Initial Study

World Oil Gas Station and Retail Project

Prepared by

CITY OF MORGAN HILL

In Consultation with

50 YEARS EST. 1972

DAVID J. POWERS & ASSOCIATES, INC.
ENVIRONMENTAL CONSULTANTS & PLANNERS

December 2022

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact," as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agriculture / Forestry Resources	☐ Air Quality
☑ Biological Resources	☐ Cultural Resources	☐ Energy
☑ Geology/Soils	☐ Greenhouse Gas Emissions	☑ Hazards and Hazardous Materials
☐ Hydrology/Water Quality	☐ Land Use / Planning	☐ Mineral Resources
☐ Noise	☐ Population / Housing	☐ Public Services
☐ Recreation	☐ Transportation	☐ Tribal Cultural Resources
☐ Utilities / Service Systems	☐ Wildfire	☐ Mandatory Findings of Significance

DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

1/25/2023

Date

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SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY

The City of Morgan Hill, as the Lead Agency, has prepared this Initial Study for the World Oil Gas Station and Retail Project in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City of Morgan Hill, California.

The project proposes a Conditional Use Permit and Design Permit to redevelop an existing gas station and retail/convenience store with new pump stations, fuel canopy, underground storage tank (UST) system, and retail/convenience store. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

1.2 PUBLIC REVIEW PERIOD

Publication of this Initial Study marks the beginning of a 30-day public review and comment period. During this period, the Initial Study will be available to local, state, and federal agencies and to interested organizations and individuals for review. Written comments concerning the environmental review contained in this Initial Study during the 30-day public review period should be sent to:

Tiffany Brown
Senior Planner
Development Services Department
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA
tiffany.brown@morganhill.ca.gov

1.3 CONSIDERATION OF THE INITIAL STUDY AND PROJECT

Following the conclusion of the public review period, the City of Morgan Hill will consider the adoption of the Initial Study/Mitigated Negative Declaration (MND) for the project at a regularly scheduled Planning Commission hearing. The City shall consider the Initial Study/MND together with any comments received during the public review process. Upon adoption of the MND, the City may proceed with project approval actions.

1.4 NOTICE OF DETERMINATION

If the project is approved, the City of Morgan Hill will file a Notice of Determination (NOD), which will be available for public inspection and posted within 24 hours of receipt at the County Clerk's Office for 30 days. The filing of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA (CEQA Guidelines Section 15075(g)).

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

World Oil Gas Station and Retail Remodel Project
(Conditional Use Permit UP2021-0002/EA2021-0001: Monterey – World Oil)

2.2 LEAD AGENCY CONTACT

Tiffany Brown
Senior Planner
Development Services Department
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA
tiffany.brown@morganhill.ca.gov

2.3 PROJECT APPLICANT

John Hundley
Vice President of Special Projects and Environmental Remediation
World Oil Corporation
jhundley@worldoilcorp.com

2.4 PROJECT LOCATION

16720 Monterey Road, Morgan Hill, CA

2.5 ASSESSOR'S PARCEL NUMBER

817-01-002

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

General Plan: Mixed-Use Flex
Zoning: Mixed-Use Flex (MU-F)

2.7 HABITAT PLAN DESIGNATION

Urban-Suburban Land

2.8 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

The proposed project would require City adoption of the IS/MND and Mitigation Monitoring and Reporting Program (MMRP). In addition, pursuant to Section 18.22.020 of the Morgan Hill

Municipal Code, the project would require approval of a Conditional Use Permit to re-develop the site with a fuel station and retail/convenience store within the MU-F zone district.

Subsequent to approval of the aforementioned entitlement, the applicant would be required to obtain a Design Permit for approval of a site plan, building elevations, and landscape plans.

Required Permits/Approvals:

- Conditional Use Permit
- Design Permit
- Grading Permit
- Building Permit
- UST Permit to Operate

SECTION 3.0 PROJECT DESCRIPTION

3.1 EXISTING SITE AND SETTING

The approximately 0.5-acre project site is located at 16720 Monterey Road (Assessor's Parcel Number [APN] 817-01-002). The project site is developed with paved surfaces and an existing gas station containing four pump stations (eight gas dispensers), an underground storage tank (UST) system, and an 880 square foot retail store. The eastern portion of the site includes an undeveloped area covered by grass. The site is accessed by an 84-foot-wide driveway from Monterey Road and a 32-foot-wide driveway from San Pedro Avenue. Regional and vicinity maps of the project site are shown on Figure 3.2-1 and Figure 3.2-2, respectively. Figure 3.2-3 shows an aerial photograph of the project site and surrounding land uses.

The project site is surrounded by commercial/retail uses to the north, Monterey Road and commercial/retail uses to the west, townhouses to the east, and San Pedro Avenue and a parcel to the south which will be developed as a 100 percent affordable Senior Housing development with 83 units.

The existing gas station operates 24 hours per day, seven days per week.

