Cochrane Commons Phase II Project

Subsequent Environmental Impact Report

prepared by

City of Morgan Hill
17575 Peak Avenue
Morgan Hill, California 95037
Contact: Jennifer Carman, Development Services Director

prepared with the assistance of

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449 15th Street, Suite 303
Oakland, California 94612

January 2022

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Environmental Scientists | Planners | Engineers
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Executive Summary

This document is an Environmental Impact Report (EIR) that has been prepared as a Subsequent EIR (SEIR) to the Cochrane Road Planned Unit Development Project 2005 EIR (2005 EIR, State Clearinghouse Number 2004112060). The proposed Cochrane Commons Phase II Project is hereafter referred to as the "proposed project" or "project."[1] The project would involve construction of Phase II of the Cochrane Commons development on the undeveloped site adjacent to the completed Phase I. The Phase II project currently proposed is different from the originally proposed Phase II that was analyzed in the 2005 EIR. The Phase II project would consist of 498 residential units, consisting of a mix of townhomes and apartments, 135,000 square feet of retail space, a 140-room hotel. The General Plan land use designation would be amended from Commercial to Mixed Use Flex and the zoning from Highway Commercial/Planned Unit Development to Mixed Use Flex/Planned Development for the Phase II development area.

This section summarizes the characteristics of the proposed project, alternatives to the proposed project, and the environmental impacts and mitigation measures associated with the proposed project.

Project Synopsis

Project Applicant

Browman Development
1556 Parkside Drive
Walnut Creek, California 94596

Lead Agency Contact Person

Jennifer Carman, Development Services Director
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, California 95037
(408) 776-6480

Project Description

The following is a summary of the full project description, which can be found in Section 2, *Project Description*.

The project site is located at the southwest corner of Mission View Drive and Cochrane Road in the City of Morgan Hill. The site is approximately 33.5 acres and is located just north of Phase I of the Cochrane Commons Shopping Center (Shopping Center). It is bounded by De Paul Drive to the south, Cochrane Road to the east, Mission View Drive to the north, and adjacent agriculture, single-family residential, and industrial development to the west. The site is located on the northern edge of the City of Morgan Hill and is approximately 800 feet north of U.S. Highway 101 (U.S. 101).

[1] In the Initial Study prepared for the project (Appendix A), the Cochrane Commons Phase II Project is also referred to as the "modified project."

The project would involve construction of Phase II of the Cochrane Commons development on the undeveloped site adjacent to the completed Phase I. The Phase II project currently proposed is different from the originally proposed Phase II that was analyzed in the 2005 EIR. The project would consist of 498 residential units, consisting of a mix of homes, townhomes, condos, and apartments; 135,000 square feet of retail space; a 140-room hotel; and amending the zoning and General Plan designation to MUF for the Phase II development area. The residential uses would be located in the northern and middle portion of the project site and the hotel and commercial retail would be located in the southern portion. The project would also provide various on-site amenities for residents. A courtyard with outdoor open space would be provided near the proposed apartment units. A clubhouse, recreation hall, swimming pool would also be provided for on-site residents. Table ES-1 details the breakdown of proposed uses and square footage.

Table ES-1 Project Characteristics

Project Component	Size or Unit Amount
Residential	
Townhomes/Apartments	498
Commercial	
Hotel	140 rooms
Retail	135,000 square feet
Mixed Use Flex Zoning Information	
Maximum Floor Area Ratio (FAR)	0.5
Maximum Height	35 feet
Residential Densities	7-24 units per acre
Maximum Building Coverage	50%

Project Characteristics

SITE ACCESS, CIRCULATION, AND PARKING

Vehicles would access the project site primarily from De Paul Drive, which bisects the site horizontally from Cochrane Road, which would have two driveways leading to two central roadways which would connect to two driveways off Mission View Drive. An additional driveway would be located off Cochrane Road which would allow right-in and right-out vehicle movements. There would be a total of 1,367 parking spaces. Parking would be constructed in phases. During Phase I, the project would include 276 parking stalls. During Phase 2, 658 stalls would be added and during Phase 3, 433 stalls would be added.

GRADING AND DRAINAGE

The project area has been previously graded and would further be modified by additional grading, which would be balanced on site. Stormwater drainage would be directed to catch basins located throughout the project site and then conveyed via underground storm drainpipes to a stormwater detention pond along the northern project boundary. The storm drain system design would incorporate City standards for pipe sizes, maximum slopes, minimum flow velocities, and pipe material. The detention basin would be sized in accordance with the City's detention design criteria. Stormwater would be temporarily stored in the planned detention pond and pumped to the

adjacent Cochrane Channel at discharge rates at or below pre-development levels, as required by the Santa Clara Valley Water District.

LANDSCAPING AND TREES

The project would involve new landscaping elements, including trees and vegetation along Mission View Drive and Cochrane Road, shrubs along the building perimeters and trees within parking areas. Additional trees and landscaping would be located within building courtyards. The landscaping plan would be subject to review and approval by the City's Architectural Review Board.

OFF-SITE IMPROVEMENTS

The project includes sidewalk and pavement improvements along road frontages that border the project site.

CONSTRUCTION

Construction would occur over three phases. Construction Phase 1 would consist of 104 units (175,000 square feet) of for-sale townhomes. Construction Phase 2 would consist of 394 units (410,000 square feet) of rental apartments. Construction Phase 3 would consist of the retail space and hotel. Construction would occur from May 2022 to December 2024 between the hours of 7 a.m. and 5 p.m. from Monday to Saturday. Construction would include 37,510 cubic yards of excavation, with balanced cut and fill anticipated.

Project Objectives

The applicant's objectives for the project are to:

- Increase the viability of the existing Cochrane Commons anchors and tenants
- Create a vibrant and exciting place for the residents of Morgan Hill to live, work, and shop all in one place
- Assist in protecting the tax revenue generated by the current and future tenants and the long-term viability of the City of Morgan Hill's retailers
- Provide much needed variety to the City's housing stock in the form of market rate and below market rate affordable housing
- Encourage the development of the remainder of the shopping center

Alternatives

As required by the California Environmental Quality Act (CEQA), this EIR examines alternatives to the proposed project. Studied alternatives include the following three alternatives. Based on the alternatives analysis, the proposed project was determined to be the environmentally superior alternative.

- Alternative 1: No Project, No Build
- Alternative 2: No Project – Allowable Buildout Under Existing General Plan Designation
- Alternative 3: Mixed Use Flex Designation on North Half of the Site

Refer to Section 5, *Alternatives*, for the complete alternatives analysis.

Areas of Known Controversy

The EIR scoping process did not identify any areas of known controversy for the proposed project. Responses to the Notice of Preparation of a Draft EIR and input received at the EIR scoping meeting held by the City are summarized in Section 1, *Introduction*.

Issues to be Resolved

The proposed project would require an amendment to the City's zoning map and General Plan land use map to convert the Phase II development area to Mixed Use Flex. The project would also require a revised Planned Development Combining District and associated Master Plan to allow the proposed commercial and residential uses, and issuance of a Design Permit consistent with the Master Plan.

Issues Not Studied in Detail in the EIR

As indicated in the Initial Study (Appendix A), there is no substantial evidence that significant and unmitigable impacts would occur to the following issue areas: Aesthetics, Agricultural and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire. Impacts to Greenhouse Gas Emissions and Transportation were found to be potentially significant and are addressed in this EIR.

Summary of Impacts and Mitigation Measures

Table ES-2 summarizes the environmental impacts of the proposed project, proposed mitigation measures, and residual impacts (the impact after application of mitigation, if required) identified in the SEIR. Table ES-3 summarizes mitigation measures included in the 2005 EIR that would continue to be implemented under the proposed project. Because some mitigation measures have been previously complied with during development of Phase I, the already developed area adjacent to the project site, not every mitigation measure from the 2005 EIR would be included in the proposed project. Impacts are categorized as follows:

- **Significant and Unavoidable.** An impact that cannot be reduced to below the threshold level given reasonably available and feasible mitigation measures. Such an impact requires a Statement of Overriding Considerations to be issued if the project is approved per §15093 of the CEQA Guidelines.
- **Less than Significant with Mitigation Incorporated.** An impact that can be reduced to below the threshold level given reasonably available and feasible mitigation measures. Such an impact requires findings under §15091 of the CEQA Guidelines.
- **Less than Significant.** An impact that may be adverse but does not exceed the threshold levels and does not require mitigation measures. However, mitigation measures that could further lessen the environmental effect may be suggested if readily available and easily achievable.
- **No Impact:** The proposed project would have no effect on environmental conditions or would reduce existing environmental problems or hazards.

Table ES-2 Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts of the SEIR

Impact	Mitigation Measure(s)	Residual Impact
Greenhouse Gas Emissions		
Impact GHG-1. The project would generate temporary and long-term increases in GHG emissions, but such emissions would remain below the adjusted efficiency threshold intended to demonstrate consistency with the 2030 statewide GHG reduction target. Impacts would be less than significant.	None required.	Less than Significant
Impact GHG-2. The project would be consistent with the 2017 Scoping Plan and Plan Bay Area 2050. This Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. No impact would occur.	None required.	No Impact
Transportation		
Impact TRA-1. The project would not conflict with applicable policies addressing transit, bicycle, and pedestrian facilities. Impacts related to transit, bicycle and pedestrian facilities would be less than significant.	None required.	Less than Significant
Impact TRA-2. The project would exceed the applicable significance threshold for VMT. Even with Mitigation Measure TRA-1, the project would not fall below the applicable residential VMT per capita threshold. Impacts would be significant and unavoidable.	**TRA-1** VMT Reductions The applicant shall develop and implement a Transportation Demand Management (TDM) plan that is aimed at achieving a reduction in residential vehicle trips to and from the site. The TDM plan will need to be prepared by a qualified traffic consultant and in coordination with the City of Morgan Hill Development Services Director or Designee. The TDM plan shall quantify the reduction in VMT. The TDM plan may include, but shall not be limited to, the following elements described below: ▪ School Pool Programs: Organize a program that matches families in carpools for school pick-up and drop-off of all households from the project. Organizing a school pool program helps match parents who transport students to schools without a busing program, including private schools, charter schools, and neighborhood schools where students cannot walk or bike. The school pool program would be open to all families in the development. School pools reduce the total number of vehicle trips traveling to and from schools, thereby reducing VMT	Significant and Unavoidable

Impact	Mitigation Measure(s)	Residual Impact
	▪ Transit Service Expansion. The project shall subsidize transit service through fees and contributions to the transit provider, thereby improving transit service to the project, resulting in increased use of transit and reduced VMT ▪ Voluntary Travel Behavior Change Programs. Provide a program that targets individual attitudes towards travel and providing tools for individuals to analyze and alter their travel behavior with 100% expected resident participation. These programs include mass communication campaigns and travel feedback programs, such as travel diaries or feedback on calories burned from activities and travel. This strategy encourages the use of shared ride modes, transit, walking, and biking, thereby reducing VMT	
Impact TRA-3. The project would not introduce design features or incompatible uses that could increase traffic hazards. This impact would be less than significant.	None required.	Less than Significant
Impact TRA-4. The project could result in inadequate emergency access to the project site. This impact would be less than significant with adherence to Mitigation Measure TRA-2.	**TRA-2** Emergency Vehicle Site Access The project site shall be designed following City of Morgan Hill design standards and provide adequate width and turn-radii at and along all drive/parking aisles to allow for two-way circulation and adequate circulation of larger vehicles (such as emergency trucks, garbage trucks, and delivery trucks) throughout the project site. The project applicant shall provide detailed site development plans to the City of Morgan Hill Planning Division that demonstrate compliance with the City design standards prior to issuance of a building permit.	Less than Significant
Tribal Cultural Resources[1]		
Impact TCR. There is always potential to uncover buried tribal cultural resources during ground disturbing activities. Should project construction activities encounter and damage or destroy a tribal cultural resource or resource, Mitigation measure CR-1 would ensure that potential impacts to tribal cultural resources would be less than significant.	**TCR-1** Significant historic or archaeological materials: A moderate potential exists for unrecorded historic-period archaeological resources to be within the project area. The developer shall enter into written contracts with an archaeologist and the Tamien Nation Tribe, and pay all fees associated with the activities required by this condition. The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply: ▪ Prior to start of grading or earthmoving activity on the "first day of construction", the archeologist and Tamien Nation Tribal Monitor shall hold a pre-construction meeting for the purposes of "cultural sensitivity training" with the general contractor and subcontractors. ▪ A Tamien Nation Tribal Monitor shall be present on-site to monitor all ground-disturbing activities and an archaeologist shall be on-call. Where historical or archaeological artifacts are found, work in areas where remains or artifacts are found will be restricted or stopped until proper protocols are met, as described below: ▫ Work at the location of the find shall halt immediately within fifty feet of the find. If an archaeologist is not present at the time of the discovery, the applicant shall contact an archaeologist for evaluation of the find to determine whether it qualifies as a unique archaeological resource as defined by this chapter;	

Impact	Mitigation Measure(s)	Residual Impact

- If the find is determined not to be a Unique Archaeological Resource, construction can continue. The archaeologist shall prepare a brief informal memo/letter in collaboration with a tribal representative that describes and assesses the significance of the resource, including a discussion of the methods used to determine significance for the find;
- If the find appears significant and to qualify as a unique archaeological resource, the archaeologist shall determine if the resource can be avoided and shall detail avoidance procedures in a formal memo/letter; and
- If the resource cannot be avoided, the archaeologist in collaboration with a tribal representative shall develop within forty-eight hours an action plan to avoid or minimize impacts. The field crew shall not proceed until the action plan is approved by the Development Services Director. The action plan shall be in conformance with California Public Resources Code 21083.2. An archaeologist shall be on-call during ground disturbing activities. Where historical or archaeological artifacts are found, work in areas where remains or artifacts are found will be restricted or stopped until proper protocols are met, as described below:

- The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply. If human remains are discovered, it is probable they are the remains of Native Americans.
  - If human remains are encountered, they shall be treated with dignity and respect as due to them. Discovery of Native American remains is a very sensitive issue and serious concern. Information about such a discovery shall be held in confidence by all project personnel on a need-to-know basis. The rights of Native Americans to practice ceremonial observances on sites, in labs and around artifacts shall be upheld.
  - Remains should not be held by human hands. Surgical gloves should be worn if remains need to be handled.
  - Surgical masks should also be worn to prevent exposure to pathogens that may be associated with the remains.
- In the event that known or suspected Native American remains are encountered, or significant historic or archaeological materials are discovered, ground-disturbing activities shall be immediately stopped. 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.
- 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

Impact	Mitigation Measure(s)	Residual Impact
	discovery, by the monitoring archaeologist and tribal representative (typically twenty-five to fifty feet for single burial or archaeological find). ▪ 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. ▪ 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) ▪ 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. ▪ 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.) ▪ Within 24 hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose. ▪ Within 24 hours of their notification by the NAHC, the MLD may recommend to the City's 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. ▪ If the MLD recommendation is rejected by the City of Morgan Hill the parties will attempt to mediate the disagreement with the NAHC. If mediation fails, then the remains and all associated grave offerings shall be reburied with appropriate dignity on the property in a location not subject to further subsurface disturbance.	

[1] The analysis for Tribal Cultural Resources and this mitigation measure are included in the Initial Study prepared for this project (Appendix A).

Table ES-3 Summary of Mitigation Measures Included from the 2005 EIR

Topic	Mitigation Measure(s)
Aesthetics	**Mitigation 3.1-1.** The project applicant shall prepare and submit a detailed exterior lighting plan that indicates the location and type of lighting that will be used at the project site. The lighting plan shall be consistent with Section 18.74.370 of the [2005] City of Morgan Hill Municipal Code. All external lighting shall be indicated on project improvement plans, subject to review and approval by the City of Morgan Hill.
Biological Resources	**Mitigation 3.4-1a.** The project applicant shall retain a qualified biologist approved by the City of Morgan Hill to conduct a preconstruction survey for nesting burrowing owls at the project site no more than 30 days prior to ground disturbance. Depending on whether construction will begin during the nesting season (typically February 1st through August 30th), any owls inhabiting the site shall either: (a) during the nesting season be protected from disturbance through establishment of avoidance areas where no personnel or equipment are allowed to enter within a certain distance of the occupied burrow (distance determined by the biologist onsite following Burrowing Owl Consortium recommendations) or (b) outside of the nesting season be excluded and/or passively relocated by the biologist. Also, the qualified biologist shall be present during all phases of initial ground clearing to monitor for the presence of burrowing owl. Should a previously undetected owl emerge during clearing, all activity in the vicinity of the burrow (distance to be determined by the biologist) shall cease until the proper avoidance/exclusion measures are implemented, and the biologist deems disturbance potential to be minimal. **Mitigation 3.4-1b.** The project applicant shall compensate for loss of burrowing owl habitat located at the site by complying with the Citywide Burrowing Owl Habitat Mitigation Plan and fee program (Morgan Hill 2003). **Mitigation 3.4-2.** If proposed construction activities are planned to occur during the nesting seasons for local avian species (typically February 1st through August 31st), the project applicant shall retain a qualified biologist approved by the City to conduct a focused survey for active nests of raptors and migratory birds in the vicinity (i.e., any suitable breeding habitat in accessible parcels adjacent to the project area that the biologist deems could be disturbed by construction activities) of the construction area no more than 30 days prior to ground disturbance. If active nests are located during preconstruction surveys, construction activities shall be restricted as deemed necessary by the qualified biologist to avoid disturbance of the nest until it is abandoned, or the biologist deems disturbance potential to be minimal. Restrictions may include establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius of 250 feet around the nest) or alteration of the construction schedule. No action is necessary if construction will occur during the nonbreeding season (generally September 1st through January 31st) **Mitigation 3.4-3.** The project applicant shall retain a qualified biologist approved by the City of Morgan Hill to conduct a focused preconstruction survey for possible roost sites of special-status bat species in the project area. The survey shall be conducted no more than 45 days prior to the onset of ground disturbance or major construction activities. If bat species or roosts are identified in the project area during preconstruction surveys, the biologist in coordination with the applicant shall (at a minimum): a) Identify species present in the roost (this may require the assistance of a biologist who specializes in bat ecology) b) Install bat boxes at a location determined through obtaining technical guidance from the USFWS and/or DFG (box specifications and number to be determined based on the size of the roost and type of species present) c) Install one-way bat doors at the roost to prohibit bat re-entry once the bat boxes are available. Additionally, the applicant shall postpone any project-related activity that would damage or disturb the roost site until the biologist deems no bat species to be in jeopardy. The project applicant, to the extent possible, shall also implement USFWS and/or DFG recommendations (obtained through technical guidance) for minimizing the potential to take bat species during construction. If bat species are not identified onsite during the preconstruction survey, no further action is necessary.

Topic	Mitigation Measure(s)
Cultural Resources	**Mitigation 3.5-1a.** Should any previously undisturbed cultural, historic, or archaeological resources be uncovered in the course of site preparation, clearing or grading activities, all operations within 150 feet of the discovery shall be halted until such time as a qualified professional archaeologist can be consulted to evaluate the find and recommend appropriate action. If the find is determined to be significant, appropriate mitigation measures shall be formulated by the City of Morgan Hill and implemented by the project applicant. **Mitigation 3.5-1b.** In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the Coroner of Santa Clara County has determined whether the remains are subject to the Coroner's authority. This is in accordance with Section 7050.5 of the [2005] California Health and Safety Code. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of identification. Pursuant to Section 5097.98 of the [2005] Public Resource Code, the Native American Heritage Commission will identify a "Native American Most Likely Descendent" to inspect the site and provide recommendations for the proper treatment of the remains and any associated grave goods.
Geology and Soils	**Mitigation 3.6-1.** Structural damage to buildings resulting from ground shaking shall be minimized by following the requirements of the California Building Code and implementing the recommendations of the project geotechnical engineer. Structures at the site shall be designed and constructed to withstand anticipated earthquake loads. A structural engineer, experienced in the design and construction of commercial structures in areas of high seismicity, shall be retained by the project applicant to provide design and construction recommendations, as required by the City of Morgan Hill. Any such recommendations shall be made in conjunction with Final Map submittals. **Mitigation 3.6-2.** All proposed structures at the project site shall be evaluated for liquefaction potential on a case-by-case basis as part of subsequent design-level geotechnical engineering investigations. If there is determined to be a potential for liquefaction, mitigation will be accomplished through compliance with the recommendations contained in the design-level geotechnical engineering reports with recommendations included as specifications in the construction contract documents. **Mitigation 3.6-3.** Near-surface soils beneath buildings, exterior slabs, and pavements shall be over-excavated and recompacted, in accordance with the specifications to be recommended by the project geotechnical engineer. The depth of required over-excavation will vary depending on whether the improvements to be supported consist of building pads or foundations, exterior slabs on grade, or pavement areas. **Mitigation 3.6-4.** The effects of soil compressibility and collapse potential shall be mitigated through over-excavation and compaction of soil beneath proposed structures, in accordance with the specifications to be recommended by the project geotechnical engineer. The depth of required over-excavation will vary depending on whether the improvements to be supported consist of building pads or foundations, exterior slabs on grade, or pavement areas. **Mitigation 3.6-5.** All final design specifications to be recommended by the project geotechnical engineer shall be incorporated into the project design, including placement of non-expansive engineered fill below foundation slabs, and other measures to prevent saturation of soils beneath structures to be specified by the geotechnical report. **Mitigation 3.6-6.** The proposed project shall utilize corrosion-resistant materials in construction. Buried metal objects would be protected by selecting materials resistant to mild corrosion per manufacturers' specifications. **Mitigation 3.6-7.** Design-level geotechnical studies shall investigate the potential of bank instability at the proposed stormwater detention basins and recommend appropriate setbacks, if warranted. Final design recommendations to be recommended by the project geotechnical engineer shall be included as specifications in the construction contract documents.

