. **(MHMC 17.20.350 H)**

II. OTHER CONDITIONS

A. **Easement Dedications**: The owner shall dedicate all necessary utility easements. **(MHMC 12.02.080 D; 17.28.010 A)**

B. **As-Built Submittal Standards**: The developer shall submit digital as-builts of the project's Grading Plans, Offsite Civil and Offsite Landscape Plans which adhere to the City's updated GIS/CAD Developer Submittal Standards.

III. NPDES STORMWATER MANAGEMENT DEVELOPMENT STANDARDS

A. **Stormwater Post Construction Requirements (PCRs)**: The project shall comply with the California Regional Water Quality Control Board Central Coast Region Resolution No. R3-2013-0032 as documented by the **Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements** (developed from Resolution No. R-2013-0032 Attachment 1 and 2 at: http://www.waterboards.ca.gov/centralcoast/water_issues/programs/stormwater/docs/lid/lid_hydromod_charette_index.shtml). A copy of the Guidance Manual can be obtained from the City's Land Development Engineering webpage. Project shall provide Stormwater Runoff Management Plan, Stormwater Control Plan and Checklist, and applicable calculations per the Guidance Manual. Project shall meet the applicable Post-Construction Requirements:
   1. Performance Requirement 1: Site Design and Runoff Reduction
   2. Performance Requirement 2: Water Quality Treatment
   3. Performance Requirement 3: Runoff Retention
   4. Performance Requirement 4: Peak Management

B. **Stormwater Runoff Management Plan (SWRMP)**: The Stormwater Runoff Management Plan shall include sufficient information to evaluate the environmental characteristics of affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and acceptability of measures (post-construction BMPs) proposed for managing stormwater runoff.
   1. The Stormwater Runoff Management Plan shall be prepared under the direction of a professional civil engineer registered in the State of California. The responsible professional civil engineer shall stamp and sign the approved Stormwater Runoff Management Plan.
   2. The developer shall provide a signed certification from the civil engineer responsible for preparing the Stormwater Runoff Management Plan that all

stormwater best management practices have been designed to meet the requirements.

C. **Stormwater BMP Operation, Maintenance, and Replacement Responsibility**
   1. Prior to building final, the property owner shall submit a signed certification (with signature, date & license number/seal) certifying that all post-construction stormwater management/BMP facilities shown on the as-built drawings were inspected by the civil engineer (or by a qualified third party stormwater inspector hired by the permittee/owner) and have been constructed in accordance with the approved plans and specifications.
   2. All on-site stormwater management facilities shall be operated and maintained in good condition and promptly repaired/replaced by the property owner(s), an owners' or homeowners' association or other legal entity approved by the City.
   3. Any repairs or restoration/replacement and maintenance shall be in accordance with City-approved plans.
   4. The property owner(s) shall develop a maintenance schedule for the life of any stormwater management facility and shall describe the maintenance to be completed, the time period for completion, and who shall perform the maintenance. This maintenance schedule shall be included with the approved Stormwater Runoff Management Plan.

D. **Stormwater BMP Operation and Maintenance Agreement (SWBOMA)**: Prior to the issuance of any building permit requiring stormwater management BMPs, the owner(s) of the site shall enter into a formal written Stormwater BMP Operation and Maintenance Agreement with the City. The City shall record this agreement, against the property or properties involved, with the County of Santa Clara and it shall be binding on all subsequent owners of land served by the storm water management BMPs. The City standard Stormwater BMP Operation and Maintenance Agreement will be provided by Land Development Engineering at building permit/improvement plan stage.

End of Conditions

City of Morgan Hill
Development Services Department

730 and 760 Diana Avenue Residential Project

Modified Initial Study/15183 Checklist

November 2024

Prepared by

RANEY PLANNING & MANAGEMENT, INC. 25 years
1501 Sports Drive, Suite A, Sacramento, CA 95834

TABLE OF CONTENTS

A. PROJECT SUMMARY....1
B. SOURCES....2
C. BACKGROUND AND INTRODUCTION....4
D. PROJECT DESCRIPTION....5
E. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED....15
F. DETERMINATION....16
G. ENVIRONMENTAL CHECKLIST....17
I. AESTHETICS. 18
II. AGRICULTURE AND FOREST RESOURCES. 23
III. AIR QUALITY. 25
IV. BIOLOGICAL RESOURCES. 34
V. CULTURAL RESOURCES. 41
VI. ENERGY. 48
VII. GEOLOGY AND SOILS. 52
VIII. GREENHOUSE GAS EMISSIONS. 58
IX. HAZARDS AND HAZARDOUS MATERIALS. 61
X. HYDROLOGY AND WATER QUALITY. 67
XI. LAND USE AND PLANNING. 76
XII. MINERAL RESOURCES. 78
XIII. NOISE. 79
XIV. POPULATION AND HOUSING. 88
XV. PUBLIC SERVICES. 90
XVI. RECREATION. 93
XVII. TRANSPORTATION. 95
XVIII. TRIBAL CULTURAL RESOURCES. 99
XIX. UTILITIES AND SERVICE SYSTEMS. 101
XX. WILDFIRE. 106
XXI. MANDATORY FINDINGS OF SIGNIFICANCE. 108

APPENDICES:

Appendix A: Air Quality and Greenhouse Gas Modeling Results
Appendix B: Arborist Report
Appendix C: California Department of Parks and Recreation Primary Record
Appendix D: Geotechnical Investigation
Appendix E: Phase I Environmental Site Assessment
Appendix F: Storm Water Control Plan

MODIFIED INITIAL STUDY
NOVEMBER 2024

A. PROJECT SUMMARY

1.	Project Title:	730 and 760 Diana Avenue Residential Project
2.	Lead Agency Name and Address:	City of Morgan Hill Development Services Department Morgan Hill, CA 17575 Peak Avenue Morgan Hill, CA 95037
3.	Lead Agency Contact and Phone Number:	Roshni Saxena Assistant Planner (408) 310-4634
4.	Project Location:	730 and 760 Diana Avenue Morgan Hill, CA 95037 APNs: 726-06-013 and a portion of -015
5.	Project Applicant:	Josh Vrotsos Dividend Homes, Inc. 385 Woodview Avenue, Suite 100 Morgan Hill, California 95037
6.	Existing General Plan Designation:	Residential Detached Medium (RDM)
7.	Existing Zoning Designation:	RDM
8.	Required Approvals from Other Public Agencies:	None

9. Project Location and Setting:

The 3.05-acre project site (Assessor's Parcel Number [APN] 726-06-013 and a portion of APN 726-06-015) is located at 730 and 760 Diana Avenue in the City of Morgan Hill, California. The project site primarily consists of ruderal grassland, with three single-family residences and associated accessory structures, including two ancillary buildings, a barn, and a utility shed, located in the northern portion of the project site. A total of 49 trees are currently scattered throughout the project site. Surrounding land uses include single-family residences to the west, north, east, undeveloped land to the south, and commercial uses to the southwest. The City of Morgan Hill General Plan designates the site as Residential Detached Medium (RDM) and the site is zoned RDM.

10. Project Description Summary:

The 730 and 760 Diana Avenue Residential Project (proposed project) would include the demolition of all existing on-site structures and the removal of 47 of the on-site trees to allow for the subdivision of the site and development of 23 two-story single-family

residences on lots ranging from 2,896 square feet (sf) to 4,259 sf. Primary site access would be provided by an extension of Cayman Street from Diana Avenue. The proposed Cayman Street extension would form the western boundary of the site and connect to a new 20-foot wide private street that would provide access to the residential lots along the central and eastern portions of the project. Each unit would include a private garage, which hold two cars per residence, for a total of 46 covered spaces. In addition, 20 of the proposed residences would include two additional driveway parking spaces. A total of 10 on-street spaces for additional guest parking would be provided, including one Americans with Disabilities Act (ADA) compliant space. The proposed project would also include the installation of associated utilities and landscaping improvements. The project would require approval of a Vesting Tentative Map, Design Review, Lot Line Adjustment, and a Tree Removal Permit.

11. Status of Native American Consultation Pursuant to Public Resources Code Section 21080.3.1:

    Assembly Bill (AB) 52 (Public Resources Code [PRC] Section 21080.3.1) notification to tribes is not required for the proposed project given that this checklist determines no additional environmental review is required for the project, consistent with CEQA Guidelines Section 15183.

B. SOURCES

The following documents are referenced information sources utilized by this analysis:

1. Bay Area Air Quality Management District. *2022 California Environmental Quality Act Guidelines*. April 2023.
2. BKF Engineers. *Storm Water Control Plan Diana Avenue Residential Subdivision 730 & 760 Diana Avenue Morgan Hill, California Santa Clara County*. March 27, 2024.
3. CalEPA. *Cortese List Data Resources*. Available at: https://calepa.ca.gov/sitecleanup/corteselist/. Accessed October 2024.
4. California Building Standards Commission. *California Green Building Standards Code*. 2022.
5. California Department of Conservation. *California Important Farmland Finder*. Available at: https://maps.conservation.ca.gov/dlrp/ciff/. Accessed October 2024.
6. California Department of Fish and Wildlife. *Biogeographic Information and Observation System (BIOS)*. Available at: https://wildlife.ca.gov/Data/BIOS. Accessed October 2024.
7. California Department of Forestry and Fire Protection. *Fire Hazard Severity Zone Viewer*. Available at: https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=988d431a42b242b29d89597ab693d008. Accessed October 2024.
8. California Department of Resources Recycling and Recovery (CalRecycle). *Facility/Site Summary Details: Monterey Peninsula Landfill (27-AA-0010)*. Available at: https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2642?siteID=1976. Accessed October 2024.
9. California Department of Transportation. *California State Scenic Highway System Map*. Available at:
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11. Caltrans. *Transportation Related Earthborne Vibrations. TAV-02-01-R9601*. February 20, 2002.

12. City of Gilroy, City of Morgan Hill, and County of Santa Clara. *Stormwater Management Guidance Manual for Low Impact Development & Post-Construction Requirements*. June 2015.
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24. Federal Highway Administration. *Roadway Construction Noise Model User's Guide*. January 2006.
25. Federal Transit Administration. *Transit Noise and Vibration Impact Assessment Guidelines*. May 2006.
26. GPA Consulting. *State of California – The Resource Agency Department of Parks and Recreation Primary Record – 730 Diana Avenue*. June 1, 2024. https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa. Accessed October 2024.
27. Native American Heritage Commission. *730 and 760 Diana Avenue Residential Project, Santa Clara County*. October 21, 2024.
28. Ninyo & Moore. *Phase I Environmental Site Assessment Diana Avenue 730 Diana Avenue Morgan Hill, California*. August 18, 2023.
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C. BACKGROUND AND INTRODUCTION

The following provides a description of this Modified Initial Study's approach to evaluating the proposed project's consistency with California Environmental Quality Act (CEQA) Section 15183 and Government Code Sections 65915 through 65918.

CEQA Guidelines Section 15183

This Modified Initial Study identifies and analyzes the potential environmental impacts of the proposed project. The information and analysis presented in this document is organized in accordance with the order of the CEQA checklist in Appendix G of the CEQA Guidelines.

In July 2016, the City of Morgan Hill adopted the 2035 General Plan[1] and certified an associated Environmental Impact Report (EIR) for the updated General Plan.[2] The General Plan EIR is a program EIR, prepared pursuant to Section 15168 of the CEQA Guidelines (Title 14, California Code of Regulations [CCR], Sections 15000 et seq.). The General Plan EIR analyzed full implementation of the General Plan and identified measures to mitigate the significant adverse impacts associated with the General Plan.

The City of Morgan Hill 2035 General Plan designates the project site as RDM, which allows for detached homes on smaller lots, including courtyard homes, manufactured homes, and small-lot single-family homes with a density of seven dwelling units per acre (du/acre). The proposed project would consist of subdivision of the project site to allow for the development of 23 single-family residences, for a density of 7.5 du/acre. As discussed below, with the increased density allowed under the Density Bonus Law, along with the allowed incentives and concessions and waivers or reductions of development standards, the proposed project would be consistent with the site's RDM land use designation. Pursuant to Section 15183 of the CEQA Guidelines, where a project is consistent with the use and density established for a property under an existing general plan or zoning ordinance for which the city has already certified an EIR, additional environmental review is not required "except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site." If such requirements are met, the examination of environmental effects is limited to those which the agency determines, in an Initial Study or other analysis:

1 City of Morgan Hill. *2035 General Plan, City of Morgan Hill.* Adopted July 2016.
2 City of Morgan Hill. *Morgan Hill 2035 Final Environmental Impact Report.* Adopted July 2016.

1. Are peculiar to the project or the parcel on which the project would be located;
2. Were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent;
3. Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action; or
4. Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

As set forth by Sections 15168 and 15183 of the CEQA Guidelines, the program EIR, in this case the City's General Plan EIR, serves as a basis for the Modified Initial Study to determine if project-specific impacts would occur that are not adequately covered in the previously certified EIR.

This Modified Initial Study indicates whether the proposed project would result in a significant impact that: (1) is peculiar to the project or the project site; (2) was not identified as a significant effect in the General Plan EIR; or (3) are previously identified significant effects, which as a result of substantial new information that was not known at the time that the General Plan EIR was certified, are determined to have a more severe adverse impact than discussed in the General Plan EIR.

Regarding "peculiar" impacts, CEQA Guidelines Section 15183(f) states the following:

> An effect of a project on the environment shall not be considered peculiar to the project or the parcel for the purposes of this section if uniformly applied development policies or standards have been previously adopted by the city or county with a finding that the development policies or standards will substantially mitigate that environmental effect when applied to future projects, unless substantial new information shows that the policies or standards will not substantially mitigate the environmental effect. The finding shall be based on substantial evidence which need not include an EIR.

Based upon 15183(f), this Modified Initial Study will identify the Morgan Hill General Plan policies and/or actions that apply to the development of the project, and have been determined in the General Plan EIR to substantially mitigate environmental effects. To the extent that the General Plan policies and/or actions substantially mitigate a particular project impact, the impact shall not be considered peculiar, pursuant to 15183(f), thus, eliminating the requirement for further environmental review.

D. PROJECT DESCRIPTION

The following provides a description of the project site's current location and setting, as well as the proposed project components and the discretionary actions required for the project.

Project Location and Setting

The 3.05-acre project site (APN 726-06-013 and a portion of APN 726-06-015) is located at 730 and 760 Diana Avenue in the City of Morgan Hill, California (see Figure 1). The project site is developed with three single-family residences and associated accessory structures, including two ancillary buildings, a barn, and a utility shed. In addition, a total of 49 trees are currently scattered throughout the 3.05-acre project site. The surrounding land uses include single-family residences to the west, north, east, undeveloped land to the south, and commercial uses to the southwest (see Figure 2). The City of Morgan Hill General Plan designates the site as RDM and the site is zoned RDM.

Figure 1
Regional Vicinity Map

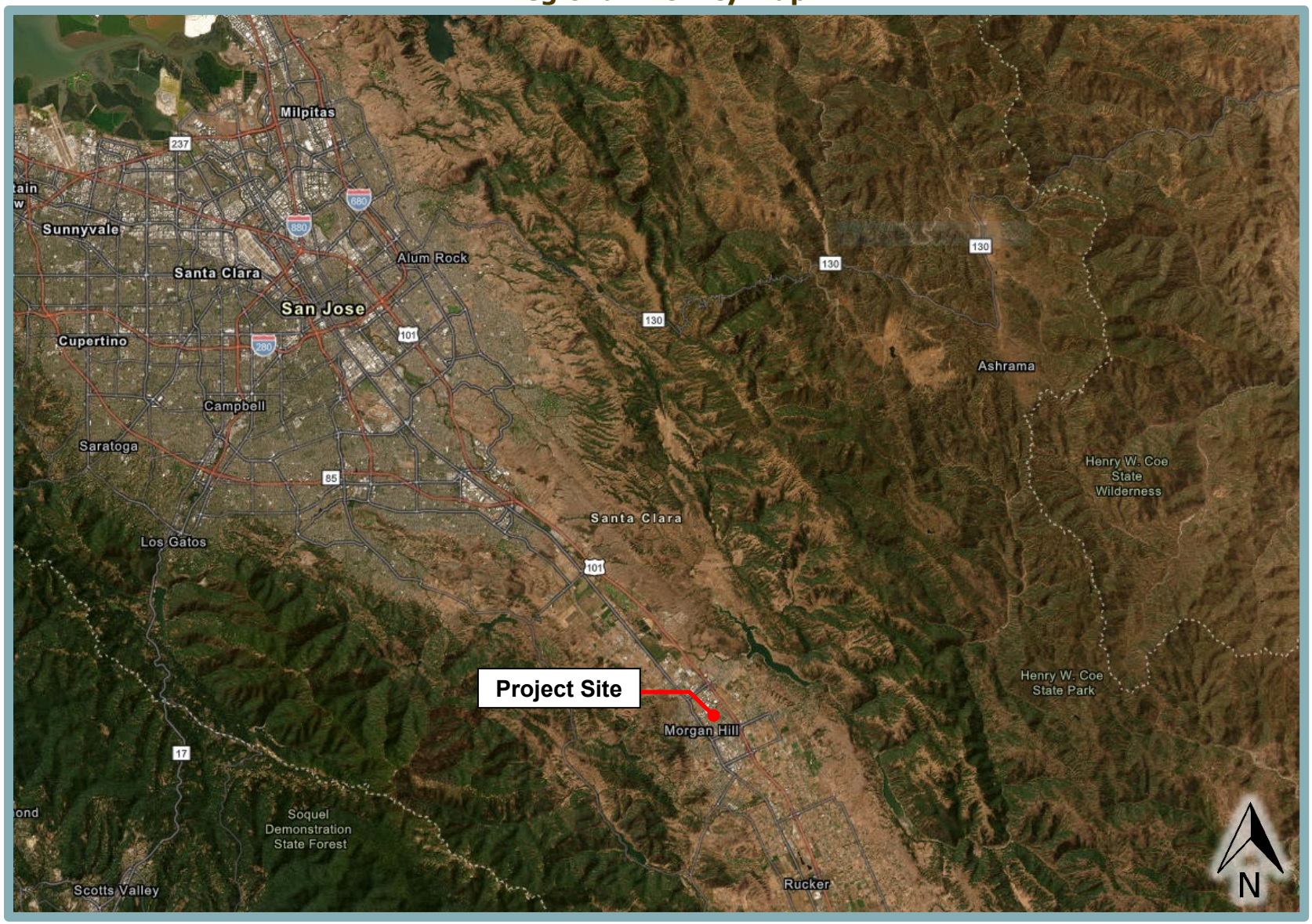


Figure 2
Project Site Boundaries

Project Components

The proposed project would include the demolition of all existing on-site structures and the removal of 47 of the on-site trees to allow for the subdivision of the site and development of 23 two-story single-family residences on lots ranging from 2,896 sf to 4,259 sf (see Figure 3 and Figure 4). Each residence would range from 2,536 sf to 3,116 sf and would include three to four bedrooms, a private driveway and two-car garage, and a private backyard. Three of the residences would be designated as moderate income for-sale units. The maximum height of the residential units would be 29 feet and eight inches.

Parking, Access, and Circulation

Each unit would include a private garage, which hold two cars per residence, for a total of 46 covered spaces. In addition, 20 of the proposed residences would include two additional driveway parking spaces. A total of 10 on-street spaces for additional guest parking would be provided on-site, including one ADA compliant space.

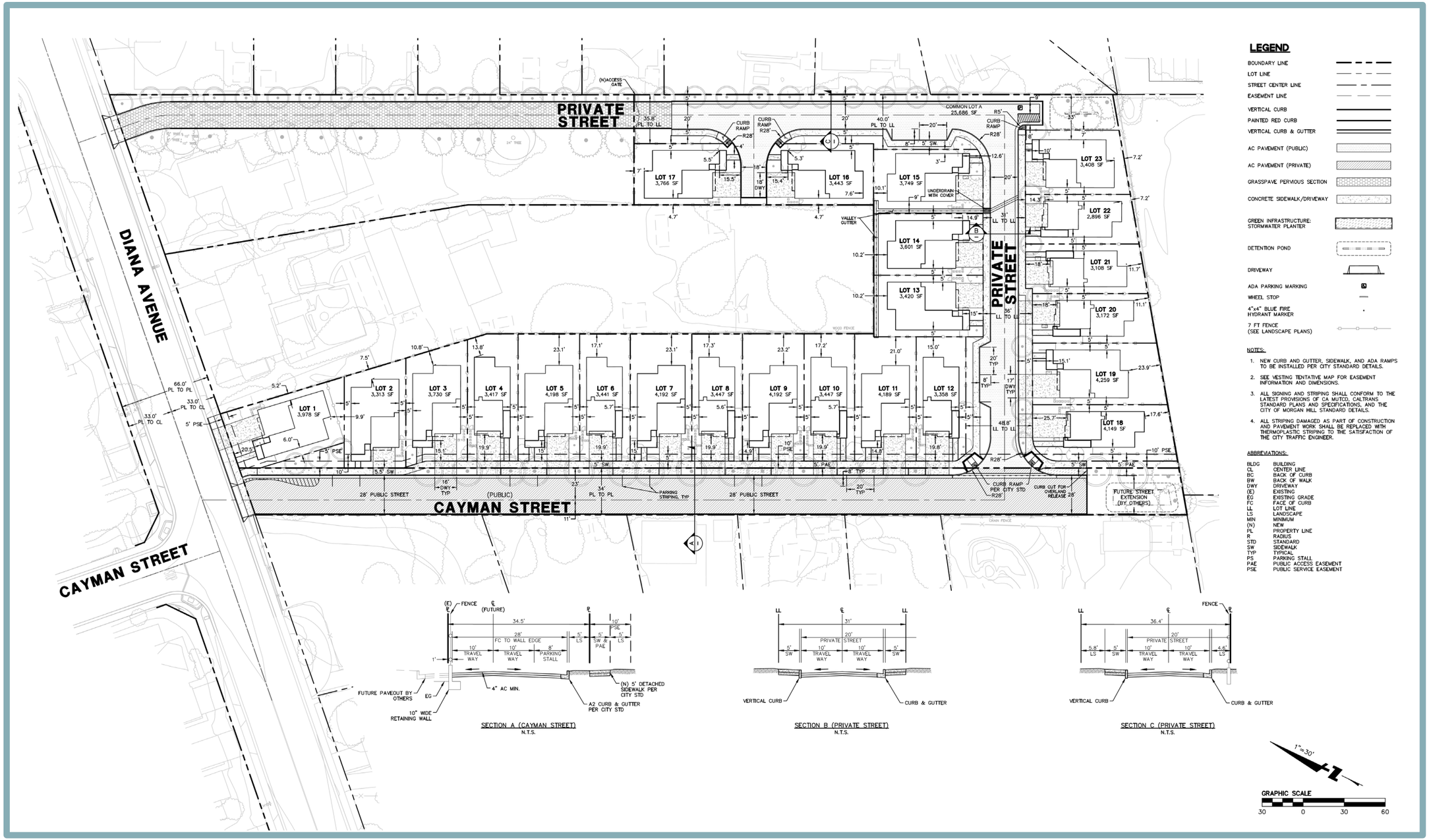
Access to the project site would be provided from Diana Avenue by way of a proposed 34-foot wide extension of Cayman Street, located along the western border of the project site. In the southern corner of the project site, the Cayman Street extension would connect to a 20-foot wide private street that would provide access to the residential lots in the central and eastern portions of the project. The private street would terminate at Lot 17, where a gated easement for an off-site public water line would extend from Lot 17 to Diana Avenue. The private street would include a ”hammerhead” turnaround for emergency vehicle uses. The proposed internal roadway improvements would include curb, gutter, sidewalk, and parking improvements. In addition, access to Lot 1 would be provided directly from Diana Avenue.

Utilities

Water and sewer services would be provided by the City through connections to the existing water and sewer mains located in Diana Avenue (see Figure 5). A public water line would be installed within an easement from Diana Avenue to Lot 17. Each proposed unit would connect to the City’s water and sewer systems through separate, newly installed service laterals. Electricity service for the proposed project would be provided by Pacific Gas & Electric Company (PG&E) by way of existing electrical infrastructure in the project vicinity. The project would not use natural gas, as natural gas is prohibited in all new construction, pursuant to Morgan Hill Municipal Code Chapter 15.63.

The proposed project would include new stormwater facilities to provide water quality treatment and peak management at the pre-project levels across nine drainage management areas (DMAs) (see Figure 6). Runoff from DMA-1 and DMA-2 would be captured and treated by two on-site subsurface infiltration tanks. Runoff from DMA-3 would percolate into the soils through the use of permeable pavement. Finally, runoff from DMA-R1 through DMA-R6 would be captured and treated by bioretention planter boxes located on-site. Once captured and treated, stormwater from the DMAs would be directed to a series of on-site storm drain lines, before being released to the City’s stormwater system by a series of manholes located along the proposed Cayman Street extension and Diana Avenue. In addition, two detention ponds would be located in the southern corners of the site to help capture and treat on-site runoff. The runoff from the two detention basins would outfall into the undeveloped land to the south of the project site.

Figure 3
Site Plan



Note: "Private Street" located north of Lot 17 is a public water easement.