3.2 PROPOSED PROJECT

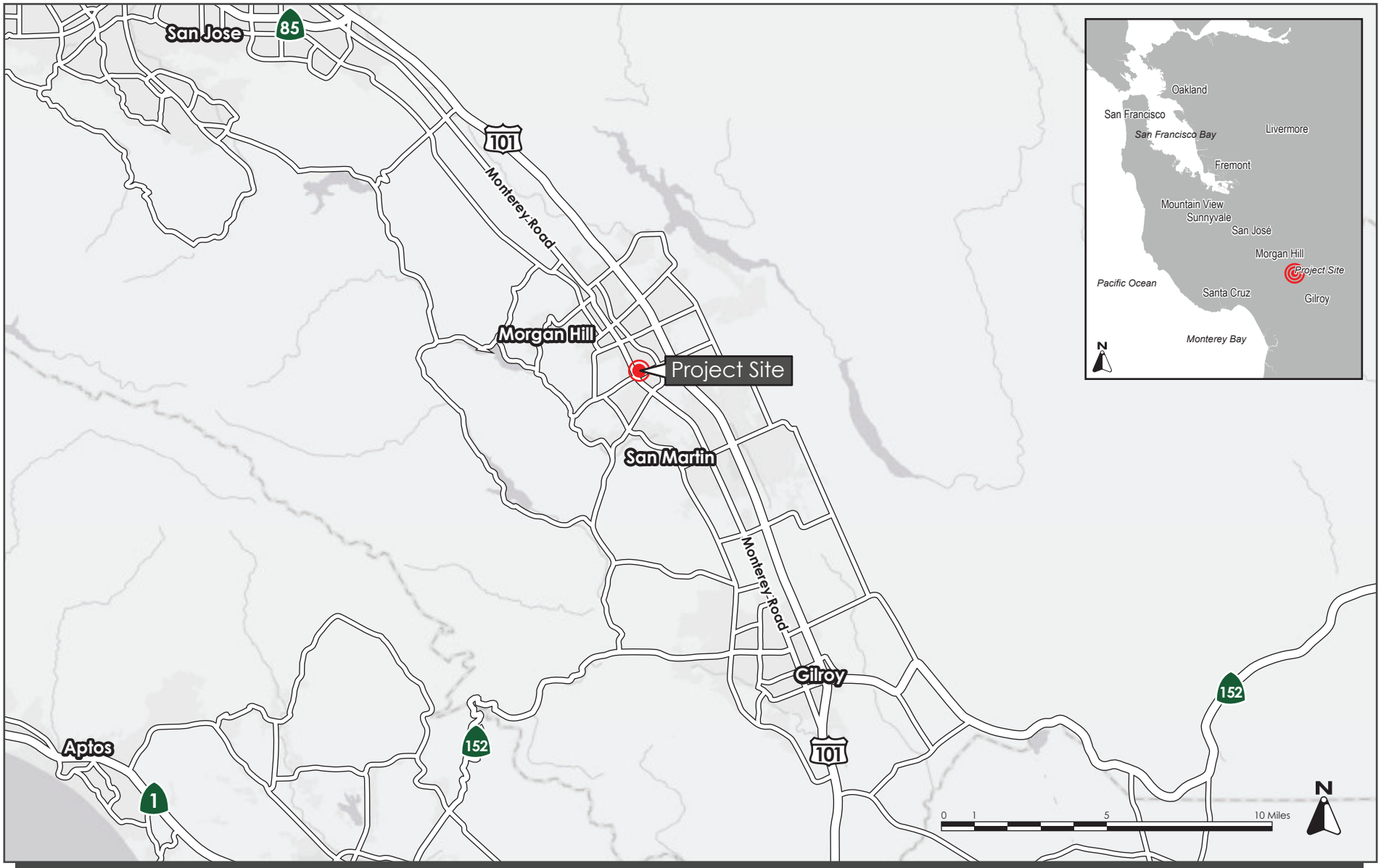
The proposed project would remove the existing pump stations, retail/convenience store, and fuel canopy to redevelop the site with six pump stations (12 gas pumps), a new UST system, a new canopy, and a 2,115 square foot retail/convenience store. The project would include an air and water (A/W) dispenser, trash enclosure, and surface parking spaces on the northern portion of the site. A heating, ventilation, and air conditioning (HVAC) unit would be located on the roof of the retail/convenience store. The proposed project would repave sidewalks along the project frontage on Monterey Road and San Pedro Avenue. The proposed site plan is shown on Figure 3.2-4.

The facility would continue to operate 24 hours per day, seven days per week.

3.2.1 Site Access and Parking

Access to the project site would be provided via two driveways, one at Monterey Road and one at San Pedro Avenue. The Monterey Road driveway would be modified from an 84-foot wide to a 32-foot-wide driveway. No improvements to the existing 32-foot-wide driveway on San Pedro Avenue are proposed.

The project would provide 11 parking spaces. One parking space would be compliant with the Americans with Disabilities Act (ADA), one parking space would include a charging station for electric vehicles, and one parking space would be dedicated for use of the A/W dispenser.



