NOTICE OF EXEMPTION
CITY OF MORGAN HILL

TO: ☒ Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

☒ County Clerk
County of Santa Clara
70 W. Hedding Street, E. Wing, 1st Floor
San Jose, CA 95110

FROM: City of Morgan Hill
Development Services Center
Community Development Department
17575 Peak Avenue
Morgan Hill, CA 95037

Project Title:
Spring Avenue – Giancola Residential Project

Project Applicant:
Joe Giancola

Project Location -- Specific:
335 Spring Avenue

Project Location -- City:
Morgan Hill

Project Location -- County:
Santa Clara

Description of Nature, Purpose and Beneficiaries of Project: The project proposes to demolish the existing residence and garage to construct 23 two-story residential units, comprised of 18 single-family attached units and five single-family detached units.

Name of Public Agency Approving Project: City of Morgan Hill

Name of Person or Agency Carrying Out Project: Joe Giancola

Exempt Status: (check one)

- ☐ Ministerial [Sec. 15268];
- ☐ Declared Emergency [Sec. 15269(a)];
- ☐ Emergency Project [(Sec. 15269(b)(c)];
- ☒ Categorical Exemption. State type and section number: Section 15332 – Infill Development Projects

Reasons why project is exempt: The project is exempt from the provisions of the California Environmental Quality Act (CEQA) since: a) none of the exceptions contained in 15300.2 apply to the project and, b) the project is consistent with the infill criteria in Section 15332.

Lead Agency:	**Contact Person**	**Area Code/Telephone/Extension**
City of Morgan Hill	Tiffany Brown	(408) 310-4655

If filed by Applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐**Yes** ☐**No**

Signature: _____ Date: 10/15/21 Title: Senior Planner

Print: Tiffany Brown

Date received for filing at OPR: 10/15/2021

MEMORANDUM

September 24, 2021

From: Amber Sharpe, Project Manager
David J. Powers & Associates, Inc.
1871 The Alameda, Suite 200
San José, CA 95126

To: Tiffany Brown, Senior Planner
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037

Re: Qualification of the Spring Avenue – Giancola Residential Project for CEQA Categorical Exemption

INTRODUCTION TO CATEGORICAL EXEMPTIONS

The California Environmental Quality Act (CEQA) Guidelines contain classes (or categories) of projects that have been determined not to have a significant effect on the environment and are, therefore, exempt from the provisions of CEQA. CEQA Guidelines Sections 15301 – 15333 constitute the list of categorically exempt projects and contain specific criteria that must be met in order for a project to be found exempt. Additionally, CEQA Guidelines Section 15300.2 includes a list of exceptions to exemptions, none of which may apply to a project in order for it to qualify for a categorical exemption, i.e., if an exception applies, a project is precluded from being found categorically exempt.

CEQA Guidelines Section 15332 – In-Fill Development Projects sets forth criteria for projects characterized as in-fill development that may be found categorically exempt. The analysis below shows that: a) none of the exceptions contained in 15300.2 apply to the project and, b) the project is consistent with the in-fill criteria in Section 15332. We conclude that the project proposed for Spring Avenue Residential project can be found categorically exempt from CEQA under Guidelines Section 15332.

PROJECT DESCRIPTION

Existing Setting and Surrounding Land Uses

The 2.7-acre project site is located on Spring Avenue between Barnell Avenue and Lone Hill Drive. The site contains a single-family residence, detached garage, and open grassland area. The site is surrounded by single-family residences and duplex/triplex units to the west, multi-family residences to the north and east, and Spring Avenue and a cemetery to the south. There is a utility pole located on the western side of the site, with power lines that transect this side of the site. Overhead powerlines also run along the eastern side the site. Figure 1, Figure 2, and Figure 3 show Regional, Vicinity, and Aerial maps of the project site and surrounding land uses, respectively.

Proposed Project

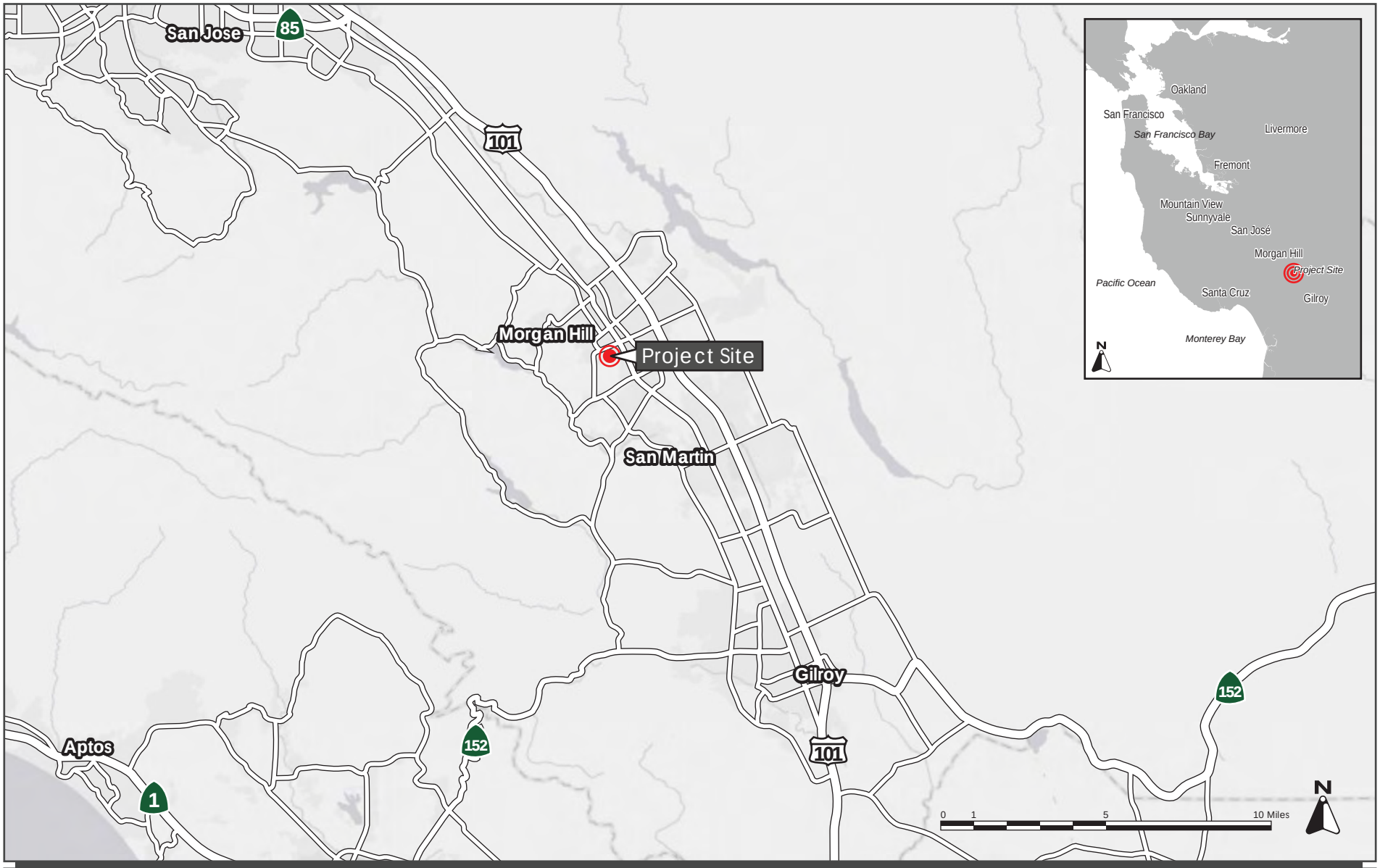
The project proposes to demolish the existing residence and garage to construct 23 two-story residential units, comprised of 18 single-family attached units and five single-family detached units. Each residential unit would have an enclosed garage on the ground floor. A site plan is shown in Figure.

All residences are proposed to be two stories tall. Detached units would reach a maximum height of 35 feet while attached units would reach a maximum height of 30 feet. Elevations for single-family detached and attached residences are shown in Figures 5 and 6. An approximately 1,950-square foot common open space area which would include landscaping, picnic tables, barbeque stations, outdoor seating, and a passive wildlife garden would be located on the northwest corner of the site. The proposed project would provide site access via a new driveway on Spring Avenue, which would provide a connection to a new private driveway transecting the site. The driveway would connect via an emergency vehicle access (EVA) to an existing private alley that connects to Barnell Avenue.

The project would remove 2,058 cubic yards of soil from the project site and would add 3,045 cubic yards of fill to the site during construction. Project construction would have an approximate duration of eight months (i.e., 173 construction workdays). The project site includes 41 trees, of which 15 of the trees are considered indigenous species. Out of the 41 trees on-site, 33 will be removed (including eight indigenous trees consisting of one valley oak and six live oak trees)[1]. The project is designed to maintain as many healthy indigenous trees as possible and will plant new trees and landscaping in the backyard and front yard areas of the residential units including common space areas.