Topic	Mitigation Measure(s)
Hydrology and Water Quality	**Mitigation 3.8-1.** Prior to occupancy of the structures, the project applicant shall prepare an emergency evacuation plan for the proposed project. The emergency evacuation plan procedures shall be developed jointly with the project owner, City public safety staff, and potential tenants/users to identify appropriate emergency procedures in order to ensure the efficient and safe evacuation of employees and customers. **Mitigation 3.8-2.** The project applicant shall prepare a comprehensive erosion control and water pollution prevention program, subject to review and approval by the City of Morgan Hill Public Works Department. This erosion and water pollution prevention program shall be implemented during grading and construction activities at the project site. **Mitigation 3.8-3.** The proposed project shall include structural and non-structural stormwater controls, in order to reduce non-point source pollutant loads. Specifically, the detention ponds planned at the northern end of the project site to temporarily store post-development runoff shall be designed to provide water quality treatment through settling of sediments prior to the discharge of the stormwater to Cochrane Channel. These dual-purpose ponds will provide both stormwater detention and water quality treatment, to a sufficient level to comply with the amended Provision C.3 of the SCVURPPP NPDES Phase 2 Permit requirements, if those requirements are deemed to be applicable to the proposed project (see Section 3.8.2 Regulatory Setting, above, for a full discussion). Additional post-construction BMPs to be implemented will include, but not be limited to, the following: ▪ Impervious surfaces such as roads, parking lots, and driveways shall be routinely cleaned during both the "wet" and "dry" seasons to limit the accumulation of "first flush" contaminants. ▪ Features such as detention ponds shall be utilized to capture pollutants before the stormwater runoff enters the storm drainage system. ▪ Engineered products, such as storm drain inlet filters, oil/water separators, etc., shall be utilized to capture pollutants before the stormwater runoff enters the storm drainage system. ▪ The developer shall distribute educational materials to the first tenants of properties included in the project development. These materials shall address good housekeeping practices relating to stormwater quality, prohibited discharges, and proper disposal of hazardous materials. ▪ Common landscaped areas shall be subject to a program of efficient irrigation and proper maintenance, including minimizing use of fertilizer, herbicides and pesticides. ▪ The project tenants and users shall implement a trash management and litter control program to mitigate the impacts of gross pollutants on stormwater quality. This program shall include litter patrol, emptying trash receptacles in common areas, and reporting and investigating trash disposal violations. ▪ Storm drain inlets shall be labeled with the phrase "No dumping – flows to Bay," or a similar phrase to mitigate the impact of potential for discharges of pollutants to the storm drain system. Restaurants in the development shall be designed to include contained areas for cleaning mats, containers and sinks connected to the sanitary sewers. Grease shall be collected and stored in a contained area and shall be removed regularly by a disposal recycling service. To this end, sinks shall be equipped with grease traps to provide for its collection.
Utilities and Service Systems	**Mitigation 3.13-1.** Subject to review and approval by the City of Morgan Hill, the project applicant shall locate and maintain recycling receptacles for corrugated cardboard, mixed paper, food and beverage containers, and landscaping waste. Such receptacles shall be located adjacent to the garbage dumpsters serving the businesses or maintenance personnel generating such waste. Contracts for the collection of these recyclables shall also be maintained as available.

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1 Introduction

This document is an Environmental Impact Report (EIR) that has been prepared as a Subsequent EIR (SEIR) to the Cochrane Road Planned Unit Development Project 2005 EIR (2005 EIR, State Clearinghouse Number 2004112060). The proposed Cochrane Commons Phase II Project is hereafter referred to as the "proposed project" or "project."[1] The project would involve construction of Phase II of the Cochrane Commons development on the undeveloped site adjacent to the completed Phase I. The Phase II project currently proposed is different from the originally proposed Phase II that was analyzed in the 2005 EIR. The Phase II project would consist of 498 residential units, consisting of a mix of townhomes and apartments, 135,000 square feet of retail space, a 140-room hotel. The General Plan land use designation would be amended from Commercial to Mixed Use Flex and the zoning from Highway Commercial/Planned Unit Development to Mixed Use Flex/Planned Development for the Phase II development area.

This section discusses (1) the basis for the preparation of a SEIR, (2) the legal basis for preparing a SEIR, (3) the environmental review background of the SEIR, (4) the scope and content of the SEIR, (5) the issue areas found not to be significant by the Initial Study, (6) the lead, responsible, and trustee agencies, and (7) the environmental review process required under the California Environmental Quality Act (CEQA). The proposed project is described in detail in Section 2, *Project Description*.

1.1 Basis for a SEIR

When an EIR has been adopted and a project is modified or expanded upon, additional CEQA review may be necessary. The key considerations in determining the need for the appropriate type of additional CEQA review are outlined in *CEQA Guidelines* Section 15162:

(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

[1] In the Initial Study prepared for the project (Appendix A), the Cochrane Commons Phase II Project is also referred to as the "modified project."

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise, the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.

(c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subdivision (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.

(d) A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.

As discussed in Section 2, *Project Description*, the proposed project would involve substantial changes to the project analyzed in the 2005 EIR, including adding new residential uses and a hotel. Therefore, the City has determined that the preparation of a SEIR is the appropriate approach to CEQA compliance. Consistent with *CEQA Guidelines* Section 15150, the 2005 EIR is incorporated into this document by reference.

1.2 Purpose and Legal Authority

The proposed project requires the discretionary approval of the City of Morgan Hill Planning Commission; therefore, the project is subject to the environmental review requirements of CEQA. Pursuant to Section 15121 of the *CEQA Guidelines* (California Code of Regulations, Title 14), the purpose of this EIR is to serve as an informational document that:

> "will inform public agency decision makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project."

As discussed above, this document is a SEIR to the 2005 EIR pursuant to Sections 15162 and 15163 of the *CEQA Guidelines*. A SEIR is appropriate when, "Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects."

This SEIR is intended to serve as an informational document for the public and City of Morgan Hill decision-makers. The process will include public hearings before the Planning Commission and the City Council to consider certification of a Final SEIR and approval of the proposed project.

1.3 Environmental Impact Report Background

In 2005, the City of Morgan Hill certified the Final EIR for the Cochrane Road Planned Unit Development Project 2005 EIR (2005 EIR, State Clearinghouse Number 2004112060). This project included development of 590,100 square feet of retail space, a 12-pump gas station, and a 63,200-square-foot movie theatre. The project was proposed to be built out in two phases, with the first phase covering the southwest portion of the site and the second phase (the project that is the subject of this SEIR) covering the northeast portion of the site. Construction of Phase I of the project was completed in 2007, consisting of 262,560 square feet of commercial retail, including a 127,732-square-foot Target store. Two commercial structures were also constructed on the eastern portion of the project site in the Phase II area and are currently occupied by a gas station and fast-food restaurant. In total, 303,429 square feet of retail space has been constructed, along with the gas station.

The City of Morgan Hill distributed a Notice of Preparation (NOP) of the EIR for a 30-day agency and public-review period (December 3, 2021 to January 3, 2022). In addition, the City held an EIR Scoping Meeting on December 16, 2021. The meeting, held from 6:00 p.m. to 6:30 p.m., was aimed at providing information about the proposed project to members of public agencies, interested stakeholders and residents/community members. The meeting was held via a Zoom video conference. The City received three letters from agencies and three from the public in response to the NOP during the public-review period, as well as various verbal comments during the EIR Scoping Meeting. The NOP is provided in Appendix B of this EIR, along with the Initial Study that was prepared for the project and the NOP responses received. Table 1-1 on the following page summarizes the content of the letters and verbal comments and where the issues raised are addressed in the EIR.

Table 1-1 NOP Comments and EIR Response

Commenter	Comment/Request	How and Where It Was Addressed
Agency Comments		
Santa Clara Valley Water District	Requests review of the runoff analysis from the 2005 EIR to consider proposed changes to Phase 2 of the Cochrane Commons development.	This topic is addressed in Section 15, *Hydrology and Water Quality,* in the Initial Study included as Appendix A.
	Requests that a Water Supply Assessment (WSA) be incorporated into the EIR and requests review of the WSA to comment on consistency with countywide water supply planning efforts.	Water supply is addressed in Section 15, *Hydrology and Water Quality,* in the Initial Study included as Appendix A.

Commenter	Comment/Request	How and Where It Was Addressed
	Requests that consideration of implementation measures from the Model Water Efficient New Development Ordinance be given to minimize water and energy use associated with new construction.	Energy use and water supply are addressed in Section 6, *Energy* and Section 15, *Hydrology and Water Quality,* respectively in the Initial Study included as Appendix A.
	Concerns that development of the project site will reduce natural groundwater recharge and suggests incorporating Low Impact Development/Green Infrastructure best practices to improve draining while maintaining ground and surface water quality.	Impacts related to groundwater are addressed in Section 15, *Hydrology and Water Quality,* in the Initial Study included as Appendix A.
California Department of Transportation (Caltrans)	Primary and secondary effects on pedestrian, bicycle, travelers with disabilities, and transit performance should be evaluated.	Transportation impacts are addressed in Section 4.2, *Transportation and Circulation*, of the SEIR and a Transportation Analysis is provided as Appendix D.
	Requests that the vehicle miles traveled (VMT) analysis should be conducted pursuant to the City's guidelines. Mitigation measures for potential increases in VMT should encourage the use of transit and active transportation modes.	
	Classification of the intensity of events/reception to be held at the location and the associated travel demand and VMT mitigations should be included.	
	Requests project-generated travel demand and estimated costs of transit and active transportation improvements necessitated by the project be evaluated. Encourages contributions to be made toward multimodal and regional transit improvements will aide with mitigation.	
	Requests that state right-of-way project-related temporary access points be analyzed.	
	Requests discussion of utilities that are proposed, moved or modified in Caltrans' right-of-way.	
	Requests that the project's contribution, financing, scheduling, implementation responsibilities, and lead agency monitoring be fully discussed for all mitigation measures.	
	Requests that of any Caltrans facilities are impacted by the project, those facilities meet American Disabilities Act Standards after project completion.	

Commenter	Comment/Request	How and Where It Was Addressed
	Advises that any permanent work or temporary traffic control that encroaches onto the state right-of-way receive the required Caltrans-issued encroachment permit.	
County of Santa Clara, Roads and Airports Department	Requests that mitigation measures for impacted County facilities as a result of the project be provided in the EIR.	Impacts related to transportation are addressed in Section 4.2, *Transportation and Circulation*, of the SEIR, and a Transportation Analysis is provided as Appendix D.
	Asks if the City of Morgan Hill has adopted a mitigation monitoring and reporting program (MMRP) as identified in the Mitigation Monitoring Section of the 2005 EIR.	A MMRP will be adopted by the City of Morgan Hill at the time of certification of the SEIR.
Tamien Nation	Request for tribal consultation from the Tamien Nation to discuss alternatives, mitigation measures, significant effects, significance of tribal cultural resources and project impacts on these resources, and the environmental review.	Consultation required by Assembly Bill 52 and State Bill 18 was carried out by the City of Morgan Hill. This topic is discussed in Section 5, *Cultural Resources* and Section 18, *Tribal Cultural Resources*, of in the Initial Study and a Cultural Resources Report is provided as Appendix CUL.
Public Comments		
Traffic	Concerns that the project will increase traffic on and off the Cochrane Road exit off U.S. 101.	Air quality impacts are addressed in Section 3, *Air Quality*, in the Initial Study included in Appendix A, and traffic conditions are addressed in Section 4.2, *Transportation and Circulation*, of the SEIR. A traffic analysis is also included as Appendix D
	Requests that electric vehicle charging stations are included in the plan.	Project details are included in Section 2, *Project Description,* of this SEIR.
Air Resources	Concerns that additional traffic will cause air pollution.	Air quality impacts are addressed in Section 3, *Air Quality*, in the Initial Study included in Appendix A.
Land Use and Planning	Concerns regarding the proposed rezoning and land uses.	Land use and planning impacts are addressed in Section 11 of the Initial Study included in Appendix A.

EIR = Environmental Impact Report; WSA = Water Supply Assessment; VMT = vehicle miles travelled; ROW = right-of-way; MMRP = Mitigation Monitoring and Reporting Program; SEIR = Subsequent Environmental Impact Report

1.4 Scope and Content

This SEIR addresses the following environmental issue areas, as well as other CEQA-mandated issues (i.e., cumulative impacts, growth-inducing impacts, significant unavoidable impacts, alternatives):

- Greenhouse Gas Emissions
- Transportation

The Initial Study (Appendix A to this SEIR) addresses other issue areas listed in Appendix G of the *CEQA Guidelines*. The alternatives section of the SEIR (Section 6) was prepared pursuant to *CEQA Guidelines* Section 15126.6 and focuses on alternatives that are capable of eliminating or reducing significant adverse effects associated with the project while feasibly attaining most of the basic project objectives. In addition, the alternatives section identifies the “environmentally superior”

alternative among the alternatives assessed. The alternatives evaluated include the CEQA-required "No Project" alternative (analyzing both continuation of existing conditions and buildout as allowed under the General Plan) and one alternative development scenario for the project area.

The level of detail contained throughout this SEIR is consistent with the requirements of CEQA and applicable court decisions. Section 15151 of the *CEQA Guidelines* provides the standard of adequacy on which this document is based. The *CEQA Guidelines* state:

> An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of the proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good faith effort at full disclosure.

In preparing the SEIR, use was made of pertinent policies and guidelines, certified EIRs and adopted CEQA documents, and other background documents, including the 2005 EIR available on the City's website located at: http://www.morgan-hill.ca.gov/2259/Cochrane-Commons-Phase-2. A full reference list is contained in Section 7, *References*.

CEQA Baseline

For issues analyzed in the Initial Study, the analysis compared impacts of the proposed project to the approved project analyzed in the 2005 EIR. For the issues of greenhouse gas (GHG) emissions and vehicle miles traveled (VMT) which have been recently added as environmental topics for analysis pursuant to CEQA and therefore were not analyzed in the 2005 EIR, this SEIR compares impacts of the project to existing conditions. The CEQA baseline for Section 4.2, *Transportation*, is also existing conditions, because the proposed project would include new land uses that were not analyzed in the 2005 EIR. In addition, onsite circulation and site access would differ.

1.5 Issues Not Studied in Detail in the EIR

An environmental checklist (Initial Study) was prepared for the project to determine issue areas to be discussed in this SEIR. The Initial Study is included as Appendix A of this EIR. As indicated in the Initial Study, there is no substantial evidence that significant impacts would occur in any of the following issue areas: Aesthetics, Agricultural and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, and Tribal Cultural Resources, Utilities and Service Systems, and Wildfire. The Initial Study is included in Appendix A.

1.6 Lead, Responsible, and Trustee Agencies

The *CEQA Guidelines* define lead, responsible, and trustee agencies. The City of Morgan Hill is the lead agency for the project, because it holds principal responsibility for approving the project.

A responsible agency refers to a public agency other than the lead agency that has discretionary approval over the project. There are no responsible agencies for the proposed project. However, state, regional and/or local government permits may be required for development of the project,

whether or not they are explicitly listed below. State and regional agencies that may have jurisdiction over some aspects of the project include (but are not limited to):

- Bay Area Air Quality Management District (BAAQMD)

The SEIR will also be submitted to this agency for review and comment.

A trustee agency refers to a state agency having jurisdiction by law over natural resources affected by a project. *CEQA Guidelines* Section 15386 designates four agencies as trustee agencies: California Department of Fish and Wildlife (CDFW) with regards to fish and wildlife, native plants designated as rare or endangered, game refuges, and ecological reserves; the State Lands Commission with regard to state-owned "sovereign" lands, such as the beds of navigable waters and state school lands; the California Department of Parks and Recreation with regard to units of the state park system; and, the University of California with regard to sites in the Natural Land and Water Reserves System. There are no trustee agencies for the proposed project.

1.7 Environmental Review Process

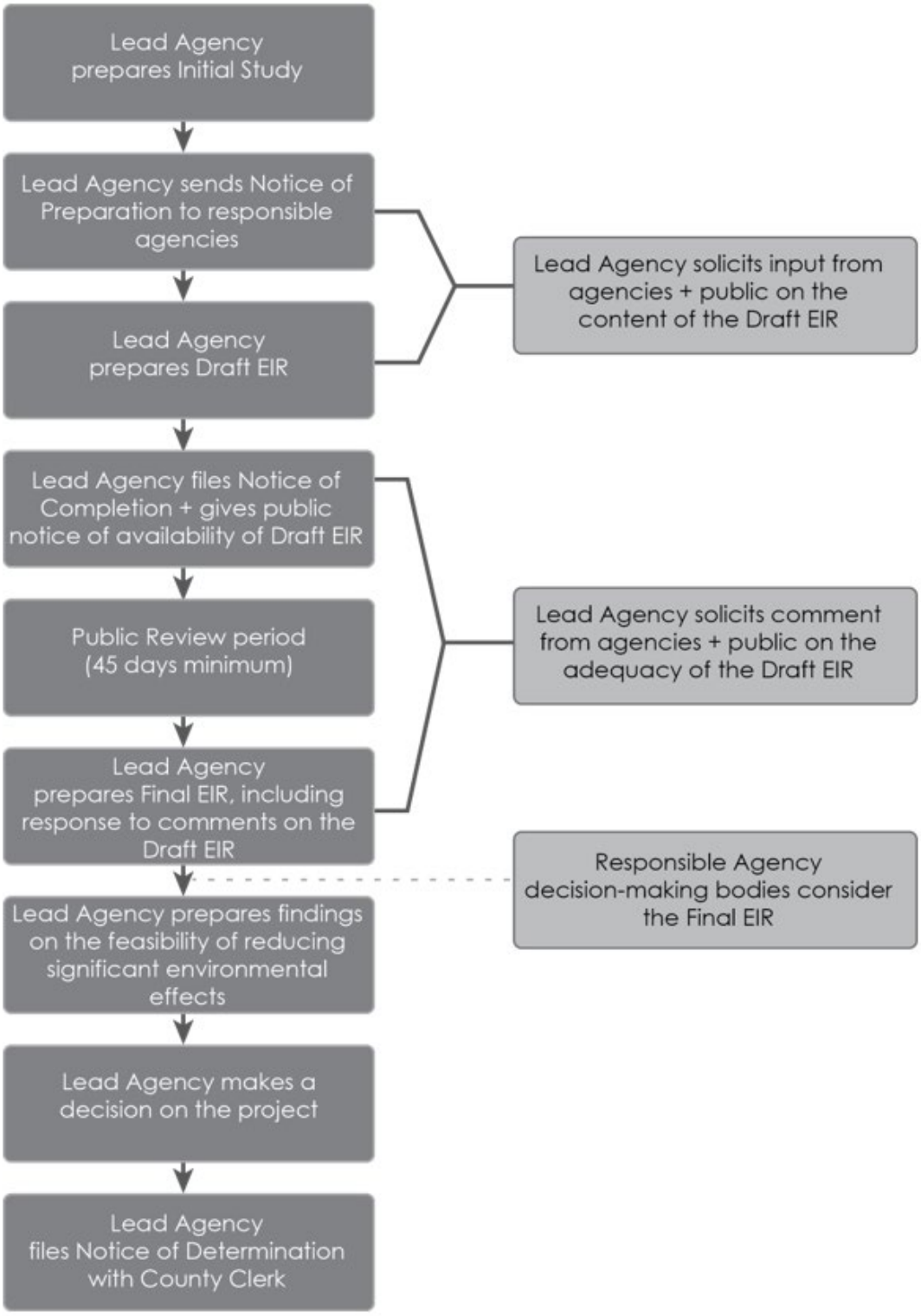
The environmental impact review process, as required pursuant to CEQA, is summarized below and illustrated in Figure 1-1. The steps are presented in sequential order.

1. **Determination that SEIR is warranted**. When an EIR has been certified for a project, a lead agency must determine if a SEIR should be prepared due to substantial changes to the project, circumstances under which the project was approved, or new information. As described in Section 1.1, Basis for a SEIR, the proposed project would involve substantial changes that will require major revisions to what was analyzed on the project site in the 2005 EIR. Therefore, the City has determined that the preparation of a SEIR is the appropriate approach to CEQA compliance.
2. **NOP and Initial Study**. After deciding that an EIR is required, the lead agency (City of Morgan Hill) must file a NOP soliciting input on the EIR scope to the State Clearinghouse, other concerned agencies, and parties previously requesting notice in writing (*CEQA Guidelines* Section 15082, Public Resources Code Section 21092.2). The NOP must be posted in the County Clerk's office for 30 days. The NOP may be accompanied by an Initial Study that identifies the issue areas for which the project could create significant environmental impacts.
3. **Draft SEIR**. The Draft SEIR must contain a) table of contents or index, b) summary, c) project description, d) environmental setting, e) discussion of significant impacts (direct, indirect, cumulative, growth-inducing and unavoidable impacts), f) a discussion of alternatives, g) mitigation measures, and h) discussion of irreversible changes.
4. **Notice of Completion (NOC)**. The provisions of Sections 15085(a) and 15087(a)(1) of the *CEQA Guidelines* require that as soon as the Draft SEIR is completed, the lead agency must file a NOC with the Office of Planning and Research (OPR) and that a public Notice of Availability (NOA) be provided to all organizations and individuals who have previously requested notification. The City, serving as the lead agency, provided the NOC to OPR and circulated an NOA of the Draft SEIR to public agencies, special districts, tribal representatives, organizations, and individuals that commented on the NOP and/or requested to be kept informed of the proposed project.
5. **Final SEIR**. A Final SEIR consists of the Draft SEIR; revisions to the Draft SEIR; responses to comments addressing concerns raised by individuals, organizations, and public agencies or other reviewing parties; and a Mitigation Monitoring and Reporting Program (MMRP). According to

the Public Resources Code Section 21081.6, for projects in which significant impacts would be minimized by mitigation measures, the lead agency must include a Mitigation, Monitoring, and Reporting Program (MMRP). The purpose of an MMRP is to ensure compliance with required mitigation measures during implementation of the project. After the Final SEIR is completed, and at least 10 days prior to its certification, a copy of the response to comments on the Draft SEIR must be provided or made available to all commenting public agencies.