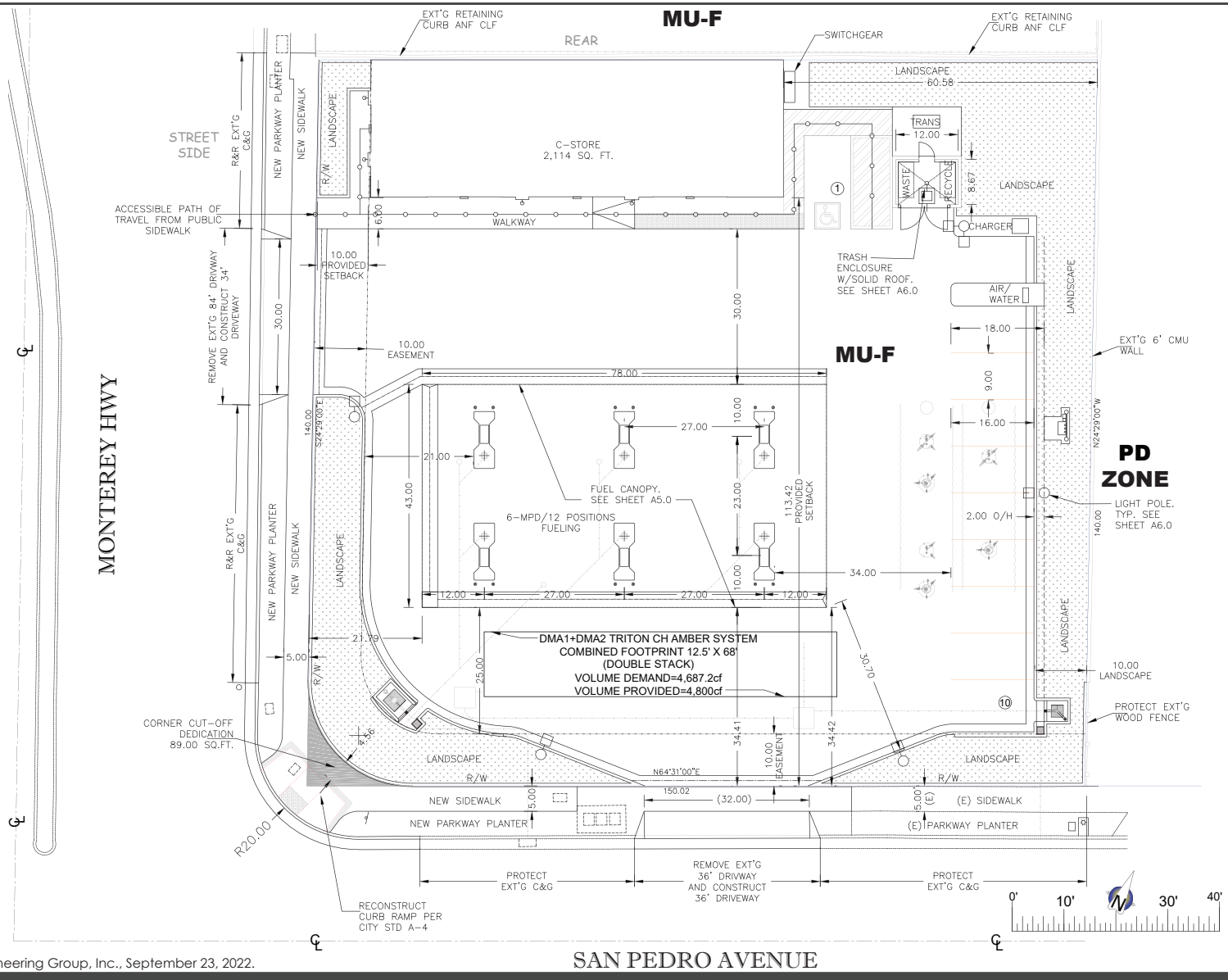
REGIONAL MAP

FIGURE 3.2-1

FIGURE 3.2-2

VICINITY MAP

AERIAL PHOTOGRAPH AND SURROUNDING LAND USES | FIGURE 3.2-3



Source: RamCam Engineering Group, Inc., September 23, 2022.

SITE PLAN

FIGURE 3.2-4

3.2.2 Construction and Demolition

Overall project construction would take approximately eight months and would be constructed in one phase. The project would export 500 cubic yards of soil from the site during construction. The proposed project would be constructed 1.29 feet above the site's 100-year base flood elevation.

3.2.3 Lighting

The project proposes to add exterior lighting on the site perimeter. Lighting would also be added to the side of the retail/convenience building, facing the parking lot, and would remain on all night, as this is a 24-hour retail use.

3.2.4 Storm Drainage and Utilities

Stormwater runoff from the site would be directed to an underground infiltration system and bioretention basins located along the perimeter of the site. The underground infiltration system would be sized to retain and infiltrate the 95th percentile, 24-hour storm. Runoff would then be directed to the City's stormwater system.

The proposed project's water and sanitary sewer lines would connect to the City's existing 10-inch water main and sewer lines in Monterey Road. The project's storm drain lines would connect to the City's existing 24-inch storm drains in San Pedro Avenue. Gas and electric utilities would be provided by the Pacific Gas and Electric Company (PG&E).