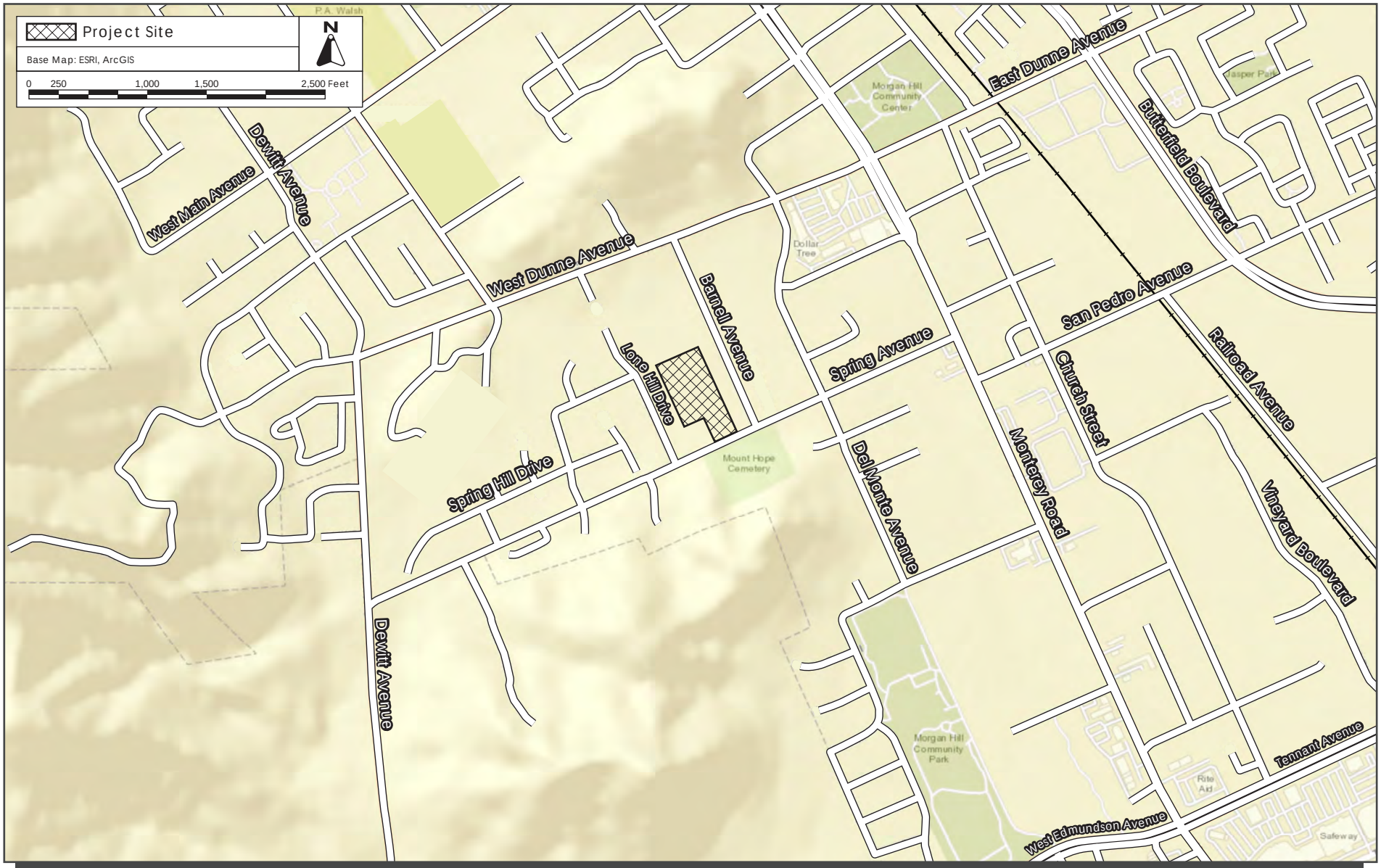
The project would require approval of a Tentative Map and Design Review. The project is consistent with the Residential Attached Low General Plan designation (which allows six to 16 units per acre) and Residential Attached Low Density (RAL) zoning.

[1] City of Morgan Hill. Code of Ordinances. Chapter 12.32 – Restrictions on Removal of Significant Trees. Accessed September 21, 2021. https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeId=TIT12STSIPUPL_CH12.32RERESITR. "Ordinance Sized Tree" means any live woody plant rising above the ground with a single stem or trunk of a circumference of 40 inches or more for nonindigenous species and 18 inches or more for indigenous species (or 12.7 inches or more in diameter for nonindigenous species and 5.7 inches or more in diameter for indigenous species) measured at four and one-half feet vertically above the ground or immediately below the lowest branch, whichever is lower, and having the inherent capacity of naturally producing one main axis continuing to grow more vigorously than the lateral axes. All commercial tree farms, nonindigenous tree species in residential zones and orchards (including individual fruit trees) are exempted from the definition of tree.



REGIONAL MAP

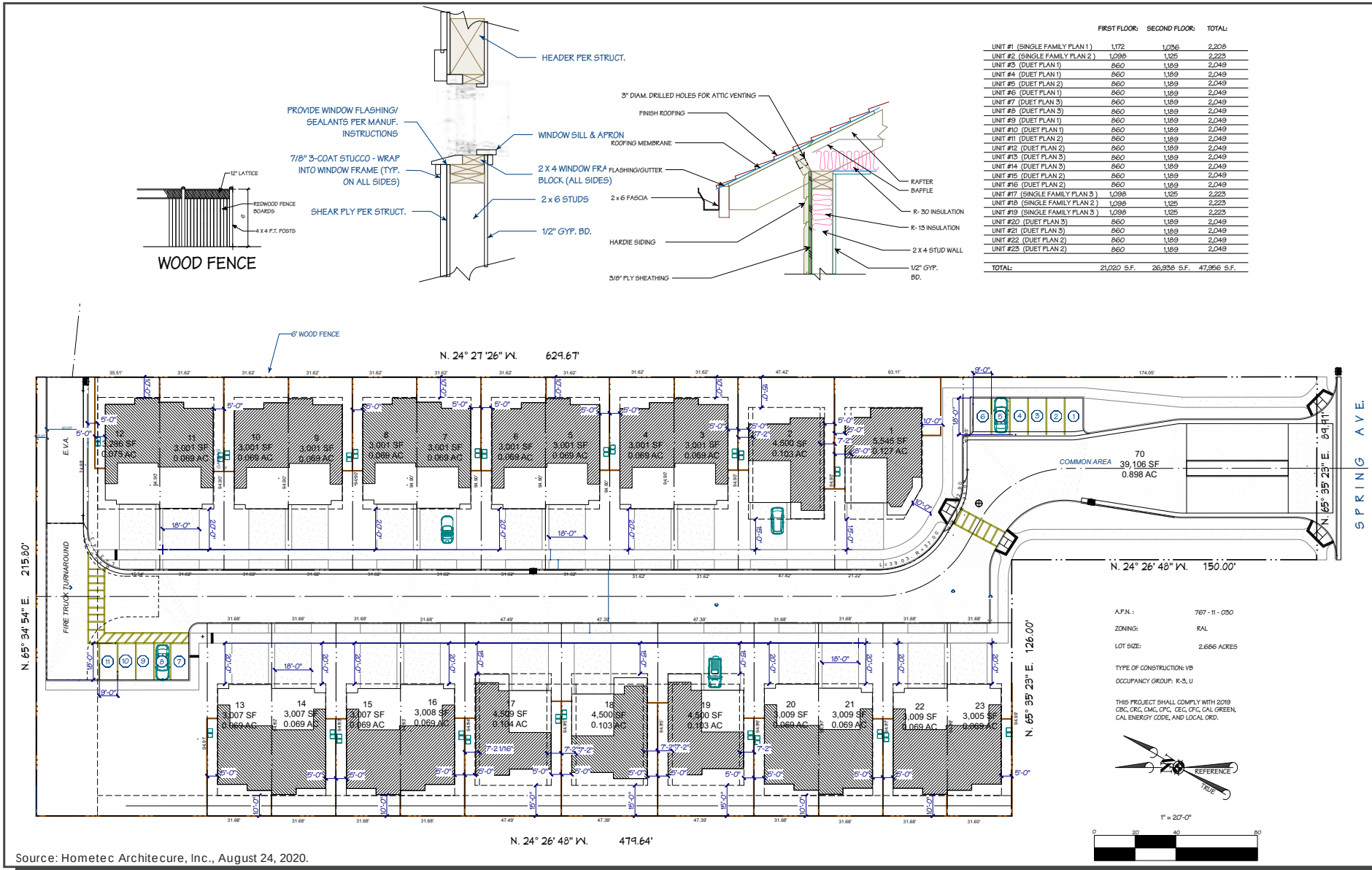
FIGURE 1



VICINITY MAP

FIGURE 2

AERIAL PHOTOGRAPH AND SURROUNDING LAND USES | FIGURE 3



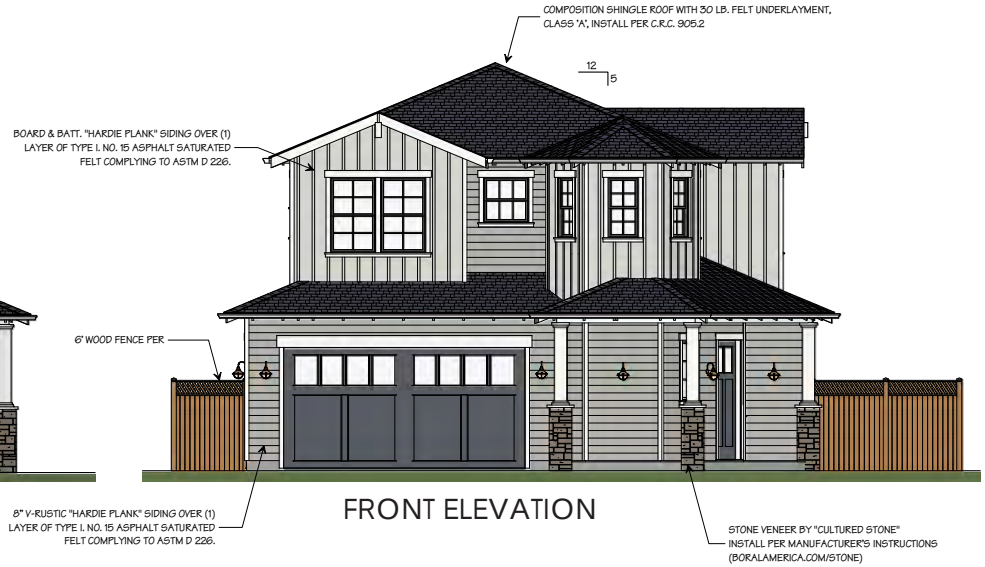
	FIRST FLOOR:	SECOND FLOOR:	TOTAL:
UNIT #1 (SINGLE FAMILY PLAN 1)	1,172	1,036	2,208
UNIT #2 (SINGLE FAMILY PLAN 2)	1,098	1,125	2,223
UNIT #3 (DUET PLAN 1)	860	1,189	2,049
UNIT #4 (DUET PLAN 1)	860	1,189	2,049
UNIT #5 (DUET PLAN 2)	860	1,189	2,049
UNIT #6 (DUET PLAN 1)	860	1,189	2,049
UNIT #7 (DUET PLAN 3)	860	1,189	2,049
UNIT #8 (DUET PLAN 3)	860	1,189	2,049
UNIT #9 (DUET PLAN 1)	860	1,189	2,049
UNIT #10 (DUET PLAN 1)	860	1,189	2,049
UNIT #11 (DUET PLAN 2)	860	1,189	2,049
UNIT #12 (DUET PLAN 2)	860	1,189	2,049
UNIT #13 (DUET PLAN 3)	860	1,189	2,049
UNIT #14 (DUET PLAN 3)	860	1,189	2,049
UNIT #15 (DUET PLAN 2)	860	1,189	2,049
UNIT #16 (DUET PLAN 2)	860	1,189	2,049
UNIT #17 (SINGLE FAMILY PLAN 3)	1,098	1,125	2,223
UNIT #18 (SINGLE FAMILY PLAN 2)	1,098	1,125	2,223
UNIT #19 (SINGLE FAMILY PLAN 3)	1,098	1,125	2,223
UNIT #20 (DUET PLAN 3)	860	1,189	2,049
UNIT #21 (DUET PLAN 3)	860	1,189	2,049
UNIT #22 (DUET PLAN 2)	860	1,189	2,049
UNIT #23 (DUET PLAN 2)	860	1,189	2,049
TOTAL:	21,020 S.F.	26,938 S.F.	47,956 S.F.