Figure 4
Streetscape Plan

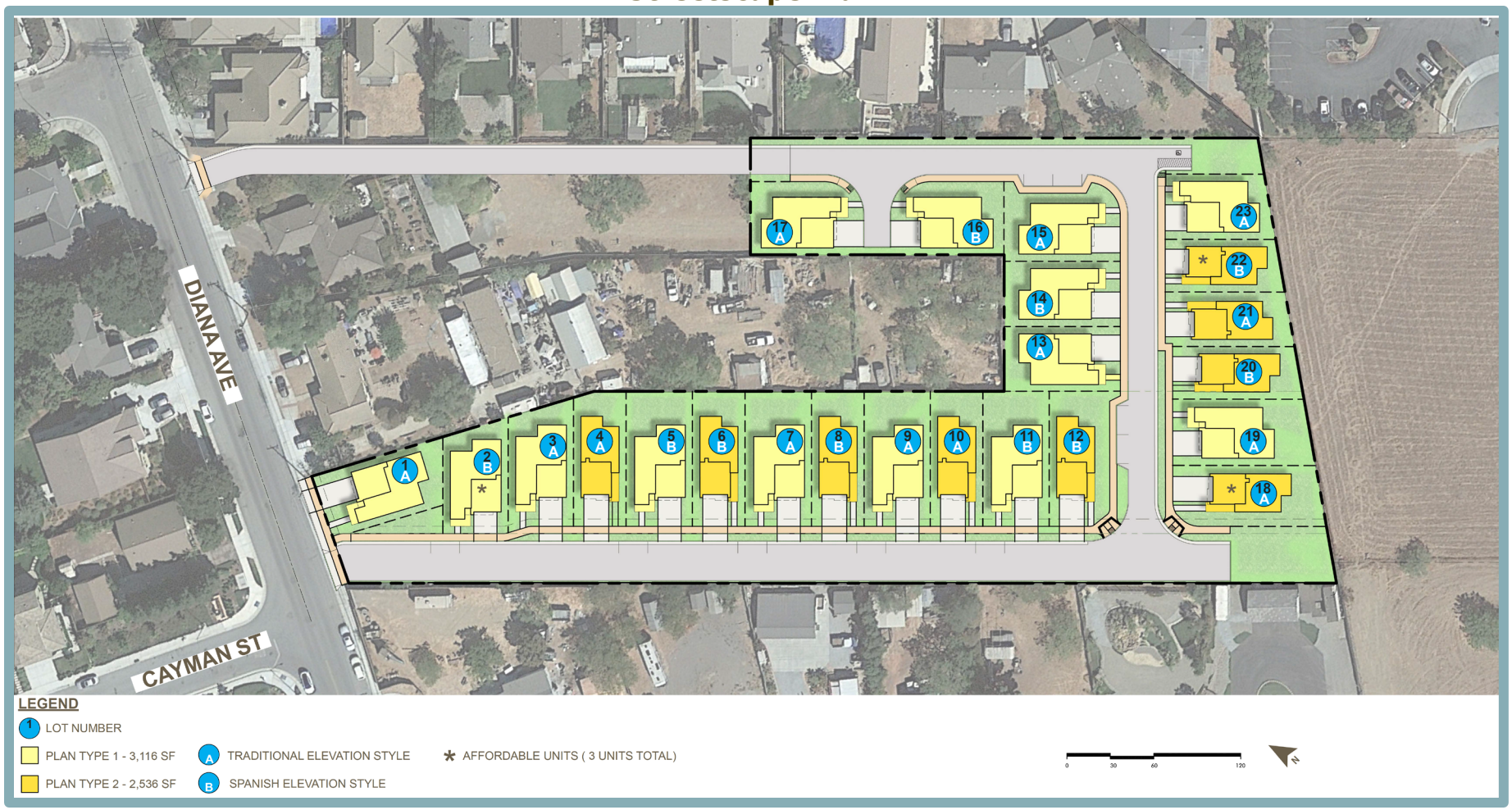


Figure 5
Utility Plan

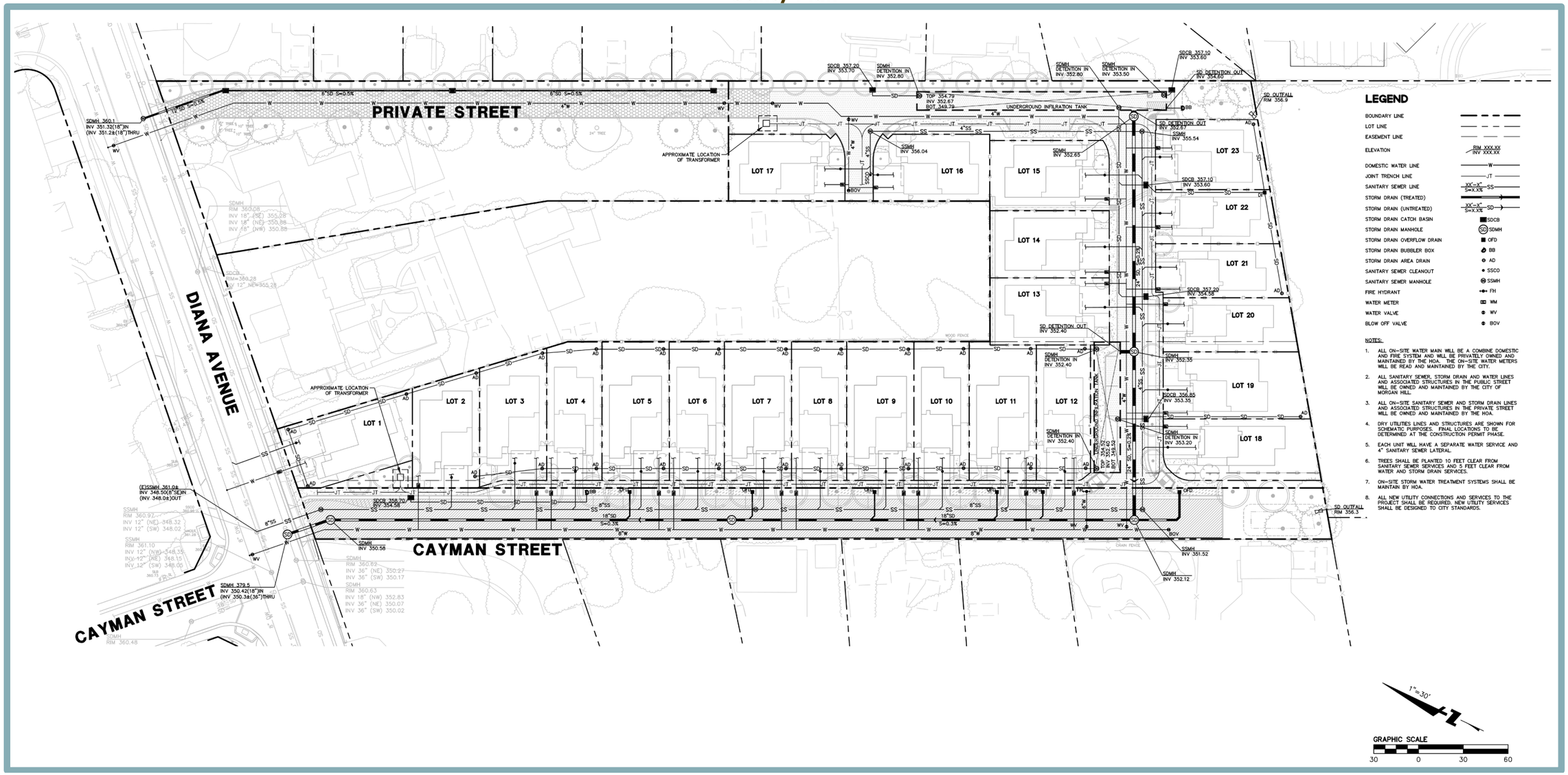
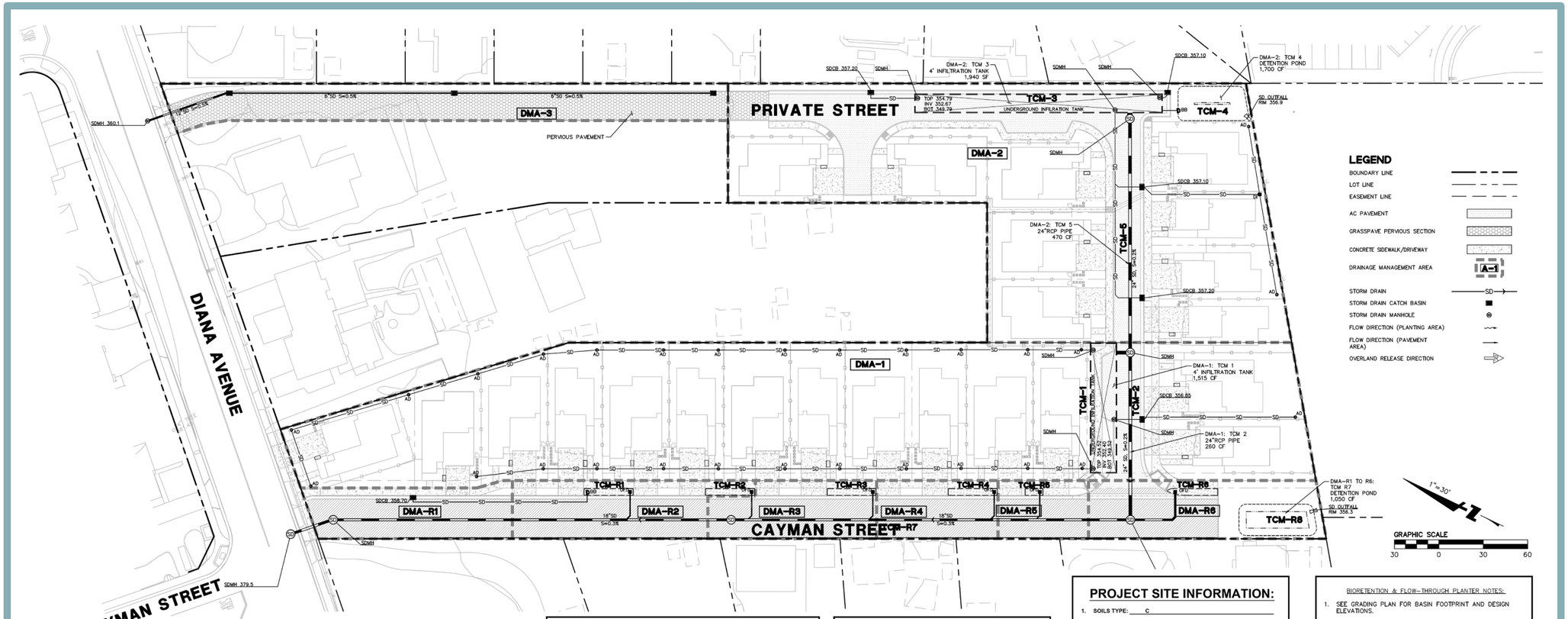


Figure 6
Stormwater Control Plan



BIOTREATMENT SOIL REQUIREMENTS

- BIORETENTION SOIL MIX SHALL MEET THE REQUIREMENTS AS OUTLINED IN APPENDIX C OF THE C.3 STORM WATER HANDBOOK AND SHALL BE A MIXTURE OF FINE SAND AND COMPOST MEASURED ON A VOLUME BASIS OF 60–70% SAND AND 30–40% COMPOST. CONTRACTOR TO REFER TO APPENDIX C FOR SAND AND COMPOST MATERIAL SPECIFICATIONS. CONTRACTOR MAY OBTAIN A COPY OF THE C3 HANDBOOK AT : HTTPS: //CLEANWATER.SCCGOV.ORG/SITES/G/FILES/EXJCPB461/FILES/SCVURPPP_C.PDF
- PRIOR TO ORDERING THE BIOTREATMENT SOIL MIX OR DELIVERY TO THE PROJECT SITE, CONTRACTOR SHALL PROVIDE A BIOTREATMENT SOIL MIX SPECIFICATION CHECKLIST, COMPLETED BY THE SOIL MIX SUPPLIER AND CERTIFIED TESTING LAB.

PERVIOUS PAVEMENT REQUIREMENTS:

CONTRACTOR OR PERMITEE SHALL:

- PROVIDE CERTIFICATION FROM THE PAVEMENT MANUFACTURER THAT THE PAVEMENT MEETS THE REQUIREMENTS OF THE C3 STORMWATER HANDBOOK FOR PERVIOUS PAVEMENT. THIS INCLUDES, BUT IS NOT LIMITED TO, HAVING A MINIMUM SURFACE INFILTRATION RATE OF 100"/HR WHEN TESTED IN ACCORDANCE WITH ASTM C1701.
- ONLY CONTRACTORS HOLDING CERTIFICATION OF COMPLETION IN THE INTERLOCKING CONCRETE PAVEMENT INSTITUTES PICP INSTALLER TECHNICIAN COURSE SHALL BE USED TO INSTALL THE PAVEMENT AND AT LEAST ONE FOREMAN WITH THIS CERTIFICATION MUST BE ON THE JOBSITE AT ALL TIMES DURING PERVIOUS CONCRETE INSTALLATION.
- PROTECT THE EXCAVATED AREA FOR PERVIOUS PAVEMENT FROM EXCESSIVE COMPACTION DUE TO CONSTRUCTION TRAFFIC AND PROTECT THE FINISHED PAVEMENT FROM CONSTRUCTION TRAFFIC.

OPERATION AND MAINTENANCE INFORMATION:

I. **PROPERTY INFORMATION:**

I.A. PROPERTY ADDRESS:
730 & 760 DIANA AVENUE
MORGAN HILL, CA 95037

I.B. PROPERTY OWNER:
DIANA AVENUE INVESTORS, LLC

II. **RESPONSIBLE PARTY FOR MAINTENANCE:**

II.A. CONTACT:
JOSHUA VROTSOS

II.B. PHONE NUMBER OF CONTACT:
(408) 779-5900

II.C. EMAIL:
JVROTSOS@DIVIDENDHOMES.COM

II.D. ADDRESS:
385 WOODVIEW AVENUE, STE 100
MORGAN HILL, CA 95037

PROJECT SITE INFORMATION:

1. **SOILS TYPE:** C
2. **GROUND WATER DEPTH:** 30'
3. **NAME OF RECEIVING BODY:** COYOTE CREEK
4. **FLOOD ZONE:** ZONE X
5. **FLOOD ELEVATION (IF APPLICABLE):**

SOURCE CONTROL MEASURES:

1. BENEFICIAL LANDSCAPING.
2. USE OF WATER EFFICIENT IRRIGATION SYSTEMS.
3. MAINTENANCE (PAVEMENT SWEEPING, CATCH BASIN CLEANING, GOOD HOUSEKEEPING).
4. STORM DRAIN LABELING.

SITE DESIGN MEASURES:

1. PROTECT EXISTING TREES, VEGETATION, AND SOIL.
2. MINIMIZE COMPACTION OF HIGHLY PERMEABLE SOILS
3. LANDSCAPING
   a. WALKWAYS AND PATIOS.
6. DIRECT RUNOFF FROM ROOFS, SIDEWALKS, PATIOS, AND DRIVEWAYS TO LANDSCAPED AREAS.
7. CLUSTER STRUCTURES/PAVEMENT.
8. CONSTRUCT DRIVEWAYS WITH PERMEABLE SURFACES.

BIORETENTION & FLOW-THROUGH PLANTER NOTES:

1. SEE GRADING PLAN FOR BASIN FOOTPRINT AND DESIGN ELEVATIONS.
2. PLACE 3 INCHES OF COMPOSTED, NON-FLOATABLE MULCH IN AREAS BETWEEN STORMWATER PLANTINGS.
3. SEE LANDSCAPE PLAN FOR MULCH, PLANT MATERIALS AND IRRIGATION REQUIREMENTS
4. CURB CUTS SHALL BE A MINIMUM 18" WIDE AND SPACED AT MAXIMUM 10' O.C. INTERVALS AND SLOPED TO DIRECT STORMWATER TO DRAIN INTO THE BASIN. CURB CUTS SHALL ALSO NOT BE PLACED INLINE WITH OVERFLOW CATCH BASIN. SEE GRADING PLAN FOR MORE DETAIL ON LOCATIONS OF CURB CUTS.
5. A MINIMUM 0.2' DROP BETWEEN STORM WATER ENTRY POINT (I.E. CURB OPENING, FLUSH CURB, ETC.) AND ADJACENT LANDSCAPE FINISHED GRADE.
6. DO NOT COMPACT NATIVE SOIL / SUBGRADE AT BOTTOM OF BASIN. LOOSEN SOIL TO 12" DEPTH.

STANDARD STORMWATER CONTROL NOTES:

- STANDING WATER SHALL NOT REMAIN IN THE TREATMENT MEASURES FOR MORE THAN FIVE DAYS, TO PREVENT MOSQUITO GENERATION. SHOULD ANY MOSQUITO ISSUES ARISE, CONTACT THE SANTA CLARA VALLEY VECTOR CONTROL DISTRICT (DISTRICT). MOSQUITO LARVICIDES SHALL BE APPLIED ONLY WHEN ABSOLUTELY NECESSARY, AS INDICATED BY THE DISTRICT, AND THEN ONLY BY A LICENSED PROFESSIONAL OR CONTRACTOR. CONTACT INFORMATION FOR THE DISTRICT IS PROVIDED BELOW.
- DO NOT USE PESTICIDES OR OTHER CHEMICAL APPLICATIONS TO TREAT DISEASED PLANTS. CONTROL WEEDS OR REMOVED UNWANTED GROWTH. EMPLOY NON-CHEMICAL CONTROLS (BIOLOGICAL, PHYSICAL AND CULTURAL CONTROLS) TO TREAT A PEST PROBLEM. PRUNE PLANTS PROPERLY AND AT THE APPROPRIATE TIME OF YEAR. PROVIDE ADEQUATE IRRIGATION FOR LANDSCAPE PLANTS. DO NOT OVER WATER.

Landscaping

The proposed project would include a total of approximately 18,573 sf of landscaped area. Landscaping would include, but is not limited to, trees, shrubs, ground cover and lawn areas. Overall, a total of 95 new trees would be planted throughout the project site, for a total of 97 (including the two existing trees to remain). The new landscaping would primarily be provided along the proposed roadway frontages, as well as within each proposed lot. Landscaping would be required to comply with the standards included in Chapter 18.64 of the City's Municipal Code. In addition, all proposed landscaping improvements would be serviced using a low-volume automatic drip irrigation system.

Requested Entitlements

The project will require City approval of the following entitlements:

- Vesting Tentative Map;
- Design Review;
- Lot Line Adjustment; and
- Tree Removal Permit.

Vesting Tentative Map

The proposed project would require the City's approval of a Vesting Tentative Map (see Figure 7). The project site would be subdivided into 23 lots, plus one common lot; 14 of the lots would each be 3,116 sf, and nine lots would each be 2,536 sf.

Design Review

Pursuant to Section 18.108.040 of the City's Municipal Code, the proposed project would be subject to Design Review. Specifically, the site plan would be analyzed based on elements of design, development location, arrangement of all structures, and design in harmony with surrounding facilities. The purpose of Design Review is to allow the City to review all development, signs, buildings, structures, and other facilities in order to further enhance the City's appearance, and the livability and usefulness of properties.

Lot Line Adjustment

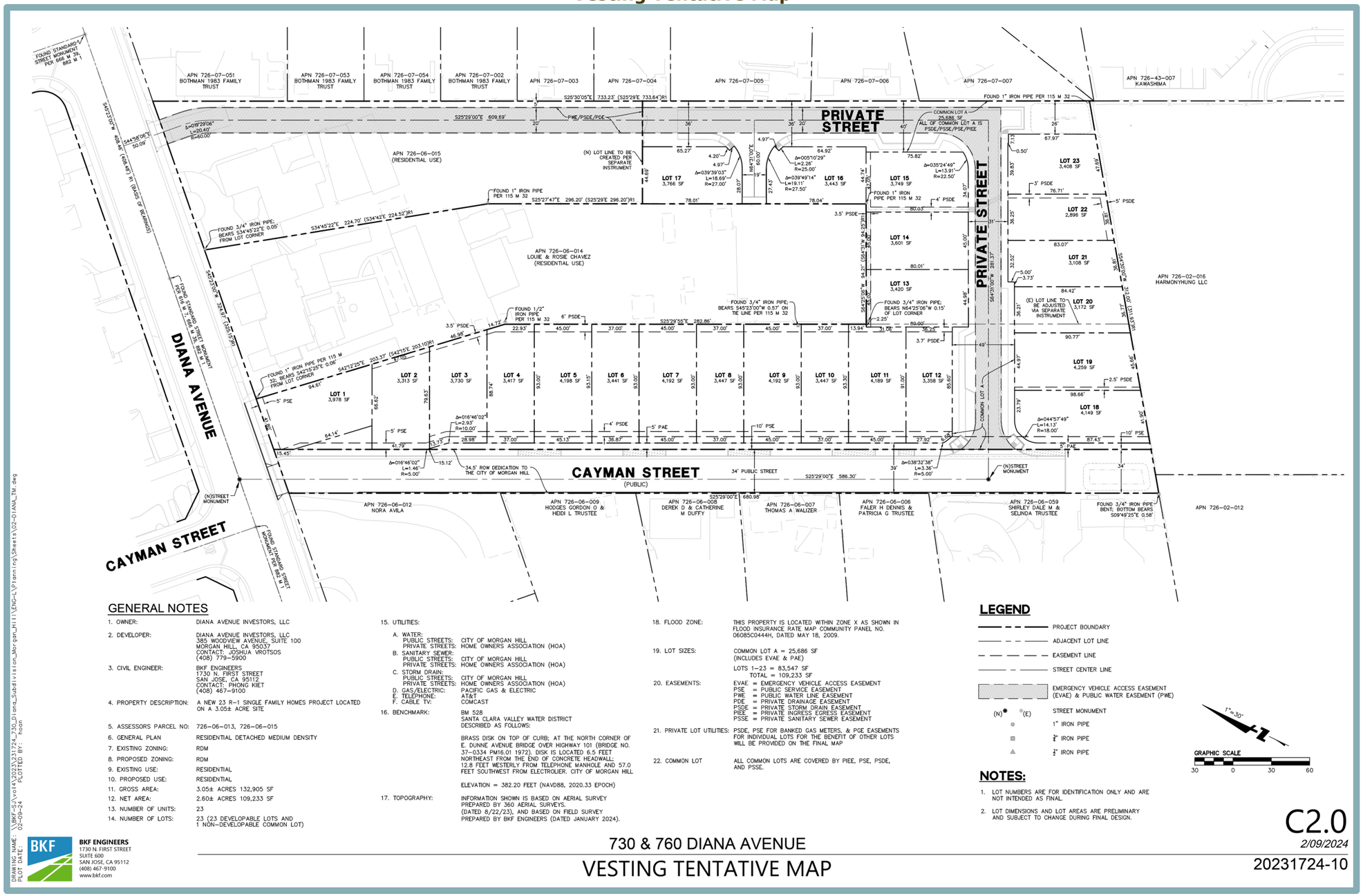
The proposed project would require the City's approval of a Lot Line Adjustment to transfer an approximately 1.087-acre portion of the parcel identified as APN 726-06-015 to the parcel identified as APN 726-06-013.

Tree Removal Permit

Section 12.32.030 (Permit-Required) of the City of Morgan Hill's Municipal Code requires the approval of a Tree Removal Permit before the removal of any Ordinance Sized Trees. The site includes 49 existing trees located throughout the project site, 47 of which are proposed for removal. According to the Arborist Report prepared for the proposed project (see Appendix B), of the 47 trees proposed for removal, 22 are protected under the City's Municipal Code.[3] The project applicant would be required to obtain a Tree Removal Permit and provide for on-site replacement planting at a minimum 1:1 ratio. The Preliminary Landscape Plan would be subject to final City approval to ensure that the plan meets the replacement standards set forth in the City's Municipal Code.

[3] Ray Morneau, Arborist. *Tree Removal Information for Protected Tree Removal Permit Application*. March 27, 2024.

Figure 7
Vesting Tentative Map



GENERAL NOTES

1.	OWNER:	DIANA AVENUE INVESTORS, LLC	
2.	DEVELOPER:	DIANA AVENUE INVESTORS, LLC 385 WOODVIEW AVENUE, SUITE 100 MORGAN HILL, CA 95037 CONTACT: JOSHUA VROTSOS (408) 779-5900	
3.	CIVIL ENGINEER:	BKF ENGINEERS 1730 N. FIRST STREET SAN JOSE, CA 95112 CONTACT: PHONG KIET (408) 467-9100	
4.	PROPERTY DESCRIPTION:	A NEW 23 R-1 SINGLE FAMILY HOMES PROJECT LOCATED ON A 3.05± ACRE SITE	
5.	ASSESSORS PARCEL NO:	726-06-013, 726-06-015	
6.	GENERAL PLAN	RESIDENTIAL DETACHED MEDIUM DENSITY	
7.	EXISTING ZONING:	RDM	
8.	PROPOSED ZONING:	RDM	
9.	EXISTING USE:	RESIDENTIAL	
10.	PROPOSED USE:	RESIDENTIAL	
11.	GROSS AREA:	3.05± ACRES 132,905 SF	
12.	NET AREA:	2.60± ACRES 109,233 SF	
13.	NUMBER OF UNITS:	23	
14.	NUMBER OF LOTS:	23 (23 DEVELOPABLE LOTS AND 1 NON-DEVELOPABLE COMMON LOT)	
15.	UTILITIES:		
	A. WATER:	PUBLIC STREETS: CITY OF MORGAN HILL PRIVATE STREETS: HOME OWNERS ASSOCIATION (HOA)	
	B. SANITARY SEWER:	PUBLIC STREETS: CITY OF MORGAN HILL PRIVATE STREETS: HOME OWNERS ASSOCIATION (HOA)	
	C. STORM DRAIN:	PUBLIC STREETS: CITY OF MORGAN HILL PRIVATE STREETS: HOME OWNERS ASSOCIATION (HOA)	
	D. GAS/ELECTRIC:	PACIFIC GAS & ELECTRIC	
	E. TELEPHONE:	AT&T	
	F. CABLE TV:	COMCAST	
16.	BENCHMARK:	BM 528 SANTA CLARA VALLEY WATER DISTRICT DESCRIBED AS FOLLOWS: BRASS DISK ON TOP OF CURB; AT THE NORTH CORNER OF E. DUNNE AVENUE BRIDGE OVER HIGHWAY 101 (BRIDGE NO. 37-0334 PM16.01 1972). DISK IS LOCATED 6.5 FEET NORTHEAST FROM THE END OF CONCRETE HEADWALL; 12.8 FEET WESTERLY FROM TELEPHONE MANHOLE AND 57.0 FEET SOUTHWEST FROM ELECTROLIER. CITY OF MORGAN HILL ELEVATION = 382.20 FEET (NAVD88, 2020.33 EPOCH)	
17.	TOPOGRAPHY:	INFORMATION SHOWN IS BASED ON AERIAL SURVEY PREPARED BY 360 AERIAL SURVEYS. (DATED 8/22/23), AND BASED ON FIELD SURVEY PREPARED BY BKF ENGINEERS (DATED JANUARY 2024).	
18.	FLOOD ZONE:	THIS PROPERTY IS LOCATED WITHIN ZONE X AS SHOWN IN FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 06085C0444H, DATED MAY 18, 2009.	
19.	LOT SIZES:	COMMON LOT A = 25,686 SF (INCLUDES EVAE & PAE) LOTS 1-23 = 83,547 SF TOTAL = 109,233 SF	
20.	EASEMENTS:	EVAE = EMERGENCY VEHICLE ACCESS EASEMENT PSE = PUBLIC SERVICE EASEMENT PWE = PUBLIC WATER LINE EASEMENT PDE = PRIVATE DRAINAGE EASEMENT PSDE = PRIVATE STORM DRAIN EASEMENT PIEE = PRIVATE INGRESS EGRESS EASEMENT PSSE = PRIVATE SANITARY SEWER EASEMENT	
21.	PRIVATE LOT UTILITIES:	PSDE, PSE FOR BANKED GAS METERS, & PGE EASEMENTS FOR INDIVIDUAL LOTS FOR THE BENEFIT OF OTHER LOTS WILL BE PROVIDED ON THE FINAL MAP	
22.	COMMON LOT	ALL COMMON LOTS ARE COVERED BY PIEE, PSE, PSDE, AND PSSE.	

LEGEND

- PROJECT BOUNDARY
- ADJACENT LOT LINE
- EASEMENT LINE
- STREET CENTER LINE
- EMERGENCY VEHICLE ACCESS EASEMENT (EVAE) & PUBLIC WATER EASEMENT (PWE)
- (N) (E) STREET MONUMENT
- 1" IRON PIPE
- ¾" IRON PIPE
- ½" IRON PIPE

GRAPHIC SCALE 30 0 30 60 (1" = 30')

NOTES:

1. LOT NUMBERS ARE FOR IDENTIFICATION ONLY AND ARE NOT INTENDED AS FINAL.
2. LOT DIMENSIONS AND LOT AREAS ARE PRELIMINARY AND SUBJECT TO CHANGE DURING FINAL DESIGN.

BKF ENGINEERS
1730 N. FIRST STREET
SUITE 600
SAN JOSE, CA 95112
(408) 467-9100
www.bkf.com

DRAWING NAME: \\BKF-S\Vol4\20231\231724-730_Diana_Subdivision_Morgan_Hill\ENG-L\Planning\Sheets\02-DIANA_TM.dwg
PLOT DATE: 02-09-24
PLOTTED BY: hoan

730 & 760 DIANA AVENUE
VESTING TENTATIVE MAP

C2.0
2/09/2024
20231724-10

Concessions and Waivers

Pursuant to Government Code Sections 65915 through 65918, a project applicant shall be granted a density bonus and/or other "incentives or concessions" if at least 10 percent of the housing units in a for-sale common interest development are reserved for persons and families of moderate income. Concessions are considered waivers or reductions in development standards, such as height limitation, setback requirements, floor area ratio (FAR), on-site open space requirements, or parking ratios.

As defined in Morgan Hill Municipal Code Section 14.04.030, "area median income" or "AMI" means the median household income for Santa Clara County, adjusted for actual household size, as determined and published from time to time by the California Department of Housing and Community Development in Section 6932 of Title 25 of the CCR or successor provision published pursuant to Section 50093(c) of the California Health and Safety Code. "Moderate-income household" is defined by Section 14.04.030 as a household with a gross annual household income between 81 percent and 100 percent of AMI for Santa Clara County, based upon actual household size.

The proposed project would comply with the City's Inclusionary Housing Ordinance, which necessitates that 15 percent of new residential units are inclusionary units, by providing deed restrictions for three moderate-income households. The proposed project would include three affordable units. To compensate for the remaining fractional unit, the project would pay an in-lieu fee. In so doing, the project would be eligible for a density bonus. (Gov. Code Section 65915[b][1][A] and Section 65915[f][4]). By meeting the eligibility requirements for a density bonus, the project would also qualify for one incentive or concession that will produce actual and identifiable cost reductions and an unlimited number of waivers or reductions of development standards that will have the effect of physically precluding the construction of the project at the allowed density (Gov. Code Sections 65915[b][1], 65915[d][1], and 65915[e][1]).

As allowed under State Density Bonus Law, the project applicant is requesting a concession from the requirement to underground utility lines, and requesting waivers related to density, lot size, building size, building and street setbacks, building design, street width, sidewalks, open space and on-site recreational amenities, street grading, and street connection and water main design.

E. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

On the basis of the following initial evaluation, the City has determined that the proposed project is consistent with the General Plan EIR. All project impacts have been determined to be less than significant, or can be mitigated to a less-than-significant level given required compliance with General Plan policies or mitigation measures included in the General Plan EIR.

☐ **Aesthetics**	☐ **Agriculture and Forest Resources**	☐ **Air Quality**
☐ **Biological Resources**	☐ **Cultural Resources**	☐ **Energy**
☐ **Geology and Soils**	☐ **Greenhouse Gas Emissions**	☐ **Hazards and Hazardous Materials**
☐ **Hydrology and Water Quality**	☐ **Land Use and Planning**	☐ **Mineral Resources**
☐ **Noise**	☐ **Population and Housing**	☐ **Public Services**
☐ **Recreation**	☐ **Transportation**	☐ **Tribal Cultural Resources**
☐ **Utilities and Service Systems**	☐ **Wildfire**	☐ **Mandatory Findings of Significance**

F. DETERMINATION

On the basis of this Modified Initial Study/15183 Checklist:

☐ I find that the Proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the Proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the applicant. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the Proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☒ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature	Date
Roshni Saxena, Assistant Planner	City of Morgan Hill
Printed Name	For

G. ENVIRONMENTAL CHECKLIST

The following modified checklist is based on the environmental checklist form presented in Appendix G of the CEQA Guidelines. The modified checklist form is used to describe the impacts of the proposed project. A discussion follows each environmental issue identified in the checklist. For this checklist, the following designations are used:

Significant Impact Peculiar to the Project or Project Site: An impact that could be significant due to something peculiar to the proposed project or the project site that was not previously identified in the General Plan EIR. If any potentially significant peculiar impacts are identified, an additional CEQA document must be prepared to analyze such impacts.

Significant Impact due to New Information: Any impact that would be considered significant based on new information which was not known at the time the prior EIR was prepared. If any significant impacts are identified, an additional CEQA document must be prepared to analyze such impacts.

Impact Adequately Addressed in General Plan EIR: Impacts previously evaluated in the City's General Plan EIR that would not change from what was evaluated previously. This designation applies in cases where implementation of the proposed project would not result in a new significant impact, a substantially increased significant impact, or a peculiar impact that was not analyzed in the General Plan EIR.

I. AESTHETICS. *Would the project:*	Significant Impact Peculiar to the Project or the Project Site	Significant Impact due to New Information	Impact Adequately Addressed in the General Plan EIR
a. Have a substantial adverse effect on a scenic vista?	☐	☐	✖
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	☐	☐	✖
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	✖
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	✖

Environmental Setting

The northern portion of the project site is developed with three single-family residences and associated accessory structures, including two ancillary buildings, a barn, and a utility shed. The southern portion of the project site consists of undeveloped ruderal grassland. The project site is surrounded by existing residential development. Sources of light and glare associated with the existing residences currently occur on-site. Other existing sources of light in the project vicinity include exterior lighting from the surrounding existing development, as well as headlights associated with vehicles travelling along Diana Avenue.