3.2.5 Landscaping

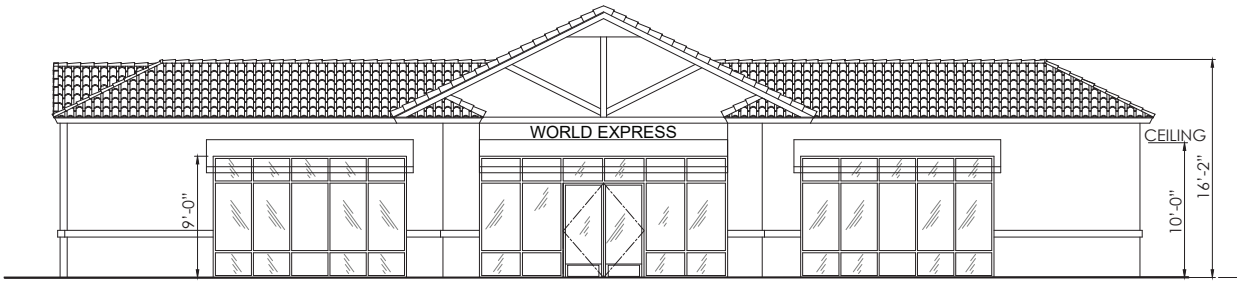
The proposed project would contain approximately 4,615 square feet of landscape area, including 3,840 square feet of shrub area and 775 square feet of mulch area. The project proposes to plant trees and shrubs along sidewalks and around the project perimeter.

3.2.6 Retail Building and Fuel Canopy Elevations

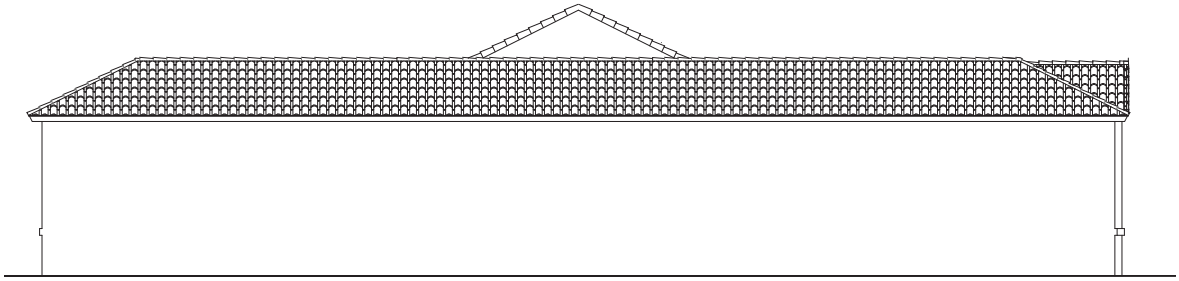
The proposed one-story retail building would reach a maximum height of approximately 17 feet. The proposed fuel canopy would reach a maximum height of 21.5 feet. The retail building elevations are shown on Figure 3.2-5 and fuel canopy elevations are shown on Figure 3.2-6.

3.2.7 General Plan and Zoning

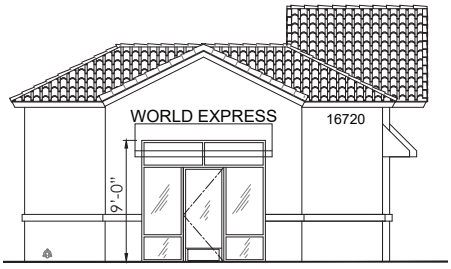
The project site is zoned Mixed-Use Flex (MU-F). The City's zoning code requires a Conditional Use Permit be obtained for fuel and service station uses and an Administrative Use Permit for convenience markets. The proposed project would be considered a fuel station, with a retail/convenience market and, thus would require a Conditional Use Permit. The project would be consistent with the General Plan designation of Mixed-Use Flex, which allows for a mix of residential, commercial, and office uses. The site would retain its existing zoning and General Plan designations.



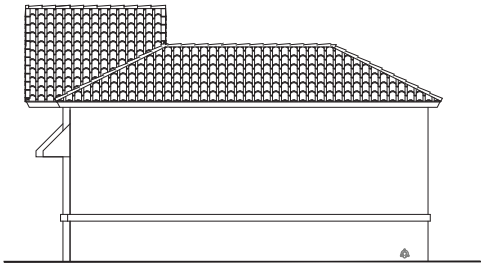
SOUTHEAST (FRONT) ELEVATION



NORTHWEST ELEVATION



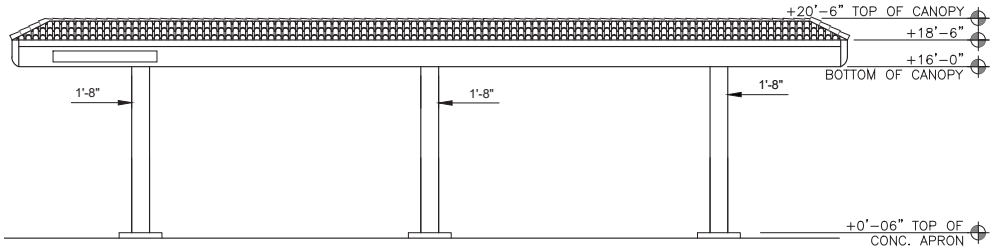
EAST SIDE ELEVATION

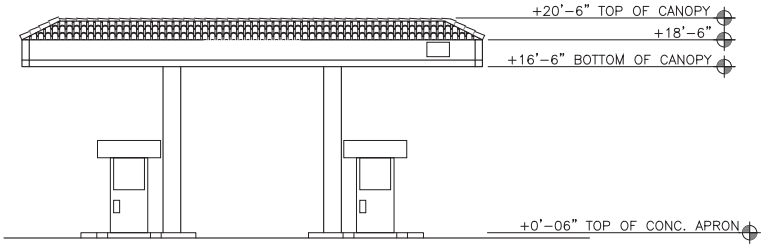


WEST SIDE ELEVATION

Source: RamCam Engineering Group, Inc., April 2, 2020.