Source: Hometec Architecure, Inc., August 24, 2020.

SITE PLAN

FIGURE 4

LEFT SIDE ELEVATION



FRONT ELEVATION

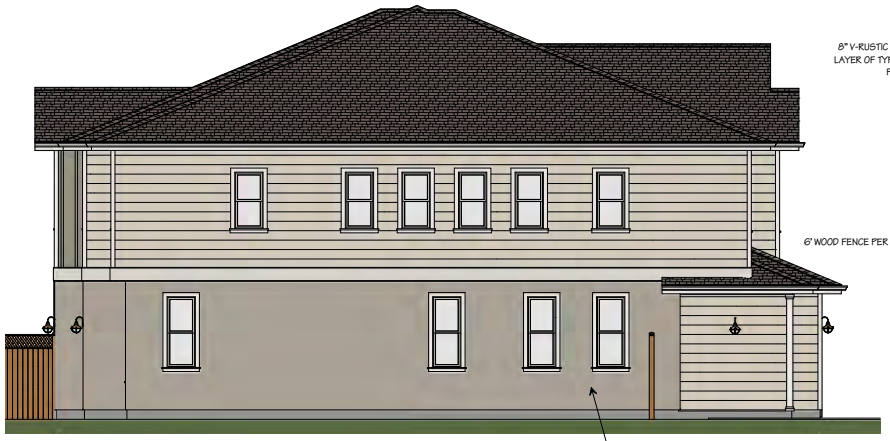
RIGHT SIDE ELEVATION

REAR ELEVATION

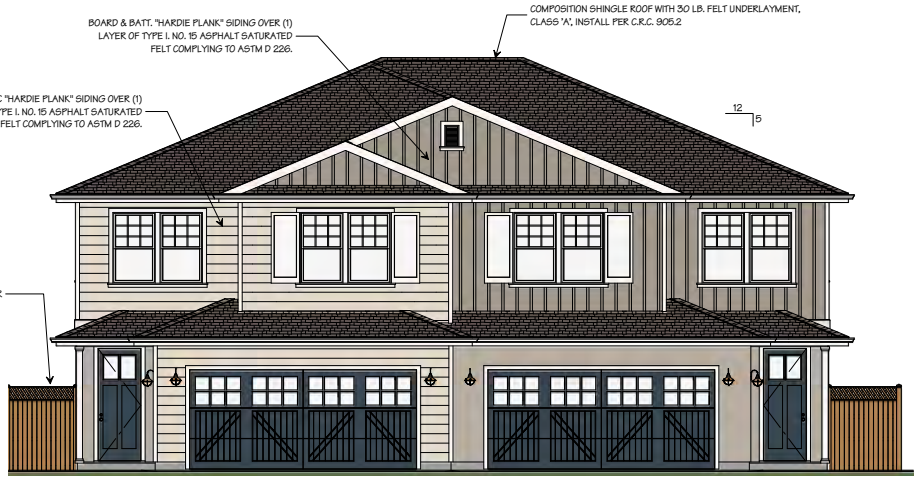
Source: Hometec Architecure, Inc., August 24, 2020.

ELEVATIONS: SINGLE-FAMILY DETACHED UNITS

FIGURE 5

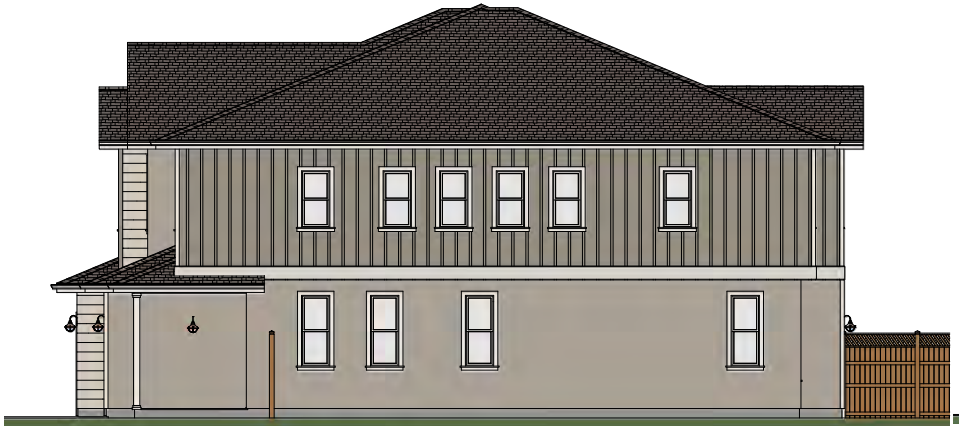


LEFT SIDE ELEVATION



FRONT ELEVATION

7/8" (3) COAT STUCCO OVER METAL LATH OVER (2) LAYERS GRADE "D" BUILDING PAPER .(PER C.R.C. 703.6)



LEFT SIDE ELEVATION

REAR ELEVATION

Source: Hometec Architecure, Inc., August 24, 2020.

ELEVATIONS: SINGLE-FAMILY ATTACHED UNITS

FIGURE 6

I. EXCEPTIONS TO CATEGORICAL EXEMPTIONS

This section documents that none of the exceptions in CEQA Guidelines Section 15300.2 would disqualify the project from being found categorically exempt.

CEQA Guidelines Section 15300.2 – Exceptions

(a) Location: Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

This exception only applies to Class 3, 4, 5, 6, and 11 exemptions. The proposed project is categorically exempt under Class 32; therefore, the exception under CEQA Guidelines Section 15300.2(a) is inapplicable.

(b) Cumulative Impact: All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

There are no other projects within 1,000 feet of the project site currently under construction or that are anticipated to be under construction at the same time as the proposed residential project. Therefore, there is no potential for projects to combine to produce cumulative impacts related to construction or operation in the immediate vicinity. The project's contribution to cumulative demands on utilities is discussed under section II (e), below.

Greenhouse Gas Emissions

Global climate change is by its very nature a cumulative impact. The Bay Area Air Quality Management District (BAAQMD) established CEQA Guidelines in effort to help the state achieve its goal (under Assembly Bill 32, California Global Warming Solutions Act) to reduce greenhouse gas (GHG) emissions to 1990 levels. As a part of the CEQA Air Quality Guidelines, BAAQMD developed screening criteria to provide lead agencies and project applicants with a conservative indication of whether a proposed project could result in potentially significant greenhouse gas (GHG) emissions impacts. If the size of the project is below the BAAQMD screening criteria, then the lead agency does not need to perform a detailed air quality assessment to compare the project's emissions to the BAAQMD significance thresholds.

According to Table 3-1 of the 2017 BAAQMD CEQA Guidelines, the screening size for single-family residences is 56 dwelling units for projects constructed and operational before 2021. Given the project would be occupied after 2021, the screening level was adjusted to meet the statewide GHG reduction targets established by Senate Bill (SB) 32, which was signed into law in 2016, amending the California Global Warming Solution Act. SB 32 and accompanying Executive Order B-30-15. SB 32 requires the

California Air Resources Board (CARB) to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 emissions levels by 2030. Therefore, the adjusted operational screening size for the proposed project would be 40 percent below the BAAQMD screening size of 56 dwelling units, which equates to 34 residential units. The project proposes 23 single-family residential units, which is below this screening size. The project would comply with the City of Morgan Hill's General Plan Policy NRE-15.1, which requires projects to be consistent with state GHG reduction targets. The proposed development would be constructed in conformance with California Green Building Standards Code (CALGreen) and the Title 24 Building Code, which requires high-efficiency water fixtures, water-efficient irrigation systems, and compliance with current energy efficacy standards. Given the project's operational GHG emissions would be below BAAQMD thresholds, and the project would be consistent with regulations adopted to reduce GHG emissions, the project would not result in a significant GHG impact.

Past, present, and future development projects (including the proposed project and cumulative General Plan buildout) worldwide contribute to global climate change. No single project is sufficient in size to, by itself, change the global average temperature. Therefore, due to the nature of GHG impacts, a significant project impact is a significant cumulative impact. Since the project would not result in significant GHG impact, the project would not result in a cumulatively considerable contribution to a significant cumulative GHG impact.

Regional Criteria Pollutants

In the CEQA Air Quality Guidelines, BAAQMD developed screening criteria to provide lead agencies and project applicants with a conservative indication of whether a proposed project could result in potentially significant air quality impacts. If the size of the project is below the BAAQMD screening criteria, then the lead agency does not need to perform a detailed air quality assessment to compare the project's emissions to the BAAQMD significance thresholds. Project construction and operations would generate regional criteria pollutants that would contribute to cumulative regional air quality impacts. BAAQMD has adopted thresholds for screening levels for land uses to indicate whether a project would contribute a significant cumulative regional air quality impact. The project would not exceed the operational criteria pollutant screening threshold of 325 dwelling units for NO_X.

