

Summary Form for Electronic Document Submittal

Form F

Lead agencies may include 15 hardcopies of this document when submitting electronic copies of Environmental Impact Reports, Negative Declarations, Mitigated Negative Declarations, or Notices of Preparation to the State Clearinghouse (SCH). The SCH also accepts other summaries, such as EIR Executive Summaries prepared pursuant to CEQA Guidelines Section 15123. Please include one copy of the Notice of Completion Form (NOC) with your submission and attach the summary to each electronic copy of the document.

SCH #: 2021010358

Project Title: Crosswinds Residential Project

Lead Agency: City of Morgan Hill

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Project Location: Morgan Hill Santa Clara
City *County*

Project Description (Proposed actions, location, and/or consequences).

The EIR evaluates two project options related to the management of stormwater. Under Option 1, stormwater runoff would be directed to underground retention facilities designed for a 25-year, 24-hour storm event and under Option 2, 100 percent of stormwater from the site would be directed to underground retention facilities designed for a 100-year, 24-hour storm event.
Under Options 1 and 2, the project proposes to construct a total of 269 new one- to two-story residential units, including 56 one- to two-story single-family, 64 duets, and 149 three-story condominium units. The project would include approximately 40 below-market-rate (BMR) units. The project proposes recreational areas including a clubhouse, pool, children's play area, and barbeque/picnic areas. The project site would be accessed via three vehicular connections: two site entries from DePaul Drive and one entry from Mission View Drive. The project would also include emergency vehicle access to Half Road and DePaul Drive. The site will include private internal streets that would provide access to residences and on-street parking. The project proposes a Vesting Tentative Map and Design Review Permit.

Identify the project's significant or potentially significant effects and briefly describe any proposed mitigation measures that would reduce or avoid that effect.

The project's significant effects and proposed mitigation measures are identified in the following attachment.

Crosswinds Residential Project Draft EIR

Summary of Significant Impacts and Mitigation Measures	
Significant Impacts	Mitigation and Avoidance Measures
Agriculture	
<p>Impact AG-1: The project would convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. (Significant and Unavoidable Impact with Mitigation Incorporated)</p>	<p>MM AG-1.1: A minimum of one acre of agricultural land (1:1 mitigation ratio) shall be preserved for each acre of agricultural land changed to a non-agricultural use. The required acreage of area to be protected through an agricultural conservation easement or agricultural preservation in-lieu fee will depend on the measurement of affected area. The 16 acres of Prime Farmland will be used for calculating the required mitigation.</p> <p>MM AG-1.2: Conversion of agricultural land shall require off-setting acquisition and/or dedication of agricultural conservation easements over approved agricultural mitigation land, or payment to the City of the agricultural preservation in-lieu fee, to support agricultural preservation activities. Developer acquisition/dedication of easements shall require the project to pay an agricultural lands preservation program stewardship fee to cover administrative costs and ongoing management and monitoring of the easements. Agricultural mitigation fees shall be required prior to the acceptance of a final parcel or subdivision map, or prior to issuance of building or grading permits. Easement dedication is required prior to issuance of building permits. Agricultural mitigation fees shall be required prior to the acceptance of a final parcel or subdivision map, or prior to issuance of building or grading permits. Easement dedication is required prior to issuance of building permits.</p>

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Biological Resources	
<p>Impact BIO-1: The project would not 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 CDFW or USFWS. (Less than Significant Impact with Mitigation Incorporated)</p>	<p>MM BIO-1.1: Construction shall be scheduled to avoid the nesting season. 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. Performance of the required surveys for construction occurring between February 1st and August 31st will ensure that impacts to nesting raptors are reduced to less than significant. 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. The pre-construction survey shall be submitted to the City’s Development Services Director or the Director’s designee for review prior to tree removals or issuance of a grading permit.</p> <p>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</p>