RETAIL BUILDING ELEVATIONS | FIGURE 3.2-5





Source: RamCam Engineering Group, Inc., April 2, 2020.

FUEL CANOPY ELEVATIONS

FIGURE 3.2-6

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION

This section presents the discussion of impacts related to the following environmental subjects in their respective subsections:

4.1	Aesthetics	4.12	Mineral Resources
4.2	Agriculture and Forestry Resources	4.13	Noise
4.3	Air Quality	4.14	Population and Housing
4.4	Biological Resources	4.15	Public Services
4.5	Cultural Resources	4.16	Recreation
4.6	Energy	4.17	Transportation
4.7	Geology and Soils	4.18	Tribal Cultural Resources
4.8	Greenhouse Gas Emissions	4.19	Utilities and Service Systems
4.9	Hazards and Hazardous Materials	4.20	Wildfire
4.10	Hydrology and Water Quality	4.21	Mandatory Findings of Significance
4.11	Land Use and Planning		

The discussion for each environmental subject includes the following subsections:

- **Environmental Setting** – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.
- **Impact Discussion** – This subsection 1) includes the recommended checklist questions from Appendix G of the CEQA Guidelines to assess impacts and 2) discusses the project's impact on the environmental subject as related to the checklist questions. For significant impacts, feasible mitigation measures are identified. "Mitigation measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered to correspond to the checklist question being answered. For example, Impact BIO-1 answers the first checklist question in the Biological Resources section. Mitigation measures are also numbered to correspond to the impact they address. For example, MM BIO-1.3 refers to the third mitigation measure for the first impact in the Biological Resources section.

4.1 AESTHETICS

4.1.1 Environmental Setting

4.1.1.1 *Regulatory Framework*

State

Streets and Highway Code Sections 260 through 263

The California Scenic Highway Program (Streets and Highway Code, Sections 260 through 263) is managed by the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment.

Local

Morgan Hill 2035 General Plan

The Morgan Hill 2035 General Plan includes goals, policies, and actions to avoid significant impacts due to aesthetic and visual impacts. The following is a list of some policies that are applicable to the proposed project.

Morgan Hill 2035 General Plan Policies: Aesthetics

Policy	Description
CNF-8.1	**High Quality Design.** Require all development to feature high quality design that enhances the visual character of Morgan Hill.
CNF-8.2	**Design Features.** Encourage design features and amenities in new development and redevelopment, including but not limited to: • Highly connected street layouts, supporting multiple paths of travel for all modes. • Cluster buildings to create useable open space. • Abundant landscaping. • Attractive transitions between uses. • Comfortable pedestrian facilities that promote a high level of pedestrian activity. • Distinctiveness and variety in architectural design.
CNF-8.3	**Changes in Building Scale.** Discourage abrupt changes in building scale. A gradual transition between low-rise to mid-rise buildings should be achieved by using the low-rise buildings at the edge of the project site. Consider the relationship of buildings to the street, to one another and to adjacent structures and land uses.
CNF-8.7	**Design Sensitivity.** Ensure that new development is sensitive to the character of adjacent structures and the immediate neighborhood.
NRE-2.1	**Hillside and Ridgeline Views.** Protect views of hillsides, ridgelines, and prominent natural features surrounding the City. These features help define the City's historical rural character, sense of place, image, and identity.

4.1.1.2 *Existing Conditions*

Visual Character and Quality

The project site is partially developed with paved surfaces, an existing gas station with fuel canopy, and retail/convenience store. The one-story retail building is primarily made of concrete with exterior walls painted white with blue accents and stone trimming along the bottom (refer to Photo 1). The fuel canopy and retail building are designed with Mansard roofs. Signage for the business is blue and white with a logo. The undeveloped area is located on the eastern portion of the site, covered by grass, and surrounded by chain-linked and wooden fences and a concrete wall.

The surrounding area consists of one- to two-story commercial/retail uses and residences. The retail and restaurant uses located to the north and west (across Monterey Road) of the project site are one-story buildings primarily made of concrete and wood and have flat, gable, and Mansard roofs. The properties include paved surface parking lots with minimal landscaping.

The vacant parcel to the south of San Pedro Avenue consists of patches of grass, gravel, several trees, and is surrounded by a chain-linked fence. Building permits have been issued for the development of a three- story Senior Housing project. East of the project site are two-story residences made of stucco and stone. The residences have gable and hip roofs and have two car garages with concrete driveways. The residences include well-maintained landscaping along the front yards.

Scenic Vistas

A scenic vista is the view of an area that is visually or aesthetically pleasing. Aesthetic components of a scenic vista include scenic quality, sensitivity level, and view access. A scenic vista is a view of natural environmental, historic, and/or architectural features possessing visual and aesthetic qualities of value to the community. There are no scenic corridors, highways, or vistas in Morgan Hill that are designated by the state or the City. However, the General Plan EIR recognizes that undeveloped hillsides visible from the valley floor are scenic characteristics of the area, and that views of prominent hillsides should be preserved. The General Plan EIR identified El Toro Mountain as one of the most prominent visual landmarks in the City. El Toro Mountain is located to the west and is visible from the project area. Views of the Diablo Range to the east and Santa Cruz Mountains to the southwest are partially visible from the project area. Existing development and landscaping block views from the valley floor of these scenic areas.