BAAQMD guidance requires a construction criteria pollutant analysis to be completed for all construction projects that require demolition and excavation and/or are above BAAQMD construction screening size criteria. The project would require demolition of an existing single-family residence and detached garage, excavation to a depth of seven feet to access utilities, and construction of 23 residential units. Although the project is below the BAAQMD construction criteria pollutant screening size for single-family residences (114 dwelling units), the project requires demolition and excavation and, therefore, a construction criteria pollutant analysis for the project was completed by Illingworth & Rodkin, Inc. in May 2021 (see Appendix A).

The California Emissions Estimator Model (CalEEMod) Version 2016.3.2 was used to estimate emissions from on-site construction activity, construction vehicle trips, and evaporative emissions. The project land

use types and size, and anticipated construction schedule were input to CalEEMod. Twenty-three (23) single-family residential units, 23 enclosed parking spaces (garages), and 10 surface parking spaces were entered into the model. The CARB EMission FACtors 2021 (EMFAC2021) model was used to predict emissions from construction traffic, which includes worker travel, vendor trucks, and haul trucks. The construction schedule was assumed to be approximately eight months, or 173 construction workdays. Since more modern equipment more efficient at reducing emissions would be used in the future, construction occurring after June 2021 would result in lower construction criteria pollutant emissions.

Average daily emissions were estimated for each year of construction (assuming the project starts construction in 2021 and extends into 2022, for period of eight months) by dividing the annual construction emissions and dividing those emissions by the number of active workdays during that year. Table 1 shows the average daily construction emissions of reactive organic gases (ROG), nitrous oxides (NO_X), particulate matter with a diameter of 10 micrometers (PM_{10}) exhaust, and PM with a diameter of 2.5 micrometers ($PM_{2.5}$) exhaust during construction of the project.

Table 1: Construction Criteria Pollutant Emissions				
Year	**ROG**	**NOx**	**PM_{10} Exhaust**	**$PM_{2.5}$ Exhaust**
Construction Emissions Per Year (Tons)				
2021	0.38	1.19	0.06	0.06
2022	0.05	0.10	0.01	0.01
Average Daily Construction Emissions Per Year (pounds/day)				
2021 (154 construction workdays)	4.94	15.45	0.78	0.78
2022 (19 construction workdays)	5.26	10.53	1.05	1.05
BAAQMD Thresholds (pounds per day)	*54* lbs./day	*54* lbs./day	*82* lbs./day	*54* lbs./day
Exceed Threshold?	No	No	No	No

As shown in Table 1, project construction emissions would not exceed the BAAQMD significance thresholds during any year of construction.

Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM10 and PM2.5. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which could be an additional source of airborne dust after it dries. The BAAQMD CEQA Air Quality Guidelines consider these impacts to be less-than-significant if best management practices are implemented to reduce these emissions.

Implementation of the BAAQMD best management practices listed below, labeled as Standard Condition AIR-1, would reduce construction criteria pollutant emissions impacts to a less than significant level.

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.

Emissions from project construction would not exceed BAAQMD emissions thresholds. The project, with the implementation of Standard Condition AIR-1, would reduce fugitive dust emissions to a less than significant level by controlling dust and exhaust, limiting exposed soil surfaces, and reducing PM_{10} and $PM_{2.5}$ exhaust emissions from construction equipment.

For the above reasons, the project would not result in a significant criteria air pollutant impact from construction or operational emissions**.** Since the project's criteria pollutant emissions would be below BAAQMD thresholds, the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment.

(c) Significant Effect: A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

The proposed project and project site do not contain any features that are unique or that would constitute 'unusual' circumstances for a residential project in the San Francisco Bay Area. The project site is near a cemetery and an overhead power line corridor, both of which are not typical conditions for a new housing project. The project's potential to affect the cemetery is discussed below under I(f). The overhead power lines are not considered a sensitive use for exposure to project construction or ongoing

occupancy. The proposed two-story residences would not be unusually large, the 2.7-acre site is not particularly large or particularly small, and the surrounding uses (residences) are commonly present near residential developments. The proposed residences would not include any unusual operational features or characteristics. The construction program includes demolition of a single-family residence and detached garage , which is not uncommon for redevelopment of an infill parcel that proposes to intensify uses compared to existing conditions.

There are no special-status species or sensitive habitats on the site that could be impacted by the project. The project site is disturbed from previous agricultural uses and does not contain geologic or seismic characteristics that are unusual to the area. Typical standard conditions that are required by local, State, and Federal law would be implemented as part of the project to minimize and avoid construction-related impacts and impacts to future residents. Therefore, the proposed project would not result in a significant effect on the environment due to unusual circumstances.

(d) Scenic Highways: A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

The project is not located within physical proximity or view of an officially designated California scenic highway. The nearest designated scenic highway is located on State Route 9/Los Gatos Saratoga Road, approximately 20 miles northwest of the site.[2] Therefore, the project would not damage scenic resources within an officially designated scenic highway.

(e) Hazardous Waste Sites: A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

The project site is not included on any hazardous waste site listings pursuant Section 65962 of the Government Code.[3] Therefore, the project would not be located on a site included on any list compiled pursuant to Section 65962.2 of the Government Code.

Soil Investigation Results for Pesticides and Metals

In addition, a Phase I Environmental Site Assessment (ESA), which identified environmental conditions at the project site, and a Shallow Soil Investigation for agricultural chemicals and associated metals were completed by AEI Consultants in March 2021 and August 2021, respectively (refer to Appendix B).

[2] California Department of Transportation. California State Scenic Highway System Map. Accessed August 15, 2021. https://www.arcgis.com/apps/webappviewer/index.html?id=2e921695c43643b1aaf7000dfcc19983.
[3] California Environmental Protection Agency. Cortese List Data Resources. Accessed August 20, 2021. https://calepa.ca.gov/sitecleanup/corteselist/https://calepa.ca.gov/sitecleanup/corteselist/.

Based on the Phase I ESA, the site was used for agricultural purposes (orchards/row crops) from the 1930s to 1960s. Since agricultural chemicals (e.g., herbicides and fertilizers) could have been used at the site, soil sampling for potential agricultural chemicals and associated metals was recommended. As a result, four soil samples were collected at the site (to a depth of 0.5 feet below the ground surface) and analyzed for organochlorine pesticides (OCPs), lead, and arsenic on July 28, 2021. The OCPs, lead, and arsenic were compared to the San Francisco Bay Regional Water Quality Control Board Environmental Screening Levels (ESLs) and established background concentrations in the San Francisco Bay Area. Based on the soil sample results, concentrations of OCPs, lead, and arsenic were below ESLs and established background concentrations. Therefore, OCPs, lead, and arsenic are not considered an environmental concern and no further investigation is warranted. Conditions on the site are typical of properties in Morgan Hill with a past farming use.

Asbestos-Containing Materials and Lead-Based Paint

The existing residence and detached garage on-site were constructed prior to 1968. Due to the age of the existing structures, the Phase I ESA concluded there is a potential for asbestos-containing materials (ACMs) and lead-based paint to be present on-site. The existing on-site structures would be demolished as a part of the project.

With the implementation of the following standard conditions, demolition of the existing structures on-site would not expose construction workers and nearby residents to asbestos or lead.

Standard Condition HAZ-1: In conformance with state and local laws, a visual inspection/pre-demolition survey, and sampling, shall be completed by the project applicant's contractor prior to the demolition of on-site building(s) to determine the presence of ACMs and/or lead-based paint.

- 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 accordance with BAAQMD requirements and notifications.

- 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.

Groundwater Monitoring Well

An on-site groundwater monitoring well, installed to a depth of 39 feet below the ground surface in 1991, is located on the eastern end of the site. No information on the purpose of the well (other than it was used for groundwater monitoring), nor sampling data was found during a review of regulatory agency records or from the property owner interviews. The monitoring well would be decommissioned as a part of the project. With the implementation of the below standard condition, abandonment of the monitoring well would not expose construction workers, neighboring uses, or the environment to hazardous materials.

Standard Condition HAZ-2: 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 Santa Clara County Department of Environmental Health (SCCDEH) requirements.

(f) Historical Resources: A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

A historical resource is defined as a building, structure, or site that has been determined eligible for listing on the National Register of Historic Places (NRHP), the California Register of Historic Resources (CRHR), or a local register of historic resources.[4]

Archaeological Resources Management (ARM) prepared a Historic Resources Evaluation (HRE) for the project site in November 2020. Archaeological/Historical Consultants (A/HC) completed a peer review which included recommendations for revisions to the HRE in April 2021. A revised HRE was prepared by ARM June 2021, based on the A/HC peer review memorandum. In August 2021, A/HC confirmed the recommended revisions to the HRE were made and that there were no further recommendations.[5] The

[4] Code of California Regulations 15064.5

[5] Personal Communications: Email. Shoup, Daniel, A/HC. RE: 335 Spring Avenue, Morgan Hill – Historic. August 20, 2021.

November 2020 HRE, April 2021 peer review memorandum, and June 2021 revised HRE can be found in Appendix C.

ARM also completed a cultural resources evaluation, which included a pre-historic and historic archaeological records search for the project site and area within one quarter mile of the site.

Historic Structures

The project site is not currently listed and is not eligible to be listed in the CRHR. Properties that are eligible for listing in the CRHR must meet one or more of the following criteria:

1. Association 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 United States;
2. Association with the lives of persons important to local, California, or national history;
3. Embodying the distinctive characteristics of a type, period, region, or method of construction, or representing the work of a master, or possessing high artistic values; or
4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

The existing on-site residence was constructed in 1930 and associated detached garage was constructed in 1969. The structures are over 50 years of age and, therefore, ARM completed a historic evaluation, including an on-site investigation, of the 335 Spring Avenue residence and garage. A historic evaluation report, including a California Department of Parks and Recreation 523A form, was completed in 2018 and revised in June 2021 by ARM. Based on the evaluation, the existing residence was originally constructed as an ancillary building (likely a barn) for a larger residence (which no longer exists) on a property to the east of the project site from 1917 to 1941. Since the structure's original construction, it has been converted for use as a residence, and an addition was made to the front façade. Other minor modifications such as reroofing, and interior remodeling have also occurred.

