



COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION

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**DRAFT
MITIGATED NEGATIVE DECLARATION**

I. DESCRIPTION OF PROJECT:

Application #s: UP2018-0011 and SR2019-0007

APN: 726-35-028

Project Title: Madrone Parkway Carpenters Training Center Project

Project Location: The 4.9-acre project site is located at 18640 Madrone Parkway, approximately 650 feet west of U.S. 101, in the City of Morgan Hill.

Project Proponent: McMorgan & Company, LLC, Mark Taylor, One Front Street, Suite 500
San Francisco, CA 94111

Project Description: The project proposes to relocate an existing 35,000 square foot carpenters training program located at 485 Woodview Avenue to a new one-story, 55,000 square foot, carpenters training center proposed to be constructed at 18640 Madrone Parkway. The proposed training center would include workshop areas, classrooms, break rooms, offices and a lobby/receptionist area. The building would also include a yard area for outdoor training and material storage. The training center would accommodate up to 150 students and 15 employees.

II. DETERMINATION

In accordance with the City of Morgan Hill procedures for compliance with the California Environmental Quality Act (CEQA), the City has completed an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. On the basis of that study, the City makes the following determination:

- Although the project, as proposed, could have had a significant effect on the environment, there will not be a significant effect in this case because mitigation measures are included in the project, and, therefore, this **MITIGATED NEGATIVE DECLARATION** has been prepared.

III. CONDITIONS (Mitigation and Standard Conditions):

A. Air Quality

Standard Condition AIR-1: The following measures shall be implemented during all phases of construction to control dust and exhaust at the project site:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- 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.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
- 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.
- Replant vegetation in disturbed areas as soon as possible after completion of construction.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of the California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Impact AIR-3: The project would result in a significant cancer risk to the maximally exposed individual due to the project's construction TAC emissions.

Mitigation Measures:

MM AIR-3.1: All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 3 engines.

MM AIR-3.2: All portable equipment shall also include CARB-certified Level 3 Diesel Particulate Filters in addition to having Tier 3 engines. Portable equipment includes air compressors, concrete/industrial saws, and welders.

The project applicant has the option to use construction equipment that meets U.S. EPA Tier 4 standards for particulate matter or use of equipment that is electrically powered or uses non-diesel fuels would meet this requirement.

B. Biological Resources

Impact BIO-1: Construction activities on the project site could result in the loss of raptor and/or migratory bird eggs or nestlings, either directly by destroying an active nest or indirectly by disturbing and causing the abandonment of an active nest.

Mitigation Measures:

MM BIO-1.1: Construction shall be scheduled to avoid the nesting season to the extent feasible. If construction can be scheduled to occur between September 1st and January 31st (inclusive) to avoid the raptor nesting season, no impacts will be expected. If construction will take place between February 1st and August 31st, then pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. Surveys will be completed within 30 days of the on-set of site clearing or construction activities. During this survey, the ornithologist will inspect all trees and other potential nesting habitats (e.g., trees, shrubs, buildings) onsite trees as well as all trees within 250 feet of the site for nests.

MM BIO-1.2: If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist will determine the extent of a disturbance-free buffer zone to be established around the nest (typically 250 feet for raptors and 50-100 feet for other species) that will remain off limits to construction until the nesting season is over, to ensure that no nests of species protected by the Migratory Bird Treaty Act and California Fish and Wildlife Code will be disturbed during project implementation. A report indicating the result of the survey and any designated buffer zones shall be submitted to the satisfaction of the Director of Community and Economic Development prior to issuance of a grading permit.

Impact BIO-5: Construction activities on the project site could damage City-protected trees on and adjacent to the site.

Mitigation Measures:

MM BIO-5.1: Tree protection zones shall be established and maintained throughout the duration of construction. Fencing for the protection zones shall be a six-foot tall metal chain link fence supported by two-inch metal poles installed to a depth of at least two feet below the ground surface. The location for the protection fencing shall be located five feet beyond the tree driplines where possible. The tree protection fencing shall be placed at the edge of the existing hardscapes where possible. If construction activities are located underneath the dripline of a tree, tree protection fencing shall be placed as close as possible to the construction area. Signs shall be placed on fencing and shall state "Tree Protection Zone - Keep Out." No materials or equipment shall be stored or cleaned inside the tree protection zones.

MM BIO-5.2: Where tree protection does not cover the entire root zone of the trees, a landscape buffer consisting of wood chips spread to a depth of six inches with plywood or steel plates

placed on top of the buffer will be placed where heavy foot traffic is expected. The landscape buffer will help to reduce compaction to the unprotected root zone.