Scenic Highways and Roadways

In Santa Clara County, the one state-designated scenic highway is SR 9 from the Santa Cruz County line to the Los Gatos City Limit. Eligible State Scenic Highways (not officially designated) include SR 17 from the Santa Cruz County line to SR 9, SR 35 from Santa Cruz County line to SR 9, Interstate 280 from the San Mateo County line to SR 17, and the entire length of SR 152 within the County.

Photo 1: View of the project site from Monterey Road, facing east.

Photo 2: View of the vacant parcel located directly east of the project site.

PHOTOS 1 & 2

Photo 3: View of the residences located east of the project site.

Photo 4: View of the commercial uses located west of the project site.

PHOTOS 3 & 4

There are no state-designated scenic highways in Morgan Hill.[1] The nearest state-designated highway is SR 9, approximately 20 miles northwest of the site.[2]

4.1.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
1) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
3) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? [3] If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Impact AES-1: The project would not have a substantial adverse effect on a scenic vista. **(Less than Significant Impact)**

As noted in Section 4.1.1.2 Existing Conditions, there are no designated scenic vistas in the City of Morgan Hill. However, views of El Toro Mountain (a prominent visual landmark) and hillsides are visible from the project site. The Mixed-Use Flex zoning designation allows for development up to 35-feet in height or up to 45-feet with a minimum of 10-feet devoted to a roof element. The maximum height of the proposed retail/convenience store and canopy would be 20 feet above the ground surface, which is similar to the heights of the existing gas station structures. The proposed project would not substantially alter existing views from the project site because redevelopment of the site would result in similar conditions to the existing development. Therefore, the proposed project would not have a substantial adverse effect on a scenic vista. **(Less than Significant Impact)**

[1] California Department of Transportation. "California State Scenic Highways". Accessed May 11, 2022. https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways.

[2] Ibid.

[3] Public views are those that are experienced from publicly accessible vantage points.

Impact AES-2:	The project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. **(No Impact)**

There are no officially designated state scenic highways in Morgan Hill, and no portions of the site are within the viewshed of a state scenic highway. Therefore, the proposed project would not damage scenic resources within a state scenic highway. **(No Impact)**

Impact AES-3:	The project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. **(Less than Significant Impact)**

The proposed project would include a one-story, 2,115 square foot, retail/convenience store and 20-foot canopy which would replace the existing 880 square foot retail/convenience store and canopy. The proposed retail building would consist of stucco and glass doors and windows with aluminum trim. The proposed roof would be gable-style and consist of tile. The proposed canopy would mostly consist of aluminum and vinyl. Landscaping, including trees and shrubs, would be planted along the borders of the site.

The visual character of the proposed gas station and retail/convenience store would have a modern architectural style compared to the existing gas station. The proposed development would be similar in scale and consist of similar materials as the existing commercial uses within the vicinity of the project. The project would not constitute a significant adverse change to the aesthetic environment. All development on the site would be subject to review and approval by the City of Morgan Hill through the Design Permit process to ensure the development meets local design and aesthetic standards. Architecture and landscape plans will be reviewed during the Design Permit process to ensure compatibility with the surrounding built environment. **(Less Than Significant Impact)**

Impact AES-4:	The project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. **(Less than Significant Impact)**

The proposed project would replace an existing gas station that has four pump stations (eight gas dispensers) and an 880 square foot retail/convenience store with six-pump station (12 gas dispensers) and a 2,115 square foot retail/convenience store. The proposed project would have a larger retail/convenience store compared to the existing development and would incrementally increase light and glare in the project area because of reflective surfaces and outdoor lighting on the site. However, building design, glazing materials, and outdoor lighting would be subject to review by the City of Morgan Hill through the Design Permit process for conformance with City standards, which include requirements for cut-off shields to avoid spillover onto adjacent properties, and downward-directed lighting to avoid light/glare impacts. For these reasons, the

proposed project would not result in a new source of substantial light or glare that would affect day or nighttime views in the area. **(Less than Significant Impact)**

4.2 AGRICULTURE AND FORESTRY RESOURCES

4.2.1 Environmental Setting

4.2.1.1 *Regulatory Framework*

State

Farmland Mapping and Monitoring Program

The California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) assesses the location, quality, and quantity of agricultural land and conversion of these lands over time. Agricultural land is rated according to soil quality and irrigation status. The best quality land is identified as Prime Farmland. In CEQA analyses, the FMMP classifications and published county maps are used, in part, to identify whether agricultural resources that could be affected are present on-site or in the project area.[4]

The California Land Evaluation and Site Assessment (LESA) is a point-based approach for rating the relative importance of agricultural land resources based upon specific measurable features. The LESA Model was developed to provide lead agencies with an optional methodology to ensure that potentially significant impacts on the environment as a result of agricultural land conversions are quantitatively and consistently considered in the environmental review process (Public Resources Code Section 21095).[5]