Based on the historic evaluation, the site is not associated with significant historic events and, therefore, it is not eligible for listing under criterion 1. The Stiers family (McKinley and Nora Stiers), who occupied the residence from 1949 to 1988, do not appear to have played an important role in local or regional history. From 1988 until the present, the Giancola family (previously Tony and Dolores Anne, and now Joseph and Sheila Giancola), has owned the property (project site). The Giancolas are members of a large family, many of whom are prominent in the construction industry in the local area. While the Giancola family may be considered to have some local significance, the family has not used the property as a primary residence and their occupancy is in recent modern times and not more than 50 years ago when the family was associated with important events in the City's history, therefore, cannot be said to be closely associated with the property. Therefore, the property is not closely associated with persons of historic significance and is not considered eligible for listing under criterion 2.

The existing on-site structures are an example of vernacular architecture; however, they are not a notable example of this style. The residence has been altered from its original form. Therefore, the structures are considered ineligible for listing under criterion 3. In addition, the structures do not yield important historical information. Therefore, the structures are not considered eligible for listing under criterion 4.

Since the project site is not included on the City's list of historic properties and is not considered eligible for listing on the CRHR, the structures on-site are not considered historic resources.

Surrounding Properties

The project is not located near any designated historic resources in Morgan Hill. The nearest historic designated historic property is a church, constructed in 1893, located at 17175 Monterey Road, approximately 0.4-mile northeast of the site. A cemetery, Mount Hope Memorial Park, established in the 1890s, is located approximately 60 feet south of the site, across Spring Avenue. However, the site is not listed on the CRHR (or listed as eligible for the CRHR) or on the City's historic properties list and, therefore, is not considered a historic resource. In addition, since the project site and the cemetery are separated by Spring Avenue and the project would not utilize high vibration generating construction equipment (e.g., pile drivers); construction of the project would not result in structural damage to the cemetery. Therefore, the project would not result in a significant impact to off-site historic properties.

Historic Archaeological and Tribal Cultural Resources

ARM completed a records search at the Northwest Information Center (NWIC) of the California Archaeological Site Inventory in April 2021. The records search at NWIC, as well the review previous cultural resources reports, were completed to determine if any known archaeological resources (including pre-historic and historic archaeological resources) have been reported at the project site or within one quarter mile of the site. No archaeological sites were identified at the site or within a quarter-mile radius of the site. Given the site's proximity to Mount Hope Memorial Park, the site is considered an archaeologically sensitive area; historic archaeological resources could be encountered on the site during construction, which is typical for the Morgan Hill area. The project applicant, therefore, will implement standard conditions of approval (Standard Condition-CUL-1), which are consistent with the City's Municipal Code Section 18.60.090 conditions for archaeologically sensitive sites not known to be a designated archaeological site or adjacent to an archaeological site.

Under Assembly Bill (AB) 52, California tribes may request to consult with a lead agency regarding any proposed project subject to CEQA in the geographic area with which the tribe is traditionally and culturally affiliated. AB 52 tribal consultation is not required for projects that are categorically exempt under CEQA. However, tribes can request consultation with the City, without a formal requirement or process. The Tamien Nation tribe requested consultation regarding the proposed project in September 2021. Based on the City's consultation with the tribe, no known historic tribal cultural resources occur on the site.

The following standard conditions shall be implemented in the event that any unforeseen historic archaeological or tribal cultural resources are encountered during construction.

Standard Condition CUL-1: An archaeologist shall be present on-site to monitor all ground-disturbing activities. Where historical or archaeological artifacts are found, work in areas where remains or artifacts are found will be restricted or stopped until proper protocols are met, as described below:

1. Within 24-hours of start of grading or earthmoving activity, the archaeologist and Tribal Monitor shall hold a pre-construction meeting for the purposes of "cultural sensitivity training" with the general contractor or subcontractors.

2. An archaeologist and a Tribal Monitor shall be present on-site to monitor all ground disturbing activities. Where historical or archaeological artifacts are found, work in areas where remains or artifacts are found will be restricted or stopped until proper protocols are met, as described below:
    - Work at the location of the find will 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.
    - 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.
    - 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 memorandum/letter.
    - 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 community development director. The action plan shall be in conformance with California Public Resources Code 21083.2."

3. If human remains are inadvertently discovered, the following policies and procedures for treatment and disposition of human remains or archaeological materials shall apply:
    - The human remains 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 personal 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 should not be held by human hands. Surgical gloves should be worn if remains need to be handled.

- 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.

With the implementation of the above standard conditions of approval, the project would not result in a significant impact to historic archaeological resources.

Conclusion

Based on the analysis above, none of the exceptions to categorical exemptions detailed in CEQA Guidelines Section 15300.2 apply to the proposed project.

II. INFILL CRITERIA

This section documents that the proposed project qualifies for a Class 32 In-Fill Development exemption because it meets the criteria set forth in CEQA Guidelines Section 15332(a) – 15332(e).

CEQA Guidelines Section 15332 – In-Fill Development Projects

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

The project site's General Plan land use designation is Residential Attached Low. The Residential Attached Low designation is primarily intended to accommodate attached homes including duplexes/duets, courtyard homes, townhomes, and garden apartments. Up to 25 percent of a Residential Attached Low site may include small-lot single family detached homes when those units are located adjacent to an existing single family detached neighborhood. Residential Attached Low areas generally are located in or next to existing residential neighborhoods and close to commercial corridors, including West Dunne Avenue and Monterey Road. This designation allows 6 to 16 units per net acre.

The project site is zoned Residential Attached Low Density (RAL). RAL Zoning allows the duet lots to range from 3,000 to 3,500 square feet and up to 25 percent of single-family detached units (with larger lots allowed for these units). The purpose of the RAL Zoning district is to provide locations for low density attached housing types. The RAL zoning district is divided into two subzones allowing for a range of permitted residential densities.

The project proposes to construct 23 two-story residential units, comprised of 18 single-family duet attached units and five single-family detached units on a 2.7-acre site. The lot sizes range from 3,000 to 3,500 square feet for the duet units and 4,500 to 5,545 square feet for the detached units. The proposed project is consistent with the applicant General Plan and zoning designations and regulations.

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The project site is located within Morgan Hill city limits on a lot that is 2.7 acres. The project site is surrounded by residential development to the east, north, and west, and Spring Avenue to the south in an urban area of Morgan Hill.

(c) The project site has no value as habitat for endangered, rare, or threatened species.

The 2.7-acre project site is predominantly covered by disked non-native grassland and trees. A vacant single-family residence is located on the southwestern section of the site. While the site is largely undeveloped, it has been historically disturbed by agricultural activities, disking, and is bordered by development to the east, north, and west, and Spring Avenue to the south. The project site is located within the Santa Clara Valley Habitat Plan area and is designated as an Urban Development Area equal to or greater than two acres. The site's land cover is classified as Urban-Suburban. The project site is not located in any fee zone (e.g., potential wetland, serpentine, or burrowing owl survey and fee zone) or within or adjacent to any plant or wildlife survey area. No sensitive habitat areas (e.g., wetland and riparian habitats) are located on or adjacent to the site. Special status plant and wildlife species (including endangered, rare, or threatened species) are not expected to occur on the project site given the historical uses and disturbance of the site, and the and the surrounding development. For these reasons, the site contains limited habitat suitable habitat for special-status species occurring in the area.

Forty-seven trees were surveyed at the project site and on neighboring properties (refer to Arborist Report in Appendix D). Of the 47 trees, 41 are located on the project site, and six are located off-site (on neighboring properties). The 41 on-site trees include two mayten, two apricot, three plum, three palm, four privet, six almond, six Brazilian pepper, one valley oak, and 14 live oak trees (10 of the on-site trees are significant live oak trees).[6] Of the 41 on-site trees, 33 are proposed for removal including eight indigenous trees consisting of one valley oak and six live oak. In accordance with the Municipal Code Section 12.32.030, the applicant must apply for a tree removal permit prior to the removal of these trees. Based on Municipal Code Section 12.32.080, the project applicant shall replace these trees with plantings of trees acceptable to the City's Development Services Director or Director's designee.

The mature trees on-site have the potential to provide nesting or foraging habitat for nesting raptors and migratory birds. Nesting raptors and migratory birds are protected under the Migratory Bird Treaty Act (MBTA). At the time of development, raptors and migratory birds could be nesting in the trees and vegetation on and adjacent to the project site. Project construction and tree removal during the avian breeding season could result in direct or indirect impacts to eggs and nestlings. In accordance with the MBTA and California Fish and Wildlife Code Section 3513, the project applicant will implement the following standard conditions to reduce or avoid construction-related impacts to nesting raptors and their nests:

Standard Condition BIO-1: The following measures will reduce or avoid construction-related impacts to nesting raptors and their nests:

- 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

[6] An additional six trees were surveyed on neighboring properties. Off-site trees include one mulberry, one silk, and four redwood trees.

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 tree removal, 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 Development Services Director or the Director's designee for review prior to tree removals or issuance of a grading permit.

- 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 Development Services Director or Director's designee prior to removal of trees and issuance of a grading permit. .

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

Traffic

A VMT assessment and a trip generation and operations analysis were prepared for the project by Hexagon Transportation Consultants, Inc. (Hexagon) in April 2021. A copy of this study is provided in Appendix E.

Vehicle Miles Traveled (VMT) Screening

Pursuant to Senate Bill (SB) 743, the California Environmental Quality Act (CEQA) 2019 Update Guidelines Section 15064.3, subdivision (b) states that vehicle miles traveled (VMT) is the metric for analyzing transportation impacts for land use projects for CEQA purposes. VMT is the total miles of travel by motor vehicles a project is expected to generate in a day.

The City of Morgan Hill is currently developing a framework for new transportation policies based on the implementation of VMT as the primary measure of transportation impacts for CEQA purposes. The City, however, has not formally adopted its own City-specific VMT policies. Therefore, the VMT methodology and impact thresholds recommended in the Governor's Office of Planning and Research (OPR) Technical Advisory on Evaluating Transportation Impacts in CEQA were utilized for this discussion.