6. **Certification of Final SEIR**. Prior to making a decision on the proposed project, the lead agency must certify that (a) the Final SEIR has been completed in compliance with CEQA, (b) the Final SEIR was presented to the decision-making body of the lead agency, and (c) the decision-making body reviewed and considered the information in the Final SEIR prior to approval (*CEQA Guidelines* Section 15090).
7. **Lead Agency Project Decision**. The lead agency may (a) disapprove the project because of its significant environmental effects, (b) require changes to the project to reduce or avoid significant environmental effects, or (c) approve the project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted (*CEQA Guidelines* Section 15042 and Section 15043).
8. **Findings/Statement of Overriding Considerations**. For each significant impact of the proposed project identified in the SEIR, the lead agency must find, based on substantial evidence, that either (a) the 2005 EIR has been changed to avoid or substantially reduce the magnitude of the impact, (b) changes are in another agency's jurisdiction and such changes have or should be adopted, or (c) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible (*CEQA Guidelines* Section 15091). If an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations that sets forth the specific social, economic, or other reasons supporting the agency's decision.
9. **MMRP**. When the lead agency makes findings on significant effects identified in the EIR, it must adopt a reporting or monitoring program for mitigation measures that were adopted or made conditions of project approval to mitigate significant effects.
10. **Notice of Determination (NOD)**. The lead agency must file a NOD after deciding to approve a project for which a SEIR is prepared (*CEQA Guidelines* Section 15094). A local agency must file the NOD with the County Clerk. The NOD must be posted for 30 days and sent to anyone previously requesting notice. Posting of the NOD starts a 30-day statute of limitations on CEQA legal challenges (Public Resources Code Section 21167[c]).

Figure 1-1 Environmental Review Process



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2 Project Description

This section describes the proposed project, including the project applicant, the project site and surrounding land uses, major project characteristics, project objectives, and discretionary actions needed for approval.

2.1 Project Sponsor

Browman Development
1556 Parkside Drive
Walnut Creek, California 94596

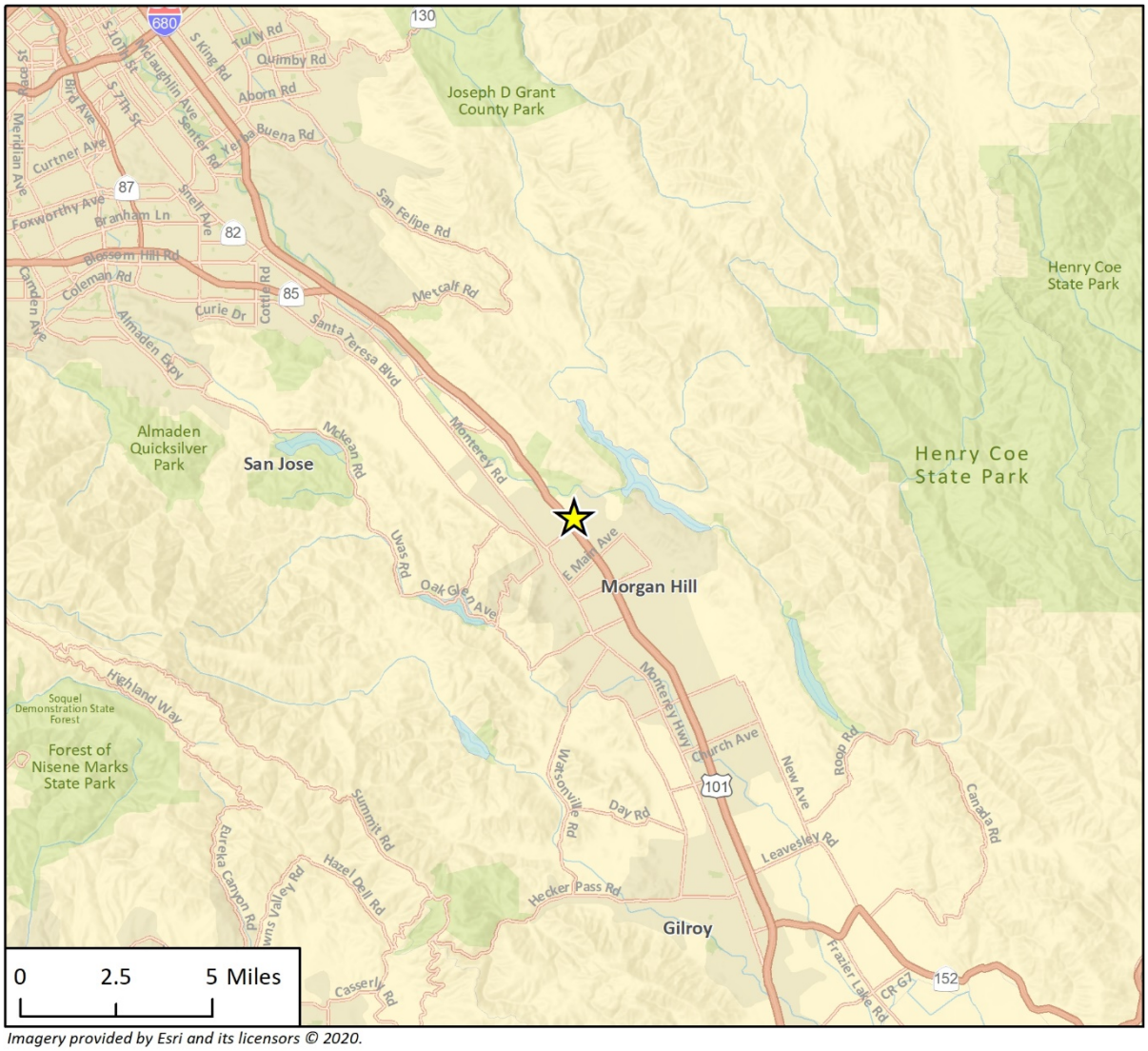
2.2 Lead Agency Contact Person

Jennifer Carman, Development Services Director
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, California 95037
(408) 778-6480

2.3 Project Location

The project site is located at the southwest corner of Mission View Drive and Cochrane Road in the City of Morgan Hill. The site is approximately 33.5 acres and is located just north of Phase I of the Cochrane Commons Shopping Center (Shopping Center). It is bound by De Paul Drive to the south, Cochrane Road to the east, Mission View Drive to the north, and adjacent agriculture, single-family residential, and industrial development to the west. The site is located on the northern edge of the City of Morgan Hill and is approximately 800 feet north of U.S. Highway 101 (U.S. 101). Figure 2-1 shows the regional location of the project site, and Figure 2-2 shows the location of the site in its neighborhood context.

Figure 2-1 Regional Location



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Project Location

N

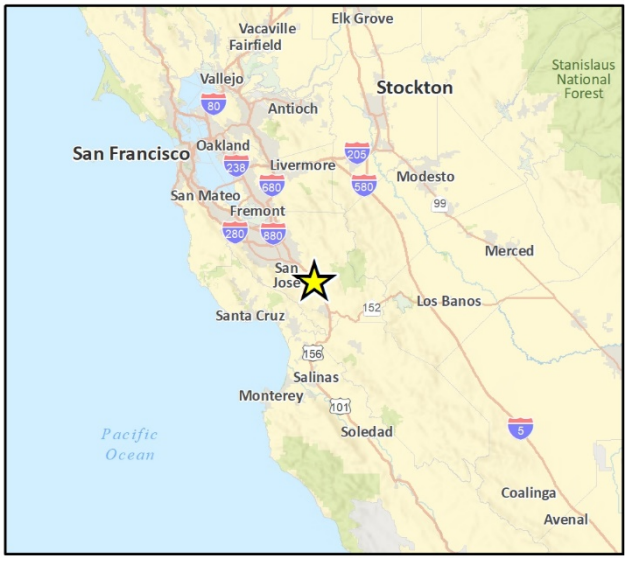

Figure 2-2 Project Site Location

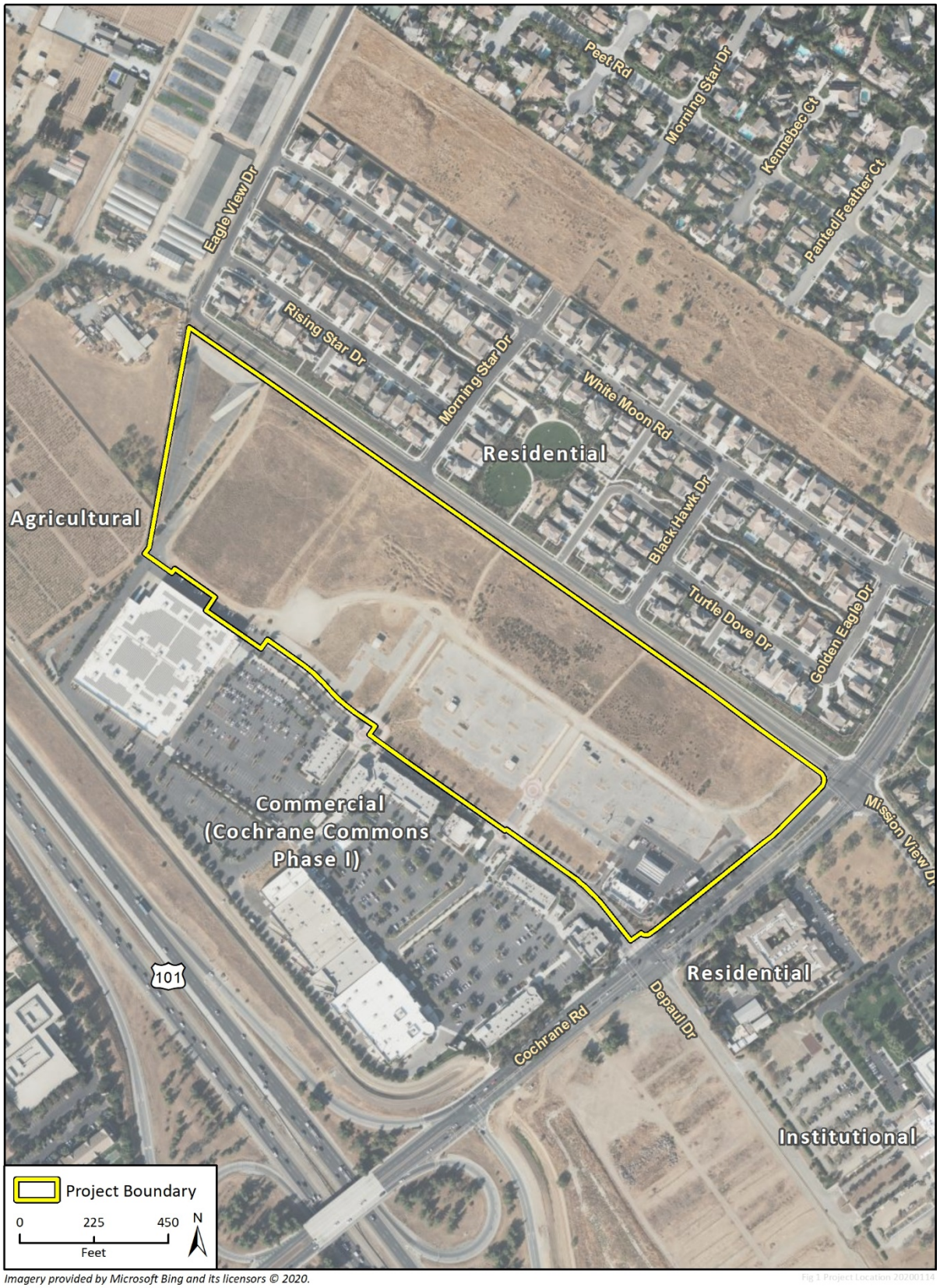

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Fig 1 Project Location 20200114

2.4 Existing Site Characteristics

2.4.1 Site Conditions

The project site is located in an urbanized area and is generally flat, with an average elevation of 388 feet above mean sea level. There are two existing commercial structures in the southern portion of the site, which are occupied by a gas station and a Burger King restaurant. The central and southern areas of the site are partially developed with parking lots, roadways, and paved areas, as shown in Figure 2-2. Street trees are planted along Cochrane Road fronting Burger King, the gas station, and De Paul Drive along the southern portion of the site. The southeast corner of the site near the two existing commercial tenants is landscaped with ornamental trees and shrubs. The remainder of the site is undeveloped and contains ruderal vegetation, primarily mowed grasses and shrubs.

2.4.2 Current Land Use and Zoning Designations

The project site is split between two City of Morgan Hill 2035 General Plan land use designations. The northwest corner of the site is designated Mixed Use Flex (7 to 24 dwelling units/acre) with the remainder designated Commercial. The Commercial designation allows a wide range of retail businesses, administrative and executive office uses, and professional services, either in standalone buildings or as part of shopping centers. It allows a maximum floor area ratio of 0.6. The Mixed Use Flex land use designation allows for a mix of residential, commercial, and office uses, with 7 to 24 dwelling units per acre and a maximum floor area ratio of 0.5. (Morgan Hill 2016).

The project site is zoned as Highway Commercial (CH), which seeks to provide areas adjacent to the freeway that can accommodate highway and tourist-oriented uses, and allows business services, restaurants and cafes, hotels, offices, retail services, and other related facilities (Morgan Hill 2018). Additionally, the project site has a Planned Unit Development (PUD) Legacy Zone, which is a zoning district applied to the property prior to July 7, 2018 and remains the zoning in effect for the property (Morgan Hill 2018).

2.4.3 Surrounding Land Uses

Parcels to the east of the project site have a land use designation of Commercial and Commercial/Industrial and are zoned as General Commercial and Public Facilities with a PUD overlay. Parcels south of the project site include Phase I of the Shopping Center, which has a Commercial land use designation and is zoned CH with the PUD overlay. Parcels west of the site are located in Santa Clara County and the City of Morgan Hill's sphere of influence. These parcels have a land use designation of Rural County. Parcels to the north of the site have a land use designation of Residential Detached Medium (up to 7 dwelling units/acre) and are zoned Residential Detached Medium Density (RDM 9,000 or 7,000) with a Planned Development (PD) overlay.

Surrounding development includes detached single-family houses to the north, senior living apartments to the east, commercial retail in Phase I of the Shopping Center to the south, and single-family and industrial structures within agricultural operations to the west. Buildings range in height from one to two stories.

2.5 Project Characteristics

The project would involve construction of Phase II of the Cochrane Commons development on the undeveloped site adjacent to the completed Phase I. The Phase II project currently proposed is

different from the originally proposed Phase II that was analyzed in the 2005 EIR. The project would consist of 498 residential units, consisting of a mix of townhomes and apartments, 135,000 square feet of retail space, and a 140-room hotel. To facilitate the Phase II project changes, amendments to the General Plan land use designation and zoning is required. The General Plan land use designation would be changed from Commercial to Mixed Use Flex and the zoning would be changed from CH/PUD to MU-F/PD. The residential uses would be located in the northern and middle portion of the project site and the hotel and commercial retail would be located in the southern portion. The project would also include various onsite amenities for residents. A courtyard with outdoor open space would be provided near the proposed apartment units. A clubhouse, recreation hall, and swimming pool would also be provided for onsite residents. Table 2-1 details the breakdown of proposed uses and square footage.

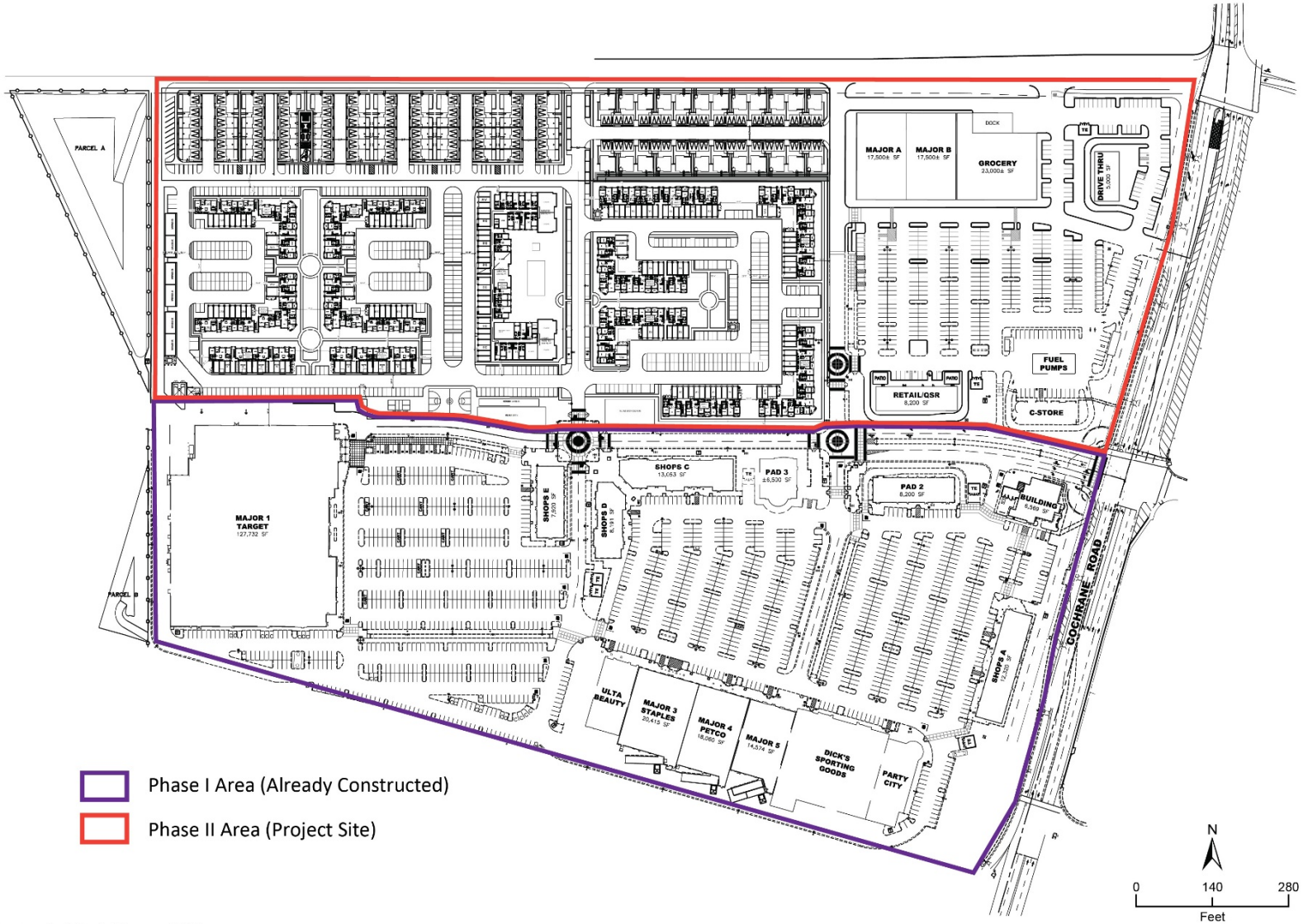
Table 2-1 Project Summary

Project Component	Size or Unit Amount
Residential	
Townhomes/Apartments	498
Commercial	
Hotel	140 rooms
Retail	135,000 square feet
Mixed Use Flex Zoning Information	
Maximum Floor Area Ratio	0.5
Maximum Height	35 feet
Residential Densities	7 to 24 units per acre
Maximum Building Coverage	50%

Site Access, Circulation, and Parking

Vehicles would access the project site primarily from De Paul Drive, which bisects the site horizontally from Cochrane Road. Access would be taken from two driveways off De Paul Drive leading to two central roadways which would connect to two driveways off Mission View Drive, as shown in Figure 2-3. An additional driveway would be located off Cochrane Road that would allow right-in and right-out vehicle movements. There would be a total of 1,367 parking spaces. Parking would be constructed in phases. During Construction Phase 1, the project would include 276 parking stalls for the proposed townhomes. During Construction Phase 2, 658 stalls would be added for the rental apartment units, and during Construction Phase 3, 433 stalls would be added for the proposed retail uses and hotel.

Figure 2-3 Proposed Conceptual Site Plan



Source: Architects Orange, 2022.

Grading and Drainage

The project area has been previously graded and would further be modified by additional grading with excavation estimated at 37,510 square feet and balanced onsite fill. Stormwater drainage would be directed to catch basins located throughout the project site and then conveyed via underground storm drainpipes to a stormwater detention pond along the northern project boundary. The storm drain system design would incorporate City standards for pipe sizes, maximum slopes, minimum flow velocities, and pipe material. The detention basin would be sized in accordance with the City's detention design criteria. Stormwater would be temporarily stored in the planned detention pond and pumped to the adjacent Cochrane Channel at discharge rates at or below pre-development levels, as required by the Santa Clara Valley Water District.

Landscaping and Trees

The project would involve new landscaping elements, including trees and vegetation along Mission View Drive and Cochrane Road, shrubs along the building perimeters and trees in parking areas. Additional trees and landscaping would be located in building courtyards. The landscaping plan would be subject to review and approval during the Design Permit process.

Electricity

Pursuant to Chapter 15.63 of Morgan Hill Municipal Code, new residences and structures developed under the proposed project would not utilize natural gas and would be designed to be all-electric. The project would also be designed to exceed state standards, but the percentage that would be exceeded is still to be determined.

Offsite Improvements

The project would include sidewalk and pavement improvements along road frontages that border the project site.

Construction

Construction would occur over three phases. Construction Phase 1 would consist of 104 units (175,000 square feet) of for-sale townhomes. Construction Phase 2 would consist of 394 units (410,000 square feet) of rental apartments. Construction Phase 3 would consist of the retail space and hotel. Construction would occur from March 2023 to September 2025 between the hours of 7 a.m. and 5 p.m. from Monday to Saturday. The construction schedule is detailed in Table 2-2. Construction would include 37,510 cubic yards of excavation, with balanced cut and fill.