Examples of typical scenic vistas include mountain ranges, ridgelines, or bodies of water as viewed from a highway, public space, or other area designated for the express purpose of viewing and sightseeing. In general, a project's impact to a scenic vista would occur if development of the project would substantially change or remove a scenic vista. The Morgan Hill General Plan does not designate official scenic view corridors or vistas. However, according to the General Plan, the hillsides that surround the City to the east and west are considered scenic. The General Plan includes relevant goals and policies, listed below, that would preserve scenic views within the City, including policies requiring protection of the City's natural environment and preserving scenic features and view corridors to nearby hills and other natural areas. According to the California Scenic Highway Mapping System, the project site is not located within the vicinity of an officially designated State Scenic Highway.[4]

General Plan Policies

Listed below are policies from the City of Morgan Hill General Plan related to aesthetics that are relevant to the proposed project:

Policy NRE-1.1 **Natural Features.** Preserve outstanding natural features, such as the skyline of a prominent hill, and rock outcroppings.

[4] California Department of Transportation. *California State Scenic Highway System Map*. Available at: https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa. Accessed October 2024.

Policy NRE-2.1 **Hillside and Ridgeline Views.** Protect views of hillsides, ridgelines, and prominent natural features surrounding the City. These features help define the City's historic rural character, sense of place, image and identity.

Policy NRE-2.3 **Scenic Hillside Preservation.** Preserve scenic hillsides around the City in an undeveloped state, wherever feasible. Provide for retention of hillside areas as open space through the dedication and/or purchase of scenic easements and/or open space easements, transfer of development rights and other appropriate measures.

Policy CNF-8.1 **High Quality Design.** Require all development to feature high quality design that enhances the visual character of Morgan Hill.

Policy CNF-8.2 **Design Features.** Encourage design features and amenities in new development and redevelopment, including, but not limited to:

- Highly connected street layouts, supporting multiple paths of travel for all modes.
- Cluster buildings to create useable open space.
- Abundant landscaping.
- Attractive transitions between uses.
- Comfortable pedestrian facilities that promote a high level of pedestrian activity.
- Distinctiveness and variety in architectural design.

Policy CNF-8.4 **Architectural Quality.** Optimize architectural quality by encouraging the use of quality materials, particularly as accents and authentic detailing, such as balconies and window trims.

Policy CNF-8.5 **Building Façade.** On all sides of buildings, require the incorporation of quality architectural design elements for all building façades and stepping back upper floors in order to reduce bulk and mass and to break up monotonous wall lines.

Policy CNF-8.12 **Visual Impact of Parking.** Require parking areas associated with development to be located and designed to minimize visual impact to the greatest extent feasible. This may include locating parking behind buildings street frontage, below grade, or screening through the use of natural landscaping.

Policy CNF-11.2 **Well-designed Residential Neighborhoods.** Design residential neighborhoods so they are distinct and buffered from conflicting non-residential uses.

Policy CNF-11.10 **Open Space.** Require new subdivisions to feature integrated common open spaces, parks, and community facilities that serve as social and design focal points. Open spaces should be a close walking distance from all residents and should be large enough to be useful for residents.

Policy CNF-11.12 **Design Variation.** Require new residential subdivisions to feature variation in lot and building design to create visually interesting and distinctive neighborhoods. This may be accomplished by:

- Limiting repetition of home models, particularly on adjacent lots.
- Utilizing a cohesive architectural theme but incorporating variation in architectural details.
- Providing variation in one and two-story building elements.
- Providing variation in front, side, and rear setbacks.
- Providing variation in the width and size of lots.

Policy CNF-8.7 **Design Sensitivity.** Ensure that new development is sensitive to the character of adjacent structures and the immediate neighborhood.

Policy CNF-11.20 **Infill Compatibility.** Require residential infill development to complement existing development patterns and minimize impacts on neighboring properties. This may be accomplished by:

- Matching prevailing front and side setbacks on developed blocks.
- Breaking up large buildings into smaller forms reflective of the scale of nearby structures.
- Stepping back upper stories of taller structures.
- Using porches or balconies to counteract the vertical emphasis of taller buildings.
- Using trees and landscaping to soften scale differences, particularly in areas where trees and vegetation are unifying aspects of community character.

Policy CNF-8.20 **Nighttime Lighting.** Require nighttime lighting to be designed to minimize light spillage to adjacent properties.

Policy CNF-8.21 **Nighttime Lighting Technology.** Require nighttime lighting to use current lighting technology to minimize lighting intensity and be down-shielded to reduce light pollution.

a,b. As noted in the City's General Plan, uninterrupted scenic views of the surrounding hillsides exist throughout the City, and are primarily provided in agricultural areas, open spaces, and other areas that remain largely undeveloped. The General Plan EIR (pg. 4.1-8) considers such views as scenic vistas. However, uninterrupted views of the surrounding hillsides do not exist along the segment of Diana Avenue adjacent to the project site. In addition, the project site is not located on a hillside or in the vicinity of a hillside. Distant views of the hills to the east and west of the City are partially visible to motorists, bicyclists, and pedestrians travelling along Diana Avenue; however, development of the proposed project would not further block views of hillsides in the surrounding environs. As such, scenic views would not be subject to substantial adverse effects as a result of the proposed project.

The project site is designated RDM by the City of Morgan Hill General Plan, which allows for detached homes on smaller lots, including courtyard homes, manufactured homes, and small-lot single-family homes. The proposed project is consistent with the type and intensity of development anticipated for the project site within the General Plan. The

General Plan EIR assessed the potential for development facilitated by buildout of the General Plan to result in substantial adverse effects on a scenic vista under Impact AES-1. As concluded therein, compliance with applicable goals, policies, and actions set forth by the General Plan and regulations set forth in the Morgan Hill Municipal Code would reduce impacts related to scenic vistas to less than significant. Given that the proposed project is consistent with the land use designation of the project site, development of the site with single-family uses and associated improvements would not conflict with any General Plan policies related to preservation of scenic resources. Furthermore, the project site is not located in the vicinity of an officially designated State scenic highway.[5]

Based on the above, impacts resulting in a substantial adverse effect on a scenic vista and substantially damaging scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic Highway, have been adequately addressed and there are no effects peculiar to the project or parcels on which it would be located. Thus, the criteria for requiring further CEQA review are not met.

c. The General Plan EIR assessed the potential for implementation of development under the General Plan to substantially degrade the existing visual character or quality of the City and its surroundings under Impact AES-3. As noted therein, architectural styles, building heights, and new parking and landscaping on parcels throughout the City where new development or redevelopment would occur under the General Plan would affect the overall visual character of the City as a whole and of areas around development sites; however, currently undeveloped sites that are designated for development would be the locations with the greatest potential for a change in visual character under the proposed General Plan. Nonetheless, as concluded in the General Plan EIR, compliance with applicable goals, policies, and actions set forth by the General Plan, as presented above, and regulations set forth in the Morgan Hill Municipal Code and the Morgan Hill Architectural Review Handbook would reduce impacts related to the degradation of the existing visual character of the City to less than significant.

As discussed above, the project site consists of ruderal grassland and includes three single-family residences and multiple other auxiliary structures in the northern portion of the site. The project site is surrounded by existing development. The proposed project is consistent with the General Plan land use and zoning designations of the project site, and would comply with applicable development standards required by the City including standards related to building height and landscaping. The proposed project would include waivers related to lot size, setbacks, and architectural design and planning as allowed by Government Code Sections 65915(p)(1)(A) and (B). Specifically, the project applicant is requesting to reduce the minimum allowable lot area to approximately 2,948 sf and to reduce the minimum allowable lot area for corner lots to 3,838 sf to achieve the allowed General Plan land use density. The project applicant is also requesting to reduce the required setback distances, increase the maximum allowable building coverage to increase the residential density, remove the requirement of including balconies, remove the garage placement variation requirement, remove the minimum required common open space requirement, remove the on-site recreational amenity requirement, provide sidewalk on only one side of street frontage, and to decrease the width of street sections. However, such allowances would not substantially alter the proposed project such that the project would conflict with applicable zoning and other regulations governing scenic quality. In addition, the proposed project would be required to undergo Design Review, which would allow the City to review all development, including buildings, structures, and

[5] California Department of Transportation. *Scenic Highways*. Available at: https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways. Accessed October 2024.

other facilities associated with the proposed project. Therefore, the proposed project would not result in any new or peculiar impacts related to conflicting with applicable zoning and other regulations governing scenic quality.

Based on the above, impacts related to conflicting with applicable zoning and other regulations governing scenic quality were adequately addressed in the General Plan EIR, and the project would not result in more severe impacts beyond what was identified in the General Plan EIR.

d. According to the City's General Plan EIR, nighttime uses associated with development allowed by the General Plan may increase light intensity levels in development areas and may have the potential to affect existing and future nearby sensitive receptors. If lighting in new development is not designed to reduce upwardly directed light, nighttime lighting could obscure views of the night sky or intrude into neighboring properties. Future development allowed by the proposed General Plan would also incrementally increase glare due to the new building surfaces and parked cars.

However, development allowed under the City's General Plan is subject to the City's Design Review process, which requires projects be reviewed for consistency with the City's Architectural Review Handbook. The City's Architectural Review Handbook includes standards and guidelines regarding the appropriate use of lighting and avoidance of glare from lighting and other sources. Development within the City is also required to be consistent with the California Building Code standards for outdoor lighting, which are intended to reduce light pollution and glare by regulating light power and brightness, shielding, and sensor controls. Pursuant to CEQA Guidelines Section 15183(c), "If an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards […] then an additional EIR need not be prepared for the project solely on the basis of that impact." The City's General Plan EIR concluded that adherence to the aforementioned standards and guidelines would ensure that lighting is shielded to avoid glare and light spillage and incorporates technologies such as timers to avoid excessive lighting, and a less-than-significant impact would occur.

As discussed above, due to the developed nature of the project site, existing sources of light and glare associated with the existing residences currently exist on-site. Other existing sources of light in the project vicinity include exterior lighting from the surrounding existing development, as well as headlights associated with vehicles travelling along Diana Avenue. The proposed project would be required to comply with the uniformly applied development standards and guidelines included within the City's Architectural Review Handbook and the California Building Code standards for outdoor lighting, as prescribed by the City's General Plan EIR, as well as Section 18.76.060 (Glare) of the Morgan Hill Municipal Code, which includes requirements such as the use of cut-off lenses to direct light downward and minimum maintained lighting on parking surfaces. Compliance with the aforementioned provisions would ensure that the light and glare created by the proposed project would be consistent with the levels of light and glare currently emitted in the surrounding environment.

Based on the above, impacts related to creating a new source of substantial light or glare which would adversely affect day or nighttime views in the area were adequately addressed in the General Plan EIR and the proposed project would not result in any peculiar effects. Thus, the criteria for requiring further CEQA review are not met.

II. AGRICULTURE AND FOREST RESOURCES. *Would the project:*	Significant Impact Peculiar to the Project or the Project Site	Significant Impact due to New Information	Impact Adequately Addressed in the General Plan EIR
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	✖
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	✖
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	✖
d. Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	✖
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	✖

Environmental Setting

The project site is currently developed with three single-family residences and multiple other auxiliary structures, and is surrounded by existing development. According to the Department of Conservation's California Important Farmland Finder, the project site is currently designated as "Urban and Built-Up Land."[6] Urban and Built-Up land is defined by the Department of Conservation as land occupied by structures with a building density of at least one unit per 1.5 acres, or approximately six structures per a 10-acre parcel, including residential, industrial, commercial, institutional facilities, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, and water control structures. The project site does not contain, and is not located adjacent to, Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.

General Plan Policies

Listed below are policies from the City of Morgan Hill General Plan related to agricultural resources that are relevant to the proposed project:

Policy NRE-4.13 **Urban Growth.** Wherever existing development patterns and existing and planned roads and other public facilities permit, concentrate urban development adjacent to existing developed areas in order to minimize the impact of development on agricultural land. Plan for further urban growth to occur in areas which will avoid encroachment into those agricultural lands with the greatest long-term potential to remain economically viable.

Discussion

a,e. Given the designation of the site as Urban and Built-Up Land, development of the proposed project would not convert Prime Farmland, Unique Farmland, or Farmland of

[6] California Department of Conservation. *California Important Farmland Finder*. Available at: https://maps.conservation.ca.gov/dlrp/ciff/. Accessed October 2024.

Statewide Importance to a non-agricultural use, or otherwise result in the loss of Farmland to non-agricultural use.

As such, the proposed project would not result in any peculiar effects, and the criteria for requiring further CEQA review are not met.

b. The project site is not under a Williamson Act contract and is not zoned for agricultural uses. The site is currently zoned RDM. Therefore, buildout of the proposed project would not conflict with an agricultural use or a Williamson Act contract. As such, the proposed project would not result in any peculiar effects, and the criteria for requiring further CEQA review are not met.

c,d. As noted in the General Plan EIR, the City of Morgan Hill does not contain a zoning district for forest land or timberland. However, isolated woodlands that could fall under California PRC Section 12220(g) are located within the General Plan area, primarily within the vicinity of the Chesbro Reservoir and along the eastern border of the General Plan area. Woodlands are not located on the project site and the project site is not considered forest land (as defined in PRC Section 12220[g]), timberland (as defined by PRC Section 4526), and is not zoned Timberland Production (as defined by Government Code Section 51104[g]). As such, the proposed project would not result in any peculiar effects, and the criteria for requiring further CEQA review are not met.

III. AIR QUALITY. *Would the project:*	Significant Impact Peculiar to the Project or the Project Site	Significant Impact due to New Information	Impact Adequately Addressed in the General Plan EIR
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	✖
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	✖
c. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	✖
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	✖

Environmental Setting

The City of Morgan Hill 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). The SFBAAB area is currently designated as a nonattainment area for State and federal ozone, State and federal fine particulate matter 2.5 microns in diameter ($PM_{2.5}$), and State respirable particulate matter 10 microns in diameter (PM_{10}) 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 $PM_{2.5}$ federal AAQS. Nonetheless, the Bay Area must continue to be designated as nonattainment for the federal $PM_{2.5}$ 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 $PM_{2.5}$.

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 with other agencies. The current air quality plans are prepared in cooperation with the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG).

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 2017 Clean Air Plan was developed as a multi-pollutant plan that provides an integrated control strategy to reduce ozone, PM, toxic air contaminants (TACs), and greenhouse gases (GHGs). Although a plan for achieving the State PM_{10} standard is not required, the BAAQMD has prioritized measures to reduce PM in developing the control strategy for the 2017 Clean Air Plan. The control strategy serves as the backbone of the BAAQMD's current PM control program.

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. For development projects, BAAQMD establishes significance thresholds for emissions of the ozone precursors reactive organic gases (ROG) and oxides of nitrogen (NO_X), as well as for PM_{10}, and $PM_{2.5}$, expressed in pounds per day

(lbs/day) and tons per year (tons/yr). The thresholds are listed in Table 1. Thus, by exceeding the BAAQMD's mass emission thresholds for operational emissions of ROG, NO_X, or PM_{10}, a project would be considered to conflict with or obstruct implementation of the BAAQMD's air quality planning efforts.

Table 1
BAAQMD Thresholds of Significance

Pollutant	Construction	Operational	
	Average Daily Emissions (lbs/day)	Average Daily Emissions (lbs/day)	Maximum Annual Emissions (tons/year)
ROG	54	54	10
NO_X	54	54	10
PM_{10} (exhaust)	82	82	15
$PM_{2.5}$ (exhaust)	54	54	10

Source: BAAQMD, CEQA Guidelines, April 2023.

Emissions of particulate matter can be split into two categories: fugitive emissions and exhaust emissions. The BAAQMD thresholds of significance for exhaust PM emissions are presented in Table 1. The BAAQMD does not maintain quantitative thresholds for fugitive emissions of PM_{10} or $PM_{2.5}$; rather, BAAQMD requires all projects within the district's jurisdiction to implement Basic Construction Mitigation Measures (BCMMs) related to dust suppression.

General Plan Policies

Listed below are policies from the City of Morgan Hill General Plan related to air quality that are relevant to the proposed project:

Policy NRE-15.10 **Green Building.** Promote green building practices in new development.

Policy NRE-10.1 **Regional and Subregional Cooperation.** Cooperate with regional agencies in developing and implementing air quality management plans. Support subregional coordination with other cities, counties, and agencies in the Santa Clara Valley and adjacent areas to address land use, jobs/housing balance, and transportation planning issues as a means of improving air quality.

Policy NRE-10.2 **State and Federal Regulation.** Encourage effective regulation of mobile and stationary sources of air pollution and support state and federal regulations to improve automobile emission controls.

Policy NRE-10.3 **Automobile Emissions.** Encourage the use of and infrastructure for alternative fuel, hybrid, and electric vehicles. Encourage new and existing public and private development to include electric vehicle charging stations.

Policy NRE-11.1 **TACs and Proposed Sensitive Uses.** Require modeling for sensitive land uses, such as residential development, proposed near sources of pollution such as freeways and industrial uses. Require new residential development and projects categorized as sensitive receptors to incorporate effective mitigation measures into project designs or be located adequate distances from sources of toxic air contaminants (TACs) to avoid significant risk to health and safety.

Policy NRE-12.1 **Best Practices.** Requirement that development projects implement best management practices to reduce air pollutant emissions associated with construction and operation of the project.

Policy NRE-12.2 **Conditions of Approvals.** Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At a minimum, conditions shall conform to construction mitigation measures recommended in the current Bay Area Air Quality Management District CEQA Guidelines.

Policy NRE-13.1 **Building Materials.** Promote the use of building materials that maintain healthful indoor air quality in an effort to reduce irritation and exposure to toxins and allergens for building occupants.

Policy NRE-13.2 **Construction and Pre-Occupancy Practices.** Encourage construction and pre-occupancy practices to improve indoor air quality for new development upon occupancy of the structure.

Policy NRE-16.5 **Energy Efficiency.** Encourage development project designs that protect and improve air quality and minimize direct and indirect air pollutant emissions by including components that promote energy efficiency.

Policy NRE-16.6 **Landscaping for Energy Conservation.** Encourage landscaping plans for new development to address the planting of trees and shrubs that will provide shade to reduce the need for cooling systems and allow for winter daylighting.

Policy TR-10.4 **Air Quality and Transportation Demand Management.** Investigate opportunities for preparing and implementing Air Quality and Transportation Demand Management Plans by employers and developers of new residential and non-residential developments.

Discussion

a,b. The General Plan EIR concluded that because future projects allowed under the General Plan would be required to comply with General Plan policies and actions, implementation of the General Plan would not conflict with or obstruct implementation of the applicable air quality plan, and a less-than-significant impact would occur. However, according to the General Plan EIR, despite implementation of applicable General Plan policies, criteria air pollutant emissions associated with buildout of the General Plan would cause a substantial net increase in emissions that exceeds the BAAQMD regional significance thresholds, and impacts would be significant and unavoidable.

With regard to construction-related emissions, the General Plan EIR concluded that because BAAQMD's plan-level guidelines do not require an evaluation of construction emissions for plan-level projects, and specific development proposals were not available, future development proposals under the proposed General Plan would be subject to separate environmental review pursuant to CEQA in order to identify and mitigate potential air quality impacts.

Since the preparation of the General Plan EIR, regulations pertaining to air quality emissions have become much more stringent. Therefore, the operational emissions from

buildout of the proposed project (especially related to energy) are anticipated to be less than what was included in the General Plan EIR. The proposed project's construction and operational emissions were quantified using the California Emissions Estimator Model (CalEEMod) web-based version 2022.1.1.28 – a statewide model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify air quality emissions, including GHG emissions, from land use projects. The model applies inherent default values for various land uses, including construction data, trip generation rates, 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:

- Construction would commence in April 2025 and occur over an approximately 1.5-year period;
- Approximately 1,874 sf of building materials would be removed during demolition;
- Approximately 2,130 cubic yards of soils/materials would be exported during grading; and
- Hearths/fireplaces would not be included in the proposed units.

The proposed project's estimated emissions associated with construction and operation are provided below. All CalEEMod results are included as Appendix A to this Modified Initial Study.

Construction Emissions

According to the CalEEMod results, the proposed project would result in maximum unmitigated construction criteria air pollutant emissions as shown in Table 2.

Table 2
Maximum Unmitigated Construction Emissions (lbs/day)

Pollutant	Proposed Project Emissions	Threshold of Significance	Exceeds Threshold?
ROG	4.63	54	**NO**
NO_X	31.7	54	**NO**
PM_{10}*	1.37	82	**NO**
$PM_{2.5}$*	1.26	54	**NO**

Note:
* Denotes emissions from exhaust only. BAAQMD does not have adopted PM thresholds for fugitive emissions.

Source: CalEEMod, October 2024 (see Appendix A).

As shown in the table, the construction of the proposed project would generate criteria pollutant emissions below all applicable thresholds of significance.

All projects within the jurisdiction of the BAAQMD are required to implement all of the BAAQMD's BCMMs, which would be included in the project approval as Conditions of Approval:

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.

2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
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.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
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.
6. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
7. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
8. Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a six- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.
9. Publicly visible signs shall be posted with the telephone number and name of the 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 General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations

The proposed project's required implementation of the BAAQMD's BCMMs listed above for the project's construction activities would help to further reduce construction-related fugitive dust emissions.

Operational Emissions

As discussed above, the General Plan EIR concluded that criteria air pollutant emissions associated with buildout of the General Plan would result in a significant and unavoidable impact. For those impacts determined to be significant in a General Plan EIR, CEQA Section 15183 allows for future environmental documents to limit examination of environmental effects to those impacts which were not already analyzed as a significant effect in the prior EIR, provided that the proposed project is consistent with the General Plan. Given that the proposed project is consistent with the City's General Plan land use designation for the project site and effects peculiar to the project or parcels on which it would be located do not exist relative to air pollutant emissions, criteria air pollutant emissions associated with buildout of the site have been anticipated by the City and analyzed in the General Plan EIR. Because associated impacts were previously determined to be significant and unavoidable, pursuant to CEQA Section 15183, further analysis of issues related to operational emissions is not required in this Modified Initial Study.

Conclusion

Because the proposed project would result in construction emissions below the applicable thresholds of significance, and the operational emissions of the proposed project have already been anticipated in the General Plan EIR, the proposed project would not result in any peculiar effects related to the generation of criteria pollutants, and requirements for additional CEQA review are not met.

c. 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. Sensitive receptors are typically defined as facilities where sensitive receptor population groups (i.e., children, the elderly, the acutely ill, and the chronically ill) are likely to be located. Accordingly, land uses that are typically considered to be sensitive receptors include residences, schools, playgrounds, childcare centers, retirement homes, convalescent homes, hospitals, and medical clinics. The nearest sensitive receptors to the project site are the single-family residential units located immediately to the north, east, and west of the project site.

The major pollutant concentrations of concern are localized carbon monoxide (CO) emissions and TAC emissions, which are addressed in further detail below.

Localized CO Emissions

Localized concentrations of CO are related to the levels of traffic and congestion along streets and at intersections. High levels of localized CO concentrations are only expected where background levels are high, and traffic volumes and congestion levels are high. Emissions of CO are of potential concern, as the pollutant is a toxic gas that results from the incomplete combustion of carbon-containing fuels such as gasoline or wood. CO emissions are particularly related to traffic levels. According to the General Plan EIR, localized air quality impacts related to pollutant concentrations from mobile-source emissions generated by buildout of the General Plan would be less than significant.

In order to provide a conservative indication of whether a project would result in localized CO emissions that would exceed the applicable threshold of significance, the BAAQMD has established screening criteria for localized CO emissions. According to BAAQMD, a proposed project would result in a less-than-significant impact related to localized CO emission concentrations if all of the following conditions are true for the project:

- The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans;
- The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour; and
- The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, underpass, etc.).

Given that the proposed project is consistent with the site's current land use and zoning designations, the proposed project would not conflict with the Santa Clara Valley Transportation Authority (VTA) Congestion Management Program (CMP).[7] Pursuant to the ITE Trip Generation Handbook, the 23 proposed single-family residential units would be anticipated to generate approximately 219 daily trips. According to the General Plan EIR, with 2035 General Plan buildout, the nearest evaluated roadway, the segment of Butterfield Boulevard between East Main Avenue and Diana Avenue, will maintain an average daily traffic of 26,947 vehicles. Considering the proposed project is expected to generate up to 219 daily trips and is consistent with the General Plan land use designation for the project site, traffic associated with the proposed development would not increase

[7] Santa Clara Valley Transportation Authority. *2021 Congestion Management Program Document.* December 2021.

traffic volumes at any affected intersection to more than 44,000 vehicles per hour. Furthermore, areas where vertical and/or horizontal mixing is limited due to tunnels, underpasses, or similar features do not exist in the project area. Therefore, based on the BAAQMD's screening criteria for localized CO emissions, the proposed project would not be expected to result in substantial levels of localized CO at surrounding intersections or generate localized concentrations of CO that would exceed standards or cause health hazards.

TAC Emissions

Another category of environmental concern is TACs. 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 would correlate to a higher health risk.

According to the General Plan EIR, implementation of General Plan policies and actions would minimize impacts from community risk and hazards. However, future projects in proximity to major sources of air pollution (e.g., within 1,000 feet of an industrial area) would need to ensure that BAAQMD's performance standards related to TACs could be achieved. Consequently, the General Plan EIR included Mitigation Measure AQ-4b which would ensure that new projects are evaluated in accordance with BAAQMD's CEQA Guidelines. Thus, the General Plan concluded that with implementation of Mitigation Measure AQ-4b impacts would be less than significant.

The project site is not located in proximity to a major source of air pollution. In addition, the proposed project does not include any operations that would be considered a substantial source of TACs. Accordingly, operations of the proposed project would not expose sensitive receptors to excess concentrations of TACs.

Short-term, construction-related activities would 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. Health risks are typically associated with exposure to high concentrations of TACs over extended periods of time (e.g., 30 years or greater), whereas the construction period associated with the proposed project is estimated to be approximately 1.5 years.

All construction equipment and operation thereof would be regulated pursuant to 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. Project construction would also be required to comply with all applicable BAAQMD rules and regulations, particularly associated with permitting of air pollutant sources. In addition, only portions of the site would be disturbed at a time throughout the construction period, with operation of construction equipment occurring intermittently throughout the course of a day rather than continuously at any one location on the project site. Operation of

construction equipment within portions of the development area would allow for the dispersal of emissions, and would ensure that construction-activity is not continuously occurring in the portions of the project site closest to existing receptors. Because construction equipment on-site would not operate for long periods of time and would be used at varying 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, the potential for any one sensitive receptor in the area to be exposed to concentrations of pollutants for a substantially extended period of time would be low.

Pursuant to CEQA Guidelines Section 15183(c), "If an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards […] then an additional EIR need not be prepared for the project solely on the basis of that impact." In the case of the proposed project, 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 Section 18.76.040 (Air Contaminants) of the City's Municipal Code, the management plan must include all applicable BAAQMD rules and regulations, as well as the City's standard conditions for construction activity. The City of Morgan Hill Development Services Department would ensure that the BAAQMD's BCMMs, listed under section "a,b" above, would be noted on project construction drawings prior to issuance of a building permit or approval of improvement plans.

Conclusion

Based on the above, the proposed project would not expose any sensitive receptors to substantial concentrations of localized CO or TACs during construction or operation, either on a project-level or cumulative level. Therefore, the proposed project would not result in any peculiar effects, and further CEQA review would not be required for this topic.

d. Emissions such as those leading to odors have the potential to adversely affect sensitive receptors within the project area. Pollutants of principal concern include emissions leading to odors, emission of dust, or emissions considered to constitute air pollutants. Air pollutants have been discussed in sections 'a' through 'c' above. Therefore, the following discussion focuses on emissions of odors and dust.

Pursuant to the BAAQMD CEQA Guidelines, odors are generally regarded as an annoyance rather than a health hazard.[8] Manifestations of a person's reaction to odors can range from psychological (e.g., irritation, anger, or anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, and headache). The presence of an odor impact is dependent on several variables including: the nature of the odor source; the frequency of odor generation; the intensity of odor; the distance of odor source to sensitive receptors; wind direction; and sensitivity of the receptor.

Due to the subjective nature of odor impacts, the number of variables that can influence the potential for an odor impact, and the variety of odor sources, quantification of significant odor impacts is relatively difficult. Typical odor-generating land uses include,

[8] Bay Area Air Quality Management District. *2022 California Environmental Quality Act Guidelines*. April 2023.

but are not limited to, wastewater treatment plants, landfills, and composting facilities. The proposed project would not introduce any such land uses.

Construction activities often include diesel-fueled equipment and heavy-duty diesel trucks, which can create odors associated with diesel fumes, which could be found to be objectionable. However, as discussed above, construction activities would be temporary, and operation of construction equipment would be regulated and intermittent. Project construction would also be required to comply with all applicable BAAQMD rules and regulations, particularly associated with permitting of air pollutant sources. The aforementioned 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, the BAAQMD rules and regulations would act to reduce construction related dust, which would ensure that construction of the proposed project does not result in substantial emissions of dust. Following project construction, the project site would not include any exposed topsoil. Thus, project operations would not include any substantial sources of dust.

For the aforementioned reasons, construction and operation of the proposed project would not result in emissions (such as those leading to odors) adversely affecting a substantial number of people. Therefore, the proposed project would not result in any peculiar effects, and further CEQA review would not be required for this topic.

IV. BIOLOGICAL RESOURCES. *Would the project:*	Significant Impact Peculiar to the Project or the Project Site	Significant Impact due to New Information	Impact Adequately Addressed in the General Plan EIR
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	✖
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☐	✖
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	✖
d. Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	☐	☐	✖
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	✖
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	✖

Environmental Setting

The project site is located within the boundaries of the Santa Clara Valley Habitat Plan (SCVHP). The project site is currently developed with residential uses, and is surrounded by existing development. The site includes 49 existing trees located throughout the project site. According to the Santa Clara Valley Habitat Agency's Habitat Agency Geobrowser,[9] the southern portion of the project site consists of Grain, Row-crop, Hay and Pasture, Disked/Short-term Fallowed land cover. The Grain, Row-crop, Hay and Pasture, Disked/Short-term Fallowed land cover type is described in the SCVHP as "tilled land not appearing in the aerial photographs to support orchard or vineyard[.]"[10] The northern portion of the project site consists of Urban-Suburban (U-S) land. According to the SCVHP, U-S land cover is described as areas where the native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures. Vegetation found in the U-S land cover is usually in the form of landscaped residences, planted street trees, and parklands. Typically, species covered by the SCVHP are unlikely to occur within U-S areas.