Based on OPR's technical advisory, VMT per capita (resident) is the recommended metric to evaluate CEQA-related transportation impacts for residential land uses. As stated in the technical advisory, OPR recommends an impact threshold of 15 percent below the existing VMT levels for residential land uses. OPR allows the existing VMT to be measured as regional or citywide VMT per capita. Therefore, 15 percent below the city-wide residential VMT per capita is established as the impact threshold for residential uses for this project. The Santa Clara Valley Transportation Authority's (VTA's) VMT Evaluation Tool shows that the citywide average VMT per capita for Morgan Hill is currently 24.64. Therefore, the OPR recommended impact threshold of 15 percent below the citywide average VMT per capita equates to 20.94 VMT per capita.

The results of the VMT analysis using show that the existing VMT per capita (17.39) for residential uses in the project vicinity is less than the Citywide average VMT per capita. The results also show that the project is estimated to generate a VMT per capita 17.25. The proposed project would not exceed the OPR's recommended impact threshold of 20.94 VMT per capita. Therefore, the project would not result in an impact on the transportation system based on OPR's VMT impact criteria.

Operations and Circulation System

The project's trip generation is determined by the magnitude of traffic entering and exiting the site, which is estimated for the AM and PM peak hours. The standard trip generation rates in the Institute of Transportation Engineers' (ITE's) Trip Generation Manual, 10th Edition were applied to help predict the future traffic increases that would result from the proposed development. The rates published for "Single-Family Detached Housing" (ITE Land Use 210) were used to estimate the trips generated by the proposed project.[7] As proposed, the site would consist of 23 single-family residential units (18 single-family attached units and five single-family detached units). Based on the ITE trip generation estimates, the project would generate 21 vehicle trips during the AM peak hour and 25 PM peak hour trips.

Transit, Bicycle and Pedestrian Facilities

The project site is served by the VTA bus routes that run on Monterey Road. Frequent Route 68 (Gilroy Transit Center to San Jose Diridon Transit Center) serves bus stops at the intersection of Monterey Avenue and Spring Avenue, approximately one-third-mile walking distance from the project site. A typical mode split in Morgan Hill would be a three percent transit share. Assuming up to a three percent transit mode share, the project would result in no more than one transit rider during each of the peak hours. The transit ridership demands of the proposed project can be accommodated by the existing transit facilities.

In the vicinity of the project site, there are continuous sidewalks along all roadways and crosswalks provided at most unsignalized intersections and all signalized intersections. The existing network of sidewalks and crosswalks provides adequate access to pedestrians in the project vicinity.

[7] The ITE Trip General Manual does not include trip generation rates for single-family attached units. The trip generation rates for these units would be similar to the generation rates for detached units.

There are bicycle lanes located along Monterey Road and Dunne Avenue. A trailhead providing access to the West Little Llagas Creek Trail is located less than one-third mile east from the project site. The trail runs southward between Spring Avenue and La Crosse Drive, which runs parallel with Monterey Road. The project would not generate a significant amount of bicycle trips. The demand generated by the proposed project could be accommodated by the existing bicycle facilities in the vicinity of the project site.

The project would not remove any bicycle lanes, transit stops, or sidewalks. For these reasons, the project would not conflict with programs or policies related to transit, pedestrian, or bicycle facilities.

Site Design and Emergency Vehicle Access

Site access was evaluated to determine the adequacy of the site's access points with regard to the following: traffic volume, geometric design, and sight distance. Site access was evaluated in accordance with generally accepted traffic engineering standards and transportation planning principles. The project site is proposed to be served by a full-access driveway on Spring Avenue. The proposed driveway on Spring Avenue would be approximately 35 feet wide. The driveway would be located approximately 250 feet east of Lone Hill Drive and 250 feet west of Barnell Avenue. The City will review the project site access design to ensure the project meets the City's design standards.

Emergency vehicle access would be provided via an existing 18-foot-wide driveway located along Barnell Avenue. The driveway is located off-site on an adjacent property and would continue to provide access to that adjacent property. The project would provide adequate emergency vehicle access with the implementation of the following recommendation:

- **Project Condition**: It is recommended that a gate be installed at the emergency vehicle access point on the project site to prevent project (i.e., proposed residents and guests) traffic from utilizing the Barnell Avenue driveway.

The project driveway (on Spring Avenue) should be free and clear of any obstructions so that drivers can adequately see pedestrians along the sidewalk and vehicles traveling on Spring Avenue. Sight distance for vehicles to exit the project site was compared to Caltrans standards. Spring Avenue has a posted speed limit of 30 miles per hour. For a design speed of 30 miles per hour, the recommended Caltrans' stopping sight distance is 200 feet. Based on the project site plan and observations in the field, vehicles exiting the project site driveway would have adequate sight distance in both directions on Spring Avenue.

Noise and Vibration

The City's Policy SSI-8.1, Exterior Noise Level Standards requires new residential development projects to be designed and constructed to meet acceptable exterior noise level standards as follows:

- A maximum exterior noise level of 60 dBA (A-weighted average decibel) L_{dn} (day-night noise levels) 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 L_{dn} of 60 dBA or lower cannot be achieved after the application of reasonable and feasible mitigation, a L_{dn} of 65 dBA may be permitted.

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

Existing Conditions/Noise Levels

The predominant noise source at the project site and surrounding area is vehicular traffic along local roadways, including traffic along East Dunne Avenue and Spring Avenue. Based on data collected for the General Plan EIR, ambient noise levels measured 50 feet from the centerline of West Dunne Avenue, between Peak Avenue and Del Monte Avenue (approximately 740 feet north of the project site), range from approximately 64 to 66 community noise equivalent level (CNEL) dBA. The 64 CNEL dBA is based on measurements collected in 2015 and 66 CNEL dBA noise level at this location is projected for 2035.

Noise sensitive receptors in the project area include residences to the east, north, and west for the project site.

Temporary Noise

Construction of the proposed project would include temporary noise impacts from site preparation, demolition, grading, trenching, building exterior and interior, and paving. Noise impacts resulting from construction depend upon the noise generated by various pieces of equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise-sensitive areas. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (e.g., early morning, evening, or nighttime hours), if the construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction lasts over extended periods of time. Construction of the proposed project would have a duration of approximately eight months and, therefore, would not last for an extended period, i.e., more than a year of total construction activity.

Construction activities would be completed in accordance with the provisions of the City's General Plan and Municipal Code, which limit temporary construction work to between the hours of 7:00 AM and 8:00 PM Monday through Friday, and between 9:00 AM to 6:00 PM on Saturday. Construction is prohibited on Sundays and federal holidays. Additionally, the following standard condition will be implemented as a standard condition in order to reduce construction noise coming from the site and minimize disruption and annoyance at existing noise-sensitive receptors in the project vicinity.

Standard Condition NOI-1: The project applicant shall develop a noise construction control plan, which shall be submitted to the Development Services Director or Director's designee for review and approval

prior to issuance of a grading or building permit. The noise construction control plan shall include but not be limited to the following construction best management controls:

- Equipment and trucks used for construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds);
- Impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools; and
- Stationary noise sources shall be located as far from noise-sensitive receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or include other measures.
- Construct temporary noise barriers, where feasible, to screen stationary noise-generating equipment. 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 receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps.
- Unnecessary idling of internal combustion engines shall be strictly prohibited.
- 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.
- Where feasible, temporary power service from local utility companies should be used instead of portable generators.
- Locate cranes as far from noise-sensitive receptors as possible.
- During final grading, substitute graders for bulldozers, where feasible. Wheeled heavy equipment are quieter than track equipment and should be used where feasible.
- Substitute nail guns for manual hammering, where feasible.
- Avoid the use of circular saws, miter/chop saws, and radial arm saws near the adjoining noise-sensitive receptors. Where feasible, shield saws with a solid screen with material having a minimum surface density of two pounds per square foot (e.g., such as 0.75-inch plywood).
- Maintain smooth vehicle pathways for trucks and equipment accessing the site and avoid local residential neighborhoods as much as possible.
- During interior construction, the exterior windows facing noise-sensitive receptors should be closed.
- During interior construction, locate noise-generating equipment within the building to break the line-of-sight to the adjoining receptors.
- The contractor shall prepare a detailed construction 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 it in the notice sent to neighbors regarding the construction schedule.

With implementation of the above standard condition as well as the Municipal Code limits on allowable construction hours, the project would not generate a substantial temporary increase in ambient noise levels (due to project construction) at noise-sensitive receptors in the project area.

The construction of the project may generate vibration when heavy equipment or impact tools are used. Construction activities for the project would include demolition, site preparation work, foundation work, and new building framing and finishing. Pile driving, which can cause excessive vibration, is not a part of the project. Based on the Phase I ESA, the surrounding residences to the east, north, and west were constructed from the 1960s to the early 1990s. As noted in the exceptions to categorical exemptions historical section, there are no historic buildings near the site. Therefore, the project would not cause structural damage to any historic buildings. Given the project would not require construction equipment that generates high vibration and the short construction duration (less than one year), the project is not anticipated to result in significant vibration impacts.

Permanent Noise

A significant permanent noise increase would occur if the project would substantially increase noise levels at existing sensitive receptors in the project vicinity. A substantial increase would occur if: a) the noise level increase is five dBA L_{dn} or greater, with a future noise level of less than 60 dBA L_{dn} or greater at residences; or b) the noise level increase is three dBA L_{dn} or greater, with a future noise level of 60 dBA L_{dn} or greater at residences.

Traffic Noise

Based on the 2035 noise contours included in the Morgan Hill 2035 Draft EIR, the surrounding residences would have future noise levels exceeding 60 dBA L_{dn}. Therefore, a significant impact would occur if traffic due to the proposed project would permanently increase ambient levels by three dBA $L_{dn,}$ (which is equivalent to a doubling of traffic on local roadways), at which point the noise increase would be perceptible.

Based on the ITE Trip General Manual, the average daily trips for one single-family dwelling unit is 9.44. The project, therefore, is estimated to generate 217 average daily trips. These trips would be distributed across local roadways. Based on the General Plan EIR, traffic volumes on West Dunne Avenue between Peak Avenue and Viewcrest Lane range between approximately 6,460 to 11,925 (projected for 2035

General Plan conditions) average daily trips.[8] Traffic volumes on Monterey Road between San Pedro Avenue and Cosmo Avenue would range from 21,840 to 26,140 average daily trips. The addition of project traffic would not double the amount of traffic on local roadways. Therefore, the project would not result in a substantial permanent noise level increase; the project would not generate a substantial permanent increase in ambient noise levels (due to project traffic) in the vicinity of the project in excess of the City's noise standards.