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	satisfaction of the City’s Development Services Director or Director’s designee prior to issuance of a grading permit.
Impact BIO-5: The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. (Less than Significant Impact with Mitigation Incorporated)	MM BIO-5.1: The project applicant shall comply with local ordinances and submit permit applications for removal, trimming, damage, or relocation of all trees covered by the City ordinance. Any trees to be removed shall require replacement at a two-to-one ratio on a comparable ratio of size. The replacement trees shall be planted on site to the extent feasible and the project proponent shall comply with all other replacement requirements imposed by the City. Prior to tree removal, the project applicant shall apply for a tree removal permit, which will be reviewed by the City’s Development Services Director or Director’s designee.
Cultural Resources	
Impact CUL-2: Demolition and construction activities on the project site could unearth sensitive archaeological resources. (Less than Significant Impact with Mitigation Incorporated)	MM CUL-2.1: A moderate potential exists for unrecorded historic-period archaeological resources to be within the project area. 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 Mitigation Measure. The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply: (a) Prior to the start of grading or earthmoving activity (includes demolition and moving of heavy equipment on site) on the “first day of construction,” the archaeologist and Tribal Monitor shall hold a pre-construction meeting for the purposes of “cultural sensitivity training” with the general contractor or subcontractors.

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	<p>(b) 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:</p> <ol style="list-style-type: none"> 1. Work at the location of the find shall halt immediately within 50 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. 2. If the find is determined not to be a Unique Archaeological resource, construction can continue. The archaeologist shall 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. 3. If the find appears significant and to qualify as a unique archaeological resource, the archaeologist shall determine if the resource can be avoided and shall detail avoidance procedures in a formal memo/letter. 4. 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

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	<p>not proceed until the action plan is approved by the City' Development Services Director or Director's designee. The action plan shall be in conformance with California Public Resources Code 21083.2. An archaeologist shall be on-call during ground disturbing activities. Where historical or archaeological artifacts are found, work in areas where remains or artifacts are found will be restricted or stopped until proper protocols are met, as described below.</p> <p>(c) The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply. If human remains are discovered, it is probable they are the remains of Native Americans.</p> <ol style="list-style-type: none"> 1. 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. 2. Remains should not be held by human hands. Surgical gloves should be worn if remains need to be handled. 3. Surgical masks should also be worn to prevent exposure to pathogens that may be associated with the remains.

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	<p>(d) In the event that known or suspected Native American remains are encountered, or significant historic or archaeological materials are discovered, ground-disturbing activities shall be immediately stopped. Examples of significant historic or archaeological materials include, but are not limited to, concentrations of historic artifacts (e.g., bottles, ceramics) or prehistoric artifacts (chipped chert or obsidian, arrow points, ground stone mortars and pestles), culturally altered ash stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire-altered rock and/or burned or charred organic materials and historic structure remains such as stone lined building foundations, wells, or privy pits. Ground-disturbing project activities may continue in other areas that are outside the exclusion zone as defined below.</p> <p>(e) An “exclusion zone” where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable buffer zone by the contractor foreman or authorized representative, or party who made the discovery and initiated these protocols, or if on-site at the time of discovery, by the monitoring archaeologist and tribal representative (typically 25 to 50 feet for single burial or archaeological finds).</p> <p>(f) The discovery locale shall be secured (e.g., 24-hour surveillance) as directed by the City or County Coroner if considered prudent to avoid further disturbances.</p> <p>(g) 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</p>

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	<p>parties listed below to report the find and initiate the consultation process for treatment and disposition:</p> <ul style="list-style-type: none"> • 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) <p>(h) 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.</p> <p>(i) 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 as the MLD).</p> <p>(j) Within 24 hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose.</p> <p>(k) Within 24 hours of their notification by the NAHC, the MLD may recommend to the City’s Development Services Director or Director’s designee, 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</p>