General Plan Policies

Listed below are policies from the City of Morgan Hill General Plan related to biological resources that are relevant to the proposed project:

[9] Santa Clara Valley Habitat Agency. *Habitat Agency Geobrowser*. Available at: https://scvha.maps.arcgis.com/apps/webappviewer/index.html?id=f2268679c2fa49489e3f7d6e8377837e. Accessed October 2024.

[10] Santa Clara Valley Habitat Agency. *Final Santa Clara Valley Habitat Plan* [pg. 3-96]. August 2012.

Policy NRE-1.10 **Wetland Delineation and Mitigation.** Require wetland delineation and mitigation as part of the environmental review for future development.

Policy NRE-5.2 **Other Agencies Environmental Review.** Coordinate with jurisdictional agencies, as required, as part of the environmental review process for development projects.

Policy NRE-5.4 **Development Impacts in Riparian Areas.** Consider development impacts upon wildlife in riparian areas and mitigate those environmental impacts.

Policy NRE-6.1 **Natural State of Habitat.** Preserve all fish and wildlife habitats in their natural state whenever possible. Consider development impacts upon wildlife and utilize actions to mitigate those environmental impacts.

Policy NRE-6.2 **Habitat Conservation Plan.** Support the implementation of the Santa Clara Valley Habitat Conservation Plan to protect wildlife, rare and endangered plants and animals, and sensitive habitats from loss and destruction.

Policy NRE-6.4 **Tree Preservation and Protection.** Preserve and protect mature, healthy trees whenever feasible, particularly native trees, historically significant trees, and other trees which are of significant size or of significant aesthetic value to the immediate vicinity or to the community as a whole.

Discussion

a. The General Plan EIR concluded that applicable federal, State, regional, and local regulations, together with the goals, policies, and actions included in the General Plan would reduce potential impacts to special-status species that could result from buildout of the Plan to a less-than-significant level. Applicable federal, State, regional, and local regulations include, but are not limited to, the Clean Water Act (CWA), Federal Endangered Species Act (FESA), Migratory Bird Treaty Act (MBTA), California Endangered Species Act (CESA), California Department of Fish and Wildlife (CDFW) Code, Oak Woodlands Conservation Act, California Native Plant Protection Act, SCVHP, Santa Clara County General Plan, and the Morgan Hill Municipal Code.

Special-status species include those species that are:

- Listed as endangered or threatened under the FESA (or formally proposed for, or candidates for, listing);
- Listed as endangered or threatened under the CESA (or proposed for listing);
- Designated as endangered or rare, pursuant to CDFW Code (§1901);
- Designated as fully-protected, pursuant to CDFW Code (§3511, §4700, or §5050);
- Designated as species of special concern by the CDFW; or
- Defined as rare or endangered under CEQA [California Rare Plant Rank (CRPR) 1, 2, and 3].

Although CDFW Species of Special Concern generally do not have special legal status, they are given special consideration under CEQA. In addition to regulations for special-

status species, most birds in the U.S., including non-status species, are protected by the MBTA of 1918. Under the MBTA, destroying active nests, eggs, and young is illegal.

The SCVHP provides take authorization for 18 listed and non-listed species (i.e., covered species). In addition, 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 study area. The SCVHP is discussed further under question 'f' below.

Raney Planning and Management, Inc. conducted a search of published records of special-status plant and wildlife species for the Morgan Hill United States Geological Survey (USGS) 7.5" quadrangle, in which the project site is located, and for the eight surrounding quadrangles, using the California Natural Diversity Data Base (CNDDB) Rarefind 5 application. The intent of the database review was to identify documented occurrences of special-status species in the vicinity of the project area, to determine their locations relative to the project site, and to identify habitats suitable for special-status species within the site. The results of the CNDDB search are discussed below.

Special-Status Plants

The majority of the project site currently consists ruderal grassland, with the northern portion of the project site developed with existing residential uses. The project site is located within an urban area and is surrounded by existing development.

Based on the results of the CNDDB search, a total of 40 special-status plant species have been recorded within the project region. However, due to the project site's routine disturbance associated with residential uses, and surrounding development that has occurred as part of the buildout of the project area, none of the identified special-status plant species with potential to occur in the surrounding environs would occur on-site, as the site lacks suitable aquatic habitats (such as marshes or vernal pools) or suitable substrates (such as alkaline soils) to accommodate such species. The nearest occurrences of special-status plant species in the project region occur in the undeveloped mountains to the north and west of the City. Therefore, the proposed project would not substantially degrade the quality of the environment and reduce habitat in a manner that would reduce a threatened or endangered plant species' population to below self-sustaining levels.

Special-Status Wildlife

According to the CNDDB results, 32 special-status wildlife species have previously been documented within the region. Of the 32 special-status wildlife species, 31 species would not have the potential to occur on-site, due to the lack of suitable habitat (i.e., aquatic, riparian, woodland, and/or coastal habitat) and regular disturbance. For example, due to the lack of on-site aquatic resources, potential impacts as a result of the proposed project would not occur to northwestern pond turtle, Santa Cruz long-toed salamander, Santa Cruz black salamander, California giant salamander, California tiger salamander, southern coastal roach, Monterey hitch, steelhead, California red-legged frog, or foothill yellow-legged frog, as the project site does not contain requisite flowing waters or wetlands.

In addition, based on the Biogeographic Information and Observation System (BIOS) of the CNDDB, the project site is located within an area of nearby CNDDB occurrences of

coast horned lizard and western bumble bee.[11] However, due to the lack of on-site chapparal, woodland, scrub, or valley and foothill grassland, the project site would not represent suitable habitat for coast horned lizard. In addition, western bumble bee is unlikely to occur or nest at the project site due to a lack of high-quality floral resources at the project site, and individual bees would be capable of flying away during construction activities associated with the proposed project. Therefore, although identified in the CNDDB query conducted as part of this Modified Initial Study, the foregoing special-status species would not be significantly impacted by the proposed project. In addition, the project site's surrounding development further reduces the likelihood of wildlife species, including those with special status, to occur on-site.

Of the special-status wildlife species identified by CNDDB, only the burrowing owl has marginal potential to occur on-site. The burrowing owl, which is candidate for listing under CESA, typically occupies abandoned ground burrows created by California ground squirrels. Burrowing owl are known to overwinter in disturbed sites and sites near frequent human use. According to Figure 5-11 of the SCVHP, the project site is not considered occupied nesting burrowing owl habitat, and, thus, burrowing owl surveys are not required by the SCVHP.[12] In addition, the Santa Clara Valley Habitat Agency Geobrowser indicates that the project site is located outside of the SCVHP Burrowing Owl Fee Area.

Existing trees and shrubs within the project site could provide potential nesting habitat for nesting migratory birds and raptors protected by the MBTA. Therefore, project construction activities, including initial site grading, soil excavation, associated improvements, and/or tree and vegetation removal occurring during the nesting period for migratory birds (typically between February 1 to August 31) could have the potential to result in nest abandonment or death of any live eggs or young, should migratory birds or their nests be present within or near the project site. In such an event, the proposed project could result in a potentially significant impact. However, given the developed nature of the project site and surrounding area, and the fact that habitat for nesting birds and raptors is not uncommon within the project area, the site does not include any peculiar conditions from a biological perspective. Furthermore, as discussed above, the General Plan includes policies to reduce potential impacts to such species to less-than-significant levels.

Pursuant to CEQA Guidelines Section 15183(f), "An effect of a project on the environment shall not be considered peculiar to the project or the parcel for the purposes of this section if uniformly applied development policies or standards have been previously adopted by the city or county with a finding that the development policies or standards will substantially mitigate that environmental effect when applied to future projects, unless substantial new information shows that the policies or standards will not substantially mitigate the environmental effect. […]" The General Plan EIR concluded that applicable Federal, State, regional, and local regulations, together with General Plan goals, policies, and actions would reduce potential impacts to special-status species that could result from buildout of the General Plan. In addition, as part of the City's standard Conditions of Approval, a preconstruction survey for migratory birds would be required prior to the removal of any trees located within the project site.

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11 California Department of Fish and Wildlife. *Biogeographic Information and Observation System (BIOS)*. Available at: https://wildlife.ca.gov/Data/BIOS. Accessed October 2024.

12 Santa Clara Valley Habitat Agency. *Final Santa Clara Valley Habitat Plan* [pg. 6-62]. August 2012.

Based on the above, impacts to species identified as special-status species in local or regional plans, policies, or regulations, or by the CDFW or the U.S. Fish and Wildlife Service were adequately addressed in the General Plan EIR, and the proposed project would not result in any peculiar effects given required compliance with applicable federal, state, regional, and local regulations, together with the goals, policies, and actions included in the General Plan, which the General Plan EIR found would substantially mitigate potential environmental effects.

b,c. The majority of the project site consists of ruderal grassland, with existing residential uses located in the northern portion of the site, and is surrounded by existing development. The proposed development area does not contain any wetlands or aquatic features. Therefore, the site does not include any sensitive natural communities, and impacts related to having a substantial adverse effect on riparian habitat, sensitive natural communities, or federally protected wetlands were adequately addressed in the General Plan EIR. The proposed project would not result in any peculiar effects that would require further CEQA review related to effects on any riparian habitat, protected wetlands, or other sensitive natural communities.

d. According to the General Plan EIR, the primary migratory corridors within the City are located within Llagas Creek and Coyote Creek in areas outside the City limits and within the City's Sphere of Influence (SOI). The General Plan EIR concluded that applicable existing laws and regulations, together with General Plan goals, policies, and actions would reduce potential impacts that could result from buildout of the General Plan, and a less-than-significant impact would occur.

The majority of the project site consists of ruderal grassland, with existing residential uses located in the northern portion of the site, and is surrounded by existing development. In addition, Llagas Creek and Coyote Creek are not located within the project vicinity. Thus, development of the proposed project would not have the potential to impact wildlife corridors, or interfere substantially with the movement of native resident or migratory wildlife species.

Based on the above, impacts related to interfering substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites were adequately addressed in the General Plan EIR, and the proposed project would not result in any peculiar effects that would require further CEQA review related to such.

e. The General Plan EIR concluded that with compliance with existing regulations and adherence to the goals, policies, and actions included in the General Plan and Chapter 12.32 of the Municipal Code, which serve to minimize potential impacts related to the protection of biological resources, impacts related to conflicting with local policies or ordinances protecting biological resources would be considered less than significant.

Section 12.32.030 (Permit-Required) of the Morgan Hill Municipal Code requires the approval of a tree removal permit prior to the removal of any Ordinance Sized Trees, defined as a non-indigenous tree with a circumference greater than 40 inches (approximately 12.7-inch diameter) or any indigenous tree with circumference greater than 18 inches (approximately 5.7 inches diameter). Indigenous tree means any tree native to the Morgan Hill region, such as oaks (all types), Sycamore, California Bay, Madrone, or Alder. According to the Morgan Hill Municipal Code, non-indigenous tree species in

residential zones and orchards (including individual fruit trees) are not considered Ordinance Sized Trees. Non-indigenous trees proposed for removal within the residential zoned property are exempt from the City's tree replacement requirements.

As discussed above, while the project site is currently developed with residential uses, the site includes 49 existing trees located throughout the project site, 47 of which are proposed for removal. According to the Arborist Report prepared for the proposed project (see Appendix B), of the 47 trees proposed for removal, 22 are protected under the City's Municipal Code.[13]

As previously discussed, pursuant to CEQA Guidelines Section 15183(f), "An effect of a project on the environment shall not be considered peculiar to the project or the parcel for the purposes of this section if uniformly applied development policies or standards have been previously adopted by the city or county with a finding that the development policies or standards will substantially mitigate that environmental effect when applied to future projects, unless substantial new information shows that the policies or standards will not substantially mitigate the environmental effect. […]" In the case of the proposed project, General Plan Policy NRE-6.4 and Chapter 12.32 of the Municipal Code, with which the proposed project would be required to comply, would substantially mitigate effects related to the removal of on-site trees by requiring the approval of a Tree Removal Permit, the preservation and protection of trees whenever feasible, and potentially, replacement of trees removed, subject to the City's discretion.

Based on the above, impacts related to conflicting with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, were adequately addressed in the General Plan EIR, and the proposed project would not result in any peculiar effects that would require further CEQA review related to such.

f. The City of Morgan Hill is a member agency for the SCVHP, which implements conservation measures to ensure the protection of threatened and endangered species and their habitat. The SCVHP provides take authorization for 18 listed and non-listed species (i.e., covered species). In addition, 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 study area.

As noted above, General Plan Policy NRE-6.2 requires implementation of the SCVHP to protect wildlife, rare and endangered plants and animals, and sensitive habitats from loss and destruction. The General Plan concluded that impacts related to conflicting with an adopted Habitat Conservation Plan (HCP) or Natural Communities Plan (NCCP) would be less than significant.

The project site is not located within a geographic area of the SCVHP or land cover type that includes conditions that require plant or wildlife surveys and AMMs. The project site is not located within a designated Plant or Wildlife Survey Area for any Covered Species. As set forth by Morgan Hill Municipal Code Section 18.132.050, compliance with the SCVHP requires payment of fees according to the Fee Zone designation of the property. According to the Santa Clara Valley Habitat Agency Geobrowser, the southern portion of the project site is located within Fee Zone B (Agricultural and Valley Floor Lands). As such,

[13] Ray Morneau, Arborist. *Tree Removal Information for Protected Tree Removal Permit Application*. March 27, 2024.

the proposed project would be subject to land cover fees for Fee Zone B. As part of the City's standard Conditions of Approval, a preconstruction survey for migratory birds would be required prior to the removal of any on-site trees to ensure impacts to species protected under the SCVHP, including Least Bell's vireo and tricolored blackbird, do not occur. Thus, buildout of the project site would not interfere with regional conservation efforts.

Therefore, impacts related to conflicting with an adopted HCP, NCCP, or other approved local, regional, or state habitat conservation plan were adequately addressed in the General Plan EIR, and the proposed project would not result in any peculiar effects that would require further CEQA review related to such.

V. CULTURAL RESOURCES. *Would the project:*	Significant Impact Peculiar to the Project or the Project Site	Significant Impact due to New Information	Impact Adequately Addressed in the General Plan EIR
a. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	☐	☐	✖
b. Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5?	☐	☐	✖
c. Disturb any human remains, including those interred outside of dedicated cemeteries.	☐	☐	✖

Environmental Setting

The project site is located within an urban area of the City of Morgan Hill, and is bordered by existing development to the north, east, and west. Currently, the project site primarily consists of ruderal grassland, with three single-family residences and auxiliary structures, including two ancillary buildings, a barn, and a utility shed located in the northern portion of the project site.

Historical resources are features that are associated with the lives of historically-important persons and/or historically-significant events, that embody the distinctive characteristics of a type, period, region or method of construction, or that have yielded, or may be likely to yield, information important to the pre-history or history of the local area, California, or the nation. Examples of typical historical resources include, but are not limited to, buildings, farmsteads, rail lines, bridges, and trash scatters containing objects such as colored glass and ceramics. Historical properties within the City of Morgan Hill are summarized in Table 4.5-1 of the EIR. Table 4.5-1 of the General Plan EIR does not identify any known historical resources on or adjacent to the project site. However, as noted in the General Plan EIR, archaeological surveys conducted in Morgan Hill have identified numerous prehistoric sites with shell midden components, including human burials.

A California Historic Resources Information System (CHRIS) search was performed for the proposed project.[14] Based on the results of the project-specific CHRIS search, the project area does not contain any recorded historical or archaeological resources. The CHRIS search concluded that a low to moderate potential exists for previously unrecorded archeological resources to occur on-site, based on the environmental setting of the site.

In addition, an evaluation of on-site historic era structures was conducted as part of the California Department of Parks and Recreation Primary Record prepared by GPA Consulting for the proposed project (see Appendix C).[15]

General Plan Policies

Listed below are policies from the City of Morgan Hill General Plan related to cultural resources that are relevant to the proposed project:

Policy HC-8.3 **Demolition.** Prior to approving demolition or alteration of historically significant buildings, evaluate alternatives, including structural preservation, relocation or other mitigation, and demonstrate that financing has been secured for replacement use.

[14] Northwest Information Center. *Record search results for the proposed 730 ad 760 Diana Avenue Residential Project.* October 25, 2024.

[15] GPA Consulting. *State of California – The Resource Agency Department of Parks and Recreation Primary Record – 730 Diana Avenue*. June 1, 2024.

Policy HC-8.4 **Tribal Consultation.** Consult with Native American tribes that have ancestral ties to Morgan Hill regarding proposed new development projects and land use policy changes.

Policy HC-8.5 **Mitigation.** Require that if cultural resources, including tribal, archaeological, or paleontological resources, are uncovered during grading or other on-site excavation activities, construction shall stop until appropriate mitigation is implemented.

Discussion

a. The proposed project would include demolition of the existing on-site structures. According to the State of California Department of Parks and Recreation Primary Record prepared for the proposed project, the oldest existing on-site structures were constructed in 1940.

As part of the Primary Record, GPA Consulting conducted archival research to assess the history of the project site in order develop a historical context and evaluate the historical significance of the existing on-site structures, including the three single-family residences, two ancillary buildings, barn, and utility shed. All on-site structures would be demolished or removed to accommodate the proposed project.

According to the Primary Record, Building A (single-family residence) was constructed in 1978, Building B (single-family residence) was constructed between 1940 and 1948, Building C (modified chicken coop, now single-family residence) was constructed between 1940 and 1948, Building D (ancillary building) was constructed between 1982 and 1987, Building E (barn) was constructed between 1956 and 1965, Building F (ancillary building) was constructed between 1956 and 1965, and Building G (utility shed) was constructed between 2020 and 2023.

Based on the approximate years of construction for each structure, the barn, single-family residences B and C, detached garage, and associated landscape meet the age threshold (50 years) for consideration as historic resources. In order to determine whether the on-site structures are historically significant, the structures would be required to undergo evaluation using the National Register of Historic Places (NRHP) and the California Register of Historical Resources (CRHR) eligibility criteria.

The NRHP and CRHR eligibility criteria include the following:

(1)/(A) It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the U.S.;
(2)/(B) It is associated with the lives of persons important to local, California, or national history;
(3)/(C) It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values; or
(4)/(D) It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

In addition, the resources must retain integrity. Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association. The resource must be at least 50 years old, except in exceptional circumstances.

The eligibility of the two single-family residences, two ancillary buildings, and barn to be considered significant historical resources, pursuant to NRHP/CRHR criteria, is discussed in further detail below.

NRHP/CRHR Criteria A/1

According to the Primary Record, the project site, including the on-site structures, are not associated with any events that made a significant contribution to the broad patterns of California's history or cultural heritage. Therefore, the project site and existing structures are not eligible for the NRHP/CRHR under Criteria A/1.

NRHP/CRHR Criteria B/2

According to the Primary Record, research was unable to identify early residents or owners of the oldest buildings on the subject property. Sources such as historic maps, census records, and city directories were consulted but did not yield any such information. Therefore, the project site is not eligible for inclusion on the NRHP/CRHR under Criterion B/2.

NRHP/CRHR Criteria C/3

Although the on-site structures were constructed at the end of the agricultural development period within the City of Morgan Hill, the site does not reflect an agricultural property type, as the site lacks intact residential and ancillary buildings related to agricultural development. Research did not reveal any information to associate the property with the work of a master architect. Based on the above, the two single-family residences, two ancillary buildings, and barn are not eligible for listing on the NRHP/CRHR under Criterion C/3.

NRHP/CRHR Criteria D/4

Criterion D/4 generally applies to resources that contain, or are likely to contain, information bearing on an important archaeological research question. In order to be eligible under Criterion D/4, a building must be a principal source of important information, such as exhibiting a local variation on a standard design or construction technique. The building can be eligible if a study can yield important information, such as how local availability of materials or construction expertise affected the evolution of local building development.

According to the Primary Record, the project site is not believed to have yielded or will yield information important to the prehistory or history of the local area, California, or nation. Therefore, the two single-family residences, two ancillary buildings, and barn are not eligible for listing on the NRHP/CRHR under Criterion D/4.

Conclusion

The evaluation concludes that the property does not appear eligible for listing under the National, California, or local criteria due to a lack of significance. The General Plan EIR concluded that compliance with existing regulations, including the Morgan Hill Municipal Code, would ensure that potential impacts to historical and archaeological resources would be less than significant.

Based on the above, impacts related to causing a substantial adverse change in the significance of a historic resource pursuant to CEQA Guidelines Section 15064.5 were

adequately addressed in the General Plan EIR, and the proposed project would not result in any peculiar effects that would require further CEQA review related to such.

b,c. The General Plan EIR concluded that compliance with existing regulations, including the Morgan Hill Municipal Code, would ensure that potential impacts to historical and archaeological resources would be less than significant.

Based on the results of the records search of the CHRIS, known archaeological resources have not been identified on or adjacent to the project site. In addition, a search of the Native American Heritage Commission (NAHC) Sacred Lands File was conducted, which yielded negative results. Nonetheless, the following City standard Conditions of Approval related to the protection of historical and archaeological resources would be implemented as part of the proposed project, consistent with Section 18.60.090 of the Morgan Hill Municipal Code:

A. The developer shall enter into written contracts with an archaeologist and the Tamien Nation Tribe, and pay all fees associated with the activities required by this condition. The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply:

1. Prior to start of grading or earthmoving activity (includes demolition and moving of heavy equipment on site) 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.

2. An archaeologist and a Tamien Nation Tribal Monitor shall be present on-site to monitor all ground disturbing activities and an archaeologist shall be on-call. 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:

    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.

    b) If the find is determined not to be a Unique Archaeological Resource, construction can continue. The archaeologist will 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;

    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

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.

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,

    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.
    b) Remains should not be held by human hands. Surgical gloves should be worn if remains need to be handled.
    c) Surgical mask should also be worn to prevent exposure to pathogens that may be associated with the remains.

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.

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 or discovery, by the monitoring archaeologist and tribal representative (typically twenty-five to fifty feet for single burial or archaeological find).

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.

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 consultation process for treatment and disposition:

    - The City of Morgan Hill Development Services Director (408) 779-7247
    - The Contractor's Point(s) of Contact
    - The Coroner of the County of Santa Clara (if human remains found) (408) 793-1900
    - The Native American Heritage Commission (NAHC) in Sacramento (916) 653-4082
    - The Amah Mutsun Tribal Band (916) 481-5785 (H) or (916) 743-5833 (C)
    - The Tamien Nation (707) 295-4011 (office) and (925) 336-5359 (THPO)

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.

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.)

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.

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.

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.

As previously discussed, pursuant to CEQA Guidelines Section 15183(f), "An effect of a project on the environment shall not be considered peculiar to the project or the parcel for the purposes of this section if uniformly applied development policies or standards have been previously adopted by the city or county with a finding that the development policies or standards will substantially mitigate that environmental effect when applied to future

projects, unless substantial new information shows that the policies or standards will not substantially mitigate the environmental effect. […]" In the case of the proposed project, compliance with Section 18.60.090 of the Morgan Hill Municipal Code would substantially mitigate potential project impacts to archaeological resources.

Based on the above, impacts related to causing a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5 and/or disturbing human remains, including those interred outside of formal cemeteries, were adequately addressed in the General Plan EIR, and the proposed project would not result in any peculiar effects that would require further CEQA review related to such.

VI. ENERGY. *Would the project:*	Significant Impact Peculiar to the Project or the Project Site	Significant Impact due to New Information	Impact Adequately Addressed in the General Plan EIR
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	✖
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	✖

Environmental Setting

The main forms of available energy supply are electricity, natural gas, and oil. The proposed project would not use natural gas, as natural gas is prohibited by the City in all new construction effective March 1, 2020, pursuant to City Ordinance No. 2306.

Through existing infrastructure, electrical services are provided to the site by PG&E. During construction and operations, the currently proposed project would be subject to regulations required by the CARB, the 2022 Building Energy Efficiency Standards, and the 2022 CALGreen standards. A description of the 2022 CALGreen Code and Building Energy Efficiency Standards, as well as discussions regarding the proposed project's potential effects related to energy demand during construction and operations are provided below.

California Green Building Standards Code

The 2022 CALGreen Code (CCR Title 24, Part 11) is a portion of the CBSC, which became effective on January 1, 2023.[16] The purpose of the CALGreen Code is to improve public health, safety, and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices. The CBSC standards regulate the method of use, properties, performance, types of materials used in construction, alteration repair, improvement and rehabilitation of a structure or improvement to property. The provisions of the code apply to the planning, design, operation, construction, use, and occupancy of every newly constructed building or structure throughout California. Requirements of the CALGreen Code include, but are not limited to, the following measures:

- Compliance with relevant regulations related to future installation of electric vehicle (EV) charging infrastructure in residential and non-residential structures;
- Indoor water use consumption is reduced through the establishment of maximum fixture water use rates;
- Outdoor landscaping must comply with the California Department of Water Resources' Model Water Efficient Landscape Ordinance (MWELO), or a local ordinance, whichever is more stringent, to reduce outdoor water use;
- Diversion of 65 percent of construction and demolition waste from landfills;
- Mandatory use of low-pollutant emitting interior finish materials such as paints, carpet, vinyl flooring, and particle board; and
- For single-family and low-rise residential structures developed after January 1, 2020, mandatory on-site solar energy systems. Certain residential developments, such as developments that are subject to substantial shading, rendering the use of on-site solar photovoltaic systems infeasible, may be exempted from the foregoing requirement on a case-by-case basis.

[16] California Building Standards Commission. *California Green Building Standards Code*. 2022.

Building Energy Efficiency Standards

The 2022 Building Energy Efficiency Standards is a portion of the CBSC, which expands upon energy-efficiency measures from the 2019 Building Energy Efficiency Standards, and went into effect starting January 1, 2023. The 2022 standards provide for additional efficiency improvements beyond the 2019 standards. The proposed project would be subject to all relevant provisions of the most recent update of the CBSC, including the Building Energy Efficiency Standards. Adherence to the most recent CALGreen Code and Building Energy Efficiency Standards would ensure that the proposed structure would consume energy efficiently. Energy reductions relative to previous Building Energy Efficiency Standards would be achieved through various regulations including requirements for the use of high efficacy lighting, improved water heating system efficiency, and high-performance attics and walls.

General Plan Policies

Listed below are policies from the City of Morgan Hill General Plan related to energy that are relevant to the proposed project:

Policy NRE-16.1 **Energy Standards for New Development.** New development, including public buildings, should be designed to exceed State standards for the use of energy.

Policy NRE-16.2 **Energy Conservation.** Promote energy conservation techniques and energy efficiency in building design, orientation, and construction.

Policy NRE-16.5 **Energy Efficiency.** Encourage development project designs that protect and improve air quality and minimize direct and indirect air pollutant emissions by including components that promote energy efficiency.

Policy NRE-16.6 **Landscaping for Energy Conservation.** Encourage landscaping plans for new development to address the planting of trees and shrubs that will provide shade to reduce the need for cooling systems and allow for winter daylighting.

Policy NRE-16.7 **Renewable Energy.** Encourage new and existing development to incorporate renewable energy generating features, like solar panels and solar hot water heaters.

Policy NRE-16.8 **Residential Development Code.** Emphasize energy conservation building techniques for new residential construction through the implementation of Chapter 18.78 of the Municipal Code.[17]

Discussion

a,b. Since the preparation of the General Plan EIR, regulations pertaining to energy use have become much more stringent. Therefore, the construction and operational energy demand associated with the proposed project is anticipated to be less than what was assumed in the General Plan EIR analysis. Discussions regarding the proposed project's potential effects related to energy demand during construction and operations are provided below.

[17] Chapter 18.78 Residential Development Control System of the City's Municipal Code was omitted pursuant to Ordinance 2277 N.S. and subsequently replaced by Chapter 18.156 pursuant to Ordinance 2280 N.S.

Construction Energy Use

The General Plan EIR concluded that in accordance with the applicable regulations and General Plan policies, construction energy impacts for future development under the General Plan would be addressed in project-specific analysis, and as a result, General Plan impacts would be less-than-significant. The following includes a project-specific analysis of the proposed project's construction energy use.

Construction of 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. In addition, diesel-fueled portable generators may be necessary to provide additional electricity demands for temporary on-site lighting, welding, and for supplying energy to areas of the site where energy supply cannot be met through a hookup to the existing electricity grid. Project construction would not involve the use of natural gas appliances or equipment.

Even during the most intense period of construction, due to the different types of construction activities (e.g., demolition, site preparation, grading, building construction), only portions of the project site would be disturbed at a time, with operation of construction equipment occurring at different locations on the project site, rather than a single location. In addition, all construction equipment and operation thereof would be regulated pursuant to the CARB In-Use Off-Road Diesel Vehicle Regulation, which 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 addition of older vehicles into fleets, and requiring fleets to reduce emissions by retiring, replacing, or repowering older engines, or installing exhaust retrofits. The In-Use Off-Road Diesel Vehicle Regulation would subsequently help to improve fuel efficiency and reduce GHG emissions. Technological innovations and more stringent standards are being researched, such as multi-function equipment, hybrid equipment, or other design changes, which could help to reduce demand on oil and emissions associated with construction.

Based on the above, the temporary increase in energy use 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. The proposed project 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.

Operational Energy Use

With regard to operational energy use, including energy use associated with new development, transportation, and renewable energy, the General Plan EIR concluded that with the implementation of General Plan policies and actions, and in accordance with applicable State and local energy efficiency measures, significant energy conservation and savings would be realized from future development under the proposed General Plan, and energy impacts from development would be less than significant.

Energy use associated with operation of the proposed project would be typical of residential uses, requiring electricity for interior and exterior building lighting, operation of stoves, kitchen and cleaning appliances, and more. Maintenance activities during operations, such as landscape maintenance, would involve the use of electric or gas-

powered equipment. In addition to on-site energy use, the proposed project would result in transportation energy use associated with vehicle trips generated by residents.