Mechanical Equipment

Under the City of Morgan Hill's Noise Element and Municipal Code, noise levels generated by the operation of mechanical equipment included in project units would be considered significant if noise levels were to substantially exceed existing ambient noise levels. Various mechanical equipment, such as heating, ventilation, and air conditioning (HVAC) units are typical for residential units. Typical noise levels produced by residential HVAC units would range from 53 to 63 dBA at three feet during operation.[9] The existing ambient noise levels in the project area would range from 64 to 66 dBA. The proposed project residences would be setback 10 to 15 feet from adjacent residences to the east, north, and west. Noise levels generated by the project's HVAC units at the adjacent residences are not anticipated to exceed the ambient noise levels in the project area. Therefore, the project would not generate a substantial permanent increase in ambient noise levels (due to mechanical equipment).

Airport Noise

The nearest airport to the site is the San Martin Airport, which is located approximately four miles southeast of the project site. The site is located outside of the airport's Comprehensive Land Use Plan (CLUP) boundary and 60 dBA CNEL noise contour. The project would not be located in the vicinity of a private airstrip or public airport. As a result, the project would not expose people residing or working in the project area to excessive noise levels (from aircraft noise).

Air Quality

Illingworth & Rodkin, Inc. (I&R) also prepared a construction air quality assessment for the project. A copy of this report is provided in Appendix A.

Clean Air Plan and Criteria Pollutants

Operational and Construction Criteria Pollutants

As stated in Section I. Exceptions to Categorical exemption, since the proposed project falls below the BAAQMD operational criteria air pollutants screening size threshold of 325 units, a quantitative

[8] Based on average daily trip research completed by Illingworth & Rodkin for roadways within 1,000 feet, traffic on West Dunne Avenue is less than 10,000 average daily trips.
[9] Illingworth & Rodkin. Half Road and Mission View Residential Noise and Vibration Assessment. March 2021.

operational criteria pollutant analysis is not required. Since the project is below BAAQMD's screening size criteria, the project would not result in a cumulatively considerable net increase in operational criteria pollutant emissions.

Based on the CalEEMod results for construction criteria pollutant emissions, project's average daily emissions were below BAAQMD's thresholds. Therefore, the project would not result in a cumulatively considerable contribution to criteria pollutants resulting from construction.

BAAQMD 2017 Clean Air Plan

The proposed project would not conflict with the 2017 BAAQMD Clean Air Plan (CAP) because as discussed above, the proposed project's emissions would be below the BAAQMD construction (with the implementation of Standard Condition AIR-1) and operational criteria pollutant thresholds. Implementation of the project would not inhibit BAAQMD or partner agencies from continuing progress toward attaining state and federal air quality standards and eliminating health-risk disparities from exposure to air pollution among Bay Area communities, as described within the 2017 CAP.

Sensitive Receptors

Given the project is within 1,000 feet of sensitive receptors (e.g., residences), a construction community risk assessment was completed to evaluate the potential project construction health risk impacts and the impact of existing toxic air contaminant (TAC) sources affecting the nearby sensitive receptors. The proposed residences, once in operation, are not considered TAC sources as no diesel-operated generators or other TAC sources are proposed as a part of the project operations.

The maximum increased cancer risks were calculated using the modeled TAC concentrations combined with the Office of Environmental Health Hazard Assessment (OEHHA) guidance for age sensitivity factors and exposure parameters as recommended by BAAQMD. Non-cancer health hazards and maximum $PM_{2.5}$ concentrations were also calculated and identified. Age sensitivity factors reflect the greater sensitivity of infants and small children to cancer causing TACs. Infant, child, and adult exposures were assumed to occur at all residences during the entire construction period.

The maximum modeled annual $PM_{2.5}$ concentration was calculated based on combined exhaust and fugitive concentrations. The maximum computed hazard index (HI) value was based on the ratio of the maximum DPM concentration modeled and the chronic inhalation refence exposure level of 5 $\mu g/m^3$.

The maximum modeled annual DPM and $PM_{2.5}$ concentrations, which includes both the DPM and fugitive $PM_{2.5}$ concentrations, were identified at nearby sensitive receptors to find the maximally exposed individuals (MEI). Results of this assessment showed that the construction residential MEI was located at a single-family house south of the construction project site. Table 2 summarizes the maximum cancer

risks, $PM_{2.5}$ concentrations, and HI for project related construction activities affecting the construction MEI.

Table 2: Construction Risk Impacts at the Off-site MEI			
Source	**Cancer Risk (per million)**	**Annual $PM_{2.5}$ ($\mu g/m^3$)**	**Hazard Index**
Project Impact			
Project Construction Unmitigated Mitigated*	**34.6 (infant)** 5.1 (infant)	**0.43** 0.14	0.04 <0.01
BAAQMD Single-Source Threshold	***10***	***0.3***	***1.0***
Exceed Threshold? Unmitigated Mitigated*	 ***Yes*** *No*	 ***Yes*** *No*	 *No* *No*
* Construction equipment with Tier 4 interim engines and Best Management Practices as Mitigation Measures.			

Based on the Table 2 results, annual $PM_{2.5}$ concentrations and cancer risks at the MEI would be above the BAAQMD thresholds. It is not unusual for an infill development project near existing housing to produce health risks above BAAQMD for adjacent/nearby residences, rather it is common and routine. Therefore, the need for conditions on construction activity to reduce health risk to acceptable levels is not an indication the project would result in a significant impact due to unusual circumstances, instead the circumstances for the project construction are typical. The following conditions of approval will be implemented during construction to reduce emissions such that increased cancer risk and annual $PM_{2.5}$ concentrations from construction would be reduced below significance levels:

Conditions of Approval to Reduce Construction Equipment TAC Emissions

- All construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA Tier 4 emission standards for particulate matter (PM_{10} and $PM_{2.5}$), if feasible, otherwise:
    - If use of Tier 4 equipment is not available, alternatively use equipment that meets U.S. EPA emission standards for Tier 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve a 75 percent reduction in particulate matter exhaust in comparison to uncontrolled equipment; alternatively (or in combination).
    - Use electrical or non-diesel fueled equipment.
- Alternatively, the applicant could develop a separate feasible plan that reduces on- and near-site

construction diesel particulate matter emissions by 75 percent or greater. Such a plan would have to be reviewed and approved by the City.

CalEEMod was used to estimate emissions associated with the above conditions of approval assuming that all equipment met U.S. EPA Tier 4 interim engines standards (or the equivalent) and BAAQMD best management practices (Standard Condition AIR-1) for construction were included. With the implementation of the above conditions of approval, the project's construction cancer risk impact, assuming infant exposure, would be reduced to 5.11 per million and the annual $PM_{2.5}$ concentration would be reduced to 0.14 $\mu g/m^3$. As a result, the project's construction cancer risk and annual $PM_{2.5}$ concentration would be reduced below BAAQMD's single source thresholds. Therefore, with the implementation of Standard Condition AIR-1 to reduce fugitive dust emissions and conditions of approval to reduce construction equipment emissions, the project would not result in significant impacts to nearby sensitive receptors.

Cumulative Community Risks of all TAC Sources at the Offsite Project MEI

Community health risk assessments typically evaluate all substantial sources of TACs that can affect sensitive receptors that are located within 1,000 feet of a project site (i.e., influence area). These sources include rail lines, highways, busy surface streets, and stationary sources identified by BAAQMD.

A review of the project area and available traffic information showed that no roadways within 1,000 feet of the site would have traffic exceeding 10,000 vehicles per day. A review of BAAQMD's stationary source geographic information systems (GIS) map tool identified no stationary sources within 1,000 feet of the site. There are also no pending or approved projects located within 1,000 feet of the site. As a result, there would be no cumulative TAC impacts on the project MEI.

Other Emissions

The reduction of air pollutants or TACs are addressed under Standard Condition AIR-1 and conditions of approval. In terms of odor emissions, BAAQMD has identified a variety of land uses and types of operations that would produce emissions that may lead to odors in their CEQA Air Quality Guidelines. Some of the identified land uses include wastewater treatment plants, sanitary landfills, food processing facilities, coffee roasters, compositing facilities, and confined animal facility/feed lot/dairy facility. The proposed project would construct residential units, which do not fall under any of the land uses BAAQMD has identified.

Construction activities in the project area could result in odorous emissions from diesel exhaust associated with construction equipment. Because of the temporary nature of these emissions and the

highly diffusive properties of diesel exhaust, exposure of sensitive receptors to these emissions would be limited; the project would not adversely affect a substantial number of people due to odor.

Hydrology and Water Quality

Water Quality

Construction Water Quality Impacts

Water quality impacts could occur during project construction, which could generate dust, litter, oil, and other pollutants that could contaminate runoff from the site. Since construction of the proposed project would disturb more than one acre of soil, the project would be required to comply with the NPDES General Permit for Construction Activities.

In accordance with the City of Morgan Hill Standard Conditions of Approval and the NPDES General Permit for Construction Activities, Standard Condition HYD-1 and Standard Condition HYD-2 are included in the project to reduce construction-related water quality impacts to a less than significant level.

Standard Condition HYD-1: The applicant shall implement the following standard condition prior to construction:

- 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 shall file a complete Notice of Intent (NOI) package and develop a Storm Water Pollution Prevention Plan (SWPPP) 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 for Building and Engineering Division review. The SWPPP shall be made a part of the improvement plans. (SWRCB NPDES General Permit CA000002).

Standard Condition HYD-2: In accordance with the City of Morgan Hill Standard Conditions of Approval and the Construction General Permit, the following measures shall be 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 shall be installed around storm drains to route sediment and other debris away from the drains.

- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust.
- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- All trucks hauling soil, sand, and other loose materials shall 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 shall be swept daily (with water sweepers).
- Vegetation in disturbed areas shall be replanted as quickly as possible.

With the implementation of the above BMPs, the project would not violate any water quality standards during construction.