Table 2-2 Construction Schedule

Phase of Construction	Dates	Phase 1	Phase 2	Phase 3
Site Preparation	Start Date: End Date:	3/2023 – 4/2023	3/2024 – 4/2024	3/2025 – 4/2025
Grading	Start Date: End Date:	5/2023 – 6/2023	5/2024 – 6/2024	5/2025 – 6/2025
Building Construction	Start Date: End Date:	7/2023 – 3/2025	7/2024 – 11/2024	4/2025 – 8/2025
Paving	Start Date: End Date:	6/2023 – 7/2023	6/2024 – 7/2024	6/2025 – 7/2025
Completion date for all construction	9/2025			

2.6 Project Objectives

The objectives of the project as proposed by the applicant include:

- Increasing the viability of the existing Cochrane Commons anchors and tenants
- Creating a vibrant and exciting place for the residents of Morgan Hill to live, work, and shop all in one place
- Assisting in protecting the tax revenue generated by the current and future tenants and the long-term viability of Morgan Hill's retailers
- Providing much needed variety to the city's housing stock in the form of market rate and below market rate affordable housing
- Encouraging the development of the remainder of the shopping center

2.7 Required Approvals

The City of Morgan Hill is the lead agency with responsibility for approving the project. Approval from other public agencies is not required. This SEIR is intended to provide the information and environmental analysis necessary to assist the City in considering the approvals and actions necessary to adopt and implement the project. Such actions include:

- **Certification of a SEIR.** Certify the Cochrane Commons Phase II SEIR and make environmental findings pursuant to CEQA
- **Amendment to Zoning and General Plan Designation.** Adopt an amendment to the zoning map and General Plan land use map to convert the Phase II development area to Mixed Use Flex
- **Adopt a revised Planned Development Combining District and associated Master Plan.** Adopt a revised PD and Master Plan for Phase II to allow the proposed uses.
- **Design Permit.** Review and Approve a Design Permit consistent with Master Plan.

2.8 Relationship of Proposed Project to Previous EIR Analysis

In 2005, an EIR was certified for the Cochrane Commons Shopping Center, a project that included development of 590,100 square feet of retail space, a 12-pump gas station, and a 63,200-square-

foot movie theatre. The project was proposed to be built out in two phases, with the first phase covering the southwest portion of the site and the second phase covering the northeast portion of the site. The 2005 EIR covered both Phase I and Phase II of project construction. Construction of Phase I of the project was completed in 2007, consisting of 262,560 square feet of commercial retail, including a 127,732-square-foot Target store. Two commercial structures were also constructed on the eastern portion of the project site in the Phase II area and are currently occupied by a gas station and fast-food restaurant. In total, 303,429 square feet of retail space has been constructed, along with the gas station. Table 2-3 compares the proposed project to the project analyzed in the 2005 EIR. The 2005 EIR was certified in November 2005 (State Clearinghouse Number 2004112060) and assesses impacts from implementation of the Cochrane Road Planned Unit Development. The 2005 EIR is available on the City's website located at: http://www.morgan-hill.ca.gov/2259/Cochrane-Commons-Phase-2.

Table 2-3 Project Comparison to the 2005 EIR

Project Component	Proposed in 2005 EIR	Difference Between 2005 EIR Project and Existing Plus Proposed Project
Residential	None	+498 dwelling units (Phase I and II)
Hotel	None	+140 rooms (Phase II)
Retail	657,250 square feet (over Phase I and II)	-259,690 square feet (over Phase I and II)

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3 Environmental Setting

This section provides a general overview of the environmental setting for the proposed project. More detailed descriptions of the environmental setting for each environmental issue area can be found in Section 4, *Environmental Impact Analysis*.

3.1 Regional Setting

The project site is located in the City of Morgan Hill. The City is 13 square miles and located in the southern portion of Santa Clara County. It is approximately 20 miles south of downtown San José and 10 miles north of Gilroy. With an estimated 2021 population of 47,374, Morgan Hill is the ninth most populous of the county's 15 cities (Department of Finance 2021). The project site is located on the southwest corner of the intersection of Mission View Drive and Cochrane Road. Figure 2-1 in Section 2, *Project Description*, shows the location of the project site in the region. Figure 2-2 shows the location of the project site in relationship to the surrounding neighborhood.

A system of roadways, including arterials, collectors, and local streets, provide vehicular access throughout the City. Some of the major roadways include Monterey Road, Butterfield Boulevard, Hale/Santa Teresa Corridor, Cochrane Road, and Tennant Avenue. The closest freeway is U.S. 101, which bisects the City and provides north-south access. The project site is approximately 800 feet north of U.S. 101.

The City is part of the Santa Clara Valley, which is surrounded by mountains to the east, south, and west, while the Bay borders it to the north. Due to the influence of the topography and geography, the area has a Mediterranean climate with mild to moderate air temperatures year-round. The average maximum temperature during the summer is 87 degrees Fahrenheit and 61 degrees Fahrenheit during the winter. Annual the average temperature is 73 degrees Fahrenheit. Annually the City of Morgan Hill receives approximately 22 inches of precipitation with most of the rainfall concentrated in the winter months (Western Regional Climate Center 2022). The City of Morgan Hill is located approximately 17 miles inland from the coastline of the Pacific Ocean.

3.2 Project Site Setting

The project site is located in an urbanized area and is generally flat, with an average elevation of 388 feet above mean sea level. As shown in Figure 2-2 in Section 2, *Project Description,* the central and southern areas of the site are partially developed with parking lots, roadways, and paved areas. Trees are planted along Cochrane Road and De Paul Drive along the southern portion of the site. The southeast corner of the site near two existing commercial tenants is landscaped with ornamental trees and shrubs. The remainder of the site is undeveloped and contains ruderal vegetation, primarily mowed grasses and shrubs.

The project site is bordered by a commercial development (Cochrane Commons Phase I) to the west, Mission View Drive to the east, detached single-family residences to the north, and Cochrane Road to the south. Surrounding development includes detached single-family houses to the north, senior living apartments to the east, commercial retail in Phase I of the Shopping Center to the south, and single-family and industrial structures in agricultural operations to the west. Buildings range in height from one to two stories.

There are two existing commercial structures in the southern portion of the site, which are occupied by a gas station and a Burger King restaurant. In addition, the central and southern areas of the site are developed with parking lots, roadways, and paved areas, as shown in Figure 2-2. The site has both a land use designation of Mixed Use Flex and Commercial. The Mixed Use Flex designation allows for a mix of residential, commercial, and office uses, with 7 to 24 dwelling units per acre and a maximum floor area ratio of 0.5. The Commercial designation allows a wide range of retail businesses, administrative and executive office uses, and professional services, either in stand-alone buildings or as part of shopping centers. The maximum floor area ratio is 0.6. The project site is zoned Highway Commercial (CH), which seeks to provide areas adjacent to the freeway that can accommodate highway and tourist-oriented uses, and allows business services, restaurants and cafes, hotels, offices, retail services, and other related facilities (Morgan Hill 2018). Additionally, the project site has a Planned Unit Development Legacy Zone, which is a zoning district which was applied to a property prior to July 7, 2018 and remains the zoning in effect for the property (Morgan Hill 2018).

3.3 Cumulative Development

In addition to the specific impacts of individual projects, CEQA requires EIRs to consider potential cumulative impacts of the proposed project. CEQA defines “cumulative impacts” as two or more individual impacts that, when considered together, are substantial or will compound other environmental impacts. Cumulative impacts are the combined changes in the environment that result from the incremental impact of development of the proposed project and other nearby projects. For example, traffic impacts of two nearby projects may be less than significant when analyzed separately but could have a significant impact when analyzed together. Cumulative impact analysis allows the EIR to provide a reasonable forecast of future environmental conditions and can more accurately gauge the effects of a series of projects.

CEQA requires cumulative impact analysis in EIRs to consider either a list of planned and pending projects that may contribute to cumulative effects or a forecast of future development potential. The cumulative scenario considered in the cumulative analysis in Section 4, *Environmental Impact Analysis*, is based on buildout of the City’s General Plan, which projects growth in the City through 2035. The City’s General Plan anticipates buildout to include an additional 963,545 square feet of retail development, 1,855 new single-family housing units, and 5,006 multifamily housing units. The Plan projects a population increase of approximately 50 percent from 2015 levels to a population of 68,057 (City of Morgan Hill 2017).

4 Environmental Impact Analysis

This section discusses the possible environmental effects of the Cochrane Commons Phase II Project for the specific issue areas that were identified through the scoping process as having the potential to experience significant effects. A "significant effect" as defined by the *CEQA Guidelines* Section 15382:

> means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.

The assessment of each issue area begins with a discussion of the environmental setting related to the issue, which is followed by the impact analysis. In the impact analysis, the first subsection identifies the methodologies used and the "significance thresholds," which are those criteria adopted by the City and other agencies, universally recognized, or developed specifically for this analysis to determine whether potential effects are significant. The next subsection describes each impact of the proposed project, mitigation measures for significant impacts, and the level of significance after mitigation. Each effect under consideration for an issue area is separately listed in bold text with the discussion of the effect and its significance. Each bolded impact statement also contains a statement of the significance determination for the environmental impact as follows:

- **Significant and Unavoidable**. An impact that cannot be reduced to below the threshold level given reasonably available and feasible mitigation measures. Such an impact requires a Statement of Overriding Considerations to be issued if the project is approved per Section 15093 of the *CEQA Guidelines*.
- **Less than Significant with Mitigation Incorporated**. An impact that can be reduced to below the threshold level given reasonably available and feasible mitigation measures. Such an impact requires findings under Section 15091 of the *CEQA Guidelines*.
- **Less than Significant**. An impact that may be adverse but does not exceed the threshold levels and does not require mitigation measures. However, mitigation measures that could further lessen the environmental effect may be suggested if readily available and easily achievable.
- **No Impact.** The proposed project would have no effect on environmental conditions or would reduce existing environmental problems or hazards.

Following each environmental impact discussion is a list of mitigation measures (if required) and the residual effects or level of significance remaining after implementation of the measure(s). In cases where the mitigation measure for an impact could have a significant environmental impact in another issue area, this impact is discussed and evaluated as a secondary impact. The impact analysis concludes with a discussion of cumulative effects, which evaluates the impacts associated with the proposed project in conjunction with other planned and pending developments in the area listed in Section 3, *Environmental Setting*.

The Executive Summary of this EIR summarizes all impacts and mitigation measures that apply to the proposed project.

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4.1 Greenhouse Gas Emissions

This section analyzes impacts to greenhouse gas (GHG) emissions, including the potential for the project to generate GHG emissions in excess of standards or to conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. This resource area was not analyzed in the 2005 EIR; therefore, project-specific modeling was conducted for the purposes of this analysis.

4.1.1 Setting

a. Climate Change and Greenhouse Gases

Climate change is the observed increase in the average temperature of the Earth's atmosphere and oceans along with other substantial changes in climate (such as wind patterns, precipitation, and storms) over an extended period. Gases that absorb and re-emit infrared radiation in the atmosphere are called GHGs. The gases widely seen as the principal contributors to human-induced climate change include CO_2, CH_4, N_2O, fluorinated gases such as hydrofluorocarbons and perfluorocarbons, and sulfur hexafluoride.

The accumulation of GHGs in the atmosphere regulates the earth's temperature. Without the natural heat-trapping effect of GHGs, the earth's surface would be about 33 degrees Celsius (°C) cooler (World Meteorological Organization 2020). However, since 1750, estimated concentrations of CO_2, CH_4, and N_2O in the atmosphere have increased by 47 percent, 156 percent, and 23 percent, respectively, primarily due to human activity (IPCC 2021). GHG emissions from human activities, particularly the consumption of fossil fuels for electricity production and transportation, are believed to have elevated the concentration of these gases in the atmosphere beyond the level of concentrations that occur naturally.

Globally, climate change has the potential to affect numerous environmental resources though potential impacts related to future air temperatures and precipitation patterns. Scientific modeling predicts that continued GHG emissions at or above current rates would induce more extreme climate changes during the twenty-first century than were observed during the twentieth century.

Regulatory Setting

a. Federal Regulations

Federal Clean Air Act

The U.S. Supreme Court determined in *Massachusetts et al. v. Environmental Protection Agency et al.* ([2007] 549 U.S. 05-1120) that the U.S. EPA has the authority to regulate motor vehicle GHG emissions pursuant to the federal Clean Air Act. The U.S. EPA issued a Final Rule for mandatory reporting of GHG emissions in October 2009. This Final Rule applies to fossil fuel suppliers, industrial gas suppliers, direct GHG emitters, and manufacturers of heavy-duty and off-road vehicles and vehicle engines and requires annual reporting of emissions. In 2012, the U.S. EPA issued a Final Rule that established the GHG permitting thresholds that determine when Clean Air Act permits under the New Source Review Prevention of Significant Deterioration and Title V Operating Permit programs are required for new and existing industrial facilities.

In *Utility Air Regulatory Group v. Environmental Protection Agency* (134 Supreme Court 2427 [2014]), the U.S. Supreme Court held the U.S. EPA may not treat GHGs as an air pollutant for purposes of determining whether a source can be considered a major source required to obtain a Prevention of Significant Deterioration or Title V permit. The Court also held that Prevention of Significant Deterioration permits otherwise required based on emissions of other pollutants may continue to require limitations on GHG emissions based on the application of Best Available Control Technology.

b. State Regulations

CARB is responsible for the coordination and oversight of state and local air pollution control programs in California. There are numerous regulations aimed at reducing the state's GHG emissions. These initiatives are summarized below.

California Advanced Clean Cars Program

Assembly Bill (AB) 1493 (2002), California's Advanced Clean Cars program (referred to as "Pavley"), requires CARB to develop and adopt regulations to achieve "the maximum feasible and cost-effective reduction of GHG emissions from motor vehicles." On June 30, 2009, the U.S. EPA granted the waiver of Clean Air Act preemption to California for its GHG emission standards for motor vehicles, beginning with the 2009 model year, which allows California to implement more stringent vehicle emission standards than those promulgated by the U.S. EPA. Pavley I regulates model years from 2009 to 2016 and Pavley II, now referred to as "LEV (Low Emission Vehicle) III GHG," regulates model years from 2017 to 2025. The Advanced Clean Cars program coordinates the goals of the LEV, Zero Emissions Vehicles, and Clean Fuels Outlet programs and would provide major reductions in GHG emissions. By 2025, the rules will be fully implemented, and new automobiles will emit 34 percent fewer GHGs and 75 percent fewer smog-forming emissions from their model year 2016 levels (CARB 2011).

California Global Warming Solutions Act of 2006 (AB 32 and Senate Bill [SB] 32)

The "California Global Warming Solutions Act of 2006," (AB 32), outlines California's major legislative initiative for reducing GHG emissions. AB 32 codifies the statewide goal of reducing GHG emissions to 1990 levels by 2020 and requires CARB to prepare a Scoping Plan that outlines the main state strategies for reducing GHG emissions to meet the 2020 deadline. In addition, AB 32 requires CARB to adopt regulations to require reporting and verification of statewide GHG emissions. Based on this guidance, CARB approved a 1990 statewide GHG level and 2020 target of 431 MMT of CO_2e, which was achieved in 2016. CARB approved the Scoping Plan on December 11, 2008, which included GHG emission reduction strategies related to energy efficiency, water use, and recycling and solid waste, among others (CARB 2008). Many of the GHG reduction measures included in the Scoping Plan (e.g., Low Carbon Fuel Standard, Advanced Clean Car standards, and Cap-and-Trade) have been adopted since the Scoping Plan's approval.

CARB approved the 2013 Scoping Plan update in May 2014. The update defined CARB's climate change priorities for the next 5 years, set the groundwork to reach post-2020 statewide goals, and highlighted California's progress toward meeting the "near-term" 2020 GHG emission reduction goals defined in the original Scoping Plan. It also evaluated how to align the state's longer term GHG reduction strategies with other state policy priorities, including those for water, waste, natural resources, clean energy, transportation, and land use (CARB 2014).

On September 8, 2016, the governor signed SB 32 into law, extending the California Global Warming Solutions Act of 2006 by requiring the state to further reduce GHG emissions to 40 percent below 1990 levels by 2030 (the other provisions of AB 32 remain unchanged). On December 14, 2017, CARB adopted the 2017 Scoping Plan, which provides a framework for achieving the 2030 target. The 2017 Scoping Plan relies on the continuation and expansion of existing policies and regulations, such as the Cap-and-Trade Program, and implementation of recently adopted policies and legislation, such as SB 1383 and SB 100 (discussed later). The 2017 Scoping Plan also puts an increased emphasis on innovation, adoption of existing technology, and strategic investment to support its strategies. As with the 2013 Scoping Plan update, the 2017 Scoping Plan does not provide project-level thresholds for land use development. Instead, it recommends that local governments adopt policies and locally-appropriate quantitative thresholds consistent with statewide per capita goals of 6 MT of CO_2e by 2030 and 2 MT of CO_2e by 2050 (CARB 2017). As stated in the 2017 Scoping Plan, these goals may be appropriate for plan-level analyses (city, county, sub-regional, or regional level) but not for specific individual projects, because they include all emissions sectors in the state (CARB 2017).

SB 375

The Sustainable Communities and Climate Protection Act of 2008 (SB 375), signed in August 2008, enhances the state's ability to reach AB 32 goals by directing CARB to develop regional GHG emission reduction targets to be achieved from passenger vehicles by 2020 and 2035. SB 375 aligns regional transportation planning efforts, regional GHG reduction targets, and affordable housing allocations. Metropolitan Planning Organizations are required to adopt a Sustainable Communities Strategy (SCS), which allocates land uses in the Metropolitan Planning Organization's Regional Transportation Plan (RTP). Qualified projects consistent with an approved SCS or Alternative Planning Strategy (categorized as "transit priority projects") can receive incentives to streamline CEQA processing.

On March 22, 2018, CARB adopted updated regional targets for reducing GHG emissions from 2005 levels by 2020 and 2035. The Metropolitan Transportation Commission (MTC)/Association of Bay Area Government (ABAG) was assigned targets of a 10 percent reduction GHGs from per capita GHG emissions from passenger vehicles by 2020 and a 19 percent reduction in per capita GHG emissions from passenger vehicles by 2035. The ABAG/MTC adopted the Plan Bay Area 2050 on October 21, 2021, which meets the requirements of SB 375.

California Integrated Waste Management Act (AB 341)

The California Integrated Waste Management Act of 1989, as modified by AB 341 in 2011, requires each jurisdiction's source reduction and recycling element to include an implementation schedule that shows (1) diversion of 25 percent of all solid waste by January 1, 1995, through source reduction, recycling, and composting activities and (2) diversion of 50 percent of all solid waste on and after January 1, 2000.

SB 1383

Adopted in September 2016, SB 1383 (Lara, Chapter 395, Statues of 2016) requires CARB to approve and begin implementing a comprehensive strategy to reduce emissions of short-lived climate pollutants. SB 1383 requires the strategy to achieve the following reduction targets by 2030:

- CH_4 – 40 percent below 2013 levels

- Hydrofluorocarbons – 40 percent below 2013 levels
- Anthropogenic black carbon – 50 percent below 2013 levels

SB 1383 also requires the California Department of Resources Recycling and Recovery (CalRecycle), in consultation with CARB, to adopt regulations that achieve specified targets for reducing organic waste in landfills.

SB 100

Adopted on September 10, 2018, SB 100 supports the reduction of GHG emissions from the electricity sector by accelerating the state's Renewables Portfolio Standard Program, which was last updated by SB 350 in 2015. SB 100 requires electricity providers to increase procurement from eligible renewable energy resources to 33 percent of total retail sales by 2020, 60 percent by 2030, and 100 percent by 2045.

Executive Order B-55-18

On September 10, 2018, the former Governor Brown issued Executive Order B-55-18, which established a new statewide goal of achieving carbon neutrality by 2045 and maintaining net negative emissions thereafter. This goal is in addition to the existing statewide GHG reduction targets established by SB 375, SB 32, SB 1383, and SB 100.

California Building Standards Code

The California Code of Regulations (CCR) Title 24 is referred to as the California Building Standards Code. It consists of a compilation of several distinct standards and codes related to building construction including plumbing, electrical, interior acoustics, energy efficiency, and handicap accessibility for persons with physical and sensory disabilities. The current iteration is the 2019 Title 24 standards.

c. Local Regulations

Plan Bay Area 2050

Plan Bay Area 2050 is a state-mandated, integrated long-range transportation, land-use, and housing plan that would support a growing economy, provide more housing and transportation choices and reduce transportation-related pollution in the nine-county San Francisco Bay Area (ABAG and MTC 2021). The SCS builds on earlier efforts to develop an efficient transportation network and grow in a financially and environmentally responsible way. Plan Bay Area 2050 focuses on advancing equity and improving resiliency in the Bay Area by creating strategies in the following four elements: Housing, Economy, Transportation, and Environment. The Plan discusses how the future is uncertain due to anticipated employment growth, lack of housing options, and outside forces, such as climate change and economic turbulence. These uncertainties will impact growth in the Bay Area and exacerbate issues for those who are historically and systemically marginalized and underserved and excluded. Thus, Plan Bay Area 2050 has created strategies and considered investments that will serve those systemically underserved communities and provide equitable opportunities. The Plan presents a total of 35 strategies to outline how the $1.4 trillion dollar investment would be utilized. The strategies include, but are not limited to, the following: providing affordable housing, allowing higher-density in proximity to transit-corridors, optimizing the existing roadway network, creating complete streets, providing subsides for public transit, reducing climate

emissions, and expanding open space area. To bring these strategies to fruition, it will require participation by agencies, policymakers, and the public. An implementation plan is also included as part of the Plan to assess the requirements needed to carry out the strategies, identify the roles of pertinent entities, create an appropriate method to implement the strategies, and create a timeline for implementation.

City of Morgan Hill General Plan

The City's 2035 General Plan Natural Resources and Environment Element contains the following policies related to GHG emissions (City of Morgan Hill 2017):

- **Policy NRE-15**: **Greenhouse Gas Emission Reduction Targets**. Maintain a greenhouse gas reduction trajectory that is consistent with the greenhouse gas reduction targets of Executive Orders B-30-15 (40 percent below 1990 levels by 2030) and S-03-05 (80 percent below 1990 levels by 2050) to ensure the City is consistent with statewide efforts to reduce greenhouse gas emissions
- **Policy NRE-15.2**: **Linking Land Use and Transportation**. Encourage land use and transportation patterns that reduce dependence on automobiles.
- **Policy NRE-15.4**: Sustainable Land Use. Promote land use patterns that reduce the number and length of motor vehicle trips.
- **Policy NRE-15.5**: **Jobs Housing Balance.** To the extent feasible, encourage a balance and match between jobs and housing.
- **Policy NRE-15.6**: **Residential Near Transit.** Encourage higher density residential and mixed-use development adjacent to commercial centers and transit corridors – the land along or within walking distance of a street served by transit.
- **Policy NRE-15.8**: **Walkable City**. Encourage retail and office areas to be located within walking and biking distance of existing and proposed residential developments.
- **Policy NRE-15.11**: Green Building. Promote green building practices in new development.