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	<p>osteological analyses or DNA analyses recommended by the appropriate tribe may be considered and carried out.</p> <p>(i) If the MLD recommendation is rejected by the City of Morgan Hill, the parties will attempt to mediate the disagreement with the NAHC. If mediation fails, then the remains and all associated grave offerings shall be reburied with appropriate dignity on the property in a location not subject to further subsurface disturbance.</p> <p>MM CUL-2.2: The project applicant shall note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources including prehistoric Native American burials. Any archaeological site information supplied to the Contractor Foreman or authorized representative shall be considered confidential. Information on the project plans shall be verified by the City’s Development Services Director or Director’s designee prior to issuance of a grading permit or any building permit.</p>
Greenhouse Gas Emissions	
<p>Impact GHG-1: The project would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. (Less than Significant Impact with Mitigation Incorporated)</p>	<p>MM GHG-1.1: The project applicant shall develop a GHG reduction plan to reduce GHG emissions in the build-out year by 206 MT/year prior to issuance of a grading permit and to the satisfaction of the City’s Development Services Director or Director’s designee. These reductions shall be kept in place by the project until the City adopts a qualified GHG reduction plan (consistent with CEQA Guidelines Section 15183.5) that contains goals and associated strategy to decrease emissions in a manner consistent with meeting the State’s interim 2030 GHG emissions reduction target of 40 percent below 1990 levels.</p>

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	<p>MM GHG-1.2: A combination of the GHG reduction elements listed below would reduce project GHG impacts. The project applicant shall implement some or all of the following elements to further reduce GHG emission from operation of the project and the service population efficiency metric such that the metric would be below the significance threshold. The GHG reduction elements to be included within the project shall be verified prior to the issuance of a building permit and shall be to the satisfaction of the City’s Development Services Director or Director’s designee.</p> <ul style="list-style-type: none"> • Prior to issuance of any building permits, the project applicant shall submit a Transportation Demand Management (TDM) Plan, which would include measures to reduce vehicle miles traveled (VMT) and GHG emissions, to the City’s Development Services Director or Director’s designee; • The TDM Plan shall be implemented by the Homeowners Association (HOA) once the proposed residences are occupied. • The project applicant shall install solar power systems or other renewable electric generating systems that provide electricity to power on-site equipment and possibly provide excess electric power; • The project applicant shall provide infrastructure for electric vehicle charging for residential units (i.e., provide 220 VAC power); and, • The project applicant shall increase water conservation above state average conditions for residential uses by installing low flow water utilities and irrigation. <p>MM GHG-1.3: The project applicant shall purchase verifiable carbon emission offsets</p>

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	<p>through a verified registry for remaining amount of GHG reduction required, after exhausting on-site reduction options prior to issuance of a building permit. Offsets shall be determined by calculating the total estimated number of GHG emissions the project would create over a 30-year period, and purchasing verifiable offsets based on the calculated number of GHG emissions.</p>
Hazards and Hazardous Materials	
<p>Impact HAZ-2: The project would create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. (Less than Significant Impact with Mitigation Incorporated)</p>	<p>MM HAZ-2.1: Since lead-impacted soils are determined to be present 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 responsible for the contaminated area of the site shall remove contaminated soil to levels acceptable to the SCCDEH (or equivalent oversight agency) for residential exposure prior to issuance of any grading permits.</p> <p>MM HAZ-2.2: A Removal Action Plan, Soil Mitigation Plan or other similarly titled report describing the remediation shall be prepared and implemented to document the removal and /or capping of contaminated soil. Prior to issuance of any grading permits, a copy of any reports prepared shall be submitted to the Development Services Director or Director’s designee. All work and reports produced shall be performed under the regulatory oversight and approval of the SCCDEH (or equivalent oversight agency).</p>

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	<p>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:</p> <ul style="list-style-type: none"> • 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. <p>The SMP shall reference the Storm Water Pollution Prevention Plan (SWPPP) required for the project in accordance with the Construction General Permit Order issued by the California State Water Resources Control Board. 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.</p>