- MM BIO-5.3:** During construction, any tree trimming shall be supervised by the Project Arborist. All pruning shall be done by a licensed tree care provider. The project applicant's contractor/tree care provider shall not prune more than 25 percent of the trees' total foliage.
- MM BIO-5.4:** Any tree roots that are cut be shall be monitored and documented. All roots measuring two inches in diameter or larger must be shown to the Project Arborist prior to being cut. The Project Arborist may recommend irrigation and a tree monitoring program at that time if needed. All roots shall be cut with a clean saw or loppers. Roots exposed for a period of time shall be covered with layers of burlap and kept moist to avoid desiccation.
- MM BIO-5.5:** Trenching and excavation shall occur outside of the tree protection zones. Any trenching that occurs beneath the dripline shall be dug manually (by hand). Hand digging and careful placement of pipes below or beside protected roots will dramatically reduce root loss, thus reducing trauma to desired trees. Trenches shall be back filled as soon as possible using native materials and compacted to near original levels. Open trenches with exposed roots shall be covered with burlap and kept moist. Plywood laid over the trench will help to protect the roots.
- MM BIO-5.6:** Trees proposed for preservation shall be irrigated every two weeks during the construction.
- MM BIO-5.7:** The site shall be inspected after the tree protection measures are installed to insure adequate placement. During construction, inspections by the Project Arborist shall be carried out underneath the dripline of a protected tree on site. The inspections shall be documented and provided to the City.

C. Cultural Resources

Standard Condition CUL-1: In the event of the unintentional discovery of undocumented human remains or significant historic or archaeological materials during construction, the following policies and procedures for treatment and disposition measures shall be implemented:

- If human remains are encountered, they shall be treated with dignity and respect as due to them. 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.
 - Remains shall not be held by human hands. Surgical gloves shall be worn if remains need to be handled.
 - Surgical mask shall also be worn to prevent exposure to pathogens that may be associated with the remains.
- 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.¹ Ground-disturbing project activities may continue in other areas that are outside the discovery location.

- 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, or if on-site at the time of discovery, by the Monitoring Archaeologist (typically 25 to 50 foot buffer for a single burial or archaeological find).
- The discovery location shall be secured as directed by the City if considered prudent to avoid further disturbances.
- The Contractor Foreman or authorized representative, or party who made the discovery 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
 - The Contractor's Point(s) of Contact
 - The Coroner of the County of Santa Clara (if human remains found)
 - The Native American Heritage Commission (NAHC) in Sacramento
 - The Amah Mutsun Tribal Band
- The Coroner will have two working days to examine the human remains after being notified of the discovery. If the remains are Native American, the Coroner has 24 hours to notify the NAHC. The NAHC is responsible for identifying and immediately notifying the Most Likely Descendant (MLD) from the Amah Mutsun Tribal Band. (Note: NAHC policy holds that the Native American Monitor will not be designated the MLD.)
- Within 24 hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose.
- Within 24 hours of their notification by the NAHC, the MLD may recommend to the City’s Community Development 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 Amah Mutsun Tribal Band may be considered and carried out.
- 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.

¹ 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, groundstone 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.

D. Geology and Soils

Standard Condition GEO-1: To avoid or minimize potential damage from seismic shaking, the proposed development shall be built using standard engineering and seismic safety design techniques. Building design and construction at the site shall be completed in conformance with the recommendations of a design-level geotechnical investigation, which will be included in a report to the City. The structural designs for the proposed development will account for repeatable horizontal ground accelerations. The report shall be reviewed and approved by the City of Morgan Hill Building Division prior to issuance of a building permit. The buildings will be required to meet the requirements of applicable Building and Fire Codes, including the 2017 California Building Code Chapter 16, Section 1613, as adopted or updated by the City. The project will be designed to withstand soil hazards identified on the site and the project shall be designed to reduce the risk to life or property to the extent feasible and in compliance with the Building Code.

Standard Condition GEO-2 (Storm Drain System): Prior to final map approval or issuance of a grading permit the applicant shall complete the following to the satisfaction of the Director of Public Works.

1. Plan describing how material excavated during construction will be controlled to prevent this material from entering the storm drain system.
2. Water Pollution Control Drawings for Sediment and Erosion Control.

Standard Condition GEO-3 (NPDES Permit Conformance): As required by the State Water Resources Control Board (SWRCB) Order No. 99-08-DWQ, construction activity resulting in a land disturbance of one acre or more of soil, or whose projects are part of a larger common plan of development that in total disturbs more than one (1) acre, are required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity (General Permit). To be permitted with the SWRCB under the General Permit, owners must file a complete Notice of Intent (NOI) package and develop a Storm Water Pollution Prevention Plan (SWPPP) Manual in accordance with Section A, B, and C of the General Permit prior to the commencement of soil disturbing activities. A NOI Receipt Letter assigning a Waste Discharger Identification number to the construction site will be issued after the State Water Resource Control Board (SWRCB) receives a complete NOI package (original signed NOI application, vicinity map, and permit fee); copies of the NOI Receipt Letter and SWPPP shall be forwarded to the Building and Public Works Department review. The SWPPP shall be made a part of the improvement plans (SWRCB NPDES General Permit CA000002).

E. Hazards and Hazardous Materials

Impact HAZ-2: Construction workers and adjacent residences could be exposed to hazardous levels of agricultural chemicals in on-site soils

Mitigation Measures:

MM HAZ-2.1: Prior to the issuance of grading permits, shallow soil samples shall be taken in the near surface soil and tested for organochlorine pesticides and pesticide-based metals arsenic and lead to determine if contaminants from previous agricultural operations occur at concentrations above established construction worker safety and environmental screening levels. The result of soil sampling and testing shall be

provided to the Principal Planner of the City of Morgan Hill Development Services Department for review.