4.1.2 Impact Analysis

a. Significance Thresholds and Methodology

Significance Thresholds

The following thresholds are based on Appendix G of the *CEQA Guidelines.* GHG impacts would be considered significant if the project would:

- Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment
- Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs

The vast majority of individual projects do not generate sufficient GHG emissions to directly influence climate change. However, physical changes caused by a project can contribute incrementally to significant cumulative effects, even if individual changes resulting from a project are limited. As a result, the issue of climate change typically involves an analysis of whether a project's contribution towards an impact would be cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when

viewed in connection with the effects of past projects, other current projects, and probable future projects (*CEQA Guidelines* Section 15064[h][1]).

According to *CEQA Guidelines* Section 15183.5, project analysis can tier from a qualified GHG reduction plan, which allows for project-level evaluation of GHG emissions through the comparison of the project's consistency with the GHG reduction policies included in a qualified GHG reduction plan. The City of Morgan Hill's CAP, adopted in December 2021, is not suitable for use under CEQA since it does not meet the requirements of *CEQA Guidelines* Section 15183.5. Thus, this approach is not currently feasible for this analysis.

The next best approach would be to use a quantitative threshold from the local air district. According to the BAAQMD *CEQA Air Quality Guidelines* (2017), an efficiency threshold of 4.6 MT of CO_2e per service population per year is appropriate for mixed-use projects that include both residential and non-residential land uses. Therefore, this approach is appropriate for the project, which includes both residences and commercial space. Although the BAAQMD has not yet quantified a threshold for 2030, reduction of the 4.6 MT of CO_2e per service population per year threshold by 40 percent to 2.8 MT of CO_2e per service population per year would be consistent with the state reduction target established in SB 32. As such, the adjusted service population threshold of 2.8 MT of CO_2e per service population is the most appropriate threshold for the project. Additionally, this analysis qualitatively assesses consistency with local and statewide GHG reduction regulations.

Pursuant with the BAAQMD *CEQA Guidelines* (2017), new stationary sources should be evaluated separately from project operation emissions associated with land use. Therefore, GHG emissions from the three backup diesel generators are evaluated against a separate, standalone stationary source significance threshold established by BAAQMD. Stationary sources are not considered "cumulatively considerable" from a land use perspective if the stationary sources comply with the 10,000 MT of CO_2e per year threshold. Therefore, the significance threshold of 10,000 MT of CO_2e per year is used to determine the significance of the GHG emissions generated by the proposed diesel generators.

b. Methodology

GHG emissions associated with project construction and operation were estimated using California Emissions Estimator Model (CalEEMod), version 2020.4.0. CalEEMod uses project-specific information, including the project's land uses, square footages for different uses (e.g., townhomes, mid-rise apartments, a hotel, and strip mall uses), and location, to model a project's construction and operational emissions. The analysis reflects the construction and operation of the project as described under Section 2, *Project Description*. As described in Section 1, *Introduction*, the CEQA baseline for the GHG analysis is existing conditions.

Construction

Construction emissions modeled include emissions generated by construction equipment used onsite and emissions generated by vehicle trips associated with construction, such as worker and vendor trips. CalEEMod estimates construction emissions by multiplying the amount of time equipment is in operation by emission factors. Construction of the proposed project was analyzed based on the applicant-provided construction schedule and default-based construction equipment list. Construction would occur over approximately three overlapping phases (Phase 1, 2, and 3) from March 2023 to September 2025 (approximately 30 months/2.5 years). The schedule would be 6 days per week with construction active Monday through Saturday. The project would involve 37,510

cubic yards of cut material that would be balanced onsite, with no hauling export or import. It is assumed that construction equipment would be diesel-powered. This analysis assumes that the project would comply with applicable regulatory standards. In particular, the project would comply with the BAAQMD Regulation 8 Rule 3 for architectural coating. Additionally, the site is currently vacant, and no demolition would occur. Mitigation Measure 3.3-1 from the 2005 EIR was implemented during Phase I of the project when demolition occurred, and accordingly would not be implemented or required during Phase II.

Operation

Long-term operational emissions relate to area sources, energy use, solid waste, water use, and transportation. Operational emissions for the project were estimated using CalEEMod and adjustments to the CalEEMod inputs were implemented as described below.

Area Source Emissions

Emissions associated with area sources, including space and water heating, consumer products, landscape maintenance, and architectural coating were calculated in CalEEMod and use standard emission rates from CARB, USEPA, and emission factor values provided by the local air district. Pursuant to BAAQMD Regulation 8 Rule 3, volatile organic compound limits for nonflat coatings and traffic marking coatings were used in this analysis.

Energy Use Emissions

Emissions from energy use include electricity and natural gas use. The emissions factors for natural gas combustion are based on the U.S. EPA's AP-42 (*Compilation of Air Pollutant Emissions Factors*) and California Climate Action Registry General Reporting Protocol (2009). Electricity emissions are calculated by multiplying the energy use times the carbon intensity of the utility district per kilowatt-hour (California Air Pollution Control Officers Association [CAPCOA] 2021a). The electricity consumption values in CalEEMod include the CEC-sponsored California Commercial End Use Survey and Residential Appliance Saturation Survey studies. CalEEMod currently incorporates California's 2019 Title 24 building energy efficiency standards. The Silicon Valley Clean Energy would be the energy provider for the project, and this is the utility provider used in the analysis.

Additionally, the developments proposed as part of the project would be fully electrified with no natural gas infrastructure. The default natural gas consumption assumed in the model was converted post-model into electricity consumption. The GHG emissions from the additional converted electricity consumption were added to the electricity GHG emissions computed by the model. The post-model conversion resulted in the addition of 4 MT CO_2e.

Solid Waste Emissions

GHG emissions from waste generation were also calculated in CalEEMod and are based on the IPCC's methods for quantifying GHG emissions from solid waste using the degradable organic content of waste (CAPCOA 2021b). Waste disposal rates by land use and overall composition of municipal solid waste in California was primarily based on data provided by CalRecycle.

Water and Wastewater Use Emissions

GHG emissions from water and wastewater usage calculated in CalEEMod were based on the electricity intensity from the CEC's 2006 Refining Estimates of Water-Related Energy Use in

California using the average values for Northern and Southern California (CAPCOA 2021b). A 20 percent reduction in indoor potable water use was incorporated in the model in accordance with CALGreen standards, because the model does not capture this reduction.

Mobile Source Emissions

Mobile source emissions are generated by the increase in vehicle trips to and from the project site associated with operation of onsite development. The daily trip rates for the project were calculated using the transportation analysis provided by Hexagon Transportation Consultants Inc. (Appendix D). Mobile emissions also assumed 2030 fleet mixes and emission factors, as this is the year in which the project's development is analyzed pursuant with the current GHG reduction goals.

Service Population

The project's per person GHG emissions were calculated by dividing total GHG emissions by the project's service population (residents plus employees). Average household size varies throughout California; therefore, the service population attributed to this project is based on average household size data specific to Morgan Hill. The average household size in Morgan Hill is 3.08 persons per household (California Department of Finance 2021). As such, the project would add an estimated 1,534 residents (498 units x 3.08 persons per unit) to the city. The project would also provide new employment opportunities. As shown in Table 4.1-1, the project would generate approximately 1,174 employees. Therefore, the project's service population would be 2,708 persons.

Table 4.1-1 Service Population

Use	Area (sf)	Employee (sf)[1]	Total Persons
Hotel	203,280	1,500 sf per employee	136
Strip Mall	135,000	130 sf per employee	1,038
Residential Dwelling Units	498	3.08 persons per household	1,534
Total	–	–	2,708

sf = square feet
[1] Source: United States Green Building Council 2022

c. Prior Environmental Assessment

2005 EIR Summary

The 2005 EIR does not address the issue area of GHG emissions. Therefore, all of the CEQA checklist items listed above under Significance Criteria are addressed in the analysis below.

Threshold 1:	Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?

Impact GHG-1 THE PROJECT WOULD GENERATE TEMPORARY AND LONG-TERM INCREASES IN GHG EMISSIONS, BUT SUCH EMISSIONS WOULD REMAIN BELOW THE ADJUSTED EFFICIENCY THRESHOLD INTENDED TO DEMONSTRATE CONSISTENCY WITH THE 2030 STATEWIDE GHG REDUCTION TARGET. IMPACTS WOULD BE LESS THAN SIGNIFICANT.

Construction and operation of the proposed project would generate GHG emissions. This analysis considers the combined impact of GHG emissions from both construction and operation. Calculations of CO_2, CH_4, and N_2O emissions are provided to identify the magnitude of potential project effects

Construction

The BAAQMD does not have a recommended threshold for construction-related GHG emissions; therefore, emissions associated with construction are included only for informational purposes.

Construction of the proposed project would generate temporary GHG emissions primarily due to operation of construction equipment onsite as well as from vehicles transporting construction workers to and from the project site and heavy trucks to transport building materials and soil export. Construction of the proposed project would generate an estimated total of 2,676 MT of CO_2e (see Appendix C for modeling results).[1]

Operation

Operation of the proposed project would generate GHG emissions associated with area sources (e.g., architectural coating and landscape maintenance), energy and water usage, vehicle trips, and wastewater and solid waste generation. As shown in Table 4.1-2, annual operational emissions generated by the proposed project would total approximately 5,790 MT of CO_2e per year, or approximately 2.1 MT of CO_2e per service person per year, which would not exceed the adjusted efficiency threshold of 2.8 MT of CO_2e per year. In addition, the GHG emissions emitted by the three emergency diesel generators would not exceed the BAAQMD stationary source threshold of 10,000 MT of CO_2e per year. Therefore, impacts would be less than significant.

Table 4.1-2 Annual Operational Emissions

Emission Source	Annual Emissions (MT of CO_2e per year)
Operation	
Area	6
Energy[1]	9
Mobile	5,521
Solid Waste	225
Water	29
Total Annual Emissions	**5,790**

[1] The construction schedule modeled in CalEEMod differs from the construction schedule described in Section 2, *Project Description.* However, the differences result in a more conservative analysis of GHG emissions.

Emission Source	Annual Emissions (MT of CO_2e per year)
Service Population (Residents + Employees)	2,708
Emissions per Service Person	2.1
Adjusted BAAQMD Efficiency Threshold (MT of CO_2e per service population per year)	2.8
Threshold Exceeded?	**No**
Stationary Source	
3x 150 kW Diesel Generators	12
BAAQMD Stationary Sources Threshold (MT of CO_2e per year)	10,000
Threshold Exceeded?	No

BAAQMD = Bay Area Air Quality Management District; kW = kilowatts; MT = metric ton; CO_2e = carbon dioxide equivalent
[1]The energy emission accounts for the post-model conversion of natural gas GHG emissions into electricity GHG emissions.
Source: See Appendix C for modeling results.

Threshold 2: Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Impact GHG-2 THE PROJECT WOULD BE CONSISTENT WITH THE 2017 SCOPING PLAN AND PLAN BAY AREA 2050. THIS PROJECT WOULD NOT CONFLICT WITH AN APPLICABLE PLAN, POLICY, OR REGULATION ADOPTED FOR THE PURPOSE OF REDUCING GHG EMISSIONS. NO IMPACT WOULD OCCUR.

Several plans and policies have been adopted to reduce GHG emissions in the state and Bay Area, including the State's 2017 Scoping Plan, Plan Bay Area 2050, and local policies contained in the City's General Plan. The proposed project's consistency with these plans is discussed in the following subsections.

2017 Scoping Plan

The principal state plans and policies are AB 32, the California Global Warming Solutions Act of 2006, and the subsequent legislation, SB 32. The quantitative goal of AB 32 is to reduce GHG emissions to 1990 levels by 2020 and the goal of SB 32 is to reduce GHG emissions to 40 percent below 1990 levels by 2030. Pursuant to the SB 32 goal, the 2017 Scoping Plan was created to outline goals and measures for the state to achieve the reductions. The 2017 Scoping Plan's strategies that are applicable to the proposed project include reducing fossil fuel use, energy demand, and VMT, maximizing recycling and diversion from landfills, and increasing water conservation. The project would be consistent with these goals through project design, which includes complying with the latest Title 24 Green Building Code and Building Efficiency Energy Standards and installing energy-efficient LED lighting, water-efficient faucets and toilets, water efficient landscaping and irrigation, and electric vehicle charging stations. The project would be served by Silicon Valley Clean Energy (SVCE), which is required to increase its renewable energy procurement pursuant to SB 100 targets. The project site is located in an area served by transit and within walking and biking distance of several commercial and recreational destinations. There is a bus stop along Cochrane Road adjacent to the existing shopping center that is served by Valley Transportation Authority local Bus Route 87 and Rapid Route 568. VTA Bus Route 87 is a local bus route that provides services from Burnett Avenue in Morgan Hill to the Morgan Hill Civic Center. The Rapid Route 568 is a bus route that extends from the Gilroy Transit Center to the San Jose Diridon Station. Future residents, employees, and customers could travel to the project site via these bus routes. Additionally, onsite circulation would be provided between the project site the existing Cochrane Center shopping centers for

future residents and employees to walk between the sites. These factors would reduce future residents' and employees' VMT and associated fossil fuel usage.

Plan Bay Area 2050

SB 375, signed in August 2008, requires the inclusion of SCS in RTP to reduce GHG emissions. The MTC and ABAG adopted an SCS that meets the GHG reduction targets set forth by CARB. Plan Bay Area 2050 is a state-mandated, integrated long-range transportation, land-use, and housing plan that would support a growing economy, provide more housing and transportation choices and reduce transportation-related pollution in the nine-county San Francisco Bay Area (ABAG and MTC 2021). The Plan describes where and how the region can accommodate two million new people and one million new jobs from 2021 to 2050 and details the regional transportation investment strategy over the next 30 years. Growth in the plan area is promoted in Priority Development Areas and limited in Priority Conservation Areas to promote preservation of key resources. The RTP/SCS consists of 35 strategies and over 80 individual implementation actions, as well as an Implementation Plan that builds upon the Plan Bay Area 2040 Action Plan, which identifies specific actions that focuses and improves upon the categories of housing, economy, transportation, and environment. ABAG and MTC developed land use and transportation scenarios in the Plan known as Horizon that distribute the total amount of anticipated growth across the region and measure how well each scenario measures against the Plan goals. Based upon performance, the preferred scenario provides a regional pattern of household and employment growth and a corresponding transportation investment strategy (ABAG and MTC 2021). The strategies from Plan Bay Area 2050 related to GHG emissions and applicable to the project are shown in Table 4.1-3.

Table 4.1-3 Consistency with Plan Bay Area 2050

Policies	Consistency
Housing. Spur Housing Production for Residents of all Income Levels	
H3. Allow a greater mix of housing densities and types in Growth Geographies. Allow a variety of housing types at a range of densities to be built in Priority Development Areas, select Transit-Rich Areas and Select High-Resource Areas.	**Consistent**. The project would provide increased multifamily housing options in the City of Morgan Hill. The proposed residences would be in walking distance of existing retail uses, such as Target and Petco, and restaurants, like Red Robin Gourmet Burgers and Brew and Starbucks. There would be additional retail uses developed adjacent to the proposed residences.
Economic. Shift the Location of Jobs	
EC4. Allow greater densities for new commercial development in Growth Geographies. Allow greater densities for new commercial development in select Priority Development Areas and Transit-Rich Areas to encourage more jobs to locate near public transit.	**Consistent.** The project would include 135,000 square feet of new retail and a 140-room hotel, providing new employment opportunities for the City. The site is accessible via public transit (Valley Transportation Authority Local Bus Route 87 and Rapid Route 558) and by bicycle. Additionally, the site would increase walkability by constructing connecting streets, which would allow future residents and residents from the surrounding neighborhoods to walk to the project site.
Transportation. Build a Next-Generation Transit Network	
T8. Build a Complete Streets network. Enhance streets to promote walking, biking and other micro-mobility through sidewalk improvements, car-free slow streets, and 10,000 miles of bike lanes or multi-use paths.	**Consistent.** The project would include new sidewalks along Mission View Drive and provide a continuous connection to Cochrane Road. The onsite circulation would also allow customers, employees, and residents of the project to access the Cochrane Commons shopping center through the site.

Policies	Consistency
Environmental. Expand Access to Parks and Open Space.	
EN3. Fund energy upgrades to enable carbon neutrality in all existing commercial and public buildings. Support electrification and resilient power system upgrades in all public and commercial buildings.	**Consistent.** Pursuant to the City of Morgan Hill Municipal Code Chapter 15.63.040, the project would be all-electric with no natural gas infrastructure. The project would also procure electricity from Silicon Valley Clean Energy, which procured approximately 43 percent of its electricity from eligible renewable sources in its 2020 power content label (California Energy Commission 2021).
EN4. Maintain urban growth boundaries. Using urban growth boundaries and other existing environmental protections, focus new development within the existing urban footprint or areas otherwise suitable for growth, as established by local jurisdictions	**Consistent.** The project site is within the boundaries of Morgan Hill. The project would not disturb additional area nor would it require more space than what was analyzed in the 2005 Environmental Impact Report.
EN8. Expand clean vehicle initiatives. Expand investments in clean vehicles, including more fuel-efficient vehicles and electric vehicle subsidies and chargers.	**Consistent.** The project would provide electric vehicle charging spaces pursuant to the latest Title 24 building energy efficiency standards.

Source: ABAG and MTC 2021

City of Morgan Hill General Plan

The City of Morgan Hill General Plan includes measures that would reduce GHG emissions by reducing energy use from buildings and equipment, encourage sustainable landscaping, and promoting alternative modes of transportation Table 4.1-4 summarizes the project's consistency with applicable General Plan measures. As summarized therein, the project would be consistent with the applicable measures of the General Plan.

Table 4.1-4 Consistency with the City of Morgan Hill 2035 General Plan

Policies	Consistency
Policy TR-9.1 Private Development Connections. Ensure adequate pedestrian access in all developments, with special emphasis on pedestrian connections in the downtown area, in shopping areas, and major work centers, including sidewalks in industrial areas in accordance with the Trails and Natural Resources Master Plan.	**Consistent**. The project would include sidewalks and roadways that connect the Cochrane Commons Phase I and Phase II developments. Pedestrian connections would be provided onsite and there would be sidewalks along Cochrane Road, which would allow access to other commercial centers west of U.S. 101.
Policy NRE-10.4 Reduced Automobile Use. Reduced Automobile Use. To reduce air pollution the frequency and length of automobile trips and the amount of traffic congestion by controlling sprawl, promoting infill development, and encouraging mixed uses and higher density development near transit. Support the expansion and improvement of alternative modes of transportation. Encourage development project designs that protect and improve air quality and minimize direct and indirect air pollutant emissions by including components that reduce vehicle trips. **Policy NRE-15.6 Residential Near Transit**. Encourage higher density residential and mixed-use development adjacent to commercial centers and transit corridors—the land along or within walking distance of a street served by transit.	**Consistent**. The project is an infill development that includes residences and commercial uses near transit corridors and in proximity to other mixed-use developments. There is a shopping center adjacent to the project site and additional commercial uses less than a mile west of the site. Valley Transportation Authority also has bus stops along Cochrane Road, which is within walking distance of the site, with routes traveling between San José and Gilroy.

Policies	Consistency
Policy NRE-15.11 Green Building. Promote green building practices in new development.	**Consistent**. The project would be developed in accordance with CALGreen and Title 24 building standards.
Policy NRE-16.1 Energy Standards for New Development. New Development, including public buildings, should be designed to exceed state standards for the use of energy.	**Consistent**. The project would be designed to exceed state standards.
Policy NRE-16.2 Energy Conservation. Promote energy conservation techniques and energy efficiency in building design, orientation, and construction	**Consistent**. The project would be constructed in accordance with City of Morgan Hill Municipal Code 15.63.040 and would not include natural gas (which is a greenhouse gas) infrastructure. Buildings would be 100 percent electric and would be served by SVCE.
Policy NRE-16.5 Energy Efficiency. Encourage development project designs that protect and improve air quality and minimize direct and indirect air pollutant emissions by including components that promote energy efficiency	**Consistent**. The project would be constructed in accordance with City of Morgan Hill Municipal Code 15.63.040 and would not include natural gas (which is a greenhouse gas) infrastructure. Buildings would be 100 percent electric and would be served by SVCE. The base electricity from SVCE (e.g., GreenStart 2019 power mix) procures approximately 46 percent of its electricity from eligible renewable energy sources (CEC 2020). This percent procured from eligible renewable percent procurement would also increase over time in accordance with the State Bill 100 targets. Therefore, the project would be energy efficient and would minimize direct and indirect air pollutant emissions.
Policy SSI-14.2 Water Conservation. Support water conservation measures that comply with State and federal legislation and that are consistent with measures adopted in the Urban Water Management Plan.	**Consistent.** The project would comply and be consistent with the City's Urban Water Management Plan.

Source: City of Morgan Hill 2017

As discussed in the table, the proposed project would not conflict with plans and policies aimed at reducing GHG emissions. No impact would occur.

Mitigation Measures

No mitigation measures required.

4.1.3 Cumulative Impacts

The geographic scope for related projects considered in the cumulative impact analysis for GHG emissions is global because impacts of climate change are experienced on a global scale regardless of the location of GHG emission sources. Therefore, GHG emissions and climate change are, by definition, cumulative impacts. As discussed in Section 4.1.1, *Setting*, the adverse environmental impacts of cumulative GHG emissions, including sea level rise, increased average temperatures, more drought years, and more large forest fires, are already occurring. As a result, cumulative impacts related to GHG emissions are significant. Thus, the issue of climate change involves an analysis of whether a project's contribution towards an impact is cumulatively considerable. As discussed under Thresholds 1 and 2, project impacts related to GHG emissions would be less than significant and therefore not cumulatively considerable.

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4.2 Transportation

This section evaluates the impacts of the project on the local transportation system and VMT in the region. The analysis is based primarily on a Traffic Impact Study prepared by Hexagon Transportation Consultants in 2021, which is included as Appendix D to this SEIR.

4.2.1 Setting

The existing transportation-related context for the project is described below.

a. Existing Roadway Network

Regional

Regional access to the site is provided via U.S. 101, which is a north-south freeway that extends from San Francisco to Gilroy. U.S. 101 is an eight-lane freeway north of Cochrane Road and a six-lane freeway south of Cochrane Road.