California Land Conservation Act

The California Land Conservation Act (Williamson Act) enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments. In CEQA analyses, identification of properties that are under a Williamson Act contract is used to also identify sites that may contain agricultural resources or are zoned for agricultural uses.[6]

Fire and Resource Assessment Program

The California Department of Forestry and Fire Protection (CAL FIRE) identifies forest land, timberland, and lands zoned for timberland production that can (or do) support forestry resources.[7] Programs such as CAL FIRE's Fire and Resource Assessment Program and are used to identify

[4] California Department of Conservation. "Farmland Mapping and Monitoring Program." Accessed August 8, 2022. http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx.
[5] California Department of Conservation. "Land Evaluation & Site Assessment Model." Accessed August 8, 2022. http://www.conservation.ca.gov/dlrp/Pages/qh_lesa.aspx.
[6] California Department of Conservation. "Williamson Act." http://www.conservation.ca.gov/dlrp/lca.
[7] Forest Land is land that can support 10 percent native tree cover and allows for management of forest resources (California Public Resources Code Section 12220(g)); Timberland is land not owned by the federal government or designated as experimental forest land that is available for, and capable of, growing trees to produce lumber and other products, including Christmas trees (California Public Resources Code Section 4526); and Timberland Production is land used for growing and harvesting timber and compatible uses (Government Code Section 51104(g)).

whether forest land, timberland, or timberland production areas that could be affected are located on or adjacent to a project site.[8]

4.2.1.2 *Existing Conditions*

The project site is located within an existing urban-suburban area and is in a Mixed-Use Flex zoning district, which accommodates a mixture of residential and commercial uses along Monterey Road. The site currently operates as a gas station with retail/convenience store. The project site is defined as Urban and Built-Up Land under the FMMP.[9] The site is not designated as farmland of any type and is not the subject of a Williamson Act contract. No properties adjacent to the site are used or zoned for agriculture, nor are any designated as forest land.

4.2.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
3) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒
4) Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
5) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

[8] California Department of Forestry and Fire Protection. "Fire and Resource Assessment Program." Accessed June 15, 2021. http://frap.fire.ca.gov/.

[9] California Department of Conservation. "Farmland Mapping and Monitoring Program." Accessed June 15, 2021. http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx.

Impact AG-1:	The project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. **(No Impact)**

As discussed in Section 4.2.1.2 Existing Conditions, the project site is designated by the California Department of Conservation as Urban and Built-Up Land. The project site and surrounding properties are not used, zoned, or designated for agricultural purposes. Therefore, implementation of the proposed project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. **(No Impact)**

Impact AG-2:	The project would not conflict with existing zoning for agricultural use, or a Williamson Act contract. **(No Impact)**

As discussed in Section 4.2.1.2 Existing Conditions, the project site is not used or zoned for agricultural uses, nor is it the subject of a Williamson Act contract. Therefore, implementation of the proposed project would not conflict with agricultural zoning or a Williamson Act contract. **(No Impact)**

Impact AG-3:	The project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. **(No Impact)**

As discussed in Section 4.2.1.2 Existing Conditions, the project site is not used or zoned for forestry or timberland purposes. Therefore, the proposed project would not conflict with zoning or cause rezoning of forest land or timberland. **(No Impact)**

Impact AG-4:	The project would not result in a loss of forest land or conversion of forest land to non-forest use. **(No Impact)**

As discussed in Section 4.2.1.2 Existing Conditions, the project site does not contain farmland or forest land and is not located within the vicinity of farmland or forest land. Implementation of the proposed project would not result in the conversion of farmland to non-agricultural use, or forest land to non-forest use. **(No Impact)**

Impact AG-5:	The project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use. **(No Impact)**

The project proposes to redevelop an existing gas station and retail/convenience store to include additional gas pumps, increase the size of the store, construct a new fuel canopy, and implement a new UST system. Surrounding properties are not zoned or used for agricultural or forest uses and would not be affected by the proposed project. Therefore, the project would not involve changes

that could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use. **(No Impact)**

4.3 AIR QUALITY

The following discussion is based, in part, on an Air Quality Analysis completed by Illingworth & Rodkin, Inc. on August 18, 2021. The report is attached as Appendix A.

4.3.1 Environmental Setting

4.3.1.1 *Background Information*

Criteria Pollutants

Air quality in the Bay Area is assessed related to six common air pollutants (referred to as criteria pollutants), including ground-level ozone (O_3), nitrogen oxides (NO_x), particulate matter (PM), carbon monoxide (CO), sulfur oxides (SO_x), and lead.[10] Criteria pollutants are regulated because they result in health effects. An overview of the sources of criteria pollutants and their associated health are summarized in Table 4.3-1. The most commonly regulated criteria pollutants in the Bay Area are discussed further below.