MM HAZ-2.2: If contaminated soils are found in concentrations above established regulatory environmental screening levels, the project applicant shall enter into the Santa Clara County Department of Environmental Health's (SCCDEH) Voluntary Cleanup Program (VCP), or equivalent, to formalize regulatory oversight of the mitigation of contaminated soil to ensure the site is safe for construction workers and the public after development. The project applicant must remove contaminated soil to levels acceptable to the SCCDEH (or equivalent oversight agency). The SCCDEH (or equivalent oversight agency) may also approve leaving in-place some of the contaminated soil if the contaminated soil will be buried under hardscape and/or several feet of clean soil.

A Removal Action Plan, Soil Mitigation Plan or other similarly titled report describing the remediation must be prepared and implemented to document the removal and /or capping of contaminated soil. A copy of any reports prepared shall be submitted to the Principal Planner of the City of Morgan Hill Development Services Department. All work and reports produced shall be performed under the regulatory oversight and approval of the SCCDEH (or equivalent oversight agency).

MM HAZ-2.3: The project applicant shall prepare a Site Management Plan (SMP) prior to issuance of any grading permits to reduce or eliminate exposure risk to human health and the environment, specifically, potential risks associated with the presence of organochlorine pesticides and pesticide-based metals. The SMP shall include, but is not limited to, the following elements to mitigate potential risks associated with environmental conditions:

- Procedures for transporting and disposing the waste material generated during removal activities, if such transport and disposal is necessary
- Procedures for stockpiling soil on-site, if such stockpiling is necessary
- Provisions for collecting soil samples to prior to grading activities
- Provisions for confirmation soil sampling as appropriate to obtain a "No Further Action" letter (or equivalent) from the state and/or local agency assuming oversight for the site
- Procedures to ensure that fill and cap materials are verified as clean truck routes
- Staging and loading procedures and record keeping requirements

The SMP shall be submitted to the Santa Clara County Department of Environmental Health (SCCDEH), or equivalent regulatory agency, for review and approval. Copies of the approved SMP shall be provided to the City's Development Services Department prior to issuance of any grading permits.

MM HAZ-2.4 All contractors and subcontractors at the project site shall develop a health and safety plan (HSP) specific to their scope of work and based upon the known environmental conditions for the site. Each Health and Safety plan shall be implemented under the direction of a Site Safety and Health Officer. The Health

and Safety Plan shall include, but not limited to, the following elements, as applicable:

- Provisions for personal protection and monitoring exposure to construction workers
- Procedures to be undertaken in the event that contamination is identified above action levels or previously unknown contamination is discovered
- Procedures for the safe storage, stockpiling, and disposal of contaminated soils
- Provisions for the on-site management and/or treatment of contaminated groundwater during extraction or dewatering activities
- Emergency procedures and responsible personnel.

The HSP shall be submitted to the Santa Clara County Department of Environmental Health (SCCDEH), or equivalent regulatory agency, for review and approval. Copies of the approved HSP shall be provided to the City's Development Services Department prior to issuance of any grading permits.

F. Hydrology and Water Quality

Standard Condition HYD-1: In accordance with the City of Morgan Hill Standard Conditions of Approval and the Construction General Permit, the following measures are included in the project to reduce construction-related water quality impacts to a less than significant level:

The following BMPs shall be implemented during project construction:

- Burlap bags filled with drain rock will be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities will be suspended during periods of high winds.
- All exposed or disturbed soil surfaces will be watered at least twice daily to control dust.
- Stockpiles of soil or other materials that can be blown by the wind will be watered or covered.
- All trucks hauling soil, sand, and other loose materials will be covered and all trucks will be required to maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction site will be swept daily (with water sweepers).
- Vegetation in disturbed areas will be replanted as quickly as possible.

Standard Condition HYD-2: The Project Engineer will provide a hydrology report demonstrating that post-development stormwater runoff peak flows discharged from the site do not exceed pre-project peak flows for the two (2) through 10-year storm events. Peak flow controls must also meet the flood control standards established by the Santa Clara County Drainage Manual.

G. Noise

Impact NOI-1: Project construction could result in excessive noise levels at nearby noise-sensitive receptors. **(Significant Impact)**

Mitigation Measures:

MM NOI-1.1: *Construction Best Management Practices* - The project shall develop a construction noise control plan, including, but not limited to, the following construction best management controls:

- Construct temporary noise barriers, to screen stationary noise-generating equipment when located within 200 feet of adjoining sensitive land uses. Temporary noise barrier fences would provide a 5-dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receiver and if the barrier is constructed in a manner that eliminates any cracks or gaps.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Unnecessary idling of internal combustion engines shall be strictly prohibited.
- Locate stationary noise-generating equipment, such as air compressors or portable power generators, as far as possible from sensitive receptors as feasible. If they must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used. Any enclosure openings or venting shall face away from sensitive receptors.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
- Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the

disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.

III. FINDING

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



Jennifer Carman, Director
Development Services Department
City of Morgan Hill

7.19.19

Date