Local Roads

Local access to the project site is provided via the following roadways:

- **Cochrane Road** is an arterial east-west roadway that runs from Monterey Road to the eastern foothills where it continues Malaguerra Avenue, east of U.S. 101. Cochrane Road is a four-lane road between Monterey Road and Cochrane Circle. Between Cochrane Circle and U.S. 101, Cochrane Road widens to three lanes eastbound and two lanes westbound, then narrows back to four lanes east of U.S. 101, and to two lanes east of Mission View Drive. Cochrane Road has posted speed limits of 40 and 45 miles per hour (mph).
- **De Paul Drive** is a north-south undivided local roadway that intersects Cochrane Road approximately 700 feet east of the U.S. 101 northbound ramps intersection and runs approximately 1,500 feet north and 1,000 feet south of Cochrane Road.
- **Half Road** is an east-east undivided collector roadway that runs from Condit Road to Cochrane Road. It has a posted speed limit of 35 mph.
- **Mission View Drive** is a north-south two-lane collector roadway that runs south from Eagle View Drive to Half Road. In the vicinity of the project site, Mission View Drive has a posted speed limit of 40 mph. Mission View Drive runs along the project's eastern frontage.
- **Main Avenue** is a two-lane arterial roadway that runs eastward from its intersection with DeWitt Avenue to Coyote Road at the base of the eastern foothills. The roadway has an overcrossing of U.S. 101, but no access to U.S. 101 is provided.
- **Condit Road** is a two-lane north-south collector roadway that extends from Half Road southward to Tennant Avenue. The speed limit on the roadway is 45 mph.

b. Bicycle Facilities

There are three categories of classified bikeways as defined by the Valley Transportation Authority (VTA).

- Class I bikeways are defined as off-street bike paths, which are shared with pedestrians and exclude general motor vehicle traffic.

- Class II bikeways are defined as striped bike lanes on street and rated streets. Rated streets are streets that are frequently used by bicyclists and the roadway is shared with motor vehicles.
- Class III bikeways are defined as bikeways that only have signs to help guide bicyclists on recommended routes to certain locations.

In the project vicinity, Class II bike lanes are currently provided along the extent of Cochrane Road and Mission View Drive north of Cochrane Road along the project's frontage. A Class I unpaved bike path, the Madrone Channel Trail, runs along the east side of U.S. 101, between Tennant Avenue and Cochrane Road.

c. Pedestrian Facilities

Pedestrian facilities include crosswalks, sidewalks, pedestrian signals, and off-street paths, which provide safe and convenient routes for pedestrians to access destinations such as institutions, businesses, public transportation, and recreation facilities.

In vicinity of the project site, sidewalks are provided along the following roadways:

- Cochrane Road: Sidewalks are provided along the north side of the street between Butterfield Boulevard and White Moon Drive. Along the south side of the street, sidewalks are provided from Monterey Road just east of Mission View Drive with the exception of the segments between U.S. 101 northbound ramps and De Paul Drive and a short segment west of Mission View Drive.
- Mission View Drive: Sidewalks are provided along the east side of the street between the northern end of Mission View Drive (at Eagle View Drive) until approximately 950 feet north of its intersection with Half Road. There are no sidewalks along the west side of Mission View Drive, with the exception of curb ramps located at the northwest and southwest corners of the Mission View Drive and Cochrane Road intersection.

Along De Paul Drive, sidewalk is only provided for a short segment near the existing Target store. Sidewalks are not provided on any other section or side of the roadway.

d. Transit Facilities

Transit service providers in the project site vicinity include VTA and Caltrain. VTA provides bus services, while Caltrain provides rail services.

VTA Bus Service

The two bus routes that are in proximity to the project site are Local Bus Route 87 and Rapid Route 568. Local Bus Route 87 runs along Burnett Avenue to the Civic Center in Morgan Hill. Route 87 operates between 7:00 a.m. and 6:00 p.m. with approximately 60-minute headways in the a.m. and p.m. commute periods. The nearest Route 87 bus stop to the project site is located near the De Paul Drive and Cochrane Road intersection. Rapid Route 568 operates on Butterfield Boulevard and Cochrane Road on its route between the Gilroy Transit Center and the San Jose Diridon Transit Center. Route 568 operates between 5:30 a.m. and 8:00 p.m. with approximately 30-minute headways in the peak commute periods. The nearest Route 568 bus stops to the project site are located near the Cochrane Circle and Cochrane Road intersection, approximately 1 mile west of the project site.

Caltrain

Caltrain provides commuter rail service between San Francisco and Gilroy. The Morgan Hill Caltrain Station is located along Depot Street, approximately 2.5 miles west of the project site. At the Morgan Hill Station, Caltrain provides three northbound trains during the morning commute period with approximately 30-minute headways and three southbound trains during the afternoon commute period with approximately 40- to 80-minute headways.

4.2.2 Regulatory Setting

a. State Regulations

Senate Bill 375

Senate Bill (SB) 375, signed in August 2008, enhances the state's ability to reach AB 32 goals by directing the California Air Resources Board (CARB) to develop regional GHG emission reduction targets to be achieved from passenger vehicles for 2020 and 2035. In addition, SB 375 directs each of the state's 18 major Metropolitan Planning Organizations to prepare a Sustainable Communities Strategy (SCS) that contains a growth strategy to meet these emission targets for inclusion in the Regional Transportation Plan (RTP). On September 23, 2010, CARB adopted final regional targets for reducing GHG emissions from 2005 levels by 2020 and 2035. On March 22, 2018, the regional targets were updated (CARB 2018).

The Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC) were assigned targets of a 10 percent reduction in GHGs from transportation sources by 2020 and a 19 percent reduction by 2035. On October 21, 2021, ABAG and MTC adopted the most recent RTP/SCS, called Plan Bay Area 2050, to meet the assigned reduction targets through implementation of housing, economic, transportation, and environmental measures (ABAG and MTC 2021a).

Senate Bill 743

SB 743 was signed into law by Governor Brown in 2013 and tasked the Office of Planning and Research (OPR) with establishing new criteria for determining the significance of transportation impacts under CEQA. SB 743 requires the new criteria to "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses." It also states that alternative measures of transportation impacts may include "vehicle miles traveled (VMT), vehicle miles traveled per capita, automobile trip generation rates, or automobile trips generated."

On September 27, 2013, California Governor Jerry Brown signed SB 743 into law and started the process to change transportation impact analysis as part of CEQA compliance. SB 743 required the Governor's OPR to identify new metrics for identifying and mitigating transportation impacts in CEQA. In January 2018, the OPR transmitted its proposed *CEQA Guidelines* implementing SB 743 to the California Natural Resources Agency for adoption, and in January 2019 the Natural Resources Agency finalized updates to the *CEQA Guidelines*, which incorporated SB 743 modifications that are now in effect. SB 743 changed the way that public agencies evaluate the transportation impacts of projects under CEQA, recognizing that roadway congestion, while an inconvenience to drivers, is not itself an environmental impact (Public Resource Code, Section 21099 (b)(2)). In addition to new exemptions for projects consistent with specific plans, the *CEQA Guidelines* replaced congestion-

based metrics, such as auto delay and level of service (LOS), with VMT as the basis for determining significant impacts, unless the *CEQA Guidelines* provide specific exceptions.

b. Regional Regulations

Metropolitan Transportation Commission

The current RTP/SCS produced by AMBAG and MTC, Plan Bay Area 2050, was adopted on October 21, 2021. The Plan sets forth regional transportation and land use policy, and provides capital program planning for all regional, state, and federally funded projects. In addition, the Plan provides strategic investment recommendations to improve regional transportation system performance through the year 2050, including investments in regional highway, transit, local roadway, bicycle, and pedestrian projects. Transportation projects programmed in the vicinity of Morgan Hill include ramp metering improvements (ABAG and MTC 2021b)

c. Local

City of Morgan Hill General Plan

The City of Morgan Hill 2035 General Plan was adopted on July 27, 2016 and revised on December 6, 2017. The Transportation Element includes goals, policies, and actions about traffic, circulation, parking, transit, bikeways, and pedestrian networks, and regional coordination. The following policies would be relevant to the project:

- **Policy TR-3.3**: **Timing of Street Construction from Private Development**. Require developers to provide for the construction of their portions of arterial and collector streets at the time of development.
- **Policy TR-3.6**: **Unacceptable Impacts from Mitigation Measures**. The types of impacts from identified vehicular traffic mitigation measures that may be determined by the City to be unacceptable include, but are not limited to the following:
  - Those that would encourage substantial neighborhood or community cut-through traffic;
  - Those that would eliminate or reduce the width of a sidewalk below minimum City standard, where there is not sufficient planned public right-of-way to relocate the sidewalk;
  - Those that would eliminate a bicycle lane or reduce its width below City standard, where there is not sufficient planned public right-of way to relocate the bicycle lane;
  - Those that would create unsafe pedestrian, bicycle, or vehicular operating conditions;
  - Those that would eliminate a bus stop or a parking lane that accommodates a bus stop, which cannot be relocated;
  - Those that would require acquisition of substantial existing buildings, and/or extraordinarily high cost of land acquisition, or an extraordinarily high project cost in relation to benefits achieved.
- **Policy TR-3.7**: **Alternate Mitigation Measures and Conditions of Approval**. Alternate mitigation measures and/or conditions of approval may include, but not be limited to making improvements to other facilities that assist with maintaining or improving projected levels of service, payment of an in-lieu fee to the City to be used to improve other components of the City's transportation system, developer installation of transportation improvements, and/or

incorporation of physical features and operational programs into a project that support Trip Reduction/Travel Demand Management goals.

- **Policy TR-3.8**: **Monitoring for Safety and Congestion Improvements**. While mitigation measures may not be required because level of service would not fall below an applicable LOS E or F standard, the City, developers, property owners, and others are not precluded from identifying and implementing improvements and strategies to improve level of service and reduce congestion. The City should periodically monitor actual traffic conditions and accident data and identify improvements and/or operational strategies that would improve safety and congestion levels, as practical and cost-effective.
- **Policy TR-3.16**: **Private Development Access along Arterials**. Require development that occurs along arterial streets to obtain access through a local street or major entrance and not through curb cuts directly onto the arterial street wherever possible.
- **Policy TR-3.17**: **Planned Development Access near Highway 101**. Require Planned Developments (PDs) for commercial, office, or industrial uses at the intersections of Highway 101 and arterial streets to take access from a public street intersecting with the arterial street at a minimum distance of 600 feet from the freeway on and off ramps, unless the City Engineer finds that direct access to the arterial street or closer access will meet safety standards, or that mitigating actions will be taken to ensure safe access and minimum interference with traffic flows.
- **Policy TR-3.20**: **Arterial Design and Landscaping**. Require development adjacent to arterial streets to minimize the use of fences and walls wherever possible. Strive to accommodate all modes of travel on arterial streets, and improve the Butterfield Corridor, Monterey Road Corridor, and Hale/Santa Teresa Corridor to the extent feasible as well-landscaped multi-modal boulevards. Continue to implement the program for planting street trees and landscaping arterial streets and major intersections.

4.2.3 Impact Analysis

a. Methodology and Significance Thresholds

Methodology

VMT refers to the amount and distance of automobile travel "attributable to a project." VMT re-routed from other origins or destinations as the result of a project would not be attributable to a project except to the extent that the re-routing results in a net increase in VMT. Daily VMT per worker is the average number of vehicle miles that a worker in a given area travels per day.

Pursuant to California Public Resources Code Section 21099(b)(2) and *CEQA Guidelines* Section 15064.3, "a project's effect on automobile delay shall not constitute a significant environmental impact." Therefore, this analysis uses the metric of VMT to analyze transportation-related impacts consistent with SB 743 and the *CEQA Guidelines*. Because the City has updated its CEQA thresholds in accordance with these state regulations, this analysis does not make significance conclusions with respect to changes to LOS, a term used to describe the operating conditions of a roadway by reviewing speed, travel time, congestion, delays, and safety on the road. The VTA developed a VMT Evaluation Tool to determine CEQA transportation impacts. However, the VMT Evaluation Tool can only analyze residential uses and is not capable of estimating VMT for non-residential or non-office/industrial uses.

For nonresidential or non-office projects, very large projects, or projects that can potentially shift travel patterns, a Travel Demand Forecasting (TDF) model must be used to determine project VMT. The VTA's VMT tool was used to estimate VMT for the residential uses proposed by the project. The VTA's VMT tool streamlines how project VMT is calculated using the following inputs: Assessors' Parcel Number, type of development, project location, and proposed trip reduction measures. However, since the proposed project would include retail for which the VMT tool is not capable of estimating VMT, the VTA's Countywide TDF model was utilized to complete the VMT evaluation for the proposed retail uses. The VTA's Countywide TDF model is a mathematical representation of travel that accounts for trip generation, trip distribution, mode choice, and trip assignment. The VMT computed by the TDF model also accounts for socioeconomic inputs that are aggregated by traffic analyses zones, which are specific geographic areas.

As described in Section 1, *Introduction*, the CEQA baseline for analysis in this section is the existing site conditions.

Significance Thresholds

The following thresholds are based on Appendix G of the *CEQA Guidelines.* Transportation impacts would be considered significant if the project would:

1. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities
2. Conflict or be inconsistent with *CEQA Guidelines* Section 15064.3, subdivision (b)
3. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)
4. Result in inadequate emergency access

Project VMT Threshold

According to the OPR's Technical Advisory on Evaluating Transportation Impacts, a 15 percent reduction in VMT per capita from existing development is "generally achievable" and supportive of California goals to reduce GHG emissions (OPR 2018). However, state guidance allows localities to set their own VMT standards based on substantial supporting evidence. The OPR recommends evaluating VMT impacts using an efficiency-based version of the metric, such as VMT per resident for residential developments or VMT per worker for office or other employment-based developments.

RESIDENTIAL VMT THRESHOLD

Based on the VTA's VMT Evaluation Tool, the citywide average VMT per capita is currently 24.64. Therefore, a 15 percent reduction would set the residential VMT significance threshold at 20.94 VMT per capita.

RETAIL USE VMT THRESHOLD

Pursuant to the technical advisory, projects that include retail uses are said to create a significant adverse impact on VMT when the project results in any increase in the total VMT.

HOTEL USE VMT THRESHOLD

For mixed-use projects, the OPR allows lead agencies to evaluate only the project's dominant use. Since the proposed residential and retail components of the project would be the dominant land use (both residential and retail uses would generate a much greater number of daily trips when compared with the proposed hotel uses), the CEQA impact evaluation for the project is based only on the residential and retail components of the project.

b. Prior Environmental Analysis

2005 EIR Summary

Impacts to Transportation and Circulation are analyzed in Section 3.12 of the 2005 EIR. The section analyzes the project's impacts on traffic in terms of LOS, site access, onsite circulation, public transit facilities, pedestrian facilities, bicycle facilities, and parking availability. The 2005 EIR does not address consistency with *CEQA Guidelines* Section 15064.3, subdivision (b), or the adequacy of emergency access.

Transportation and circulation impacts identified in the 2005 EIR are summarized below.

Intersection Level of Service Impacts

ROADWAY INTERSECTIONS

The 2005 EIR found that the project would generate 22,009 net new daily trips, 533 net-new AM Peak Hour trips, 1,869 net-new PM Peak Hour trips, and 2,415 net new Saturday midday peak-hour trips. These new additional trips would cause the unsignalized intersection of Cochrane Road/Mission View Drive to operate at unacceptable LOS during peak hours and the project would exacerbate unacceptable operations at the Dunne Avenue/Monterey Road intersection during PM Peak Hour. This was found to be a significant impact. However, implementation of the roadway geometry and required traffic signal described in Mitigation Measures 3.12-1a and 3.12-1b was found to reduce impacts to a less-than-significant level.

Freeways

The EIR found that the proposed project would generate new trips on U.S. 101 that would exacerbate current unacceptable LOS. The segment of U.S. 101 between Tennant Avenue and Dunne Avenue operates at LOS F, and the project would add a volume greater than 1 percent of the capacity to this segment. Therefore, the project would have a significant impact and Mitigation Measure 3.12-2 would be required. However, even with implementation of Mitigation Measure 3.12-2, the project's contribution to existing traffic levels would not be reduced, and impacts would be significant and unavoidable.

Site Access

The EIR found that impacts related to site access would be less than significant with implementation of Mitigation Measures 3.12-3 and 3.12-4. Mitigation Measure 3.12-3 would eliminate two driveways to reduce vehicle conflicts with pedestrians, and Mitigation Measure 3.12-4 would designate the southernmost provide driveway to be a right-turn-in and out-only driveway to avoid potential vehicle conflicts.

Onsite Circulation

The EIR found that to improve onsite circulation the project would need to implement Mitigation Measures 3.12-5 and 3.12-6 to reduce impacts to a less-than-significant level. Mitigation Measure 3.12-5 would reduce speeds on De Paul Drive by developing project design features that would discourage speeding. Mitigation Measure 3.12-6 would relocate the designated loading zone to avoid a driving hazard at a nearby onsite intersection.

Public Transit, Pedestrian, and Bicycle Facilities

PUBLIC TRANSIT FACILITIES

As described in the 2005 EIR, the existing bus stop on Mission View Drive south of Cochrane would not be able to properly accommodate transit riders generated by the project. To reduce the potentially significant impact, Mitigation Measure 3.12-7 would require that the project construct a new stop along the project frontage with transit amenities. With implementation of Mitigation Measure 3.12-7, the impact was found to be less than significant.

PEDESTRIAN FACILITIES

The 2005 EIR found that while the project would construct a continuous sidewalk along the project frontage, there would be no pedestrian crossings at the major intersections adjacent to the project. No pedestrian crosswalks would be provided at the four legs of the Cochrane Road/Mission View Drive intersection and the Cochrane Road/De Paul Drive intersections. There would be no safe pedestrian crossing at these intersections. Impacts would be potentially significant, but with incorporation of Mitigation Measure 3.12-8, a pedestrian crosswalk would be provided on all four legs of the Cochrane Road/Mission View Drive intersection and all legs of the Cochrane Road/De Paul Drive intersection except the west leg, because a separate pedestrian signal phase would degrade intersection operations along this leg. The impact would be reduced to a less-than-significant level.

BICYCLE FACILITIES

The 2005 EIR found that the project would create a demand for bicycle facilities but that no bicycle facilities were part of the preliminary project site plans. This was found to be a potentially significant impact. However, implementation of Mitigation Measure 3.12-9 would require that the project incorporate bicycle facilities into the project design, which would reduce the impact to a less-than-significant level.

Parking

The 2005 EIR found that the project would not provide sufficient parking supply to meet the demand generated by the proposed land uses. Mitigation Measure 3.12-10 would be required to ensure that the overall number of parking spaces is increased in the project design to reduce impacts to less-than-significant levels.

Table 4.2-1 lists the 2005 EIR's mitigation measures related to transportation and circulation. Pursuant to Public Resource Code, Section 21099 (b)(2), traffic congestion, while potentially an inconvenience to drivers, is not itself an environmental impact. Therefore, issues related to traffic congestion are currently outside the scope of the CEQA analysis but will be considered as conditions of approval as appropriate for consistency with the General Plan. This list also excludes mitigation measures relevant to cumulative development, because the 2005 EIR's cumulative setting consists

of recently approved projects when the project was originally proposed. This historic cumulative setting does not apply to the proposed project.

Table 4.2-1 2005 EIR Mitigation Measures: Transportation and Traffic

Mitigation Measure	Description
Impact 3.12-1 Intersection Level of Service Impacts	
Mitigation Measure 3.12-1a	At the Dunne Avenue/Monterey Road intersection, the westbound right-turn lane shall be restriped as a shared through/right-turn lane, and a northbound right-turn overlap phase shall be installed. This improvement would be required when 35 percent of the project has been constructed based on total PM Peak Hour trip generation
Mitigation Measure 3.12-1b	At the Cochrane Road/Mission View Drive intersections, a traffic signal shall be installed with protected left-turn phasing on all approaches. In addition, this intersection shall be reconfigured to include the following geometry: ▪ The northbound approach should include one left-turn lane and one shared through/right-turn lane. ▪ The westbound approach should include one left-turn lane, one through lane, and one shared through/right-turn lane. ▪ The southbound approach should include one left-turn, one shared through/right-turn lane, and one right-turn lane. ▪ The eastbound approach should include one left-turn lane, one through lane, and one right-turn lane.
Impact 3.12-2 Freeway Level of Service Impacts	
Mitigation Measure 3.12-2	The project shall implement the applicable actions listed in the *Immediate Implementation Action List* contained in the *Deficiency Plan Guidelines* of the County's Congestion Management Program, which are intended to encourage the use of non-automobile transportation modes and to help maximize the efficiency of the existing transportation system. The *Immediate Implementation Action List* comprises a general listing of the types of the measures which can be implemented by project sponsors and/or lead agencies. The listed actions which can be implemented at the project-specific level include improvements to the bicycle and pedestrian facilities, improvements to the public transit facilities, and information programs to encourage Transportation Demand Management measures, such as carpooling. (The full list is contained in Appendix H of the traffic report which is contained in Appendix D of this EIR.) The proposed project would implement several of these action items, either as part of the proposed project or as mitigation measures (for transportation and/or air quality impacts) identified elsewhere in this SEIR. These actions include: ▪ Pedestrian circulation system improvements including sidewalks along project frontages, crosswalks at adjacent intersections and project driveways, internal project sidewalks and marked pedestrian paths providing internal pedestrian circulation; ▪ Bicycle system improvements including dedication of right-of-way for Class II bike lane along project street frontages, and installation of on-site bicycle storage facilities; ▪ Transit improvements such as provision of transit stop on project Cochrane Road frontage, and posting of transit schedule and fare information on project employer's bulletin boards.