The proposed project would be subject to all relevant provisions of the most recent CBSC, including the CALGreen Code and the Building Energy Efficiency Standards. Adherence to the most recent CALGreen Code and the Building Energy Efficiency Standards would ensure that the proposed structures consume energy efficiently through the incorporation of such features as efficient water heating systems, high-performance attics and walls, and high-efficacy lighting. The CALGreen Code requires that new residential buildings use a combination of energy efficiency and distributed renewable energy generation to meet all annual energy needs. Required compliance with the standards and regulations noted above would ensure that the building energy use associated with the proposed project would not be wasteful, inefficient, or unnecessary. In regard to transportation energy use, the proposed project would comply with all applicable regulations associated with vehicle efficiency and fuel economy. The project site is located within close proximity to existing bicycle, pedestrian, and transit infrastructure. The availability of bicycle, pedestrian, and transit infrastructure in the project vicinity would further reduce vehicle miles traveled (VMT) associated with the project and reduce fuel consumption.

Based on the above, compliance with the State's latest Energy Efficiency Standards and local regulations would ensure that the proposed project would implement all necessary energy efficiency regulations and would contribute to the efficient use of energy resources.

Conclusion

Based on the above, the proposed project would involve energy use associated with construction activities and operations; however, given that the proposed project would be consistent with the site's General Plan land use designation, buildout of the project site and associated energy demands have been anticipated by the City and analyzed in the General Plan EIR. In addition, the project would comply with applicable General Plan policies, as well as other State energy standards, which would ensure that construction and operation of the proposed project would not result in wasteful, inefficient, or unnecessary consumption of energy resources or conflict with or obstruct a State or local plan for renewable energy or energy efficiency. Based on the above, impacts related to energy use were adequately addressed in the General Plan EIR, and the proposed project would not result in any effects that would require further CEQA review for this topic.

VII. GEOLOGY AND SOILS. *Would the project:*	Significant Impact Peculiar to the Project or the Project Site	Significant Impact due to New Information	Impact Adequately Addressed in the General Plan EIR
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:			
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	✖
ii. Strong seismic ground shaking?	☐	☐	✖
iii. Seismic-related ground failure, including liquefaction?	☐	☐	✖
iv. Landslides?	☐	☐	✖
b. Result in substantial soil erosion or the loss of topsoil?	☐	☐	✖
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	✖
d. Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	✖
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	✖
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	✖

Environmental Setting

According to the General Plan EIR, Morgan Hill, like most of California, is vulnerable to seismic activity due to the presence of several active earthquake faults in the region. According to the United States Geological Survey (USGS), faults that have moved in Holocene time (the last 11,500 years) are considered the most active and dangerous faults. Based on age and historic movement, the most active seismic sources in the vicinity of Morgan Hill are the Calaveras, San Andreas, and Sargent-Berrocal faults. The California Geological Survey does not include Morgan Hill on its list of cities that are affected by Alquist-Priolo Fault Zones. In addition, development within the City is required to comply with the CBSC. The CBSC provides minimum standards to ensure that structures would be designed using sound engineering practices and appropriate engineering standards for the seismic area in which the project site is located. Projects designed in accordance with the CBSC should be able to: 1) resist minor earthquakes without damage; 2) resist moderate earthquakes without structural damage, but with some non-structural damage; and 3) resist major earthquakes without collapse, but with some structural, as well as non-structural, damage. Although conformance with the CBSC does not guarantee that substantial structural damage would not occur in the event of a maximum magnitude earthquake, conformance with the CBSC can reasonably be assumed to ensure that the proposed structure would be survivable, allowing occupants to safely evacuate in the event of a major earthquake.

A Geotechnical Investigation was prepared for the proposed project by Quantum Geotechnical, Inc. (see Appendix D).[18] According to the Geotechnical Investigation, the project site is generally level and is underlain by Pleistocene alluvial fan deposits that are generally composed of sands and gravel that are poorly to moderately sorted and may be medium dense to dense. Groundwater was not encountered within the depth explored of 36.5 feet. The historic high groundwater level is estimated to be 35 feet deep.

General Plan Policies

Listed below are policies from the City of Morgan Hill General Plan related to geology and soils that are relevant to the proposed project:

Action SSI-1.A **New Development and Hazards.** New development should avoid hazardous and sensitive areas, and should occur only where it can be built without risking health and safety. New habitable structures should not be allowed in areas of highest hazard, such as floodways, active landslides, active fault traces, and airport safety zones. In areas of less risk, development should be limited and designed to reduce risks to an acceptable level.

Policy SSI-1.2 **Hazard Reporting.** Known or potential geologic, fire, and flood hazards shall be disclosed as part of every real estate transaction and recorded on documents to be reported for building permits, subdivisions, and land development reports. Mitigation of hazards shall be noted in the same manner.

Policy SSI-2.1 **Land Use and Geologic Hazards.** Limit uses on lands with geologic hazards, but allow uses on previously urbanized lands with proper mitigation. Keep development in hazardous areas to a minimum by encouraging low-density, low intensity uses and the types of uses least disruptive to the soil and vegetative cover.

Policy SSI-2.2 **Site: Preparation for Geologic Stability.** Where urban development has already occurred and have been extensive capital improvements made, use mitigation procedures for development on lands with geologic hazards, including geologic investigations on a scale commensurate with development where geologic data indicates there is a known or suspected problem.

Policy SSI-2.3 **Site Preparation in Hazardous Areas.** Require site preparation in hazardous areas to be designed to achieve long-term geologic stability.

Policy SSI-2.9 **Geologic Studies.** Continue to require geologic and geotechnical studies for development in potentially hazardous areas, such as hillside areas and geotechnical studies for critical facilities in areas with liquifiable soils. The costs for consulting geologists shall be covered by a fee to the developer.

Policy SSA-2.11 **Geotechnical Investigations.** Require geotechnical investigations on all projects in unstable areas, including areas of expansive soils, prior to construction to ensure that the potential hazards are identified and can be properly mitigated.

[18] Quantum Geotechnical, Inc. *Geotechnical Investigation on Proposed Residential Development at 730 & 760 Diana Avenue Morgan Hill, California for Diana Avenue Investors, LLC*. March 26, 2024.

Discussion

ai-aii. The General Plan EIR concluded that compliance with applicable General Plan policies, the CBSC, and the Morgan Hill Building Code, would ensure impacts related to fault rupture hazards and seismic ground shaking would be less than significant. Given that the proposed project would be consistent with the site's General Plan land use designation, potential fault rupture and seismic ground shaking hazards associated with buildout of the project site have been anticipated by the City and analyzed in the General Plan EIR. Furthermore, the proposed project would be constructed in accordance with the seismic design parameters established by the most recent requirements of the CBSC. According to the Geotechnical Investigation prepared for the proposed project, the site is not located in an earthquake fault zone as designated by the State of California, nor is the site located in a Santa Clara County fault zone. Therefore, impacts related to seismic rupture of a known earthquake fault or strong seismic ground shaking were adequately addressed in the General Plan EIR, and the proposed project would not result in any effects that would require further CEQA review for this topic.

aiii,aiv,
c. The proposed project's potential effects related to liquefaction, landslides, lateral spreading, and subsidence/settlement are discussed in detail below.

Liquefaction

Liquefaction is a phenomenon in which granular material is transformed from a solid state to a liquefied state as a consequence of increased pore-water pressure and reduced effective stress. Increased pore-water pressure is induced by the tendency of granular materials to densify when subjected to cyclic shear stresses associated with earthquakes. According to the Geotechnical Investigation, the potential for ground surface damage at the site resulting from liquefaction is low, due to the presence of very dense Pleistocene age granular deposits below the site and the deep depth of groundwater.

The Safety, Services, and Infrastructure Element of the General Plan acknowledges the hazards associated with seismically induced liquefaction in the planning area, and includes a number of policies (SSI-1.1A, 1.2, 2.1, and 2.3) that are relevant to the potential hazards. Furthermore, the CBSC and Morgan Hill Building Code provide standards to protect property and public safety by regulating the design and construction of excavations, foundations, building frames, retaining walls, and other building elements, which would further reduce the potential for seismic-related ground failure, including liquefaction. Compliance with the aforementioned uniformly applicable development regulations would ensure that the potential for risks related to liquefaction would be less than significant.

Landslides

Seismically-induced landslides are triggered by earthquake ground shaking. The risk of landslide hazard is greatest in areas with steep, unstable slopes. The topography of the project site is considered level terrain and, thus, impacts related to landslides would be less than significant.

Lateral Spreading

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. The Geotechnical Investigation does not cite concerns related to lateral spreading. The project site is located on level terrain and is not located near any open faces that would be considered susceptible to lateral spreading. Therefore, the potential for lateral spreading to pose a risk to the proposed project is relatively low. Furthermore, the General Plan EIR concludes that impacts related to lateral spreading would be reduced to a less-than-significant level with compliance with the CBSC, General Plan, and the Municipal Code.

Subsidence/Settlement

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. The proposed project would comply with the CBSC, which would reduce the potential risk for subsidence. Additionally, the General Plan EIR concludes that impacts related to subsidence/settlement would be reduced with compliance with the CBSC, the General Plan, and the Municipal Code. The proposed project would be required to comply with all applicable policies, regulations, and standards set forth by the State and the City of Morgan Hill. Therefore, impacts related to subsidence/settlement would be less than significant.

Conclusion

Based on the above, the proposed project would not be subject to substantial risks related to liquefaction, landslides, lateral spreading, and subsidence/settlement. In addition, as noted in the General Plan EIR, the CBSC and Chapter 15.08 (Building Code) of the Morgan Hill Municipal Code provide standards to protect property and public safety by regulating the design and construction of excavations, foundations, building frames, and other building elements. Compliance with standard construction regulations included in the CBSC and Chapter 15.08 (Building Code) of the Morgan Hill Municipal Code 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. Furthermore, final building design and construction at the project site would be completed in conformance with the recommendations of a design-level Geotechnical Investigation. The City of Morgan Hill Building Division would review all improvement plans to ensure that all recommendations from the Geotechnical Investigation are incorporated. Therefore, impacts related to substantial risks related to liquefaction, landslides, lateral spreading, and subsidence/settlement were adequately addressed in the General Plan EIR, and the proposed project would not result in any effects that would require further CEQA review for this topic.

b. Issues related to erosion are discussed in Section X, Hydrology and Water Quality, of this Modified Initial Study. As noted therein, the proposed project would not result in substantial soil erosion or the loss of topsoil.

d. Expansive soils increase in volume when they absorb water and have the potential to crack or otherwise compromise the integrity of building foundations. According to the General Plan EIR, expansive soils are known to be present in the General Plan area. General Plan Policy SSA-2.11 requires geotechnical investigation for development projects to ensure that potential hazards can be properly mitigated. In addition, the CBSC and Morgan Hill Building Code provide standards to protect property and public safety by regulating the design and construction of excavations, foundations, building frames, retaining walls, and other building elements. Thus, the General Plan EIR concluded that impacts related to expansive soils would be less than significant.

Pursuant to the Geotechnical Investigation, the results of laboratory testing indicate that the surficial silt soils on-site are non-expansive. In addition, the proposed project would be required to comply with all applicable CBSC standards to ensure the structural integrity of the proposed structures. Furthermore, Section 15.08.090 (Section 1907A.1 amended-minimum slab provisions) of the Morgan Hill Municipal Code includes requirements for minimum thickness of concrete floor slabs, as well as required reinforcement with wire mesh or an approved alternate, to help prevent damage due to shrinking and swelling. Given required compliance with the CBSC and the slab and foundation construction standards provided in the Municipal Code, the proposed project would not be subject to substantial risks related to expansive soils. Finally, as discussed above, final building design and construction at the project site would be completed in conformance with the recommendations of a design-level Geotechnical Investigation. The City of Morgan Hill Building Division would review all improvement plans to ensure that all recommendations from the Geotechnical Investigation are incorporated.

Based on the above, impacts related to substantial direct or indirect risks to life or property related to being located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property were adequately addressed in the General Plan EIR, and the proposed project would not result in any effects that would require further CEQA review for this topic.

e. The General Plan EIR concluded that because the City's Municipal Code includes provisions for proper installation of septic tanks, and the General Plan requires septic tanks only be installed when negative impacts would not occur, buildout of the General Plan would result in less-than-significant impacts related to soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

The proposed project would connect to existing City sewer services. Thus, the construction or operation of septic tanks or other alternative wastewater disposal systems is not included as part of the project. Therefore, the proposed project would not result in any effects that would require further CEQA review for this topic.

f. Paleontological resources or fossils are the remains of prehistoric plant and animal life. As noted in the General Plan EIR, based on a review of the University of California's Museum of Paleontology's fossil locality database conducted for all of Santa Clara County, paleontological resources have not been explicitly identified as being found within Morgan Hill. As noted in the City's General Plan, occurrences of fossil resources are closely tied to the geologic units. The soil types at the project site are not considered unique geologic features and are common within the geographic area of the City. As such, development of the proposed project would not destroy a unique geologic feature. Furthermore, the proposed project would be subject to the City's standard measures listed in Section V, Cultural Resources, of this Modified Initial Study, which, as noted in the General Plan EIR, would ensure that impacts to paleontological resources are less than significant.

Based on the above, the project site does not contain any peculiar conditions that would result in increased potential for subsurface paleontological resources. The proposed project would be required to comply with the aforementioned measures to avoid potential adverse effects to paleontological resources, if such resources are discovered during ground-disturbing activities on the site. Therefore, impacts related to resulting in the direct or indirect destruction of a unique paleontological resource were adequately addressed in

the General Plan EIR, and the proposed project would not result in any effects that would require further CEQA review for this topic.

VIII. GREENHOUSE GAS EMISSIONS. *Would the project:*	Significant Impact Peculiar to the Project or the Project Site	Significant Impact due to New Information	Impact Adequately Addressed in the General Plan EIR
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	✖
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses?	☐	☐	✖

Environmental Setting

Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. Therefore, the cumulative global emissions of GHGs contributing to global climate change can be attributed to every nation, region, and city, and virtually every individual on Earth. An individual project's GHG emissions are at a micro-scale level relative to global emissions and effects to global climate change; however, an individual project could result in a cumulatively considerable incremental contribution to a significant cumulative macro-scale impact. As such, impacts related to emissions of GHG are inherently considered cumulative impacts.

Implementation of the proposed project would cumulatively contribute to increases of GHG emissions. Estimated GHG emissions attributable to future development would be primarily associated with increases of carbon dioxide (CO_2) and, to a lesser extent, other GHG pollutants, such as methane (CH_4) and nitrous oxide (N_2O) associated with area sources, mobile sources or vehicles, utilities (electricity and natural gas), water usage, wastewater generation, and the generation of solid waste. The primary source of GHG emissions for the project would be mobile source emissions. The common unit of measurement for GHG is expressed in terms of annual metric tons of CO_2 equivalents ($MTCO_2e$/yr).

The proposed project is located within the jurisdictional boundaries of BAAQMD. The most recent BAAQMD Air Quality Guidelines were released in April 2023.[19] The updated GHG thresholds address more recent climate change legislation, including Senate Bill (SB) 32, Executive Order (EO) B-55-18, and EO S-03-05, and provide qualitative thresholds, as discussed in further detail below.

General Plan Policies

Listed below are policies from the City of Morgan Hill General Plan related to GHG emissions that are applicable to the proposed project:

Policy NRE-10.1 **Regional and Subregional Cooperation.** Cooperate with regional agencies in developing and implementing air quality management plans. Support subregional coordination with other cities, counties, and agencies in the Santa Clara Valley and adjacent areas to address land use, jobs/housing balance, and transportation planning issues as a means of improving air quality.

[19] Bay Area Air Quality Management District. *2022 California Environmental Quality Act Guidelines*. April 2023.

Policy NRE-10.2 **State and Federal Regulation.** Encourage effective regulation of mobile and stationary sources of air pollution and support state and federal regulations to improve automobile emission controls.

Policy NRE-10.3 **Automobile Emissions.** Encourage the use of and infrastructure for alternative fuel, hybrid, and electric vehicles. Encourage new and existing public and private development to include electric vehicle charging stations.

Policy NRE-10.4 **Reduced Automobile Use.** To reduce air pollution the frequency and length of automobile trips and the amount of traffic congestion by controlling sprawl, promoting infill development, and encouraging mixed uses and higher density development near transit. Support the expansion and improvement of alternative modes of transportation. Encourage development project designs that protect and improve air quality and minimize direct and indirect air pollutant emissions by including components that reduce vehicle trips.

Policy NRE-15.1 **Greenhouse Gas Emission Reduction Targets.** Maintain a greenhouse gas reduction trajectory that is consistent with the greenhouse gas reduction targets of Executive Orders B-30-15 (40 percent below 1990 levels by 2030) and S-03-05 (80 percent below 1990 levels by 2050) to ensure the City is consistent with statewide efforts to reduce greenhouse gas emissions.

Policy NRE-15.11 **Green Building.** Promote green building practices in new development.

Policy NRE-16.5 **Energy Efficiency.** Encourage development project designs that protect and improve air quality and minimize direct and indirect air pollutant emissions by including components that promote energy efficiency.

Policy TR-10.4 **Air Quality and Transportation Demand Management.** Investigate opportunities for preparing and implementing Air Quality and Transportation Demand Management Plans by employers and developers of new residential and non-residential developments.

Discussion

a,b. The General Plan EIR analyzed the potential for implementation of the General Plan to result in the generation of levels of GHGs that could either directly or indirectly cause significant impacts to the environment. According to the General Plan EIR, while buildout of the General Plan would achieve the 2035 performance criteria that would ensure the City is on a trajectory to achieve the GHG reduction targets of Executive Order B-30-15, the General Plan would result in a substantial increase in GHG emissions from existing conditions by the General Plan horizon year 2035 and would not achieve an efficiency target that is 80 percent reduction from 1990 levels. Therefore, the General Plan EIR determined a significant and unavoidable impact would occur.

In addition, the General Plan EIR analyzed whether implementation of the General Plan would conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs. According to the General Plan EIR, the

General Plan includes policies to reduce GHG emissions and is consistent with the programs identified within the CARB Scoping Plan. Therefore, the General Plan EIR determined that impacts would be less than significant.

As discussed above, the General Plan EIR concluded that GHG emissions associated with buildout of the General Plan would result in a significant and unavoidable impact. For those impacts determined to be significant in a General Plan EIR, CEQA Section 15183 allows for future environmental documents to limit examination of environmental effects to those impacts which were not already analyzed as a significant effect in the prior EIR, provided that the proposed project is consistent with the General Plan. Given that the proposed project is consistent with the City's General Plan land use designation for the project site and effects peculiar to the project or parcels on which it would be located do not exist, GHG emissions associated with buildout of the site have been anticipated by the City and analyzed in the General Plan EIR. Because associated impacts were previously determined to be significant and unavoidable, pursuant to CEQA Section 15183, further analysis of issues related to GHG emissions is not required in this Modified Initial Study. In addition, since the preparation of the General Plan EIR, regulations pertaining to GHG emissions have become much more stringent. For example, since preparation of the General Plan EIR, natural gas has been prohibited by the City in all new construction, pursuant to City Ordinance No. 2306, and the 2022 CALGreen Code has been adopted. In addition, State actions taken pursuant to recent GHG reduction goals (such as AB 32, SB 32, and EO B-55-18), including requirements for lower carbon-content in motor vehicle fuels, improved vehicle mileage standards, and increased share of renewable energy in generating electricity would also further reduce GHGs related to the General Plan. Therefore, the GHG emissions associated with the proposed project are anticipated to be less than what was assumed in the General Plan EIR analysis.

In addition, because the proposed project would not be considered to conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs, the proposed project would not result in any peculiar effects related to the generation of GHG emissions, and requirements for additional CEQA review are not met.

IX. HAZARDS AND HAZARDOUS MATERIALS. *Would the project:*	Significant Impact Peculiar to the Project or the Project Site	Significant Impact due to New Information	Impact Adequately Addressed in the General Plan EIR
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	✖
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	☐	☐	✖
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	✖
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	✖
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	✖
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	✖
g. Expose people or structures, either directly or indirectly, to the risk of loss, injury or death involving wildland fires?	☐	☐	✖

Environmental Setting

According to the General Plan, hazardous materials can include petroleum, natural gas, synthetic gas, acutely toxic chemicals, and other toxic chemicals that are used in agriculture, commercial, and industrial uses; businesses; hospitals; and households. Hazardous materials and hazardous wastes are heavily regulated by federal, State and local agencies including the California Environmental Protection Agency (CALEPA) and the Department of Toxic Substances Control (DTSC). A total of 88 sites in the City are known to contain, or have previously contained, hazardous materials (see Table 4.8-2 of the General Plan EIR).

A Phase I Environmental Site Assessment (Phase I ESA) was prepared for the proposed project by Ninyo & Moore for the purpose of identifying potential recognized environmental conditions (RECs) associated with the project site (see Appendix E).[20] The Phase I ESA included a reconnaissance of the site and a review of regulatory agency database reports of public records for the site area, aerial photography, historic maps, and various other documentation, as well as a limited subsurface investigation. Sources reviewed as part of the Phase I ESA indicate that the project site was developed with orchards since at least 1939 until sometime before 1950 when the site was depicted as vacant with some remnant orchard. By the time of the 1998 aerial photo, residential structures were depicted on the project site similar to how they currently exist. According to the California Department of Parks and Recreation Primary Report prepared for the proposed project (see Appendix C), the oldest on-site residential structure was constructed in 1940.

[20] Ninyo & Moore. *Phase I Environmental Site Assessment Diana Avenue 730 Diana Avenue Morgan Hill, California*. August 18, 2023.

General Plan Policies

Listed below are actions and policies from the City of Morgan Hill General Plan related to hazards and hazardous materials that are relevant to the proposed project:

Action SSI-1.A **New Development and Hazards.** New development should avoid hazardous and sensitive areas, and should occur only where it can be built without risking health and safety. New habitable structures should not be allowed in areas of highest hazard, such as floodways, active landslides, active fault traces, and airport safety zones. In areas of less risk, development should be limited and designed to reduce risks to an acceptable level.

Policy SS1-1.4 **Development Regulations and Hazards.** Regulate development in hazardous areas in such a way that it minimizes disruption of the environment and does not trigger or accelerate the hazardous processes which exist in South County.

Policy SSI-7.1 **Airport Land Use Compatibility Plan.** Work closely with appropriate agencies, including the Santa Clara County Airport Land Use Commission, to ensure compatibility of land uses with airport facilities and operations.

Policy SSI-12.4 **Maintenance of Emergency Access Routes.** Require that emergency access routes be kept free of traffic impediments.

Policy SSI-12.5 **Emergency Response Plan.** Maintain comprehensive Emergency Response Plans.

Policy SSI-12.6 **Accessibility.** Continue restricting development in areas of poor accessibility. Discourage Development should not be allowed in areas where access is provided by a single road that could be damaged by faulting or landslides, or where access could be cut off by wildfires, trapping residents or workers.

Policy SSI-3-1 **Development in Fire Hazard Areas.** Minimize development in fire hazard areas and plan and construct permitted development so as to reduce exposure to fire hazards and to facilitate fire suppression efforts in the event of a wildfire.

Policy SSI-3-2 **Wildfire Risks.** Avoid actions which increase fire risk, such as increasing public access roads in fire hazard areas, because of the great environmental damage and economic loss associated with a large wildfire.

Policy SSI-3-5 **Fire Risks.** Work cooperatively with CAL FIRE and other public agencies with responsibility for fire protection to reduce fire risks in Morgan Hill.

Discussion

a. As noted in the General Plan EIR, construction and operation of new development pursuant to the City's General Plan could involve the routine use and handling of hazardous materials for research, manufacturing, cleaning, or other commercial uses, and the General Plan would allow agricultural uses within the General Plan area that may also use or transport hazardous materials such as pesticides. However, the General Plan EIR concluded that given compliance with applicable General Plan policies, as well as local,

State, and federal regulations related to hazardous waste, impacts would be less than significant.

Residential uses are not typically associated with the routine transport, use, disposal, or generation of hazardous materials. Operations would likely involve use of common household cleaning products, fertilizers, and herbicides on-site, any of which could contain potentially hazardous chemicals; however, such products would be expected to be used in accordance with label instructions. Due to the regulations governing use of such products and the amount utilized on the site, occasional use of such products would not represent a substantial risk to public health or the environment during project operation. Therefore, impacts related to creating a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials were adequately addressed in the General Plan EIR, and the proposed project would not result in any effects that would require further CEQA review for this topic.

b,d. The following discussion provides an analysis of potential hazards and hazardous materials associated with upset or accident conditions related to the proposed construction activities and existing on-site conditions. The analysis is primarily based on a Phase I ESA prepared for the proposed project by Ninyo & Moore.[21]

According to the General Plan EIR, the construction and operation of new development allowed by the General Plan could involve the transport, use, and disposal of hazardous materials. However, the General Plan EIR concluded that given compliance with applicable General Plan policies, as well as local, State, and federal regulations related to hazardous waste, impacts would be less than significant.

Construction Activities

Construction activities associated with the proposed project would involve the use of various products such as concrete, paints, and adhesives. In addition, heavy-duty construction equipment would contain hydraulic fluid, diesel fuel, and other petroleum products. Small quantities of such potentially toxic substances would be used at the project site and transported to and from the site during construction. However, the project contractor would be required to comply with all California Health and Safety Codes and local County ordinances regulating the handling, storage, and transportation of hazardous and toxic materials.

Pursuant to California Health and Safety Code Section 25510(a), except as provided in subdivision (b),[22] the handler or an employee, authorized representative, agent, or designee of a handler, shall, 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 Santa Clara County Hazardous Materials Compliance Division [SCCHMCD]) in accordance with the regulations. The handler or an employee, authorized representative, agent, or designee of the handler shall 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 contractor is required to notify the SCCHMCD in the event of an accidental release of a hazardous material, who would then monitor the conditions and recommend appropriate remediation measures.

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21 Ninyo & Moore. *Phase I Environmental Site Assessment Diana Avenue 730 Diana Avenue Morgan Hill, California*. August 18, 2023.

22 Subdivision (a) does not apply to a person engaged in the transportation of a hazardous material on a highway that is subject to, and in compliance with, the requirements of Sections 2453 and 23112.5 of the Vehicle Code.

Existing On-Site Hazardous Conditions

The purpose of the Phase I ESA was to review past and present land use practices and activities at and near the project site for evidence of RECs that could result in impacts to soil, soil vapor, surface water, and/or groundwater at, beneath, or originating from the project site. As part of the process, the Phase I ESA included review of historical documentation, aerial photography, regulatory agency files, environmental sites radius reports, and site reconnaissance. According to the American Society for Testing and Materials (ASTM), RECs are defined as "the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property due to a release to the environment; under conditions indicative of a release to the environment or under conditions that pose a material threat of future release."

The CALEPA provides a list of data resources that provide information regarding the facilities or sites identified as meeting the "Cortese List" requirements, pursuant to Government Code 65962.5. The project site is not located on DTSC's Hazardous Waste and Substances Site List, which is a component of the Cortese List.[23] The other components of the Cortese List include the list of leaking underground storage tank sites from the State Water Board's GeoTracker database, the list of solid waste disposal sites identified by the Water Board, and the list of active Cease and Desist Orders (CDO) and Cleanup and Abatement Orders (CAO) from the Water Board. The project site is not located on any of the aforementioned components of the Cortese List.[24]

The Phase I ESA that was prepared for the proposed project included a review of regulatory agency records and a mapped database records search for other databases not included on the Cortese List. According to the Phase I ESA, the project site was not identified on any regulatory databases, and potential RECs were not identified. The Phase I ESA did not identify any potential RECs associated with the project site's historic agricultural uses, such as the detection of pesticides.

Asbestos Containing Building Materials and Lead-Based Paint

For buildings constructed prior to 1980, the Code of Federal Regulations (29 CFR 1926.1101) states that all thermal system insulation (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. As noted previously, the proposed project would require the demolition of the existing on-site structures, some of which were built prior to 1980. Thus, the on-site structures are assumed to include asbestos containing building materials (ACBMs). Therefore, the proposed project would be required to submit an asbestos survey in compliance with the National Emissions Standards for Hazardous Air Pollutants (NESHAP) and would be required to acquire an asbestos demolition permit from BAAQMD, pursuant to BAAQMD Regulation 11, Rule 2, Asbestos Demolition, Renovation, and Manufacturing.[25] Compliance with such would ensure that asbestos-containing materials would not be released during demolition activities.

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[23] Department of Toxic Substances Control. *Hazardous Waste and Substances Site List (Cortese).* Available at: https://www.envirostor.dtsc.ca.gov/public/. Accessed October 2024.

[24] CalEPA. *Cortese List Data Resources*. Available at: https://calepa.ca.gov/sitecleanup/corteselist/. Accessed October 2024.

[25] Bay Area Air Quality Management District. *Regulation 11, Hazardous Pollutants, Rule 2, Asbestos Demolition, Renovation and Manufacturing*. October 7, 1998.

In 1978, the Consumer Product Safety Commission banned lead based paint (LBP) and coatings sold for consumer use. Some lead-containing products, such as industrial coatings, however, are still allowed. Based on the age of some of the on-site buildings, LBP may be present. The removal of LBP is not required if the LBP is bonded to the building materials; however, if the LBP is flaking, peeling, or blistering, the LBP should be removed prior to demolition. Regardless of the status of LBP on the existing on-site buildings, the proposed demolition activities shall be required to comply with the applicable Occupational Safety and Health Administration (OSHA) regulations, including requirements for air monitoring and dust control. In addition, any debris or soil containing lead must be disposed appropriately. Given compliance with the applicable OHSA regulations, the proposed project would not result in any adverse impacts related to the presence of LBP.

