

Notice of Exemption

To: County Clerk
County of: Santa Clara
70 West Hedding Street, 1st Floor
San Jose, CA 95110

From: (Public Agency): City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037

Project Title: Concord Circle-Anaerobe Systems Project (SR2021-0013)

Project Applicant: Michael Davis, D&Z Design Associates, Inc., 18640 Sutter Boulevard, Morgan Hill, CA 95037

Project Location - Specific:

The project site is located at 15906 Concord Circle in the City of Morgan Hill, California. The approximately 0.47-acre project site is located in the southern portion of a 1.4-acre parcel, identified by Assessor's Parcel Number (APN) 817-06-059, and developed with four existing structures, including three storage sheds and a shade structure. Surrounding existing uses include Anaerobe Systems' manufacturing facility to the west; commercial and light industrial businesses to the north, south, and west; Union Pacific Railroad (UPRR) tracks to the east, and undeveloped land further east, across the UPRR tracks. The City of Morgan Hill General Plan designates the project site as Industrial and the site is zoned Light Industrial-Planned Unit Development (IL-PD).

Project Location - City: Morgan Hill Project Location - County: Santa Clara

Description of Nature, Purpose and Beneficiaries of Project:

The Concord Circle-Anaerobe Systems Project (proposed project) would include the relocation of the existing storage sheds, demolition of one temporary structure, and development of a one-story 4,000-square foot research facility, and a 500-square foot covered patio. The intent of the proposed project is to provide a permanent building, wherein fermentation operations for the production of liquid and solid organic fertilizers could occur and be displayed to prospective clients. The fermentation operations are currently occurring on-site within temporary structures; thus, the project would not introduce new operations to the project site. The research facility building would include a laboratory, office, kitchen, conference room, and boiler room. The proposed project would also include development of a 15-stall surface parking lot, which would connect to the existing Anaerobe Systems manufacturing facility parking lot to the west. The proposed project would require approval of Design Review.

Name of Public Agency Approving Project: City of Morgan Hill

Name of Person or Agency Carrying Out Project: Michael Davis, D&Z Design Associates, Inc., 18640 Sutter Boulevard, Morgan Hill, CA 95037

Exempt Status: **(check one):**

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State code number: Section 15332, Class 32, and Section 15303, Class 3

Reasons why project is exempt:

Article 19 of the CEQA Guidelines, Sections 15300 through 15333, includes a list of classes of projects that have been determined to not have a significant effect on the environment, and are therefore exempt from CEQA. As demonstrated throughout the Initial Study prepared by the City, the proposed project qualifies for exemption under CEQA Guidelines Section 15332, Class 32. For example, the proposed project would be consistent with the General Plan land use designation of Industrial and zoning designation of II-PUD, and thus, would meet Criterion 15332(a). In addition, the project would meet Criterion 15332(b) by being located near existing industrial development to the north, west, and south. The project site does not support habitat for rare, threatened, or endangered species and the applicant would be subject to payment of all applicable development fees according to the Santa Clara Valley Habitat Plan (SCVHP). Thus, the proposed project would meet Criterion 15332(c). Furthermore, the proposed project would not result in any significant environmental effects related to traffic, noise, air quality, or water quality. The project can be adequately served by all required utilities and public services. As such, the proposed project would meet Criterion 15332(d) and 15332(e). It should also be noted that none of the exceptions to the exemptions under CEQA Guidelines Section 15300.2 would apply to the proposed project. Therefore, the proposed project would be considered exempt under CEQA Guidelines Section 15332, Class 32.

In addition, Section 15303 of the CEQA Guidelines provides a categorical exemption for new construction or conversion of small structures. Specifically, a Class 3 exemption consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The project site is located in an urban area and would include the development of a new 4,000-square foot research facility, which would be below the 10,000-square foot floor area allowable for commercial buildings within urbanized areas under Section 15303, Class 3, criterion (c). The proposed project would be consistent with the existing zoning designation for the site. In addition, as discussed throughout this Initial Study, the project area is not environmentally sensitive and all public services and facilities necessary to serve the proposed project are readily available. The hazardous substances to be stored and used at the site would not be considered a significant amount and would be regulated in accordance with all applicable State and local standards. Therefore, the proposed project would be consistent with criterion (c) and qualifies for exemption under CEQA Guidelines.

Lead Agency

Contact Person: Joey Dinh, Associate Planner, City of Morgan Hill Development Services Department
Area Code/Telephone/Extension: (408) 310-4671

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: May 17, 2022 Title: Associate Planner

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____