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	<p>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:</p> <ul style="list-style-type: none"> • 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. <p>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.</p> <p>MM HAZ-2.5: Prior to issuance of any grading permits, the project applicant shall excavate lead-impacted soils identified at sample locations SS-R-16A, SS-R-16D, and SS-R-17B (near the single-family residence and barn structure) to a depth of</p>

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	<p>at least 2.5 below the ground. The soil shall be properly disposed of in accordance with state and SCCDEH and California Code of Regulations, Title 8 waste disposal requirements. 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 and not at risk of being encountered by future site users or nearby residents.</p> <p>MM HAZ-2.6: Prior to issuance of a demolition permit for on-site structures, the project applicant shall consult with certified Asbestos and/or Lead Risk Assessors to complete and submit for review to the Building Department an asbestos and lead survey. If asbestos-containing materials or lead-containing materials are not discovered during the survey, further mitigation related to asbestos-containing materials or lead-containing materials shall not be required. If asbestos containing materials and/or lead-containing materials are discovered by the survey, the project applicant shall prepare a work plan to demonstrate how the on-site asbestos-containing materials and/or lead-containing materials shall be removed in accordance with current California Occupational Health and Safety (Cal-OSHA) Administration regulations and disposed of in accordance with all CalEPA regulations, prior to the demolition and/or removal of the on-site structures. The plan shall include the requirement that work shall be conducted by a Cal-OSHA registered asbestos and lead abatement contractor in accordance with Title 8 CCR 1529 and Title 8 CCR 1532.1 regarding asbestos and lead training, engineering controls, and certifications. The applicant shall submit the work plan to the City for review and approval. The City has the right to defer the work plan to</p>

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	<p>the Santa Clara County Department of Environmental Health for additional review. The following measures shall be included in the work plan:</p> <ul style="list-style-type: none"> • During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Title 8, California Code of Regulations (CCR), Section 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of lead being disposed. • All potentially friable asbestos containing materials (ACMs) shall be removed in accordance with National Emission Standards for Air Pollution (NESHAP) guidelines prior to demolition or renovation activities that may disturb ACMs. All demolition activities shall be undertaken in accordance with Cal/OSHA standards contained in Title 8, CCR, Section 1529, to protect workers from asbestos exposure. • A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above. • Materials containing more than one-percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations. Removal of materials containing more than one-percent asbestos shall be completed in

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	<p>accordance with BAAQMD requirements and notifications.</p> <ul style="list-style-type: none"> • Based on Cal/OSHA rules and regulations, the following conditions are required to limit impacts to construction workers. • Prior to commencement of demolition activities, a building survey, including sampling and testing, shall be completed to identify and quantify building materials containing lead-based paint. • During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, CCR, Section 1532.1, including employee training, employee air monitoring and dust control. • Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of waste being disposed. <p>MM HAZ-2.7: Prior to issuance of a grading permit, the project applicant shall research well records from Valley Water and attempt to locate abandoned wells at the site. If the wells are identified, or subsequently encountered during earthwork activities, the wells shall be properly destroyed in accordance with Valley Water Ordinance 90-1. If septic systems are encountered during earthwork activities, those systems shall be abandoned in accordance with SCCDEH requirements.</p>
<p>Impact TRN-2: The project would conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). (Significant and Unavoidable Impact with Mitigation Incorporated)</p>	<p>MM TRN-2.1: During project operations, the management entity/HOA shall provide fully (100 percent) subsidized annual VTA transit passes for all project homeowners (a maximum of one transit subsidy per residential unit, which would result in up to 269 transit passes per year). This</p>

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	subsidized transit program shall be approved by the City of Morgan Hill's Public Services Director or Director's designee prior to issuance of occupancy.

If applicable, describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

There are no known areas of known controversy.

Provide a list of the responsible or trustee agencies for the project.

Not applicable.