Conclusion

Based on the results of the Phase I ESA, RECs are not present within the project site. In addition, while ACBMs and LBP may be present in existing on-site structures, given compliance with the applicable regulations, the proposed project would not result in any adverse impacts related to the presence of ACBMs or LBP. Therefore, the proposed project would not result in any peculiar effects that would require further CEQA review related to creating a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment, or through being located on a site which is included on a list of hazardous materials compiled pursuant to Government Code Section 65962.5, and impacts were adequately addressed in the General Plan EIR.

c. The General Plan EIR concluded that impacts related to release of hazardous materials within one-quarter mile of existing or proposed schools would be less than significant. The nearest school relative to the project site is El Toro Health Science Academy, located approximately 0.5-mile northwest of the project site. Impacts related to hazardous emissions or the handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school were adequately addressed in the General Plan EIR, and the proposed project would not result in any effects that would require further CEQA review for this topic.

e. The General Plan EIR concluded that impacts related to interfering with any airport land use plan or otherwise creating an airport-related safety hazard and risk to people residing or working in the General Plan area would be less than significant. The public airport nearest to the project site is the San Martin Airport, which is located approximately four miles southeast of the project site at 13030 Murphy Avenue. The project site is located well outside of the Airport Influence Area (AIA) identified in the South County Airport Comprehensive Land Use Plan.[26] In addition, the project site is not located within the vicinity of a private airstrip. Therefore, the proposed project would not result in an airport-related safety hazard for people residing or working in the project area, and impacts were adequately addressed in the General Plan EIR.

f. The General Plan EIR concluded that compliance with applicable federal, state, and local laws and regulations as well as General Plan policies and strategies, would ensure that impacts related to interfering with an adopted emergency response plan, or emergency evacuation plan would be less than significant.

[26] Santa Clara County. *Comprehensive Land Use Plan, Santa Clara County, South County Airport.* Amended November 16, 2016.

Implementation of the proposed project would not result in any substantial modifications to the City's existing roadway system. The project would not interfere with potential evacuation or response routes used by emergency response teams. In addition, the project would not conflict with the City's Emergency Operations Plan.[27] Given that the proposed project would be consistent with the site's General Plan land use designation, buildout of the project site with residential uses would not conflict with the City's emergency planning efforts. Therefore, impacts related to interfering with an emergency evacuation or response plan were adequately addressed in the General Plan EIR, and the proposed project would not result in any effects that would require further CEQA review for this topic.

g. The General Plan EIR concluded that compliance with applicable federal, State, and local laws and regulations, as well as General Plan policies and strategies, would ensure that impacts from wildland hazards would be less than significant.

The project site is not located within a High or Very High Fire Hazard Severity Zone (FHSZ). The nearest High or Very High FHSZ is located approximately 1.6 miles to the west, and the project site is separated from such areas by existing urban development, which serve as a fire break to the project site. In addition, the proposed project would be required to comply with all applicable requirements of the California Fire Code, as adopted by Chapter 15.44 of the City's Municipal Code, including installation of fire sprinkler systems. The project is not located on a substantial slope, and the project area does not include any existing features that would substantially increase fire risk for future residents, workers, or visitors. Given that the project site is located within a developed urban area and is situated adjacent to existing roads, water lines, and other utilities, the project would not result in substantial fire risks related to installation or maintenance of such infrastructure.

Based on the above, impacts related to wildfire risks were adequately addressed in the General Plan EIR, and the site would not be subject to any peculiar hazards related to wildfire risk.

[27] City of Morgan Hill. *Emergency Operations Plan.* January 11, 2018.

X. HYDROLOGY AND WATER QUALITY. *Would the project:*	Significant Impact Peculiar to the Project or the Project Site	Significant Impact due to New Information	Impact Adequately Addressed in the General Plan EIR
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	✖
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	✖
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:			
i. Result in substantial erosion or siltation on- or off-site;	☐	☐	✖
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☐	✖
iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	✖
iv. Impede or redirect flood flows?	☐	☐	✖
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	✖
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	✖

Environmental Setting

Currently, the project site primarily consists of ruderal grassland, with three single-family residential units and ancillary structures located in the northern portion of the project site. The site generally slopes from north to south. Stormwater runoff from the project site drains into the undeveloped land to the south. Stormwater flows captured by the City's Stormwater System within the project area currently drain into the Morgan Hill Retention Pond. During major storms, water can be pumped out of the pond and discharged northward into Fisher Creek. Otherwise, stormwater from the project area flows southward into Butterfield Channel.[28]

The site is located in Zone X "Other Flood Areas" identified on Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Panel Number 06085C0444H.[29] Flood Zone X is defined as areas of 0.2 percent annual chance flood; areas of 1 percent annual chance flood with average depths of less than one foot with drainage areas less than one square mile; and areas protected by levees from 1 percent annual change flood. The City of Morgan Hill does not have any specific requirements for projects located in Flood Zone X.

[28] BKF Engineers. *Storm Water Control Plan Diana Avenue Residential Subdivision 730 & 760 Diana Avenue Morgan Hill, California Santa Clara County*. March 27, 2024.

[29] Federal Emergency Management Agency. *Flood Insurance Rate Map 06085C0444H*. Effective May 18, 2009.

General Plan Policies

Listed below are policies and actions from the City of Morgan Hill General Plan related to hydrology and water quality that are relevant to the proposed project:

Policy NRE-6.5 **Soil and Erosion.** Require development to be designed to conserve soil and avoid erosion.

Policy NRE-8.1 **Contamination from Toxic Chemicals.** Protect water quality from contamination, and monitor it to assure that present policies and regulations are adequate. Prohibit such uses as waste facilities, septic systems, and industries using toxic chemicals where polluting substances may come in contact with groundwater, floodwaters, and creeks or reservoir waters.

Policy NRE-8.8 **Water Quality Compliance.** Implement Best Management Practices to improve water quality, in conformance with the South Santa Clara County and City of Morgan Hill Total Maximum Daily Load (TMDL) Monitoring Plan for the Pajaro River Watershed (2015) and findings in subsequent annual status updates, as required for compliance with community standards and applicable state and federal provisions.

Policy SSI-1.1 **New Development and Hazards.** New development should avoid hazardous and sensitive areas, and should occur only where it can be built without risking health and safety. New habitable structures should not be allowed in areas of highest hazard, such as floodways, active landslides, and active fault traces, and airport safety zones. In areas of less risk, development should be limited and designed to reduce risks to an acceptable level.

Policy SSI-5.5 **Off-Site Impacts.** Require all local development to provide appropriate mitigation of off-site flooding impacts, including limiting runoff to pre-development levels and/or complete solutions to flooding and local drainage problems in the vicinity of the development, using such methods as detention or retention

Policy SSI-14.1 **Efficient Water Management.** Manage the supply and use of water more efficiently through appropriate means, such as watershed protection, percolation, conservation, and reclamation.

Action SSI-16.A **Drainage Impacts.** Require developers of individual projects to mitigate on- and off-site drainage impacts and, where appropriate, install local drainage facilities which would contribute to an eventual area-wide solution to local drainage problems.

Action SSI-16.C **Drainage Impact Mitigation.** Require developers of individual projects to mitigate drainage impacts and protect groundwater quality. Such mitigation may include limiting runoff to pre-development levels and/or complete solutions to local drainage problems in the vicinity of the development or downstream, possibly using detention or retention methods.

Policy SSI-16.2 **Drainage System Capacity.** Ensure that the level of detention or retention provide on the site of any new development is compatible with the capacity of the regional storm drainage system.

Policy SSI-16.3 **Stormwater Management Plans.** Require a storm water management plan for each proposed development, to be presented early in the development process and describe the design, implementation, and maintenance of the local drainage facilities.

Discussion

a. The proposed project's potential to result in water quality impacts during construction and operations is discussed in detail separately below.

Construction

Project construction activities such as grading, excavation, and trenching for site improvements would result in the disturbance of on-site soils. The exposed soils have the potential to affect water quality in two ways: 1) suspended soil particles and sediments transported through runoff; or 2) sediments transported as dust that eventually reach local water bodies. Spills or leaks from heavy equipment and machinery, staging areas, or building sites also have the potential to enter runoff. Typical pollutants include, but are not limited to, petroleum and heavy metals from equipment and products such as paints, solvents, and cleaning agents, which could contain hazardous constituents. Sediment from erosion of graded or excavated surface materials, leaks or spills from equipment, or inadvertent releases of building products could result in water quality degradation if runoff containing the sediment or contaminants should enter receiving waters in sufficient quantities. Impacts from construction-related activities would generally be short-term.

Water quality degradation is regulated by the federal National Pollutant Discharge Elimination System (NPDES) Program, established by the Clean Water Act, which controls and reduces pollutants to water bodies from point and non-point discharges. In California, the NPDES permitting program is administered by the State Water Resources Control Board (SWRCB) through nine Regional Water Quality Control Boards (RWQCBs). As discussed in further detail below, the Central Coast RWQCB regulates the City of Morgan Hill's stormwater discharges through an NPDES permit. New development within the City that disturbs one or more acres of land is required to comply with the NPDES Construction General Permit and prepare a Stormwater 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 3.05 acres, and thus, would be subject to the State NPDES General Permit conditions.

Project compliance with the SWRCB NPDES General Construction Permit through preparation of a SWPPP that specifies site management activities to be implemented during site development, such as construction stormwater BMPs, erosion and sedimentation controls, dewatering, runoff controls, and construction equipment maintenance, would ensure that construction of the proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.

The proposed project would also be subject to all regional and local water quality regulations. In order to meet water quality objectives for the region, the City of Morgan

Hill, City of Gilroy, and County of Santa Clara have prepared and are implementing a Revised Regional Stormwater Management Plan (SWMP).[30] The SWMP incorporates the efforts of the City of Morgan Hill, the City of Gilroy, and the unincorporated portion of Santa Clara County, within the watershed of the Pajaro River and Monterey Bay, to meet the Phase II Storm Water Permit requirements for small municipal separate storm sewer systems (MS4s).

The City of Morgan Hill implements the SWMP through an extensive program that entails: 1) the establishment of SWMP goals for the City; 2) public education and outreach; 3) public involvement and participation; 4) illicit discharge control; 5) construction site stormwater runoff control; 6) post-construction stormwater management in development; and 7) pollution prevention. For construction activities, the SWMP presents BMPs that are required for the control of stormwater runoff quality during construction. Compliance with the City's SWMP, as well as the NPDES General Construction Permit, would ensure that adverse impacts to water quality would not occur during construction.

Post-Construction Operations

After project completion, impervious surfaces on the project site could contribute incrementally to the degradation of downstream water quality during storm events. 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. In addition, stormwater runoff could cause soil erosion if not properly addressed and provide a more lucrative means of transport for pollutants to enter the waterways.

The Central Coast RWQCB regulates the City of Morgan Hill's stormwater discharges through an NPDES permit (State Water Resources Control Board Water Quality Order No. 2013-0001-DWQ; NPDES General Permit No. CAS000004). The City's Residential Development Design and Development Standards require that the project comply with the requirements of the Central Coast Region (Region 3) as documented by the Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements ("Stormwater Guidance Manual").

The proposed project would be managed in accordance with Resolution R3-2013-0032 issued by the Central Coast RWQCB. This resolution formally adopts post-construction stormwater management requirements for development projects in the Central 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 proposed 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.

[30] City of Morgan Hill. *Stormwater and Urban Runoff Management*. Available at: https://www.morganhill.ca.gov/490/Storm-Water-Management. Accessed October 2024.

According to a Storm Water Control Plan prepared for the proposed project (see Appendix F),[31] the project site would be divided into nine DMAs. Runoff from DMA-1 and DMA-2 would be captured and treated by two on-site, four-foot deep subsurface infiltration tanks. On-site stormwater would be infiltrated based on an estimated Class D soil infiltration rate of 0.5 inch/hour. The surface area required for infiltration of the 85th percentile storm event within the subsurface tanks would satisfy the stormwater treatment requirements.

Runoff from DMA-3 would percolate into the soils through the use of permeable pavement within the emergency access drive aisle. Runoff from DMA-R1 through DMA-R6 would be captured and treated by bioretention planter boxes located on-site. Once captured and treated, stormwater from the DMAs would be directed to a series of on-site storm drain lines, before being released to the City's stormwater system by a series of manholes located along the proposed Cayman Street extension and Diana Avenue.

The proposed project would be required to comply with the permanent stormwater pollution prevention measures set forth in Chapter 18.140 (Post Construction Stormwater Pollution Prevention) of the City's Municipal Code. The Storm Water Control Plan prepared for the proposed project includes a BMP operation and maintenance plan. In accordance with Chapter 18.140, the proposed project would be required to prepare a stormwater runoff management plan that shows compliance with the design standards set forth in Section 18.140.040 (Design standards and selection of best management practices), and select and implement BMPs to the satisfaction of the City in accordance with the requirements contained in the most recent versions of the following documents:

1. City of Morgan Hill Stormwater Post Construction Best Management Practices Development Standards for new development and redevelopment;
2. California Storm Water Quality Association Best Management Practice Handbooks; and
3. City of Gilroy, City of Morgan Hill and County of Santa Clara Regional SWMP, as approved by the Central Coast Regional Water Quality Control Board.

The final design of the proposed drainage system would be reviewed and approved by the City of Morgan Hill Land Development Engineering Section, which would ensure that the proposed stormwater controls and drainage system complies with the City's Post Construction Stormwater Pollution Prevention Ordinance with respect to incorporating sufficient permanent stormwater control BMPs. Furthermore, the proposed drainage system would be required to undergo two annual inspections per year in perpetuity by a third-party Civil Engineer or a Qualified SWPPP Practitioner (QSP). Therefore, water quality standards or waste discharge requirements would not be violated, and water quality would not be degraded as a result of the proposed project operations.

Conclusion

The General Plan EIR concluded that required compliance with the RWQCB's permit requirements; implementation of site design, source control, and treatment control measures for new development or redevelopment projects within the City and SOI; and adherence to General Plan policies and actions would render any potential construction and operational impacts to water quality less than significant. As discussed above, the proposed project would comply with the aforementioned requirements. Therefore, impacts

[31] BKF Engineers. *Storm Water Control Plan Diana Avenue Residential Subdivision 730 & 760 Diana Avenue Morgan Hill, California Santa Clara County*. March 27, 2024.

related to violation of water quality standards or degradation of water quality during construction or operation were adequately addressed in the General Plan EIR, and the proposed project would not result in any effects that would require further CEQA review for this topic.

b,e The City's water supplies currently consist entirely of groundwater. Approximately 25 percent of the City's supply is extracted from the Coyote Valley subarea of the Santa Clara Subbasin, and approximately 75 percent is extracted from the Llagas Subbasin. The project site is located within the Llagas Subbasin. Neither of the subbasins are in a condition of overdraft, and groundwater levels are not expected to drop.[32]

Groundwater within the Llagas Subbasin is managed by the Santa Clara Valley Water District (SCVWD). The 2021 Groundwater Management Plan (GWMP), prepared pursuant to the Sustainable Groundwater Management Act of 2014 (SGMA), describes the SCVWD's comprehensive groundwater management framework, including existing and potential actions to achieve basin sustainability goals and ensure continued sustainable groundwater management. The GWMP covers the Santa Clara and Llagas subbasins, located entirely in Santa Clara County and identified by the Department of Water Resources (DWR) as Basins 2-9.02 and 3-3.01, respectively. Pursuant to the DWR, the Llagas Subbasin is designated as a high-priority basin.[33]

Major recharge facilities within the Llagas Subbasin include the Uvas and Chesbro Reservoirs, in-stream recharge in Llagas and Uvas Creeks, the Madrone Channel, the San Pedro and Main Avenue groundwater recharge ponds, and the Uvas-Llagas pipeline, which is capable of diverting water from Uvas Reservoir to Llagas Creek. Buildout of the proposed project would increase the impervious surfaces on site from approximately 12,000 sf to 79,938 sf. However, the project site is not located in the vicinity of any aforementioned major recharge facilities. In addition, the proposed underground infiltration tanks and detention basins would allow for captured stormwater runoff to infiltrate soils underlying the project site. The project site is not located within a major groundwater recharge area (i.e., floodplains, wetland areas, etc.).

As discussed in further detail in Section XIX, Utilities and Service Systems, of this Modified Initial Study, the proposed project would not result in substantial adverse effects related to groundwater use or water supply. The General Plan EIR concluded that impacts related to groundwater recharge would be less than significant. Thus, impacts related to substantially decreasing groundwater supplies or interfering substantially with groundwater recharge were adequately addressed in the General Plan EIR, and the proposed project would not result in any effects that would require further CEQA review for this topic.

c.i-iii. According to the General Plan EIR, during the life of any development project allowed under the General Plan, the increase in impervious surfaces could result in a change in drainage patterns that could increase the rate and/or volume of stormwater runoff, contributing to on-site or off-site flooding. However, the General Plan EIR concluded that with implementation of General Plan policies, and compliance with all applicable

[32] City of Morgan Hill. *Morgan Hill 2035 Final Environmental Impact Report* [pg. 4.9-18]. Adopted July 2016.
[33] Santa Clara Valley Water District. *2021 Groundwater Management Plan, Santa Clara and Llagas Subbasins* [pg. ES-1]. November 2021.

regulations, impacts related to changes to drainage patterns would be reduced to a less-than-significant level.

The project site currently has approximately 12,000 sf of impervious surfaces. Approximately 79,938 sf of impervious surfaces would be developed on-site under project conditions. Therefore, approximately 67,938-sf of new impervious surfaces would exist on-site following development of the proposed project. According to the General Plan EIR, for all new and redevelopment projects within the City that create or replace 22,500 sf or more of impervious surface, post-project stormwater peak flows discharged from the site must not exceed pre-project peak flows for the 2-year through 10-year storm events.

The proposed project would be required to comply with the post-construction stormwater requirements set forth by the CCRWQCB per provision E.12.k of the Phase II Municipal General Permit. Specifically, based on the amount of proposed impervious area, the proposed project would incorporate several stormwater treatment control measures. As established by the *Stormwater Management Guidance Manual for Low Impact Development & Post-Construction Requirements*[34], because the proposed project would create or replace over 22,500 sf of impermeable surface, the project would be required to comply with the requirements set forth by PR-1, PR-2, PR-3, and PR-4 of the Stormwater Guidance Manual. Under PR-1 and PR-2, the proposed project would incorporate stormwater treatment control measures meeting the City requirements established in the Stormwater Guidance Manual, including LID treatment measures. In addition, all landscaped areas within the project site, including open space areas, areas adjacent to sidewalks, and building frontages, provide an opportunity for self-retaining and self-treating areas. Under PR-3 and PR-4, the proposed project must prevent off-site discharge from events up to the 95th percentile rainfall event using Stormwater Control Measures and must control post-project peak flows to not exceed pre-project peak flows for the two- through 10-year storm events.

As discussed above, the project site would be divided into nine DMAs. Runoff from DMA-1 and DMA-2 would be captured and treated by two on-site, four-foot deep subsurface infiltration tanks. Runoff from DMA-3 would percolate into the soils through the use of permeable pavement within the emergency access drive aisle. Runoff from DMA-R1 through DMA-R6 would be captured and treated by bioretention planter boxes located on-site. Once captured and treated, stormwater from the DMAs would be directed to a series of on-site storm drain lines, before being released to the City's stormwater system by a series of manholes located along the proposed Cayman Street extension and Diana Avenue. For larger storm events, where the City storm drainage system is over capacity or the site cannot discharge by way of underground pipes, site runoff would be retained in the proposed underground infiltration tanks and detention basins. The retention volume would be kept on-site until the volume matches the pre-project overland release volume. The treated runoff from the two detention basins that does not infiltrate underlying soils would outfall into the undeveloped land to the south of the project site.

Furthermore, stormwater runoff associated with the site would be required to comply with the City's SWMP standards. As such, the project would not significantly increase stormwater flows into the existing system. The final drainage system design for the project

[34] City of Gilroy, City of Morgan Hill, and County of Santa Clara. *Stormwater Management Guidance Manual for Low Impact Development & Post-Construction Requirements*. June 2015.

would be subject to review and approval by the City of Morgan Hill Engineering Land Development Division to ensure that the proposed drainage system for the project is consistent with the City's Storm Drainage Master Plan and standard stormwater-related Conditions of Approval.

Based on the above, impacts related to substantially altering the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion, siltation, or flooding on- or off-site, create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems, or provide substantial additional sources of polluted runoff, were adequately addressed in the General Plan EIR, and the proposed project would not result in any effects that would require further CEQA review for this topic.

c.iv. The General Plan EIR included an analysis of flood risks associated with implementation of the General Plan, including identification of flood hazard areas within the City. The General Plan EIR concluded that compliance with federal and local regulatory requirements regarding construction of new development within 100-year floodplains to reduce potential risk from flooding, and General Plan policies and actions to address concerns, impacts would be reduced to a less-than-significant level. As shown in Figure 4.9-4 of the General Plan EIR, the project site is located within the 500-year Flood Zone, which is not considered a Special Flood Hazard Zone (SFHA). In addition, as discussed above, according to FEMA FIRM Panel Number 06085C0444H, the site is located in Zone X "Other Flood Areas," and the City of Morgan Hill does not have any specific requirements for projects located in Flood Zone X.

Based on the above, impacts related to impeding or redirecting flood flows were adequately addressed in the General Plan EIR, and the proposed project would not result in any effects that would require further CEQA review for this topic.

d. As discussed under question 'c.iv' above, the project site is not located within a flood hazard zone. Thus, the proposed development would not be subject to substantial flooding risks. As noted in the General Plan EIR, the City of Morgan Hill is not subject to substantial risks related to tsunamis, and with implementation of General Plan policies and actions as well as compliance with the City's Municipal Code regarding hillside construction, the impacts due to seiches and mudflows would be less than significant.

The project site is within the dam failure inundation hazard zone for Anderson Reservoir as indicated by the dam failure inundation hazard maps.[35] The dams in Santa Clara County are managed by the SCVWD. The dams are inspected twice each year and are continuously monitored for seepage and settling and inspected immediately following significant earthquakes. A seismic stability evaluation performed in 2007 for Anderson Dam indicated that the downstream and upstream embankments could become unstable during a very large magnitude earthquake and the rupture of faults underlying the dam may have adverse impact on the outlet pipes and intake structure. The SCVWD has initiated a capital project, the Anderson Dam Seismic Retrofit Project (ADSRP), to

[35] California Department of Water Resources. *California Dam Breach Inundation Maps* Available at: https://fmds.water.ca.gov/webgis/?appid=dam_prototype_v2. Accessed November 2024.

complete the planning, design, and construction of the seismic retrofit of the dam. Construction work for the ADSRP is planned to conclude in 2032.[36]

Until recently, in order to protect the public from potential effects until the ADSRP is complete, a storage restriction of approximately 45 feet below the dam crest has been put in place, with a reduced storage capacity of 61,810 acre-feet. The SCVWD and regulatory agencies (California Division of Safety of Dams and the Federal Energy Regulatory Commission) have approved the restriction and believe that the restriction would be sufficient to prevent the uncontrolled release of water in case of dam failure after a major earthquake. As of December 2020, Anderson Reservoir, the largest reservoir in Santa Clara County, has been completely drained under the direction of federal dam regulators.

Therefore, impacts related to flooding, tsunamis, and seiches were adequately addressed in the General Plan EIR, and the proposed project would not result in any effects that would require further CEQA review for this topic.

[36] Santa Clara Valley Water District. *C1: Anderson Dam Seismic Retrofit.* Available at: https://www.valleywater.org/project-updates/c1-anderson-dam-seismic-retrofit. Accessed November 2024.

XI. LAND USE AND PLANNING. *Would the project:*	Significant Impact Peculiar to the Project or the Project Site	Significant Impact due to New Information	Impact Adequately Addressed in the General Plan EIR
a. Physically divide an established community?	☐	☐	✖
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	✖

Environmental Setting

The project site is developed with three single-family residences and associated accessory structures, including two ancillary buildings, a barn, and a utility shed. In addition, a total of 49 trees are currently scattered throughout the 3.05-acre project site. The surrounding land uses include single-family residences to the west, north, east, undeveloped land to the south, and commercial uses to the southwest. The City of Morgan Hill General Plan designates the site as RDM and the site is zoned RDM.

General Plan Policies

Listed below are policies from the City of Morgan Hill General Plan related to land use and planning that are relevant to the proposed project:

Policy CNF-11.20 **Infill Compatibility.** Require residential infill development to complement existing development patterns and minimize impacts on neighboring properties.

Discussion

a. A project risks dividing an established community if the project would introduce infrastructure or alter land use so as to change the land use conditions in the surrounding community or isolate an existing land use. The proposed project would include the subdivision of the site, as well as the demolition of the three existing residential structures and the removal of 47 of the on-site trees to allow for the development of 23 two-story single-family residences on lots ranging from 2,896 sf to 4,259 sf. The proposed project would be consistent with the existing residential land uses to the north, east, west, as well as the planned residential development to the south on the undeveloped land designated as RDM. In addition, the proposed project would extend Cayman Street, providing additional connectivity in the project vicinity. Therefore, the proposed project would be a continuation of the surrounding development and would not isolate an existing land use. Furthermore, the proposed project is consistent with the site's existing land use and zoning designations and, thus, is consistent with the type and intensity of development that has previously been anticipated for the site by the City and analyzed in the General Plan EIR. The EIR concluded that the General Plan would not result in new development or features that would divide existing residential neighborhoods or communities, and impacts were determined to be less than significant. As such, impacts related to physically dividing an established community were adequately addressed in the General Plan EIR, and the proposed project would not result in any peculiar effects that would require further CEQA review related to such.

b. The proposed project is consistent with the site's current General Plan land use and zoning designation of RDM. As discussed throughout this Modified Initial Study, the proposed project would not result in any new significant environmental effects that were not

previously identified in the General Plan EIR and could not be substantially mitigated by uniformly applicable development policies and standards, pursuant to CEQA Guidelines Section 15183. In addition, the proposed project would not conflict with City policies and regulations adopted for the purpose of avoiding or mitigating an environmental effect, including, but not limited to, the City's noise standards, applicable regulations related to stormwater, and development standards included in the Morgan Hill Municipal Code. Therefore, the proposed project would not cause a significant environmental impact in excess of what has already been analyzed and anticipated in the General Plan EIR, and would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental impact.

XII. MINERAL RESOURCES. *Would the project:*		Significant Impact Peculiar to the Project or the Project Site	Significant Impact due to New Information	Impact Adequately Addressed in the General Plan EIR
a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	✖
b.	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	✖

Environmental Setting

According to the California Department of Conservation Division of Mines and Geology, three areas within Morgan Hill are classified as Mineral Resource Zones (MRZs), including the flood plains of Coyote Creek, the Franciscan Complex greenstone located at two small knolls near Anderson dam and an area near Coyote Creek, and two-small areas that lie on each side of a northwest-trending ridge that forms the western bank of Anderson Lake. The MRZs are identified as containing sand and gravel, as well as greenstone; however, for reasons such as thickness of soil and because the areas typically have not had a history of being mined or have never been mined, are not considered areas for protection.

General Plan Policies

The City of Morgan Hill General Plan does not include any policies related to mineral resources that apply to the proposed project.

Discussion

a,b. The General Plan EIR concluded that because of the largely urbanized nature of the General Plan area, and because the City does not include areas identified for the protection of mineral resources, implementation of the General Plan would result in no impact with respect to mineral resources. Given that the project site is currently developed with existing residential uses and is not located in the vicinity of the MRZs identified in the General Plan EIR, mineral resources are not located on-site. Thus, the proposed project would not result in any peculiar effects to mineral resources such that further CEQA review for this topic would be required.

XIII. NOISE. *Would the project result in:*	Significant Impact Peculiar to the Project or the Project Site	Significant Impact due to New Information	Impact Adequately Addressed in the General Plan EIR
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	✖
b. Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	✖
c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	✖

Environmental Setting

The following terms are referenced in the sections below:

- Decibel (dB): A unit of sound energy intensity. An A-weighted decibel (dBA) is a decibel corrected for the variation in frequency response to the typical human ear at commonly encountered noise levels. All references to dB in this discussion will be A-weighted unless noted otherwise.
- Day-Night Average Level (DNL): The average sound level over a 24-hour period, with a penalty of 10 dB applied to noise occurring during nighttime hours (10:00 PM to 7:00 AM).
- Community Noise Equivalent Level (CNEL): The average sound level over a 24-hour period, with a penalty of 5 dB applied to noise occurring during daytime hours (7:00 AM to 10:00 PM) and a penalty of 10 dB applied to noise occurring during nighttime hours (10:00 PM to 7:00 AM).
- Equivalent Sound Level (L_{eq}): The average sound level over a given time-period.
- Maximum Sound Level (L_{max}): The maximum sound level over a given time-period.

Some land uses are considered more sensitive to noise than others, and, thus, are 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. In the vicinity of the project site, the nearest existing noise sensitive land uses are the residential uses located immediately to the east and west of the project site. In addition, single-family residences are located to the north of the project site, across Diana Avenue.

The existing ambient noise environment within the project area is defined primarily by traffic noise on Diana Avenue, and to a lesser extent by activities at nearby commercial uses.

General Plan Policies

Listed below are policies from the City of Morgan Hill General Plan related to noise that are relevant to the proposed project:

Policy SSI-8.1 **Exterior Noise Level Standards.** Require new development projects to be designed and constructed to meet acceptable exterior noise level standards, (see Table SSI-1 [of the General Plan]) as follows:

- Apply a maximum exterior noise level of 60 dBA DNL in residential areas where outdoor use is a major consideration (e.g., backyards in single-family housing developments and recreation areas in multi-family housing projects). Where the City determines that providing a DNL of 60 dBA or lower cannot be achieved after the application of reasonable and feasible mitigation, a DNL of 65 dBA may be permitted.
- Indoor noise levels should not exceed a DNL of 45 dBA in new residential housing units.
- Noise levels in new residential development exposed to an exterior DNL of 60 dBA or greater should be limited to a maximum instantaneous noise level (e.g., trucks on busy streets, train warning whistles) in bedrooms of 50 dBA. Maximum instantaneous noise levels in all other habitable rooms should not exceed 55 dBA. The maximum outdoor noise level for new residences near the railroad shall be 70 dBA DNL, recognizing that train noise is characterized by relatively few loud events.