Mitigation Measure	Description
Impact 3.12-3 Site Access	
Mitigation Measure 3.12-3	The two driveways shown directly behind the movie theater complex on Mission View Drive (i.e., the second and third driveways north of the Cochrane Road intersection) should be eliminated from the proposed project, and a circulation aisle should be provided behind the movie theater complex
Impact 3.12-4 Site Access	
Mitigation Measure 3.12-4	The southernmost project driveway should be designated as a right-turn-in and out-only driveway (i.e., signs should be posted prohibiting left turn movements into or out of the project site at this driveway).
Impact 3.12-5 Onsite Circulation	
Mitigation Measure 3.12-5	The following modifications are identified on the main north-south circulation aisle to discourage speeding and provide more visible crosswalks for pedestrians: a) At the first intersection north of Cochrane (i.e., between Shops K and Pad 7, and between Shops B and Pad 2), stop signs should be installed on the side street approaches; b) At the second intersection north of Cochrane, provide one of the following alternative configurations: i) Provide raised intersection to provide vertical displacement, and provide stop signs on the side street approaches; or ii) Provide stop signs on all four approaches; c) At the third intersection north of Cochrane, provide stops signs on all four approaches.
Impact 3.12-6 Onsite Circulation	
Mitigation Measure 3.12-6	The designated loading zone shall be relocated far enough to the east to allow the intersection approach lane to be reduced to one lane.
Impact 3.12-7 Public Transit Facilities	
Mitigation Measure 3.12-7	The project applicant shall construct a new bus stop along the project frontage, including transit amenities such as a bus turnout, a shelter, and benches
Impact 3.12-8 Pedestrian Facilities	
Mitigation Measure 3.12-8	Pedestrian crosswalks shall be provided on all four legs of the Cochrane Road/De Paul Drive intersection.
Impact 3.12-9 Bicycle Facilities	
Mitigation Measure 3.12-9	The following bicycle facilities shall be incorporated into the project: a) Bicycle racks and/or lockers to accommodate bicycle travel by customers and employees. Bicycle parking facilities should be located in high visibility areas in order to encourage bicycle travel and discourage theft and vandalism. b) Class II bicycle lanes along the project street frontages.
Impact 3.12-10 Parking	
Mitigation Measure 3.12-10	The overall number of parking spaces included in the project shall be required to meet the aggregate parking demand of the various land uses proposed in the project, to be determined as follows. At the time of the subsequent discretionary approval (e.g., use permit, design review) for each individual restaurant pad or space, the parking supply provided for each such pad or space shall meet the peak parking demand for the specific type of restaurant proposed (e.g., site down, fast-food), as determined through either the applicable City code parking requirement, or through applications of the Institute of Transportation Engineers shared parking rates for 1 p.m. on a weekend day (plus 10 percent). After the center is 75 percent builtout on the basis of floor area (assuming the cinemas have been completed), the calculation

Mitigation Measure	Description
	of parking requirements for new restaurant uses may be adjusted based on the results of physical parking surveys conducted at the center by a qualified transportation consultant during the peak usage period. (If the cinemas have not been completed upon 75 percent project completion, then the buildout threshold for such calculations shall be 85 percent of project buildout.) As a guide to the approximate maximum floor area of restaurant that can be constructed without resulting in a parking deficiency for the project, the maximum floor area can range from 25,000 square feet (assuming 100 percent sit-down restaurant) to 41,000 square feet (assuming 100 percent fast-food restaurant), although the actual maximum will fall between these numbers if the project ultimately includes a mix of the two restaurant types. (These maximum figures assume floor areas for all other project uses will remain as proposed on the May 2, 2005 project site plan.)

Source: City of Morgan Hill 2005

c. Project Impacts and Mitigation Measures

Threshold 1: Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Impact TRA-1 THE PROJECT WOULD NOT CONFLICT WITH APPLICABLE POLICIES ADDRESSING TRANSIT, BICYCLE, AND PEDESTRIAN FACILITIES. IMPACTS RELATED TO TRANSIT, BICYCLE AND PEDESTRIAN FACILITIES WOULD BE LESS THAN SIGNIFICANT.

Pedestrian Facilities

Pedestrian facilities exist along the east side of Mission View Drive and the north side of the section of Cochrane Road immediate to the project site. There are intermittent sidewalks along the southern side of Cochrane Road, a short segment of sidewalk west of Mission View Drive, and no sidewalks provided between the U.S. 101 northbound ramps and De Paul Drive. As discussed in the Transportation Analysis (Appendix D), the project would include the construction of sidewalks along the entire frontage of Mission View Drive that would connect to the existing sidewalks on the north side of Cochrane Road. Constructing a continuous sidewalk from Mission View Drive to Cochrane Road would provide a safe connection between the project site and the surrounding land uses for the new pedestrian trips that would be generated by the project. Pedestrian connectivity to and from the project site would be adequate. Therefore, the project would be consistent with City's policies related to pedestrian facilities, and this impact would be less than significant.

Bicycle Facilities

Class II bike lanes are located along Cochrane Road and Mission View Drive and there is a Class I unpaved bike path that runs along the east side of U.S. 101 from Tennant Avenue to Cochrane Road. The project would generate up to eight new bicycle trips during the peak hours (Appendix D), which would be accommodated by the existing bicycle facilities in proximity to the project site. Existing and planned bicycle facilities would provide adequate access for bicyclists (Appendix D). Therefore, the project would be consistent with the City's policies related to bicycle facilities, and this impact would be less than significant.

Transit Facilities

The VTA provides bus services and Caltrain provides rail services in Morgan Hill. The bus stops closest to the project site are served by Local Route 87 and Express Route 568, which also provide connections to the Morgan Hill Caltrain Station that is approximately 2.5 miles west of the project site.

The project involves the development of 498 townhomes/apartment units, a 140-room hotel, and 135,000 square feet of retail use. The project would be expected to generate a maximum of 24 new transit riders during each peak hour (Appendix D). With the completion of sidewalks along Mission View Drive, residents, employees, and customers would be able to walk to the Route 87 bus stop at the De Paul Drive and Cochrane Road intersection and to the Rapid Route 568 bus stop on Butterfield Boulevard and Cochrane Road. The existing public transit and school bus routes are adequate to accommodate the additional demand generated by the project, and existing bus stops accessible via continuous sidewalks are in an acceptable walking distance of the site (Appendix D). Therefore, the project would be consistent with City policies related to transit facilities, and this impact would be less than significant.

Mitigation Measures

Impacts would be less than significant without mitigation. Neither new mitigation measures nor mitigation measures included in the 2005 EIR would be required.

Threshold 2:	Would the project conflict or be inconsistent with *CEQA Guidelines* section 15064.3, subdivision (b)?

Impact TRA-2 THE PROJECT WOULD EXCEED THE APPLICABLE SIGNIFICANCE THRESHOLD FOR VMT. EVEN WITH MITIGATION MEASURE TRA-1, THE PROJECT WOULD NOT FALL BELOW THE APPLICABLE RESIDENTIAL VMT PER CAPITA THRESHOLD. IMPACTS WOULD BE SIGNIFICANT AND UNAVOIDABLE.

As described in Section 4.2.3, *2005 EIR Summary*, the 2005 EIR did not discuss impacts related to VMT since LOS was the preferred methodology at the time of the analysis. In compliance with SB 743 and *CEQA Guidelines* Section 15064.3, this analysis uses the metric of VMT to analyze transportation-related impacts. The significance threshold for residential VMT per capita is 20.94 and for retail VMT any increase in VMT is the threshold (Appendix D).

Residential VMT

Based on the results of the VTA VMT Evaluation Tool, the project would generate 28.51 VMT per capita. This exceeds the threshold of 20.94 VMT per capita. This is a potentially significant impact.

Retail VMT

The results of the VTA's TDF are summarized in Table 4.2-2. As shown in Table 4.2-2, there would be an overall decrease in retail VMT with total VMT decreasing by 4,354 VMT per day. With the project, there would be 1,231 fewer daily work VMT and 3,123 fewer daily shop VMT (Appendix D). The decrease is largely due to the proximity of existing residences to the retail center and the proposed onsite residences. Having shopping opportunities nearby would shorten trips for employees and retail customers. Therefore, the proposed retails use would not generate new VMT.

Table 4.2-2 Retail VMT Analysis

VMT Analysis for TAZ's with Shifted Jobs	No Project	Project	Project – No Project
Home-Based Work VMT	161,830	160,599	-1,231
Home-Based Work VMT	140,496	137,373	-3,123
Total VMT	302,326	297,972	-4,354

Source: Hexagon Transportation Consultants, Inc., Transportation Analysis, Appendix D

Mitigation Measures

The following new mitigation measure is required to address the significant impact related to residential VMT per capita. This measure was not included in the 2005 EIR.

TRA-1 VMT Reductions

The applicant shall develop and implement a Transportation Demand Management (TDM) plan that is aimed at achieving a reduction in residential vehicle trips to and from the site. The TDM plan will need to be prepared by a qualified traffic consultant and in coordination with the City of Morgan Hill Development Services Director or Designee. The TDM plan shall quantify the reduction in VMT. The TDM plan may include, but shall not be limited to, the following elements described below:

- School Pool Programs: Organize a program that matches families in carpools for school pick-up and drop-off of all households from the project. Organizing a school pool program helps match parents who transport students to schools without a busing program, including private schools, charter schools, and neighborhood schools where students cannot walk or bike. The school pool program would be open to all families in the development. School pools reduce the total number of vehicle trips traveling to and from schools, thereby reducing VMT
- Transit Service Expansion. The project shall subsidize transit service through fees and contributions to the transit provider, thereby improving transit service to the project, resulting in increased use of transit and reduced VMT
- Voluntary Travel Behavior Change Programs. Provide a program that targets individual attitudes towards travel and providing tools for individuals to analyze and alter their travel behavior with 100% expected resident participation. These programs include mass communication campaigns and travel feedback programs, such as travel diaries or feedback on calories burned from activities and travel. This strategy encourages the use of shared ride modes, transit, walking, and biking, thereby reducing VMT

Significance After Mitigation

Even with incorporation of Mitigation Measure TRA-1, VMT per capita would not be reduced by 27 percent, which is the percent needed to reduce the VMT per capita below the threshold. There are no feasible mitigation measures or combination of measures that would reduce the overall project VMT per capita by 27 percent. Therefore, the impact would remain significant and unavoidable.

Threshold 3:	Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?

Impact TRA-3 THE PROJECT WOULD NOT INTRODUCE DESIGN FEATURES OR INCOMPATIBLE USES THAT COULD INCREASE TRAFFIC HAZARDS. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.

Site Access

Site access is proposed via a new right-turn only driveway along Cochrane Road, as well as the existing signalized Cochrane Road/De Paul Drive intersection. Four driveways also are proposed along Mission View Drive. The project would include frontage improvements along Mission View Drive to include curb, gutter and sidewalk along with the new access points. There would be no site access issues at any of the proposed driveways onsite. To enhance site access and safety conditions, Hexagon Transportation Consultants recommended that a center-striped median be provided along Mission View Drive between the Cochrane Road and the northern project site driveway; this will be considered by the City during project review but is not needed to address a significant environmental impact so is not included as a mitigation measure in this EIR. This improvement would allow left-turns into project driveways along Mission View Drive. However, due to the minimal amount of traffic expected along Mission View Drive, no significant queuing or operational issues would occur at the project driveways. Therefore, the project would not result in significant adverse safety impacts, nor would the project result in significant intersection safety concerns.

Onsite Circulation

There would be no significant safety issues with onsite circulation. The two main internal access roadways would be De Paul Drive and Mission View Drive. Secondary roadways and drive aisles would connect to the primary access roadways and provide access to the proposed residences and retail. There would be dead-end aisles but only in the townhome areas, and these areas would primarily be accessed by future residents. While the onsite circulation is adequate, to enhance safety, Hexagon Transportation Consultants recommended that speed-reducing measures be implemented along the primary access roadways to discourage speeding and that signage be posted at the entrances of the townhouse drive aisles restricting access only to residents. This will be considered by the City during project review but is not needed to address a significant environmental impact so is not included as a mitigation measure in this SEIR

Intersection Operations – Queuing

As shown in Table 4.2-3, the left-turn queues during the PM Peak Hour at the Cochrane Road and Mission View Drive intersection are exceeded under existing conditions and would continue to be exceeded with the proposed project. The addition of project traffic would lengthen the projected queue by one vehicle (or approximately 25 feet) during PM Peak Hour conditions. To improve the queuing conditions at the intersection, Hexagon Transportation Consultants recommended that a second northbound left-turn lane be added; this will be considered by the City during project review but is not needed to address a significant environmental impact so is not included as a mitigation measure in this SEIR. Even though the queuing at the northbound left-turn pocket at Mission View Drive and Cochrane Road exceeds the available storage capacity and would increase further with addition of the project's traffic, significant adverse safety or operational effects would not occur (Appendix D).

Table 4.2-3 95th Percentile Left-Turn Queues at Nearby Intersections

Study Intersection	Cochrane Road and De Paul Drive Eastbound Left AM	Cochrane Road and De Paul Drive Eastbound Left PM	Cochrane Road and De Paul Drive Eastbound Left AM	Cochrane Road and De Paul Drive Eastbound Left PM	Mission View Drive and Cochrane Road Eastbound Left AM	Mission View Drive and Cochrane Road Eastbound Left PM	Mission View Drive and Cochrane Road Northbound Left AM	Mission View Drive and Cochrane Road Northbound left PM
Existing Conditions								
Cycle Length (seconds)	60	60	6	60	60	60	60	60
Lanes	1	1	2	2	1	1	1	1
Volume (vehicles per hour)	39	142	196	446	16	63	536	192
Volume (vehicle per hour per lane)	39	142	98	223	16	63	536	192
95th Percentile. Queue (vehicle/lane)	2	5	4	7	1	3	14	6
95th Percentile Queue (feet/lane)	50	125	100	175	25	75	350	150
Storage (feet/lane)	450	450	275	275	225	225	100	100
Adequate (Yes/No)	Yes	Yes	Yes	Yes	Yes	Yes	No	No
Existing Plus Proposed Project Conditions								
Cycle Length (seconds)	60	60	6	60	60	60	60	60
Lanes	1	1	2	2	1	1	1	1
Volume (vehicles per hour)	59	177	306	733	35	120	554	234
Volume (vehicle per hour per lane)	59	177	153	367	35	120	554	234
95th Percentile. Queue (vehicle/lane)	3	6	5	10	2	5	14	7

Study Intersection	Cochrane Road and De Paul Drive Eastbound Left AM	Cochrane Road and De Paul Drive Eastbound Left PM	Cochrane Road and De Paul Drive Eastbound Left AM	Cochrane Road and De Paul Drive Eastbound Left PM	Mission View Drive and Cochrane Road Eastbound Left AM	Mission View Drive and Cochrane Road Eastbound Left PM	Mission View Drive and Cochrane Road Northbound Left AM	Mission View Drive and Cochrane Road Northbound left PM
95th Percentile Queue (feet/lane)	75	150	125	250	50	125	350	175
Storage (feet/lane)	75	150	125	250	50	125	350	175
Adequate (Yes/No)	Yes	Yes	Yes	Yes	Yes	Yes	No	No

Source: Appendix D

Mitigation Measures

Impacts would be less than significant without mitigation. Neither new mitigation measures nor mitigation measures included in the 2005 EIR would be required.

Threshold 4:	Would the project result in inadequate emergency access?

Impact TRA-4 THE PROJECT COULD RESULT IN INADEQUATE EMERGENCY ACCESS TO THE PROJECT SITE. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT WITH ADHERENCE TO MITIGATION MEASURE TRA-2.

The adequacy of emergency access depends on access to the site and the response times of emergency vehicles.

The project site would be accessible via a new right-turn only driveway along Cochrane Road, at the existing signalized Cochrane Road/De Paul Drive intersection, and via four driveways accessible via Mission View Drive. There would also be internal roadways onsite that would need to be accessible for emergency vehicles. Additionally, there are proposed short segments of internal roadways that would be dead-ends and not provide sufficient space for an emergency vehicle to turn around. The vehicles would need to back out of the roadway. Mitigation Measure TRA-2 would be required to ensure that the project's internal roadway network is designed to provide adequate emergency vehicle access.

Mitigation Measures

Mitigation Measure TRA-2 Emergency Vehicle Site Access

The project site shall be designed following City of Morgan Hill design standards and provide adequate width and turn-radii at and along all drive/parking aisles to allow for two-way circulation and adequate circulation of larger vehicles (such as emergency trucks, garbage trucks, and delivery trucks) throughout the project site. The project applicant shall provide detailed site development plans to the City of Morgan Hill Planning Division that demonstrate compliance with the City design standards prior to issuance of a building permit.

Significance After Mitigation

With incorporation of Mitigation Measure TRA-2, adequate emergency vehicle access would be provided onsite for all proposed uses.

4.2.4 Cumulative Impacts

Development that is considered part of the cumulative analysis includes buildout of the City's 2035 General Plans. As discussed in Impact TRA-2, the proposed project would have significant and unavoidable impact related to VMT. Based on technical guidance from the OPR, if a project has a less-than-significant impact on VMT using an efficiency-based threshold (e.g., VMT per resident), this implies that the project would not contribute to a cumulative VMT impact. Therefore, the project would have a considerable contribution to a cumulative VMT impact that would be exacerbated by projects planned in the City's 2035 General Plan. Therefore, there would be a significant and unavoidable cumulative VMT impact.

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5 Other CEQA Required Discussions

This section discusses growth-inducing impacts and irreversible environmental impacts that would be caused by the proposed project. The analysis in this section takes into account the other CEQA-required discussions analysis contained in the 2005 EIR, supplemented by analysis of potential changes as proposed by the project. The 2005 EIR concluded that the project would not result in significant growth inducement by way of setting a precedent for further urban expansion, by creating excess infrastructure capacities, or by removing obstacles to further growth.

5.1 Growth Inducement

Section 15126(d) of the *CEQA Guidelines* requires a discussion of a proposed project's potential to foster economic or population growth, including ways in which a project could remove an obstacle to growth. Growth does not necessarily create significant physical changes to the environment. However, depending upon the type, magnitude, and location of growth, it can result in significant adverse environmental effects. The proposed project's growth inducing potential would therefore be considered significant if project-induced growth could result in significant physical effects in one or more environmental issue areas.

5.1.1 Population Growth

As discussed in Section 19, *Population and Housing*, of the Initial Study (Appendix A), the proposed project would directly generate population growth because it includes residential uses. The proposed project would result in the development of 498 dwelling units, 140 hotel rooms, and 135,000 square feet of retail space. Assuming that the average household size of the proposed project would generally reflect that of the California Department of Finance's estimated 3.08 persons per household for the City of Morgan Hill, the proposed project would introduce an approximate population of 1,534 persons (2021).

The addition of retail space would also introduce new jobs, which could also result in an addition of residents to the City. As discussed in the following subsection, *Economic Growth*, the proposed project would generate approximately 1,174 new employees. Considering a maximum population growth scenario, if all projected employees were to relocate to Morgan Hill, there would be a population growth of 2,708 persons. It is unlikely that each employee would be a new resident to Morgan Hill, as most positions would be filled by current residents; therefore, the projection of 2,708 persons relocating to Morgan Hill represents a conservative, maximum growth scenario.

The current Morgan Hill population is estimated to be 47,374 in 2021 (California Department of Finance 2021). The addition of the proposed project 2,708 persons under a maximum growth scenario would result in an approximately 6 percent increase in the City's population, increasing the population to 50,055 persons. The ABAG projections for the population of Morgan Hill forecasts an increase to 50,165 persons by 2040 (ABAG and MTC 2018).[1] While this additional population is within ABAG population forecasts for Morgan Hill, it is unlikely that all residents and employees would relocate to Morgan Hill and be residents of the city; therefore, the project would realistically result in less than a 6 percent increase to the population. The proposed project would not induce

[1] The population projections from the Plan Bay Area 2040 are used because the Plan Bay Area 2050 growth forecasts are not provided at a city-scale.

substantial unplanned growth directly or indirectly and population growth would be in the City's growth projections.

Moreover, as discussed in Section 3, *Air Quality*, of the Initial Study, and Section 4.1, *Greenhouse Gas Emissions*, development and operation of the project would not generate air quality or GHG emissions that would result in a significant impact. Additionally, the project involves redevelopment in a fully urbanized area that lacks significant scenic resources, native biological habitats, known cultural resource remains, surface water, or other environmental resources. Therefore, population growth associated with the project would not result in significant long-term physical environmental effects.

5.1.2 Economic Growth

The proposed project would generate temporary employment opportunities during construction. Because construction workers would be expected to be drawn from the existing regional work force, construction of the project would not be growth-inducing from a temporary employment standpoint. However, the proposed project would also add long-term employment opportunities associated with operation of the proposed commercial buildings and the hotel. Table 5-1 shows the potential maximum increase in job opportunities resulting from the proposed project, conservatively assuming an unlikely scenario, for analysis purposes, in which all project employees move to Morgan Hill from other areas.

Table 5-1 Employment Increase Resulting from Proposed Project

Use	Area (sf)	Employee (sf)[1]	Total Employees
Hotel	203,280	1,500 sf per employee	136
Strip Mall	135,000	130 sf per employee	1,038
Total	–	–	1,174

sf = square feet
Source: United States Green Building Council 2022

ABAG and MTC forecasts that 19,600 jobs will be available in Morgan Hill by 2040 (ABAG and MTC 2018), which is an increase of 1,420 jobs from 2015 to 2040. The 1,174 jobs anticipated by the proposed commercial and hotel developments would be approximately 83 percent of job growth between 2015 and 2040 and, therefore, would be in employment forecasts.

The proposed project would not induce substantial economic expansion to the extent that direct significant physical environmental effects would result. Moreover, the environmental effects associated with future development in or around Morgan Hill would be addressed as part of the CEQA environmental review for such development projects.

5.1.3 Removal of Obstacles to Growth

The proposed project is located in a fully urbanized area that is served by existing infrastructure. As discussed in Section 17, *Utilities*, of the Initial Study (Appendix A) and Section 4.2, *Transportation,* of this SEIR, existing infrastructure in Morgan Hill would be adequate to serve the project. Minor improvements to water, sewer, and drainage connection infrastructure could be needed but would be sized to specifically serve the proposed project. No new roads would be required, and the existing roadways would be able to accommodate the expected traffic volumes. Because the project

constitutes redevelopment in an urbanized area and does not require the extension of new infrastructure through undeveloped areas, project implementation would not remove an obstacle to growth.