Post-Construction Water Quality

Stormwater runoff from residential developments such as the proposed project could contain metals, pesticides, herbicides, and other contaminants such as oil, grease, lead, and animal waste. The project would conform to the City's Storm Water Management Plan (SWMP) to reduce the discharge of pollutants into waterways and to protect local water quality that could be degraded by storm water and urban run-off within the corporate limits of Morgan Hill.

In order to meet SWMP requirements onsite, stormwater runoff would be treated via on-site bioswales in the backyards of the proposed residences. An on-site network of drainpipes would collect the runoff filtered through the bioswales and underground stormwater storage units (in the proposed common open space area), before being discharged into the public storm drain system. Conformance with the SWMP, as proposed by the project, would reduce the potential for the project to result in post-construction water quality impacts.

Groundwater Supply

The maximum depth of excavation is approximately seven below the ground surface to access sewer lines. During an October 2020 geotechnical investigation of the site, groundwater was not encountered in the borings explored to depths of 21.5 feet. Groundwater is not anticipated to encountered during construction and would not interfere with groundwater flow or expose any aquifers. The site is located in the Llagas Subbasin Recharge area; however, the project site is not located at a designated aquifer recharge facility (i.e., streams or ponds); the site would not substantially interfere with aquifer recharge. The existing groundwater monitoring well on the property would be properly removed under permit from the Santa Clara Valley Water District (Valley Water), as required per the District Well Ordinance. The

project would not conflict with any groundwater management plan including Valley Water's 2016 Annual Groundwater Management Plan.

Drainage

The project site has almost entirely pervious surfaces (98 percent pervious, 115,160 square feet), with the exception of the roof the existing residence and associated structures. The project would add approximately 70,570 square feet of impervious surfaces, which would result in the project being 62 percent impervious (72,590 square feet of impervious surfaces) after project buildout.

Stormwater would be directed to bioswales for treatment, underground stormwater storage units, then directed City's stormwater system through the project's connection to the existing 18-inch storm drain line on Spring Avenue. Pursuant to the implementation of the Stormwater Pollutant Prevention Plan (SWPPP) and other drainage standards implemented by the City, the project would not significantly increase stormwater flows into the existing system during routine rainfall events. The various components of the project would each be required to minimally retain all water from the 95th percentile of rainfall events (approximately two- to five-year storm events) on site; therefore, during 95 percent of the rainfall events, the existing storm drain system would not be impacted by the project. Furthermore, any on-site systems (retention basins and underground retention facilities) would be constructed on-site to detain a volume of water up to a 25-year storm event while releasing water at a rate reflective of the 10-year predevelopment flow. This design limits stormwater flows off-site to less than 10-year predevelopment flows. The existing public storm water system is already designed to convey a 10-year storm event; therefore, the project would not significantly contribute to any additional flooding during the most frequent events. The final drainage system design for each of the project components would be subject to review and approval by the City of Morgan Hill Engineering Division, who would confirm that the proposed drainage system for each component of the project is consistent with the City's Storm Drainage Master Plan and standard stormwater-related conditions of approval. Therefore, the project would not substantially alter the existing drainage pattern of the project site or area from the addition of impervious surfaces.

Pollutant Release from Inundation

The nearest waterway is West Little Llagas Creek, which is located approximately one quarter mile east of the project site. The site is designated by the Federal Emergency Management Agency (FEMA) as Zone X, which is a 500-year flood hazard area. The site is not located in a special flood hazard area (i.e., a 100-year flood area). The site is not close to any water bodies that could inundate the site by seiche, tsunami, or

mudflow. The site is not located in a flood hazard, tsunami, or mudflow area and, therefore, the project would not result in a release of pollutants in these areas.

(e) The site can be adequately served by all required utilities and public services.

Utilities and Service Systems

Water

The project would connect to existing water lines within Spring Avenue. The City's General Plan EIR indicates that the existing and planned capacity of water in the City will be able to accommodate build out of the General Plan. Based on the CalEEMod results, the project would demand approximately 4,110 gallons per day for indoor use and 2,590 gallons per day for outdoor use (e.g., irrigation for landscaping).[10] The City of Morgan Hill relies on groundwater as its sole source of supply. To supplement local groundwater supplies, the City relies on water imports from the State Water Project and the federal Central Valley Project for the purpose of groundwater recharge of the sub-basins that supply water to the City (Coyote Valley sub-area of the Santa Clara sub-basin and the Llagas sub-basin). The City's 2015 Urban Water Management Plan (UWMP) included projected water use for residential development and landscaping through 2040. Given the project is consistent with the General Plan, the project was accounted for in the UWMP, and its demands are consistent with the UWMP water demand projection increases for residential uses. As a result, there would be sufficient water supplies available to serve the project.

Sanitary Sewer and Wastewater Treatment

The proposed project would connect to existing municipally owned sanitary sewer line within Spring Avenue. The design of the utility system serving the project would be reviewed by the Engineering Division to ensure that all sewer lines have adequate capacity to meet the demands of the various project components. The proposed project would generate approximately 3,495 gallons of wastewater per day.[11] The South County Regional Wastewater Authority (SCRWA) Wastewater Treatment Plant, which serves the Cities of Morgan Hill and Gilroy, has approximately 0.8 million gallons per day of remaining capacity allocated for the City of Morgan Hill. The proposed project would not increase demand beyond what is expected in the General Plan and Sanitary Sewer System Master Plan. Therefore, the project would not

[10] The existing residence on-site is vacant and does not create water demand.
[11] Based on 85 percent of water demand (indoor water use), wastewater generated by the project would be approximately 3,495 gallons per day.

result in a determination by the SCRWA that it does not have adequate capacity to serve the wastewater treatment demands of the project.

Storm Drainage

The site is in the Little Llagas Creek drainage basin. The project would connect to City of Morgan Hill storm drain lines located within Spring Avenue. As noted above, stormwater runoff would be treated via on-site bioswales, directed to underground stormwater storage units, and then directed to the City's storm drain system. The project would be consistent with the City's Stormwater Management Guidance Manual for Post-Construction Requirements and Storm Drainage Master Plan. The proposed project would not require expansion of the City's existing storm drainage system. The final drainage system design for the project would be subject to review and approval by the City's Engineering Division, who would confirm that the proposed project would not result in an exceedance of existing capacity.

Solid Waste

The City of Morgan Hill has contracted with Recology South Valley to provide solid waste disposal and recycling service within the City. Recology South Valley will dispose of solid waste from the City at Johnson Canyon Sanitary Landfill which has a projected permitted capacity of approximately 13,830,000 cubic yards (3,734,100 tons) and is expected to remain open through 2055.[12,13] The project would generate approximately 30 tons of solid waste per year, or 165 pounds per day.[14] The proposed project would increase the rate of solid waste generated at the site but would not result in an exceedance of the capacity of local infrastructure. The proposed project uses would be required to direct and recycle waste consistent with federal, state, and local requirements. Thus, the project would not impair the attainment of solid waste reduction goals.

Other Utilities

The project would connect to existing electric power, natural gas, and telecommunication lines in the project area. The proposed buildings would connect to existing electrical lines along Spring Avenue. The project would not result in a significant environmental effect from the construction or relocation of natural gas, electricity, or telecommunication utilities.

[12] CalRecycle. SWIS Facility/Site Activity Details: Johnson Canyon Sanitary Landfill (27-AA-0005). Accessed August 26, 2021. https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2636?siteID=1971.
[13] 1 cubic yard = 0.27 tons.
[14] CalEEMod Results. Spring Avenue Residential Project. May 20, 2021. .

Public Services

Police and Fire Services

The proposed project would be constructed to meet the City's Municipal and Fire Codes which would ensure the project be adequately served by the utilities and services. Based on an estimated average of 3.08 persons per household, the proposed project could result in approximately 71 residents.[15] The project is surrounded by existing development that is currently served by the Morgan Hill Fire Department and Morgan Hill Police Department. The project is consistent with the General Plan and new residents generated by the project would result in a nominal increase in calls for police and fire services. The use of police and fire services by the proposed residents would not be substantial enough to warrant modification of existing or construction of new police and fire service facilities beyond what is assumed in the General Plan.

Parks

The proposed residential development would increase the use of nearby parks and recreational facilities, resulting in a demand of 0.2 acres of parkland, based on the City standard of three acres per 1,000 residents. The project would provide common open space that would be available to the project's residents including a barbeque area, outdoor seating, and a wildlife garden area. In addition, the project would comply with the parkland dedication/park land in-lieu fee ordinance, which would offset significant impacts to the City's park facilities.

Schools

The project site is located in the Morgan Hill Unified School District attendance boundaries.[16] Based on the student generation rates for elementary, middle, and high schools, up to five students would likely attend Walsh Elementary School, two students would attend Britton Middle School, and four students would attend Sobrato High School.[17] Given the proposed project is consistent with the site's existing General Plan land use designation and would not result in unplanned growth, the project would be consistent with the General Plan projections for school attendance in the MHUSD.

As required by state law (Government Code Section 65996) and the City's Municipal Code Chapter 18.144, the project proponent shall pay the appropriate school impact fees to offset the increased demands on school facilities caused by the project. Based on the conclusions of the General Plan EIR, the payment of impact fees to provide funding for new school facilities would fully mitigate the impacts of new

[15] California Department of Finance. E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2021 with 2010 Census Benchmark. May 2021. Accessed August 25, 2021. https://dof.ca.gov/Forecasting/Demographics/Estimates/E-5/.

[16] Morgan Hill Unified School District. Find Your School. Accessed August 25, 2021. https://www.mhusd.org/about/find-your-school.

[17] Morgan Hill Unified School District. Demographic Study 2018/2019. Page 13. Student yield rates: K-5th grade (0.212); 6-8th grades (0.101); and 9th – 12th grades (0.152).

development on schools. The project, therefore, would have a less than significant impact on public services.

CONCLUSION

With incorporation of the conditions of approval detailed in this memorandum into the project, the proposed project meets the criteria for a Class 32 In-fill Development exemption and none of the exceptions to the exemptions set forth in CEQA Guidelines Section 15300.2 apply to the project.

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Personal Communications

Email: Shoup, Daniel, A/HC. RE: 335 Spring Avenue, Morgan Hill – Historic. August 20, 2021.