Policy SSI-8.2 **Impact Evaluation.** The impact of a proposed development project on existing land uses should be evaluated in terms of the potential for adverse community response based on significant increase in existing noise levels, regardless of compatibility guidelines.

Policy SSI-8.5 **Traffic Noise Level Standards.** Consider noise level increases resulting from traffic associated with new projects significant if: a) the noise level increase is 5 dBA DNL or greater, with a future noise level of less than 60 dBA DNL, or b) the noise level increase is 3 dBA DNL or greater, with a future noise level of 60 dBA DNL or greater.

Policy SSI-8.6 **Stationary Noise Level Standards.** Consider noise levels produced by stationary noise sources associated with new projects significant if they substantially exceed existing ambient noise levels.

Policy SSI-8.7 **Other Noise Sources.** Consider noise levels produced by other noise sources (such as ballfields) significant if an acoustical study demonstrates they would substantially exceed ambient noise levels.

Policy SSI-8.9 **Site Planning and Design.** Require attention to site planning and design techniques other than sound walls to reduce noise impacts, including a) installing earth berms, b) increasing the distance between the noise source and the receiver, c) using non-sensitive structures such as parking lots, utility areas, and garages to shield noise-sensitive areas, d) orienting buildings to shield outdoor spaces from the noise source, and e) minimizing the noise at its source.

Policy SSI-9.2 **Noise Barrier Dimensions.** If noise barriers are deemed the only effective mitigation for development along major transportation corridors, require an acoustical analysis to determine necessary dimensions.

Policy SSI-9.3 **Sound Wall Design.** The maximum height of sound walls shall be eight feet. Residential projects adjacent to the freeway shall be designed to

minimize sound wall height through location of a frontage road, use of two sound walls or other applicable measures. Sound wall design and location shall be coordinated for an entire project area and shall meet Caltrans noise attenuation criteria for a projected eight-lane freeway condition. If two sound walls are used, the first shall be located immediately adjacent to the freeway right-of-way and the second shall be located as necessary to meet Caltrans noise requirements for primary outdoor areas. The minimum rear yard setback to the second wall shall be 20 feet.

Policy SSI-9.6 **Earth Berms.** Allow and encourage earth berms in new development projects as an alternative to sound walls if adequate space is available.

Policy SSI-9.7 **Sound Barrier Design.** Require non-earthen sound barriers to be landscaped, vegetated, or otherwise designed and/or obscured to improve aesthetics and discourage graffiti and other vandalism.

City Noise Standards

In addition to the General Plan policies listed above, Section 18.76.090 (Noise) of the City's Municipal Code contains maximum noise levels for non-transportation noise sources. The City's quantitative exterior noise standards are reproduced below in Table 5. According to City staff, such standards are interpreted as being hourly average noise level standards (L_{eq}).

Table 3
Noise Level Performance Standards

Receiving Land Use	Maximum Noise Level at Lot Line of Receiving Use (dBA)
Industrial and Wholesale	70
Commercial	65
Residential or Public/Quasi Public	60

Notes:
- The planning commission may allow an additional 5 dBA noise level at the lot line if the maximum noise level shown above cannot be achieved with reasonable and feasible mitigation.
- Noise standards shown above do not apply to noise generated by vehicle traffic in the public ROW or from temporary construction, demolition, and vehicles that enter or leave the site of the noise-generating use (e.g., construction equipment, trains, trucks).

Source: City of Morgan Hill Municipal Code.

Furthermore, Section 8.28.040.D of the Morgan Hill Municipal Code, limits construction activity noise as follows:

> "Construction activities" are defined as including but not limited to excavation, grading, paving, demolition, construction, alteration or repair of any building, site, street or highway, delivery or removal of construction material to a site, or movement of construction materials on a site. Construction activities are prohibited other than between the hours of seven a.m. and eight p.m., Monday through Friday and between the hours of nine a.m. to six p.m. on Saturday. Construction activities may not occur on Sundays or federal holidays. No third person, including but not limited to landowners, construction company owners, contractors, subcontractors, or employers, shall permit or allow any person working on construction activities which are under their ownership, control or direction to violate this provision.
>
> Construction activities may occur in the following cases without violation of this provision:

a. In the event of urgent necessity in the interests of the public health and safety, and then only with a permit from the Chief Building Official, which permit may be granted for a period of not to exceed three days or less while the emergency continues, and which permit may be renewed for periods of three days or less while the emergency continues.

b. If the Chief Building Official determines that the public health and safety will not be impaired by the construction activities between the hours of eight p.m. and seven a.m., and that loss or inconvenience would result to any party in interest, the Chief Building Official may grant permission for such work to be done between the hours of eight p.m. and seven a.m. upon an application being made at the time the permit for the work is issued or during the progress of the work.

c. The City Council finds that construction by the resident of a single residence does not have the same magnitude or frequency of noise impacts as a larger construction project. Therefore, the resident of a single residence may perform construction activities on that home during the hours in this subsection, as well as on Sundays and federal holidays from nine a.m. to six p.m., provided that such activities are limited to the improvement or maintenance undertaken by the resident on a personal basis.

d. Public Work projects are exempt from this section and the Public Works Director shall determine the hours of construction for public works projects.

Federal Interagency Committee on Noise Criteria

As discussed above, General Plan Policy SSI-8.5 requires the consideration of noise level increases resulting from traffic associated with new projects. Consistent with Policy SSI-8.5, the Federal Interagency Committee on Noise (FICON) has developed a graduated scale for use in the assessment of project-related noise level increases. The criteria shown in Table 6 were developed by FICON as a means of developing thresholds for impact identification for project-related noise level increases.

Table 4
FICON Significance of Changes in Cumulative Noise Exposure

Ambient Noise Level Without Project (DNL or CNEL)	Change in Ambient Noise Level Due to Project
<60 dB	+5.0 dB or more
60 to 65 dB	+3.0 dB or more
>65 dB	+1.5 dB or more

Source: Federal Interagency Committee on Noise.

The FICON standards have been used extensively in recent years in the preparation of noise sections of EIRs that have been certified by lead agencies in California. The use of FICON standards is considered conservative, relative to thresholds used by other agencies in the State. For example, the Caltrans requires a project-related traffic noise level increase of 12 dB for a finding of significance, and the California Energy Commission (CEC) considers project-related noise level increases between five to 10 dB significant, depending on local factors. Therefore, the use of the FICON standards, which set the threshold for finding of significant noise impacts as

low as 1.5 dB, provides a very conservative approach to impact assessment for the proposed project.

Discussion

a. The General Plan EIR included an analysis of potential noise impacts associated with construction and operation of new development occurring pursuant to the General Plan. The General Plan EIR concluded that new development within the City would avoid significant impacts by conforming with requirements for acoustic analysis under the General Plan, including the Land Use Compatibility Guidelines for Community Noise Environments, as well as by achieving subsequent compliance with interior and exterior noise standards through application of any necessary special construction or noise insulation techniques. Through adherence to the requirements, policies, and strategies in the General Plan and in the current Morgan Hill Municipal Code, the City of Morgan Hill would prevent the development of land uses in areas with inappropriately high ambient noise levels; would ensure that any development of noise sensitive land uses include the study and adequate mitigation of noise impacts; and would prevent activities or new uses that generate excessive levels of noise at sensitive receptors. Therefore, the General Plan EIR determined that noise impacts would be less than significant.

The following discussion includes an analysis of potential construction and operational noise effects which may be peculiar to the proposed development.

Project Construction Noise

During project construction, heavy equipment would be used for grading, excavation, paving, and building construction, which would increase ambient noise levels in the project vicinity. Noise levels would vary depending on the type of equipment used, how equipment is operated, and how well the equipment is maintained. Noise exposure at any single point outside the project construction area would also vary depending upon the proximity of equipment activities to each point. The property lines of the adjacent residential uses to the east are located immediately adjacent from where construction activities would occur within the project area.

Table 7 shows maximum noise levels associated with typical construction equipment. Based on the table, activities involved in typical construction would generate maximum noise levels up to 85 dB at a distance of 50 feet. As one increases the distance between equipment, or increases separation of areas with simultaneous construction activity, dispersion and distance attenuation reduce the effects of combining separate noise sources. The noise levels from a source decrease due to spherical spreading loss at a rate of approximately 6.0 dB per every doubling of distance from the noise source.

Noise levels would vary depending on the type of equipment used, how the equipment is operated, and how well the equipment is maintained. In addition, noise exposure at any single point outside the project site would vary depending on the proximity of construction activities to that point. Construction activities would be temporary in nature and are anticipated to occur during normal daytime hours. Project construction would comply with the requirements of Section 8.28.040(d) of the City's Municipal Code, and construction activities are prohibited between the hours of 8:00 PM and 7:00 AM, Monday through Friday, and between the hours of 6:00 PM to 9:00 AM on Saturday. Further, construction activities may not occur on Sundays or federal holidays.

Table 5 Construction Equipment Noise	
Type of Equipment	**Maximum Level, dB at 50 feet**
Auger Drill Rig	84
Backhoe	78
Compactor	83
Compressor (air)	78
Concrete Saw	90
Dozer	82
Dump Truck	76
Excavator	81
Generator	81
Jackhammer	89
Pneumatic Tools	85
Source: Federal Highway Administration, Roadway Construction Noise Model User's Guide, January 2006.	

Based on Table 7, activities involved in typical construction would generate maximum noise levels up to 90 dB at a distance of 50 feet. As previously discussed, existing residential uses are located adjacent to the north, east, and west of the project site. However, the proposed project is consistent with the current General Plan land use and zoning designations, and, therefore, construction noise associated with buildout of the proposed project has been anticipated, and the proposed project would not result in any peculiar effects related to an increase in ambient noise levels. As discussed above, the General Plan EIR determined that implementation of requirements, policies, and strategies in the General Plan and in current Morgan Hill Municipal Code, as well as implementation of appropriate noise reduction and shielding measures, would reduce the impact of construction-related noise to a less-than-significant level.

Provided that project construction activities do not occur during restricted hours, and that noise-generating equipment is equipped with sound-dampening or noise-reducing features where appropriate, construction noise associated with the project would not generate a substantial temporary increase in ambient noise levels in the vicinity of the project site. In addition, the Chief Building Official would determine applicable noise reduction measures. Therefore, construction activities associated with the proposed project would not result in new significant noise impacts relative to what was analyzed in the General Plan EIR.

Project Operational Noise

The operation of the proposed project would include typical residential noise such as landscape maintenance, heating, ventilation, and air conditioning (HVAC) systems, etc., which would be compatible with the adjacent existing residential uses. As such, the proposed project is not anticipated to contribute a substantial operational noise level increase to the existing ambient noise environment at any sensitive receptor locations. The primary noise source associated with the operation of the proposed project would be traffic noise on local roadways.

Pursuant to General Plan Policy SSI-8.5, noise level increases resulting from traffic associated with new projects are considered significant if: a) the noise level increase is 5 dBA L_{dn} or greater, with a future noise level of less than 60 dB L_{dn}, or b) the noise level increase is 3 dB L_{dn} or greater, with a future noise level of 60 dB L_{dn} or greater.

Pursuant to the ITE Trip Generation Handbook, the 23 proposed single-family residential units would be anticipated generate approximately 219 daily trips, including 17 AM peak hour trips and 23 PM peak hour trips.

Based on Figure SSI-7 of the General Plan, the project site is located in an area with noise levels of 60 dBA CNEL under General Plan buildout conditions. Pursuant to the FICON criteria presented in Table 6, where existing traffic noise levels are between 60 and 65 dB L_{dn} at the outdoor activity areas of noise-sensitive uses, a +3 dB L_{dn} increase in roadway noise levels would be considered significant. Generally, a doubling in traffic volumes is required to increase traffic noise levels by 3.0 dB, which is considered to be the threshold for a significant increase pursuant to the FICON. The increase of approximately 219 trips per day associated with the proposed project would not result in a doubling of traffic volumes along project area roadways. Therefore, the proposed project would not result in a substantial increase in noise levels related to vehicle traffic, and increased traffic noise generated from implementation of the proposed project would result in a less-than-significant impact related to transportation noise. The proposed project would not cause any additional operational noise that would exceed what was already anticipated in the General Plan EIR, and additional noise control mitigation measures would not be required for operational noise.

Conclusion

Based on the above, construction and operation of the proposed project would not result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the City's General Plan and the Municipal Code. Thus, impacts related to noise level increases and conflicts with the City's noise level standards were adequately addressed in the General Plan EIR, and the proposed project would not result in any peculiar effects that would require further CEQA review for this topic.

b. Similar to noise, vibration involves a source, a transmission path, and a receiver. However, noise is generally considered to be pressure waves transmitted through air, whereas vibration usually consists of the excitation of a structure or surface. As with noise, vibration consists of an amplitude and frequency. A person's perception to 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. 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 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. Table 8, which was developed by Caltrans, shows the vibration levels that would normally be required to result in damage to structures.

As shown in the table, the threshold for architectural damage to structures is 0.20 in/sec PPV and continuous vibrations of 0.10 in/sec PPV, or greater, would likely cause annoyance to sensitive receptors.

Table 6
Effects of Vibration on People and Buildings

PPV		Human Reaction	Effect on Buildings
mm/sec	in/sec		
0.15 to 0.30	0.006 to 0.019	Threshold of perception; possibility of intrusion	Vibrations unlikely to cause damage of any type
2.0	0.08	Vibrations readily perceptible	Recommended upper level of the vibration to which ruins and ancient monuments should be subjected
2.5	0.10	Level at which continuous vibrations begin to annoy people	Virtually no risk of "architectural" damage to normal buildings
5.0	0.20	Vibrations annoying to people in buildings (this agrees with the levels established for people standing on bridges and subjected to relative short periods of vibrations)	Threshold at which there is a risk of "architectural" damage to normal dwelling - houses with plastered walls and ceilings. Special types of finish such as lining of walls, flexible ceiling treatment, etc., would minimize "architectural" damage
10 to 15	0.4 to 0.6	Vibrations considered unpleasant by people subjected to continuous vibrations and unacceptable to some people walking on bridges	Vibrations at a greater level than normally expected from traffic, but would cause "architectural" damage and possibly minor structural damage

Source: Caltrans. Transportation Related Earthborne Vibrations. TAV-02-01-R9601. February 20, 2002.

The General Plan EIR included an analysis of potential vibration impacts associated with construction and operation of new development occurring pursuant to the General Plan. The General Plan EIR concluded that new development within the City would avoid significant impacts by conforming with requirements for acoustic analysis under the General Plan. Therefore, through adherence to the requirements, policies, and strategies in the General Plan and in the current Morgan Hill Municipal Code, the General Plan EIR concluded that vibration impacts would be less than significant.

During project construction, heavy equipment would be used for grading, excavation, paving, and building construction, which would generate localized vibration in the immediate vicinity of construction. The range of vibration source levels for construction equipment commonly used in similar projects are shown in Table 9.

As shown in Table 9, with the exception of vibratory compactors, the vibration levels of typical construction equipment are less than the 0.2 in/sec threshold at distance of 25 feet. However, the proposed project could include the use of vibratory compactors during construction, which could occur at less than 25 feet from the adjacent residences to the north, east, and west of the project site.

Table 7
Vibration Levels for Various Construction Equipment

Type of Equipment	PPV at 25 feet (in/sec)	PPV at 50 feet (in/sec)
Large Bulldozer	0.089	0.031
Loaded Trucks	0.076	0.027
Small Bulldozer	0.003	0.001
Auger/drill Rigs	0.089	0.031
Jackhammer	0.035	0.012
Vibratory Hammer	0.070	0.025
Vibratory Compactor/roller	0.210 (less than 0.20 at 26 feet)	0.074

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

According to the General Plan EIR, methods to reduce vibration during construction would include the use of smaller equipment, use of well-maintained equipment, use of static rollers instead of vibratory rollers, and drilling of piles as opposed to pile driving. Therefore, the proposed project would require the use of static drum rollers, which would use weight instead of vibrations to achieve soil compaction, rather than vibratory compactors for any compaction occurring less than 26 feet from the existing residences in the project area where vibration levels of vibratory compactors would be greater than the 0.2 in/sec threshold. Compliance with such General Plan requirements would be conditioned by the City and reduce vibration levels from construction below screening levels established by the Federal Transit Administration (FTA) and Caltrans.

Therefore, on-site construction within the project area is not expected to result in excessive groundborne vibration levels at nearby off-site existing residential structures. Furthermore, the proposed project is residential in nature, and would not result in the use of equipment that generates appreciable vibration during operations.

Based on the above, construction and operation of the proposed project would not result in the generation of excessive groundborne vibration. Thus, impacts related to vibration were adequately addressed in the General Plan EIR, and the proposed project would not result in any peculiar effects that would require further CEQA review for this topic.

c. As noted in the General Plan EIR, the public airport nearest to the project site is the San Martin Airport, which is located approximately four miles southeast of the project site at 13030 Murphy Avenue. The project site is located well outside of the AIA identified in the South County Airport Comprehensive Land Use Plan.[37] In addition, the project site is not located within the vicinity of a private airstrip. Therefore, according to the General Plan EIR impacts related to excessive noise levels from private airstrips or heliports would not occur during buildout of the General Plan, and further discussion of noise-related impacts from aviation facilities was not included in the General Plan EIR.

Based on the above, impacts related to aircraft noise was adequately addressed in the General Plan EIR, and the proposed project would not result in any peculiar effects that would require further CEQA review for this topic.

[37] Santa Clara County. *Comprehensive Land Use Plan, Santa Clara County, South County Airport.* Amended November 16, 2016.

XIV. POPULATION AND HOUSING. *Would the project:*	Significant Impact Peculiar to the Project or the Project Site	Significant Impact due to New Information	Impact Adequately Addressed in the General Plan EIR
a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	☐	☐	✖
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	✖

Environmental Setting

The project site is currently developed with three single family residences and multiple auxiliary structures, including two ancillary buildings, a barn, and a utility shed. The surrounding land uses include single-family residences to the west, north, east, undeveloped land to the south, and commercial uses to the southeast.

General Plan Policies

Listed below are policies from the City of Morgan Hill General Plan related to population and housing that are relevant to the proposed project:

Policy CNF-2.1 **Orderly Development.** Encourage the orderly development of the City, with concentric growth and infill of existing developed areas.

Policy CNF-3.6 **Adequate Services and Infrastructure.** Allow residential growth only if it is within the ability for the City to provide adequate public services and infrastructure for new development and the community at large.

Discussion

a. The General Plan EIR concluded that implementation of the General Plan through year 2035 would exceed development anticipated pursuant to the ABAG's existing and expected future 2035 projections for the City by 13,357 residents. However, based on the balance between housing capacity and employment capacity under the General Plan, the General Plan EIR concluded that the City would neither need to export workers to find jobs in other communities, nor import a substantial number of workers, resulting in indirect growth inducement. Thus, impacts related to population growth were determined to be less than significant.

According to the U.S. Census Bureau, the average number of persons per dwelling unit in the City of Morgan Hill is 3.07.[38] Using the 3.07 persons/household average household size for the City, the proposed 23 residential units would house an estimated 71 residents, which would not exceed the growth projections for the City. In addition, given that the proposed project is consistent with the site's current land use and zoning designations, potential growth associated with development of the site has been anticipated by the City and analyzed in the City of Morgan Hill General Plan EIR.

[38] U.S. Census Bureau. *QuickFacts Morgan Hill city, California*. Available at: https://www.census.gov/quickfacts/fact/table/morganhillcitycalifornia/POP010210. Accessed October 2024.

Based on the above, impacts related to inducing substantial unplanned population growth in an area, either directly or indirectly, were adequately addressed in the General Plan EIR, and the proposed project would not result in any peculiar effects that would require further CEQA review related to such.

b. The General Plan EIR concluded that buildout of the General Plan would result in a net increase in housing units and would not have direct physical impacts related to the displacement of housing units, and a less-than-significant impact would result. Although the proposed project would result in the demolition of three residential buildings and other auxiliary structures, the construction of 23 residential units would create a net gain of residential units, and impacts related to displacing substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere, would be less than significant. Therefore, impacts related to displacement of substantial housing or people were adequately addressed in the General Plan EIR, and the proposed project would not result in any peculiar effects that would require further CEQA review related to such.

XV. PUBLIC SERVICES. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*	Significant Impact Peculiar to the Project or the Project Site	Significant Impact due to New Information	Impact Adequately Addressed in the General Plan EIR
a. Fire protection?	☐	☐	✖
b. Police protection?	☐	☐	✖
c. Schools?	☐	☐	✖
d. Parks?	☐	☐	✖
e. Other Public Facilities?	☐	☐	✖

Environmental Setting

The City of Morgan Hill contracts with CAL FIRE (California Department of Forestry and Fire Protection) for fire protection services. Three fire stations are located within the City boundaries: El Toro Station, located at 18300 Old Monterey Road; Dunne-Hill Station, located at 2100 Dunne Avenue; and the CAL FIRE station at 15670 Monterey Road. The nearest fire station is the El Toro Station, located approximately two miles northwest of the project site. The Morgan Hill Police Department (MHPD) is located at 16200 Vineyard Boulevard, approximately 1.7 miles southwest of the project site. The Morgan Hill Unified School District (MHUSD) operates public education facilities that serve the project site and surrounding area. The City of Morgan Hill is served by eight elementary schools, two middle schools, two high schools, one continuation school, one K-8 home school program, and one community adult school.

General Plan Policies

Listed below are policies from the City of Morgan Hill General Plan related to public services that are relevant to the proposed project:

Policy CNF-6.2 **Service Standards.** Ensure that facility/service standards can be met for new development by the time of occupancy.

Policy CNF-6.4 **Public Facilities Upgrades.** Evaluate the need for improvements to existing public facilities based on such factors as the location and extent of new residential, commercial and industrial development, residential densities, and neighborhood development patterns.

Policy CNF-6.7 **Impacts on City Infrastructure.** Require all development that may result in a substantial impact on City infrastructure and/or services to be analyzed to determine the extent of that fiscal burden.

Policy SSI-11.1 **Staffing.** Provide police and fire staffing and facilities as necessary to provide adequate public safety protection.

Policy SSI-11.2 **Prevention through Design.** Promote police and fire security considerations in all structures by ensuring that crime and fire prevention concepts are considered in development and design.

Policy HC-1.6 **Efficient Siting.** Site new residential development in areas served by existing schools to allow school facilities to be used most efficiently and to minimize busing needs.

Policy HC-3.2 **Parkland Standard.** Strive to provide 5 acres of parkland per thousand residents by acquiring and developing parks and recreation facilities, and developing joint use agreements with other agencies and organizations that provide community recreation facilities. Calculate parkland based on classification in the Parks, Facilities, and Recreation Programming Master Plan.

Policy HC-3.3 **Park Land Fees.** Continue to require park land dedication or in-lieu fees from all new development to meet the recreation and open space needs of the residents of Morgan Hill.

Policy HC-3.9 **Open Space Requirements.** Require multi-family residential developments to include common open space suitable for group gatherings. Common open space shall be funded and maintained by Homeowners Associations or property owners.

Policy HC-3.29 **Development Requirements.** Continue to require park acquisition and development fees and/or land dedication to support the acquisition and development of parks, trails and other recreation facilities

Discussion

a,b. The General Plan EIR concluded that plan review by CAL FIRE , development impact fees, consistency with General Plan policies, and compliance with all applicable regulations would ensure that CAL FIRE and the MHPD are involved as future development is allowed under the proposed General Plan. While the General Plan EIR noted the buildout allowed by the General Plan would require new fire protection facilities, a new station was already planned at the time the General Plan EIR was being drafted, to accommodate current and future needs of the City. Therefore, according to the General Plan EIR, buildout of the General Plan would result in a less-than-significant impact related to fire and police protection services.

While the proposed project would result in increased demands on fire and police protection services, such demands would be consistent with what has been anticipated by the City and analyzed in the General Plan EIR. Furthermore, the project would comply with all applicable State and local requirements related to fire safety and security, including installation of fire sprinklers. Compliance with such standards would minimize fire and police protection demands associated with the project. In addition, the project would be subject to payment of applicable fire and police development impact fees. Therefore, impacts related to the need for new or physically altered fire or police protection facilities, the construction of which could cause significant environmental impacts, were adequately addressed in the General Plan EIR, and the proposed project would not result in any peculiar effects that would require further CEQA review related to such.

c-e. The General Plan EIR concluded that with implementation of applicable General Plan policies, implementation of the General Plan would result in a less-than-significant impact to schools, parks, and recreation facilities, as well as other public facilities such as libraries. The proposed project is anticipated to generate approximately 71 additional residents (23 units x 3.07 persons per household) in the City. As specified in the General

Plan EIR, using the MHUSD student yield rate of 0.465 students per household, the total anticipated development potential for the project site could add approximately 11 new students to MHUSD schools.

The City collects development impact fees to help pay for public services that include public schools. Proposition 1A/SB 50 prohibits local agencies from using the inadequacy of school facilities as a basis for denying or conditioning approvals of any "legislative or adjudicative act involving the planning, use, or development of real property." (Government Code 65996(b).) Satisfaction of the Proposition 1A/SB 50 statutory requirements by a developer is deemed to be "full and complete mitigation." Therefore, according to SB 50, the payment of the necessary school impact fees for the project would be full and satisfactory CEQA mitigation.

Furthermore, pursuant to Section 3.56.030 (Development fees) of the City's Municipal Code, development impact fees are established and imposed on the issuance of all building permits for development within the City to finance the cost of various categories of public facilities and improvements required by new development, including park and recreation facilities.

With regard to other public facilities, such as libraries, the proposed project would not be anticipated to result in a substantial increase in demand for library services, or other public facilities, such that expanded facilities would be required. Future residents of the proposed project would have access to the Morgan Hill Library, which is operated by the Santa Clara County Library District.

Based on the above, impacts related to the need for new or physically altered schools, parks, or other public facilities, the construction of which could cause significant environmental impacts, were adequately addressed in the General Plan EIR, and the proposed project would not result in any peculiar effects that would require further CEQA review related to such.

XVI. RECREATION. *Would the project:*	Significant Impact Peculiar to the Project or the Project Site	Significant Impact due to New Information	Impact Adequately Addressed in the General Plan EIR
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	✖
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	✖

Environmental Setting

The City of Morgan Hill is currently served by a variety of parks and recreational facilities including the following: neighborhood parks, community parks, regional parks, accessible open space, special purpose facilities, bikeways, multi-use trails, and nature trails. The nearest recreational facility to the project site is Diana Park, located approximately 0.2-mile west of the site.

General Plan Policies

Listed below are policies from the City of Morgan Hill General Plan related to recreation that are relevant to the proposed project:

Policy HC-3.2 **Parkland Standard.** Strive to provide 5 acres of parkland per thousand residents by acquiring and developing parks and recreation facilities, and developing joint use agreements with other agencies and organizations that provide community recreation facilities. Calculate parkland based on classification in the Parks, Facilities, and Recreation Programming Master Plan.

Policy HC-3.3 **Park Land Fees.** Continue to require park land dedication or in-lieu fees from all new development to meet the recreation and open space needs of the residents of Morgan Hill.

Policy HC-3.9 **Open Space Requirements.** Require multi-family residential developments to include common open space suitable for group gatherings. Common open space shall be funded and maintained by Homeowners Associations or property owners.

Policy HC-3.29 **Development Requirements.** Continue to require park acquisition and development fees and/or land dedication to support the acquisition and development of parks, trails and other recreation facilities

Discussion

a,b. The General Plan EIR concluded that with implementation of applicable General Plan policies, implementation of the General Plan would result in a less-than-significant impact to parks and recreation facilities.

The proposed project would generate approximately 71 additional residents (based on 3.07 persons per household, pursuant to U.S. Census Bureau data) in the City of Morgan Hill. Given the City's parkland standard of five acres per 1,000 residents, the proposed project's 71 additional residents would equate to a demand of approximately 0.36-acre of

additional parkland. As discussed above, pursuant to Section 3.56.030 (Development fees) of the City's Municipal Code, development impact fees are established and imposed on the issuance of all building permits for development within the City to finance the cost of various categories of public facilities and improvements required by new development, including park and recreation facilities.

In addition, pursuant to Morgan Hill Municipal Code Chapter 17.28, the proposed project would be subject to the City's Parkland Dedication and Parkland Fee In-Lieu requirements. The project would be required to pay fees in lieu of parkland dedication to meet the parkland obligation. Such fees would be calculated using the formula set forth in Morgan Hill Municipal Code Section 17.28.060, with the fees due at the time of filing of the project's Final Map.

Given that the proposed project would be required to comply with Section 3.56.030 and Chapter 17.28 of the Municipal Code, park fees imposed by the City would generate revenue to acquire necessary land to develop new parks or rehabilitate existing neighborhood parks and recreation facilities reasonably related to serve the subdivision.

Based on the above, impacts related parks and recreation facilities were adequately addressed in the General Plan EIR, and the proposed project would not result in any peculiar effects that would require further CEQA review related to such.

XVII. TRANSPORTATION. *Would the project:*	Significant Impact Peculiar to the Project or the Project Site	Significant Impact due to New Information	Impact Adequately Addressed in the General Plan EIR
a. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	☐	☐	✖
b. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	✖
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	✖
d. Result in inadequate emergency access?	☐	☐	✖

Environmental Setting

With respect to existing pedestrian facilities in the project area, concrete sidewalks exist along both sides of Diana Avenue. In addition, bicycle facilities are located along Butterfield Boulevard and East Dunne Avenue in the vicinity of the project site. The City of Morgan Hill is provided transit services by VTA bus routes. The nearest VTA bus stop is located approximately 1.05 miles west of the project site.

General Plan Policies

Listed below are policies from the City of Morgan Hill General Plan related to transportation that are relevant to the proposed project:

Policy NRE-15.10 **VMT Reduction.** Continue to work with the Santa Clara Valley Transportation Authority on regional transportation solutions that will reduce vehicle miles traveled and greenhouse gas emissions.