5.2 Irreversible Environmental Effects

CEQA Guidelines require that EIRs contain a discussion of significant irreversible environmental changes. This section addresses non-renewable resources, the commitment of future generations to the proposed uses, and irreversible impacts associated with the proposed project.

Growth facilitated by the proposed project would require a long-term commitment of law enforcement, fire protection, water supply, and wastewater treatment. However, as discussed in Section 14, *Public Services*, and Section 17, *Utilities and Service Systems*, of the Initial Study, impacts to these service systems would not be significant.

The project involves residential and commercial development on a vacant site in the City of Morgan Hill. Construction and operation of the project would involve the use of non-renewable building materials and energy sources (e.g., fossil fuels). Consumption of these resources would occur with any development in the region and are not unique to the proposed project.

The proposed project would also irreversibly increase local demand for non-renewable energy resources such as petroleum products. However, increasingly efficient building design would offset this demand to some degree by reducing energy demands of the project. As discussed in Section 6, *Energy*, of the Initial Study (Appendix A), the buildings would be constructed to be all-electric with no natural gas infrastructure pursuant to City of Morgan Hill Municipal Code Section 15.63.040. In addition, the project would be subject to the energy conservation requirements of the California Energy Code (Title 24, Part 6, of the California Code of Regulations, *California's Energy Efficiency Standards for Residential and Nonresidential Buildings*) and the California Green Building Standards Code (Title 24, Part 11 of the California Code of Regulations). The California Energy Code provides energy conservation standards for all new and renovated commercial and residential buildings constructed in California, and the Green Building Standards Code requires solar access, natural ventilation, and stormwater capture. Furthermore, residents and businesses would have access to electricity generated from renewable sources through Silicon Valley Clean Energy, a Community Choice Aggregation, which allows the purchase of electricity from renewable sources through Pacific Gas and Electric infrastructure. Even if residents and business choose to opt out of Silicon Valley Clean Energy, electricity supplied by Pacific Gas and Electric is required to comply with the State's Renewable Portfolio Standard, which requires investor-owned utilities, electric service providers, and community choice aggregators to increase procurement from eligible renewable energy resources to 60 percent by 2030. Consequently, the project would not use unusual amounts of energy or construction materials and impacts related to consumption of non-renewable and renewable resources would be less than significant. Consumption of these resources would occur with any development in the region and is not unique to the proposed project.

Additional vehicle trips associated with the proposed project would incrementally increase local traffic and regional air pollutant and GHG emissions. However, as discussed in Section III, *Air Quality*, (Appendix A) and Section 4.1, *Greenhouse Gas Emissions*, of this SEIR, development and operation of the project would not generate air quality or GHG emissions that would result in a significant impact. Therefore, the project would not have significant irreversible environmental effects.

CEQA requires decision-makers to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve a project. The analysis contained in this SEIR concludes that the proposed project would result in a significant and unavoidable impact to transportation. The VMT generated by the future residents of the project would not meet the significance threshold of 20.94 VMT per capita. The project is anticipated to have a VMT per capita of 28.51. In order to meet threshold for VMT the project would need to reduce VMT by 27 percent. The project would be required to implement Mitigation Measure TRA-1, but even with the incorporation of this mitigation measure, VMT would not be reduced by 27 percent. Impacts related to VMT would remain significant and unavoidable.

6 Alternatives

As required by Section 15126.6 of the *CEQA Guidelines*, this SEIR examines a range of reasonable alternatives to the proposed project that would attain most of the basic project objectives (stated in Section 2 of this SEIR) but would avoid or substantially lessen the significant adverse impacts.

As discussed in Section 2, *Project Description*, the objectives for the proposed project are as follows:

- Increase the viability of the existing Cochrane Commons anchors and tenants
- Create a vibrant and exciting place for the residents of Morgan Hill to live, work, and shop all in one place
- Assist in protecting the tax revenue generated by the current and future tenants and the long-term viability of the city of Morgan Hill's retailers
- Provide much needed variety to the City's housing stock in the form of market rate and below market rate affordable housing
- Encourage the development of the remainder of the shopping center

Included in this analysis are three alternatives, including the CEQA-required No Project alternative, which involves changes to the project that may reduce the project-related environmental impacts as identified in this SEIR. Alternatives have been developed to provide a reasonable range of options to consider that would help decision-makers and the public understand the general implications of revising or eliminating certain components of the proposed project.

The following alternatives are evaluated in this SEIR:

- Alternative 1: No Project, No Build
- Alternative 2: No Project – Allowable Buildout Under Existing General Plan Designation
- Alternative 3: Mixed Use Flex Designation on North Half of the Site

As required by CEQA, this section includes a discussion of the "environmentally superior alternative" among those studied (see Section 6.5).

Section 15126.6(a) of the *CEQA Guidelines* states the following:

> An EIR shall describe a reasonable range of alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

The City of Morgan Hill, in its role as lead agency, has determined that the alternatives analyzed in this section of the SEIR represent a reasonable range of alternatives to the proposed project.

6.1 Alternative 1: No Project Alternative

6.1.1 Description

Under the No Project Alternative, the proposed residential, retail, and commercial buildings associated with the proposed project would not be constructed. Alternative 1 would involve no modification of the existing parcel. The site would remain vacant, and no land use designation or zoning changes would occur. Alternative 1 would not fulfill the project's objectives to develop the remainder of the shopping center, nor would it provide additional housing.

6.1.2 Impact Analysis

The proposed mixed-use development would not be constructed under Alternative 1, and existing conditions would remain unchanged. Alternative 1 would result in no new development, employees, or residents and would thus result in fewer environmental impacts related to all criteria analyzed under this SEIR, including GHG emissions and transportation. All impacts would be reduced as compared to impacts analyzed in this SEIR. There would be no impact, since existing conditions would remain unchanged. However, Alternative 1 would be inconsistent with the project's objectives to increase the viability of the Cochrane Commons Center, develop the rest of the shopping center, and provide additional housing in Morgan Hill.

6.2 Alternative 2: No Project – Allowable Buildout under Existing General Plan Designation

6.2.1 Description

The No Project – Allowable Buildout alternative assumes that the proposed residential, retail, and commercial buildings associated with the proposed project are not constructed. However, this alternative also assumes that buildout currently allowed by the existing Morgan Hill 2035 General Plan land use designations would occur. As described in Section 2, *Project Description,* the project site is currently split between two land use designations. Approximately 13 acres of the northwest corner of the site are designated Mixed Use Flex (7 to 24 dwelling units/acre) with the remaining 20.5 acres designated Commercial. The Commercial designation allows a wide range of retail businesses, administrative and executive office uses, and professional services, either in stand-alone buildings or as part of shopping centers, with a maximum floor area ratio of 0.6. With 20.5 acres of the project site designated as Commercial, with a maximum floor area ratio of 0.6, Alternative 2 would allow a maximum of approximately 536,000 square feet of commercial development.[1] The Mixed Use Flex designation allows for a mix of residential, commercial, and office uses, with 7 to 24 dwelling units per acre and a maximum floor area ratio of 0.5. With 13 acres of the project site designated as Mixed Use Flex, a maximum of 312 dwelling units could be developed in the project site. Because lands designated as Mixed Use Flex have a maximum floor area ratio of 0.5, the maximum residential building footprint in the site would be approximately 283,000 square feet.[2] Altogether, Alternative 2 would result in the development of fewer residential units and more commercial area. Table 6-1 compares buildout of Alternative 2 to the proposed project.

[1] 20.5 acres multiplied by a floor area ratio of 0.6, converted to square feet, equals approximately 536,000 square feet of allowable commercial development.
[2] 13 acres multiplied by up to 24 dwelling units per acre equals 312 dwelling units. 13 acres multiplied by a floor area ratio of 0,5 converted to square feet, is approximately 283,000 square feet of residential development.

Table 6-1 Buildout Comparison of the Proposed Project and Alternative 2

Feature	Proposed Project	Alternative 2	Net Difference
Designated Mixed Use Flex area	33.5 acres	13 acres	-20.5 acres
Designated commercial area	0 acres	20.5 acres	+20.5 acres
Dwelling units	498 units	312 units	-186 units
Residential population[1]	1,534 persons	961 persons	-573 persons
Commercial area	135,000 sf	538,000 sf	+403,000 sf
Employee population[2]	1,174 persons	4,675 persons	+3,501 persons

sf = square feet

[1]Population calculated by multiplying number of dwelling units by average household size of Morgan Hill (3.08 persons) See the Initial Study (Appendix A) for further methodology.

[2] Employee population calculated by multiplying commercial area by average number of employees per commercial square foot, as established by US Green Building Council default occupancy counts (US Green Building Council 2021).

This alternative would meet most of the project objectives, but it would contribute less housing stock than the proposed project.

6.2.2 Impact Analysis

a. Greenhouse Gas Emissions

As described in Section 4.2, *Greenhouse Gas Emissions,* the project as proposed would result in the emission of GHGs during construction and operation. During construction, GHG emissions would be generated by construction equipment used onsite and by vehicle trips associated with construction, such as worker and vendor trips. Alternative 2 would involve construction of 538,000 square feet of commercial uses, 403,000 more square feet than the proposed project. Accordingly, Alternative 2 would have a longer construction period and involve greater square footage of construction, which would result in increased GHG emissions. As stated in Section 4.2, *Greenhouse Gas Emissions,* the BAAQMD does not have a recommended threshold for construction-related emissions; therefore, while construction of Alternative 2 would involve a greater amount of construction GHG emissions, construction would not generate GHG emissions that would have a significant impact on the environment. Similar to the proposed project, Alternative 2 would not include demolition as it has already occurred, and Mitigation Measure 3.3-1 of the 2005 EIR would not apply as it has already been complied with.

During operation, long-term operational emissions would relate to area sources, energy use, solid waste, water use, and transportation. Because this alternative would include substantially more commercial area than the proposed project, Alternative 2 would result in more annual GHG emissions than the proposed project. As shown in Table 4.2-2 of Section 4.2, *Greenhouse Gas Emissions,* the proposed project would have an emissions per service person ratio of 2.1, which is below the adjusted BAAQMD efficiency threshold of 2.8. Because Alternative 2 would involve a substantial increase in commercial area (403,000 square feet more than the proposed project), Alternative 2 would result in an increased amount of operational GHG emissions compared to the proposed project. Table 6-2 compares annual operational GHG emissions that would occur under Alternative 2 to the proposed project.

Table 6-2 Alternative 2 GHG Emissions

Feature	GHG/Unit (MT CO_2e/year)	Proposed Project Size	Proposed Project Emissions (MT CO_2e/year)	Alternative 2 Size	Alternative 2 MT CO_2e/year
Parking Lot (sf)	0.004	939,000	4	939,000	4
Hotel (sf)	10.142	140,000	1,420	0	0
Commercial (sf)	16	135,000	2,222	538,000	8,854
Residential (units)	10	498	5,215	312	3,268
Generators (3)			12		12
Total			**8,872**		**12,137**

GHG = greenhouse gas; MT CO_2e = metric ton of carbon dioxide equivalent; sf = square foot

Note: Values in this table are slightly different than values within the CalEEMod output (Appendix C) due to rounding.

As shown above, Alternative 2 would result in more annual operational GHG impacts than the proposed project. However, as shown in Table 6-1, the increased commercial area would increase the service population of the project site to 5,636 persons under Alternative 2. Therefore, the emissions per service person ratio under Alternative 2 would be approximately 2.1, which is below the adjusted BAAQMD efficiency threshold. Therefore, impacts related to GHG emissions under Alternative 2 would be greater than those of the proposed project but less than significant, similar to the proposed project.

Similar to the proposed project, residential and commercial buildout at the project site permitted by existing land use designations would be consistent with the applicable plans, policies, and regulations adopted to reduce the emission of GHGs listed in Section 4.2, *Greenhouse Gas Emissions*.

b. Transportation

As discussed in Section 4.2, *Transportation,* there are adequate pedestrian, bicycle, and transit facilities in the vicinity of the project site that would serve future residents and employees. Alternative 2 would generate fewer residents than the proposed project as it would result in the construction of fewer residential units, but at full buildout, Alternative 2 would generate more employees than the proposed project due to the construction of 403,000 square feet of additional commercial area. Alternative 2 would be generally consistent with City policies related to transit pedestrian, bicycle, and transit facilities, but would result in increased demand for such facilities. Furthermore, as discussed in Section 4.2, *Transportation,* the proposed project would result in a significant and unavoidable impact related to residential VMT. Alternative 2 would include 186 fewer dwelling units and 573 fewer persons at the project site compared to the proposed project and would likely result in a decreased VMT per capita. However, impacts related to residential VMT would remain significant and unavoidable under Alternative 2. Development of the project site under this alternative would be designed to avoid transportation hazards and to ensure emergency vehicle access similar to the proposed project. Mitigation Measure TRA-2, Emergency Vehicle Site Access, would apply to this alternative to ensure that internal roadways and drive aisles would provide sufficient space for emergency vehicles.

c. Other Resources

Impacts related to construction activities and operation under Alternative 2 would be similar to the proposed project since the alternative would also allow full buildout of the project site. Similar to the impacts of the proposed project, impacts of Alternative 2 related to aesthetics, agriculture and forestry resources, air quality, biological resources, cultural resources, energy, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, tribal cultural resources, utilities and service systems, and wildfire would remain less than significant, less than significant with mitigation measures of the 2005 EIR incorporated, or would result in no impact.

6.3 Alternative 3: Mixed Use Flex Designation on North Half of the Site

6.3.1 Description

The extension of Mixed Use Flex designation to cover half the site alternative assumes that the 2035 General Plan land use designation of Mixed Use Flex would be extended beyond the northwestern portion of the project site to the east to encompass the northern half of the project site. Residential, retail, and commercial buildings would be constructed consistent with the adjusted land use designation. Approximately 16.75 acres on the northern side of the project site would be designated Mixed Use Flex, and 16.75 acres on the southern side of the project site would remain designated as Commercial. The 16.75 acres of land designated Mixed Use Flex would allow for up to 402 dwelling units to be built under Alternative 3,[3] and 16.75 acres of land designated as Commercial would allow for up to approximately 435,600 square feet of commercial use.[4] Alternative 3 would result in half as much area designated as Mixed Use Flex compared to the proposed project; thus, the extended Mixed Use Flex area under this alternative would allow the development of fewer dwelling units compared to the proposed project. Alternative 3 would also involve an increase in areas designated as Commercial compared to the proposed project. Table 6-3 compares buildout of Alternative 3 to the proposed project.

Table 6-3 Buildout Comparison of the Proposed Project and Alternative 3

Feature	Proposed Project	Alternative 3	Net Difference
Designated Mixed Use Flex area	33.5 acres	16.75 acres	-16.75 acres
Designated commercial area	0 acres	16.75 acres	+16.75 acres
Dwelling units	498 units	402 units	-96 units
Residential population[1]	1,534 persons	1,238 persons	-296 persons
Commercial area	135,000 sf	435,600 sf	+300,600 sf
Employee population[2]	1,174 persons	3,492 persons	+2,318 persons

sf = square feet

[1]Population calculated by multiplying number of dwelling units by average household size of Morgan Hill (3.08 persons) See the Initial Study (Appendix A) for further methodology.

[2] Employee population calculated by multiplying commercial area by average number of employees per commercial square foot, as established by US Green Building Council default occupancy counts (US Green Building Council 2021).

[3] 16.75 acres multiplied by up to 24 dwelling units per acre equals 402 dwelling units.

[4] 16.75 acres multiplied by a floor area ratio of 0.6, converted to square feet, equals approximately 435,600 square feet of allowable commercial development.

Similar to the proposed project, this alternative would meet the project objectives by increasing the viability of the existing Cochrane Commons anchors and tenants, developing the remainder of the shopping center, and adding variety to the city's housing stock.

6.3.2 Impact Analysis

a. Greenhouse Gas Emissions

As described in Section 4.2, *Greenhouse Gas Emissions,* the project as proposed would result in the emission of GHGs during construction and operation. During construction, GHG emissions would be generated by construction equipment used onsite and by vehicle trips associated with construction, such as worker and vendor trips. Construction of Alternative 3 would involve construction of 435,600 square feet of commercial uses, 300,600 more square feet than the proposed project. Accordingly, Alternative 3 would require a longer construction period and greater square footage of construction, which would result in increased GHG emissions. As stated in Section 4.2, *Greenhouse Gas Emissions,* BAAQMD does not have a recommended threshold for construction-related emissions; therefore, while construction of Alternative 3 would involve a greater amount of construction GHG emissions, construction would not generate GHG emissions that would have a significant impact on the environment. Similar to the proposed project, Alternative 3 would not include demolition as the demolition has already occurred, and Mitigation Measure 3.3-1 of the 2005 EIR would not apply as it has already been complied with.

During operation, long-term operational emissions would relate to area sources, energy use, solid waste, water use, and transportation. Because this alternative would include substantially more commercial area than the proposed project, Alternative 3 would result in more annual GHG emissions than the proposed project. As shown in Table 4.2-2 of Section 4.2, *Greenhouse Gas Emissions,* the proposed project would have an emissions per service person ratio of 2.1, which is below the adjusted BAAQMD efficiency threshold of 2.8. Because Alternative 3 would involve a substantial increase in commercial area (300,600 square feet more than the proposed project), Alternative 3 would result in an increased amount of operational GHG emissions compared to the proposed project. Table 6-4 compares annual operational GHG emissions that would occur under Alternative 2 to the proposed project.

Table 6-4 Alternative 3 GHG Emissions

		Proposed Project		Alternative 3	
Feature	GHG/Unit ($MT CO_2e$/year)	Size	Emissions ($MT CO_2e$/year)	Size	$MT CO_2e$/year
Parking Lot (sf)	0.004	939,000	4	939,000	4
Hotel (sf)	10.142	140,000	1,420	0	0
Commercial (sf)	16	135,000	2,222	435,600	7,169
Residential (units)	10	498	5,215	402	4,210
Generators (3)			12		12
Total			**8,872**		**11,394**

GHG = greenhouse gas; MT CO2e = metric ton of carbon dioxide equivalent; sf = square feet

Note: Values in this table are slightly different than values within the CalEEMod output (Appendix C) due to rounding.

As shown above, Alternative 3 would result in more annual operational GHG impacts than the proposed project. However, as shown in Table 6-1, the increased commercial area would increase

the service population of the project site to 5,026 persons under Alternative 3. Therefore, the emissions per service person ratio under Alternative 2 would be approximately 2.2, which is below the adjusted BAAQMD efficiency threshold. Therefore, impacts related to GHG emissions under Alternative 3 would be greater than those of the proposed project but less than significant, similar to the proposed project.

b. Transportation

As discussed in Section 4.2, *Transportation,* there are adequate pedestrian, bicycle, and transit facilities in the vicinity of the project site that would serve future residents and employees. Alternative 3 would generate 296 fewer residents than the proposed project as it would result in the construction of 96 fewer dwelling units, but at full buildout, Alternative 3 would generate more employees than the proposed project due to the construction of 300,600 square feet of additional commercial area. Alternative 3 would be generally consistent with City policies related to transit pedestrian, bicycle, and transit facilities, but would result in increased demand for such facilities. Furthermore, as discussed in Section 4.2, *Transportation,* the proposed project would result in a significant and unavoidable impact related to residential VMT. Alternative 3 would include 96 fewer dwelling units and 296 fewer persons at the project site compared to the proposed project and would likely result in a decreased VMT per capita. Impacts related to residential VMT would remain significant and unavoidable under Alternative 3 but would be reduced compared to the proposed project. Development of the project site under this alternative would be designed to avoid transportation hazards and to ensure emergency vehicle access similar to the proposed project. Mitigation Measure TRA-2, Emergency Vehicle Site Access, would apply to this alternative to ensure that internal roadways and drive aisles would provide sufficient space for emergency vehicles.

c. Other Resources

Impacts related to construction activities and operation would be similar to the proposed project since Alternative 3 would also allow similar buildout of the project site. Similar to the impacts of the proposed project, impacts of Alternative 3 related to aesthetics, agriculture and forestry resources, air quality, biological resources, cultural resources, energy, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, tribal cultural resources, utilities and service systems, and wildfire would remain less than significant, less than significant with mitigation measures of the 2005 EIR incorporated, or would result in no impact.

6.4 Alternatives Considered but Rejected

The *CEQA Guidelines* state that an EIR should identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination (*CEQA Guidelines* Section 15126.2(c).) The City did not consider and therefore did not reject alternatives other than the three alternatives described in this section.

6.5 Environmentally Superior Alternative

CEQA requires that an EIR identify the Environmentally Superior Alternative and discuss the facts that support that selection, as well as whether it would accomplish the project objectives or be

infeasible (Public Resources Section 21081.5, *CEQA Guidelines* Sections 15091, 15126.6). Table 6-5indicates whether each alternative's environmental impact is greater than, less than, or similar to that of the proposed project for each of the issue areas studied.

Based on the alternatives analysis provided above, Alternative 1 would be the Environmentally Superior Alternative as it would result in fewer impacts compared to the proposed project and would reduce the significant and unavoidable impact associated with the project's VMT. However, Alternative 1 would not meet any of the project objectives.

If the No Project Alternative is the Environmentally Superior Alternative, CEQA requires that an Environmentally Superior Build Alternative be identified. Based on this consideration, the proposed project would be the Environmentally Superior Alternative. As discussed above, both Alternative 2 and Alternative 3 would result in reduced transportation impacts compared to the proposed project, but transportation impacts under Alternative 2 and Alternative 3 would remain significant and unavoidable. Furthermore, the additional commercial buildout under Alternative 2 and Alternative 3 would result in an increased amount of annual operational GHG emissions. While these emissions do not exceed the adjusted BAAQMD emissions per service person threshold, both alternatives would result in more annual operational GHG emissions, which would result in further impacts to the environment.

Table 6-5 Impact Comparison of Alternatives

Issue	Proposed Project Impact Classification	Alternative 1: No Project, No Build	Alternative 2: No Project, Allowable Buildout	Alternative 3: Extension of Mixed-Use Flex
Greenhouse Gas Emissions	Less Than Significant	+	=	=
Transportation	Significant and Unavoidable	+	+	+

+ Superior to the proposed project (reduced level of impact)

- Inferior to the proposed project (increased level of impact)

= Similar level of impact to the proposed project

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