Policy TR-1.3 **Transportation Safety.** Implement strategies to ensure safe and appropriate operation of all components of the transportation system for all users, such as programs to lower crash rates and reduce the number of transportation-related injuries in the city through education, enforcement, engineering strategies, physical improvements, and operational systems. Prioritize strategies that improve safety for students, pedestrians, and bicyclists.

Policy TR-2.1 **Multi-Modal System for All Users.** A balanced multi-modal system offers viable choices for residents, employees, customers, visitors, and recreational users. Use smart growth and Sustainable Communities principles throughout the city to provide a balanced transportation system which assures access to all, and which integrates all appropriate modes of transportation into an effectively functioning system, including modes such as auto, ride sharing, public rail and bus transit, paratransit, bicycling, and walking.

Policy TR-9.1 **Private Development Connections.** Ensure adequate pedestrian access in all developments, with special emphasis on pedestrian connections in the downtown area, in shopping areas, and major work centers, including sidewalks in industrial areas in accordance with the Trails and Natural Resources Master Plan.

Policy TR-9.7 **Concurrent Implementation.** Where feasible, implement the trails and pedestrian system concurrent with adjacent developments.

Policy TR-9.10 **Sidewalk Connectivity.** Improve sidewalk connectivity by installing new sidewalks where they do not exist, consistent with the Trails and Natural Resources Master Plan

Policy SSI-12.4 **Maintenance of Emergency Access Routes.** Require that emergency access routes be kept free of traffic impediments.

Discussion

a. Since the release of the General Plan EIR, the law has changed with respect to how transportation-related impacts may be addressed under CEQA. Traditionally, lead agencies used level of service (LOS) to assess the significance of such impacts, with greater levels of congestion considered to be more significant than lesser levels. 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. Mitigation measures typically took the form of capacity-increasing improvements, which often had their own environmental impacts (e.g., to biological resources). Depending on circumstances, and an agency's tolerance for congestion (e.g., as reflected in its general plan), LOS D, E, or F often represented significant environmental effects. In 2013, the Legislature passed legislation with the intention of ultimately removing LOS in most instances as a basis for environmental analysis under CEQA.

However, pursuant to the conclusions of *Olen Properties Corp. v. City of Newport Beach* (2023) (93 Cal.App.5th 270), when evaluating a project's consistency with a previously certified EIR, a document "may properly analyze traffic impacts under the old LOS methodology, and need not employ the newly mandated VMT methodology, when the previously certified EIR used the LOS methodology."[39] Considering that the proposed project is consistent with the project site's General Plan land use and zoning designations, buildout of the site with the proposed uses was generally considered as part of the General Plan EIR.

Therefore, the following analysis addresses impacts related to LOS, as well as potential impacts upon transit, bicycle, and pedestrian facilities.

Level of Service

Pursuant to the ITE Trip Generation Handbook, the 23 proposed single-family residential units would be anticipated generate approximately 219 daily trips, including 17 AM peak hour trips and 23 PM peak hour trips. While the General Plan EIR did not evaluate intersections adjacent to the project site, the nearest major intersection, through which the majority of project traffic would be expected to pass, Butterfield Boulevard and East Dunne Avenue, was determined to operate acceptably even under General Plan buildout conditions. The relatively limited amount of traffic that would be generated by the proposed project has been accounted for in the General Plan EIR analysis, and no peculiar effects

[39] Miller Star Regalia. *Fourth District Belatedly Publishes CEQA Opinion Upholding City of Newport Beach's Approval of Multifamily-Housing Development Pursuant To Addendum To 2006 EIR For Larger Mixed-Use Development*. Available at: https://www.ceqadevelopments.com/2023/08/08/fourth-district-belatedly-publishes-ceqa-opinion-upholding-city-of-newport-beachs-approval-of-multifamily-housing-development-pursuant-to-addendum-to-2006-eir-for-larger-mixed-use-development/. Accessed November 2024.

would result from the proposed project. Therefore, impacts related to conflicting with an applicable plan, ordinance, or policy addressing roadway facilities were adequately addressed in the General Plan EIR, and effects related to LOS peculiar to the proposed project would not occur.

Pedestrian, Bicycle, and Transit Facilities

The General Plan includes policies that provide for an integrated network of bicycle facilities, as well as for the needs of transit users. Specifically, Policy TR-2.1 calls for a multi-modal system that integrates all modes of transportation. In addition, the General Plan calls for coordinated regional bicycle planning including supporting the implementation of the Santa Clara Countywide Trails Master Plan and Santa Clara County Bicycle Technical Guidelines, as well as supporting the implementation and maintenance of the City's Bikeways Master Plan. The General Plan also supports an expanded pedestrian network that connects pedestrians to Downtown, shopping areas, and employment centers through General Plan Policy TR-9.1. Furthermore, the General Plan calls for the City to design streets to accommodate bus service, and requires new development to install bus shelters as appropriate. As such, the General Plan EIR concluded that implementation of the General Plan would not conflict with plans, programs and policies regarding bicycle, pedestrian, or transit facilities, or decrease the performance and safety of such facilities, and a less-than-significant impact would occur.

The project site is served by VTA bus routes that run along East Main Avenue and Monterey Road. Frequent Route 68 (Gilroy Transit Center to San Jose Diridon Transit Center) serves bus stops at the intersection of East Main Avenue and Monterey Road, approximately 1.05 miles from the project site. Local Route 87 (Morgan Hill Civic Center to Burnett Avenue) serves a bus stop at the East Main Avenue and Monterey Road intersections.

The proposed project does not include any features which could conflict with existing or planned transit facilities, nor would the project result in substantial increases in transit demand, and existing pedestrian facilities in the project vicinity provide adequate connectivity for pedestrians to the transit stops. In addition, the proposed project is consistent with the scope of development anticipated by the General Plan EIR for the project site.

With respect to existing pedestrian and bicycle facilities, an existing sidewalk along Diana Avenue extends east and west with connection to several main roads in the area. In addition, Diana Avenue is designated as a bike boulevard, which are defined as streets with low motorized traffic volumes and speeds, designated and designed to give bicycle travel priority.[40] The City of Morgan Hill Bikeways, Trails, Parks and Recreation Master Plan does not identify existing or proposed bicycle facilities in the vicinity of the project site.[41] The nearest existing facilities identified in the Bikeways, Trails, Parks and Recreation Master Plan include a multi-use trail along the eastern side of Butterfield Boulevard and a bike lane on both sides of Butterfield Boulevard, located approximately 0.44-mile to the west of the project site. In addition, existing bike lanes are located on both sides of East Dunne Avenue.

[40] City of Morgan Hill. *Explore More in Morgan Hill Map*. Available at: https://www.morganhill.ca.gov/439/Bicycling-and-Walking. Accessed October 2024.
[41] City of Morgan Hill. *Bikeways, Trails, Parks and Recreation Master Plan*. July 2017.

As proposed, site access for all travel modes, including bicyclists, would be provided by Diana Avenue and the project driveways, which would adequately accommodate both vehicle and bicycle travel. In addition, sidewalks would be provided along all proposed internal roadways, which would connect to existing sidewalks located along Diana Avenue.

Conclusion

The project would not conflict with any existing or proposed pedestrian, bicycle, or transit facilities. Impacts related to conflicting with an applicable plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities were adequately addressed in the General Plan EIR, and effects peculiar to the proposed project would not occur, Thus, the proposed project would not require further CEQA review for this topic.

b. As discussed above, this Modified Initial Study is not required to address potential impacts related to VMT. As such, impacts were adequately addressed under the LOS standards in the General Plan EIR, and effects peculiar to the proposed project would not occur. Thus, the proposed project would not require further CEQA review for this topic.

c,d. As noted in the General Plan EIR, future developments and roadway improvements would be designed in accordance with City standards and would be subject to all applicable General Plan policies. Compliance with the City standards and policies would ensure that the future project would not significantly increase hazards due to design features or incompatible uses. In addition, the City's Design Standards and Standard Details for Construction would ensure that adequate emergency access is provided in Morgan Hill. Therefore, the General Plan concluded that impacts associated with the implementation of the proposed General Plan would be less than significant.

Vehicular access to the project site would be provided by an extension of Cayman Street from Diana Avenue located in the northwestern corner of the project site. The Cayman Street extension, located along the western boundary of the project site, would connect to a 20-foot wide private street, which would be located along the street's eastern boundary and within the southern portion of the site. The proposed private street and Cayman Street extension would connect in the southern corner of the project site.

Given that the proposed project would be consistent with the site's General Plan land use designation, buildout of the project site and the potential for associated roadway design hazards has been anticipated by the City and analyzed in the General Plan EIR. In addition, all roadway/circulation system improvements included in the proposed project would be consistent with applicable City engineering standards.

Based on the above, impacts related to substantially increasing hazards due to design features or incompatible uses were adequately addressed in the General Plan EIR, and effects peculiar to the proposed project would not occur. Thus, the proposed project would not require further CEQA review for this topic.

XVIII. TRIBAL CULTURAL RESOURCES. *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:*	Significant Impact Peculiar to the Project or the Project Site	Significant Impact due to New Information	Impact Adequately Addressed in the General Plan EIR
a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).	☐	☐	✖
b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	✖

Environmental Setting

The project site is located within an urban area of the City of Morgan Hill, and is surrounded by existing development. Currently, the project site primarily consists of ruderal grassland, with three single-family residences and associated accessory structures, including two ancillary buildings, a barn, and a utility shed, located on the northern portion of the project site. As noted in the General Plan EIR, archaeological surveys conducted in Morgan Hill have identified numerous precontact sites with shell midden components, including human burials.

As discussed in Section V, Cultural Resources, of this Modified Initial Study, the project-specific CHRIS search concluded that a low to moderate potential exists for previously unrecorded archeological resources to occur on-site, based on the environmental setting of the site. In addition, a search of the NAHC Sacred Lands File did not yield any information regarding the presence of Tribal Cultural Resources within the project site.[42]

General Plan Policies

Listed below are policies from the City of Morgan Hill General Plan related to tribal cultural resources that are relevant to the proposed project:

Policy HC-8.4 **Tribal Consultation.** Consult with Native American tribes that have ancestral ties to Morgan Hill regarding proposed new development projects and land use policy changes.

Policy HC-8.5 **Mitigation.** Require that if cultural resources, including tribal, archaeological, or paleontological resources, are uncovered during grading or other on-site excavation activities, construction shall stop until appropriate mitigation is implemented.

[42] Native American Heritage Commission. *730 and 760 Diana Avenue Residential Project, Santa Clara County*. October 21, 2024.

Discussion

a,b. As discussed previously, the General Plan EIR concluded that compliance with existing regulations, including the Morgan Hill Municipal Code, would ensure that potential impacts to archaeological resources would be less than significant.

AB 52 (PRC Section 21080.3.1) notification to tribes is not required for the proposed project given that this checklist determines no additional environmental review is required for the project, consistent with CEQA Guidelines Section 15183.

Given that the proposed project would be consistent with the site's General Plan land use designation, buildout of the project site and potential disturbance of buried tribal cultural resources has been anticipated by the City and analyzed in the General Plan EIR. In addition, as previously discussed, pursuant to CEQA Guidelines Section 15183(f), "An effect of a project on the environment shall not be considered peculiar to the project or the parcel for the purposes of this section if uniformly applied development policies or standards have been previously adopted by the city or county with a finding that the development policies or standards will substantially mitigate that environmental effect when applied to future projects, unless substantial new information shows that the policies or standards will not substantially mitigate the environmental effect. […]" In the case of the proposed project, compliance with Section 18.60.090 of the Morgan Hill Municipal Code would substantially mitigate potential project impacts to tribal cultural resources.

Based on the above, the proposed project is not expected to adversely impact tribal cultural resources. In addition, the project applicant would be required to comply with the City's standard Conditions of Approval related to cultural resource discovery, as discussed in Section V, Cultural Resources, of this Modified Initial Study. Therefore, impacts related to resulting in a substantial adverse change in the significance of a tribal cultural resource were adequately addressed in the General Plan EIR, and the proposed project would not result in any peculiar effects that would require further CEQA review related to such.

XIX. UTILITIES AND SERVICE SYSTEMS. *Would the project:*	Significant Impact Peculiar to the Project or the Project Site	Significant Impact due to New Information	Impact Adequately Addressed in the General Plan EIR
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	✖
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	☐	☐	✖
c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	✖
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	✖
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	✖

Environmental Setting

The project site is located within an urban area of the City of Morgan Hill, and is surrounded by existing residential development to the north, east, and west, as well as undeveloped land and commercial uses to the south. Currently, the project site is developed with three single-family residences and multiple auxiliary structures. The existing storm drain system within the project area generally flows to the Morgan Hill Retention Pond. Water and sewer service is provided in the project vicinity by the City through connections to the existing eight-inch water and 10-inch sewer mains in Diana Avenue. Existing electricity and telecommunications infrastructure is available in the site vicinity.

General Plan Policies

Listed below are relevant policies from the City of Morgan Hill General Plan related to utilities and service systems that may be applicable to the proposed project:

Policy NRE-7.1 **Water Standards for Private Development.** Promote water conservation and efficient water use in all private development projects. Require development to exceed state standards for the use of water.

Policy SSI-14.1 **Efficient Water Management.** Manage the supply and use of water more efficiently through appropriate means, such as watershed protection, percolation, conservation, and reclamation.

Policy SSI-14.2 **Water Conservation.** Support water conservation measures that comply with state and federal legislation and that are consistent with measures adopted in the Urban Water Management Plan.

Policy SSI.14-5 **Water Supply.** Routinely evaluate the impact of new development proposals in Morgan Hill and require appropriate measures (fees, water supply assessments, etc.) to ensure long-term water supplies are available.

Policy SSI-14.8 **Sufficient Supply.** Ensure that new development does not exceed the water supply.

Policy SSI-14.13 **Use of Recycled Water**. Increase use of recycled water in development projects and landscaping; implement best practices (e.g., dual plumbing) to expand recycled water use when safe, practical, and available.

Policy SSI-17.1 **Waste Diversion.** Maximize reuse, recycling, and composting Citywide to reduce the amount of waste disposed of in landfills.

Discussion

a-c. Brief discussions of the water, wastewater, stormwater drainage, electrical, and telecommunications facilities that would serve the proposed project are included below.

Water

The City of Morgan Hill provides potable water service to its residential, commercial, industrial, and institutional customers within the City limits. The City's water system facilities include 17 groundwater wells, 10 reservoir sites, nine pumping stations, and 165 miles of pressured pipes ranging from two to 14 inches in diameter. The City has planned and constructed water projects in conjunction with new street construction in anticipation of future growth and water needs. According to the General Plan EIR, in accordance with General Plan policies and applicable regulations, impacts related to the construction or expansion of water facilities or infrastructure would be less than significant.

The proposed project would be provided water service by the City through connections to the existing eight-inch water main in Diana Avenue. From the points of connection, the eight-inch water line would be extended along the internal roadways, where the lines would connect to each of the proposed buildings.

According to the General Plan EIR, sufficient water supplies would be available to serve buildout of the General Plan from existing entitlements and resources, and new or expanded entitlements would not be required during single- and multiple-dry years. Therefore, the General Plan EIR concluded that in accordance with applicable regulations and water conservation policies, as well as applicable General Plan polices, impacts under normal, single-dry and multiple-dry years would be less than significant.

The City of Morgan Hill has adopted the 2020 Urban Water Management Plan (UWMP), which analyzes the City's water supply and demand. Because the information presented in the 2020 UWMP provides an updated analysis of the City's water supply and demand, compared to what was included in the City's General Plan EIR, the following analysis uses the numbers presented in the 2020 UWMP.

Table 10 presents the potable water supply and demand for a single dry year and multiple dry years for the City of Morgan Hill. As shown in the table, even after a three-year drought period, a surplus of 6,957 acre-feet of water would be available. Thus, according to the

City's UWMP, the projected water supply exceeds the water demand for normal, single-dry, and multiple-dry years until at least 2045.[43]

Table 8
Multiple Dry Years Supply and Demand Comparison
(Acre-Feet per Year [AFY])

		2025	2030	2035	2040	2045
First Year	Supply	19,344	19,890	20,514	21,060	21,606
	Demand	8,671	10,181	11,623	13,008	14,372
	Difference	10,673	9,709	8,891	8,052	7,234
Second Year	Supply	20,584	21,165	21,829	22,410	22,991
	Demand	8,671	10,181	11,623	13,008	14,372
	Difference	11,913	10,984	10,206	9,402	8,619
Third Year	Supply	19,096	19,635	20,251	20,790	21,329
	Demand	8,671	10,181	11,623	13,008	14,372
	Difference	10,425	9,454	8,628	7,782	6,957

Source: City of Morgan Hill 2020 UWMP, 2021.

Given that the proposed project is consistent with the site's current land use and zoning designations, the type and intensity of growth that would be induced by the proposed project was generally considered in the 2035 General Plan and associated water use has been analyzed in the General Plan EIR and the City's updated 2020 UWMP. Therefore, the proposed project would not require or result in the construction of new water treatment facilities or expansion of existing facilities, and sufficient water supplies would be available to serve the project from existing entitlements and resources.

Wastewater

The City of Morgan Hill sewer collection system consists of approximately 160 miles of gravity sewers, over 3,000 manholes, nearly three miles of force mains, and 14 lift stations. The sewer lines range in size from four inches to 30 inches in diameter and the piping system includes 26 siphons. The City's collection system moves the City's wastewater south to the South County Regional Wastewater Authority (SCRWA) Wastewater Treatment Facility (WWTF) located in southern Gilroy. SCRWA is a joint powers authority formed by the cities of Morgan Hill and Gilroy to collectively treat the wastewater of both cities.[44] The City of Morgan Hill has an allocation of 3.56 million gallons per day (MGD) from the WWTF. According to the General Plan EIR, the average dry weather flow from the City of Morgan Hill was approximately 2.7 MGD in 2015.

According to the General Plan EIR, buildout of the General Plan would continue to be provided with wastewater treatment services from the SCRWA facility. The General Plan EIR determined that the WWTF would be required to be expanded in order to accommodate buildout of the General Plan. After expansion of the treatment plant, the General Plan EIR anticipated that the NPDES discharge permit would be amended to reflect the expanded capacity of the plant. As such, wastewater generated from buildout of the General Plan would not exceed the expanded permitted treatment capacity of the SCRWA facility, and in accordance with General Plan policies and actions, as well as applicable regulations, the General Plan EIR concluded that buildout of the General Plan

[43] City of Morgan Hill. *2020 Urban Water Management Plan* [pg. 7-4 to 7-7]. 2021.
[44] City of Morgan Hill. *City Council Staff Report 2163, Accept Report Regarding Wastewater System Needs and Rate Study Schedule*. February 6, 2019.

would not require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects, and a less-than-significant impact would occur. In addition, the General Plan EIR determined that buildout of the General Plan would not result in the determination by the wastewater treatment provider that it does not have adequate treatment capacity to serve the General Plan's projected demand in addition to the provider's existing commitments, resulting in a less-than-significant impact.

The proposed project would connect to an existing 10-inch sewer line located within the site vicinity in Diana Avenue. From the point of connection, an eight-inch sewer line would be extended into the project site, where lines would then connect to each of the proposed buildings. Based on a per capita flow rate of 78 gallons per capita per day, the proposed project would generate approximately 5,538 gallons of wastewater per capita per day (71 residents X 78 gallons), which is well within the 3.56 MGD treatment capacity of the WWTF allocated for the City of Morgan Hill.[45] The expansion project is currently underway at the SCRWA WWTF and is expected to be complete in 2024. To evaluate and commission the SCRWA WWTF for official use will take an additional year after completion of the expansion.[46] The plant expansion will increase the facility's wastewater treatment capacity from 8.5 to 11 MGD. The General Plan EIR determined that, after expansion of the treatment plant, wastewater generated by General Plan buildout, including the project site, would not exceed the expanded permitted treatment capacity of the SCRWA WWTF facility. Therefore, given that the proposed project is consistent with the site's current land use and zoning designations, the type and intensity of growth that would be induced by the proposed project was generally considered in the 2035 General Plan and associated wastewater demand has been analyzed in the General Plan EIR. Therefore, the proposed project would not generate wastewater flows beyond the capacity of existing wastewater treatment facilities or planned future improvements to such facilities.

Stormwater

Issues related to stormwater infrastructure are discussed in Section X, Hydrology and Water Quality, of this Modified Initial Study. As noted therein, the proposed project would not significantly increase stormwater flows into the City's existing system. The final drainage system design for the project and SWPPP would be subject to review and approval by the City of Morgan Hill City Engineer to confirm that the proposed drainage system for the project is consistent with the City's Storm Drainage Master Plan. Therefore, the proposed project would not require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Electricity and Telecommunications

Electricity service for the proposed project would be provided by PG&E by way of existing electrical infrastructure in the project vicinity. The proposed project would not use natural gas, as natural gas is prohibited in all new construction, pursuant to Chapter 15.63 of the Municipal Code. The project would not require major upgrades to, or extension of, existing infrastructure. Thus, impacts to electricity and telecommunications infrastructure would be less than significant.

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[45] City of Morgan Hill. *2035 General Plan Draft EIR*. [pg. 4.15-30]. January 2016.

[46] The Morgan Hill Times. *Expansion to increase South County recycled water*. Available at: https://morganhilltimes.com/expansion-to-increase-south-county-recycled-water-capacity/. Accessed November 25, 2024.

Conclusion

Based on the above, impacts related to the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects, as well as impacts related to sufficient water supplies being available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years, and the availability of adequate capacity to serve the wastewater demand projected for the proposed project in addition to the City's existing commitments, were adequately addressed in the General Plan EIR, and the proposed project would not result in any peculiar effects that would require further CEQA review related to such.

d,e. Recology South Valley provides solid waste and recycling services to the businesses and residents of the cities of Morgan Hill and Gilroy. Recology South Valley has contracted with the Monterey Regional Waste Management District to provide solid waste disposal services at the Monterey Peninsula Landfill and Materials Recovery Facility for the waste collected by Recology. Pursuant to the Landfill's current Solid Waste Facility Permit, the Landfill has a maximum permitted tonnage limit of 3,500 tons per day and a design capacity of 49,700,000 cubic yards, with remaining capacity of 48,560,000 cubic yards.[47]

The General Plan EIR determined that development associated with implementation of the General Plan would increase solid waste generation by less than the landfill's permitted daily capacity. As such, adequate capacity exists to accommodate the solid waste disposal needs of new development under the General Plan, and the General Plan EIR determined that a less-than-significant impact would occur.

The proposed residences would involve the generation of typical solid waste types and would not require specialized solid waste disposal needs. Because the proposed project is consistent with the project site's current General Plan land use and zoning designations, construction and operation of the proposed project would not result in increased solid waste generation beyond what has been previously anticipated for the site by the City and analyzed in the General Plan EIR. In addition, 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.

Therefore, the proposed project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals and would comply with federal, State, and local management and reduction statutes and regulations related to solid waste. Thus, impacts related to solid waste were adequately addressed in the General Plan EIR, and the proposed project would not result in any peculiar effects that would require further CEQA review related to such.

[47] California Department of Resources Recycling and Recovery (CalRecycle). *Facility/Site Summary Details: Monterey Peninsula Landfill (27-AA-0010)*. Available at: https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2642?siteID=1976. Accessed October 2024.

XX. WILDFIRE. *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:*	Significant Impact Peculiar to the Project or the Project Site	Significant Impact due to New Information	Impact Adequately Addressed in the General Plan EIR
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	✖
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	✖
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	✖
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	✖

Environmental Setting

The project site primarily consists of ruderal grassland, with three single-family residences, as well as multiple other auxiliary structures, located in the northern portion of the project site. The project site is surrounded by existing development. According to the CAL FIRE Fire and Resource Assessment Program, the project site is not located within a Very High FHSZ.[48] Additionally, the City's Wildland Urban Interface map indicates that the project site is not located in a High or Very High FHSZ.[49]

General Plan Policies

Listed below are relevant policies from the City of Morgan Hill General Plan related to wildfire that may be applicable to the proposed project:

Policy SSI-3-1 **Development in Fire Hazard Areas.** Minimize development in fire hazard areas and plan and construct permitted development so as to reduce exposure to fire hazards and to facilitate fire suppression efforts in the event of a wildfire.

Policy SSI-3-2 **Wildfire Risks.** Avoid actions which increase fire risk, such as increasing public access roads in fire hazard areas, because of the great environmental damage and economic loss associated with a large wildfire.

Policy SSI-3-3 **Public Facilities Location.** Locate, when feasible, new essential public facilities outside of high fire risk areas, including, but not limited to, hospitals and health care facilities, emergency shelters, emergency command centers, and emergency communications facilities, or identify construction

[48] California Department of Forestry and Fire Protection. *Fire Hazard Severity Zone Viewer*. Available at: https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=988d431a42b242b29d89597ab693d008. Accessed October 2024.

[49] City of Morgan Hill. *City of Morgan Hill Wildland Urban Interface Map.* March 2009.

methods or other methods to minimize damage if these facilities are located in a state responsibility area or very high fire hazard severity zone.

Policy SSI-3-5 **Fire Risks.** Work cooperatively with CAL FIRE and other public agencies with responsibility for fire protection to reduce fire risks in Morgan Hill.

Discussion

a-d. The General Plan EIR concluded that compliance with applicable federal, State, and local laws and regulations as well as General Plan policies and strategies, would ensure that impacts from wildland hazards would be less than significant.

As discussed above, the project site is not located within a High or Very High FHSZ. The nearest High or Very High FHSZ is located approximately 1.6 miles to the west, and the project site is separated from such areas by existing urban development, which serve as a fire break to the project site. In addition, the proposed project would be required to comply with all applicable requirements of the California Fire Code, as adopted by Chapter 15.44 of the City's Municipal Code, including installation of fire sprinkler systems.

The project is not located on a substantial slope, and the project area does not include any existing features that would substantially increase fire risk for future residents, workers, or visitors. Given that the project site is located within a developed urban area and is situated adjacent to existing roads, water lines, and other utilities, the project would not result in substantial fire risks related to installation or maintenance of such infrastructure. Lastly, as discussed in Section VII, Geology and Soils, and Section X, Hydrology and Water Quality, of this Modified Initial Study, development of the proposed project would not expose people or structures to significant risks related to flooding or landslides.

Based on the above, impacts related to wildfire risks were adequately addressed in the General Plan EIR, and the site would not be subject to any peculiar hazards related to wildfire risk.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE.	Significant Impact Peculiar to the Project or the Project Site	Significant Impact due to New Information	Impact Adequately Addressed in the General Plan EIR
a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	✖
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	✖
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	✖

Discussion

a. As discussed in Section IV, Biological Resources, of this Modified Initial Study, the potential exists for migratory bird and raptor species to occur on or adjacent to the project site. However, the City would require, as Conditions of Approval, compliance with standard measures to ensure that potential adverse effects to such species would be minimized, consistent with the SCVHP. In addition, because the project site does not contain any known historic or prehistoric resources, implementation of the proposed project is not anticipated to have the potential to result in impacts related to historic or prehistoric resources. Nonetheless, the proposed project would comply with City standard Conditions of Approval related to preservation of archaeological resources and human remains if such resources are discovered within the project site during construction activities, consistent with the requirements of CEQA.

Considering the above, the proposed project would not: 1) degrade the quality of the environment; 2) substantially reduce or impact the habitat of fish or wildlife species; 3) cause fish or wildlife populations to drop below self-sustaining levels; 4) threaten to eliminate a plant or animal community; 5) reduce the number or restrict the range of a rare or endangered plant or animal; or 6) eliminate important examples of the major periods of California history or prehistory. Impacts associated with such resources have been adequately addressed and would not change from what was identified in the General Plan EIR, and the criteria for requiring further CEQA review are not met.

b. The proposed project, in conjunction with other development within the City of Morgan Hill, could incrementally contribute to cumulative impacts in the area. However, the proposed project was included in the future development assumptions evaluated in the General Plan EIR. The General Plan EIR concluded that cumulative impacts to air quality, GHG emissions, and traffic would be significant and unavoidable. For those impacts determined to be significant in a General Plan EIR, CEQA Section 15183 allows for future environmental documents to limit examination of environmental effects to those impacts which were not already analyzed as a significant effect in the prior EIR, provided that the proposed project is consistent with the General Plan. Given that the proposed project is

consistent with the City's General Plan land use designation for the project site, cumulative impacts associated with buildout of the site have been anticipated by the City and were analyzed in the General Plan EIR. Cumulative effects peculiar to the project or project site do not exist. Additionally, the proposed project does not include cumulative impacts that were not analyzed or discussed in the previous EIR. Furthermore, as discussed throughout this Modified Initial Study, all impacts associated with the proposed project were adequately addressed in the General Plan EIR, and the proposed project would not result in any peculiar effects that would require further CEQA review. As such, this Modified Initial Study does not include any substantial new information that shows impacts are more severe than previously discussed, and further analysis is not required.

c. As described in this Modified Initial Study, the proposed project would comply with all applicable General Plan policies, Municipal Code standards, other applicable local, County and State regulations. In addition, as discussed in the Air Quality, Geology and Soils, Hazards and Hazardous Materials, and Noise sections of this Modified Initial Study, the proposed project would not cause substantial effects to human beings, including effects related to exposure to air pollutants, geologic hazards, hazardous materials, and excessive noise, beyond the effects previously analyzed as part of the General Plan EIR. Therefore, further analysis is not required in this Modified Initial Study.

APPENDIX A

AIR QUALITY AND GREENHOUSE GAS MODELING RESULTS

APPENDIX B

ARBORIST REPORT

APPENDIX C

CALIFORNIA DEPARTMENT OF PARKS AND RECREATION PRIMARY RECORD

APPENDIX D

GEOTECHNICAL INVESTIGATION

APPENDIX E

PHASE I ENVIRONMENTAL SITE ASSESSMENT

APPENDIX F

STORM WATER CONTROL PLAN