Table 4.3-1: Health Effects of Air Pollutants

Pollutants	Sources	Primary Effects
Ozone (O_3)	Atmospheric reaction of organic gases with nitrogen oxides in sunlight	• Aggravation of respiratory and cardiovascular diseases • Irritation of eyes • Cardiopulmonary function impairment
Nitrogen Dioxide (NO_2)	Motor vehicle exhaust, high temperature stationary combustion, atmospheric reactions	• Aggravation of respiratory illness • Reduced visibility
Fine Particulate Matter ($PM_{2.5}$) and Coarse Particulate Matter (PM_{10})	Stationary combustion of solid fuels, construction activities, industrial processes, atmospheric chemical reactions	• Reduced lung function, especially in children • Aggravation of respiratory and cardiorespiratory diseases • Increased cough and chest discomfort • Reduced visibility
Toxic Air Contaminants (TACs)	Cars and trucks, especially diesel-fueled; industrial sources, such as chrome platers; dry cleaners and service stations; building materials and products	• Cancer • Chronic eye, lung, or skin irritation • Neurological and reproductive disorders

High O_3 levels are caused by the cumulative emissions of reactive organic gases (ROG) and NO_x. These precursor pollutants react under certain meteorological conditions to form high O_3 levels.

[10] The area has attained both state and federal ambient air quality standards for CO. The project does not include substantial new emissions of sulfur dioxide or lead. These criteria pollutants are not discussed further.

Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to reduce O_3 levels. The highest O_3 levels in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources.

PM is a problematic air pollutant of the Bay Area. PM is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less (PM_{10}) and fine particulate matter where particles have a diameter of 2.5 micrometers or less ($PM_{2.5}$). Elevated concentrations of PM_{10} and $PM_{2.5}$ are the result of both region-wide emissions and localized emissions.

Toxic Air Contaminants

TACs are a broad class of compounds known to have health effects. They include but are not limited to criteria pollutants. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, diesel fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter [DPM] near a freeway).

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs. Diesel exhaust is a complex mixture of gases, vapors, and fine particles. Medium- and heavy-duty diesel trucks represent the bulk of DPM emissions from California highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface or are deposited in the deepest regions of the lungs (most susceptible to injury).[11] Chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the California Air Resources Board (CARB).

Sensitive Receptors

Some groups of people are more affected by air pollution than others. CARB has identified the following persons who are most likely to be affected by air pollution: children under 16, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, and elementary schools.

[11] California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed February 18, 2021. https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health.

4.3.1.2 *Regulatory Framework*

Federal and State

Clean Air Act

At the federal level, the United States Environmental Protection Agency (EPA) is responsible for overseeing implementation of the Clean Air Act and its subsequent amendments. The federal Clean Air Act requires the EPA to set national ambient air quality standards for the six common criteria pollutants (discussed previously), including PM, O_3, CO, SO_x, NO_x, and lead.

California Air Resources Board

CARB is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act. The EPA and the CARB have adopted ambient air quality standards establishing permissible levels of these pollutants to protect public health and the climate. Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. Attainment status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB.

Risk Reduction Plan

To address the issue of diesel emissions in the state, CARB developed the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles. In addition to requiring more stringent emission standards for new on-road and off-road mobile sources and stationary diesel-fueled engines to reduce particulate matter emissions by 90 percent, the plan involves application of emission control strategies to existing diesel vehicles and equipment to reduce DPM (in additional to other pollutants). Implementation of this plan, in conjunction with stringent federal and CARB-adopted emission limits for diesel fueled vehicles and equipment (including off-road equipment), will significantly reduce emissions of DPM and NO_X.

Regional

2017 Clean Air Plan

The Bay Area Air Quality Management District (BAAQMD) is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards will be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect public health, the 2017 CAP describes how BAAQMD will continue its progress toward attaining state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the 2017 CAP includes control measures designed to reduce emissions of methane and other super-greenhouse gases (GHGs) that are

potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.[12]

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. Jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing air quality impacts developed by BAAQMD within their CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

Local

Morgan Hill 2035 General Plan

The Morgan Hill 2035 General Plan includes goals, policies, and actions to avoid significant impacts to air quality. The following policies are applicable to the proposed project.

Morgan Hill 2035 General Plan Policies: Air Quality

Policy	Description
NRE-10.2	**State and Federal Regulation.** Encourage effective regulation of mobile and stationary sources of air pollution and support state and federal regulations to improve automobile emissions controls.
NRE-10.3	**Automobile Emissions.** Encourage the use of and infrastructure for alternative fuel, hybrid, and electric vehicles. Encourage new and existing public and private development to include electric vehicle charging stations.
NRE-11.1	**TACs and Proposed Sensitive Uses.** Require modeling for sensitive land uses, such as residential development, proposed near sources of pollution such as freeways and industrial uses. Require new residential development and projects categorized as sensitive receptors to incorporate effective mitigation measures into project designs or be located adequate distances from sources of toxic air contaminants (TACs) to avoid significant risk to health and safety.
BRE-11.3	**Health Risks Assessments.** For proposed development that emits toxic air contaminants, require project proponents to prepare health risk assessments in accordance with Bay Area Air Quality Management District procedures as part of environmental review and implement effective mitigation measures to reduce potential health risks to less-than-significant levels. Alternatively, require these projects to be located an adequate distance from residences and other sensitive receptors to avoid health risks. Consult with the Bay Area Air Quality Management District to identify stationary and mobile toxic air contaminant sources and determine the need for and requirements of a health risk assessment for proposed developments.

[12] BAAQMD. *Final 2017 Clean Air Plan.* April 19, 2017. http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans.

Morgan Hill 2035 General Plan Policies: Air Quality

Policy	Description
NRE-11.6	**Vegetation Buffers.** Encourage the use of pollution-absorbing trees and vegetation in buffer areas between substantial sources of toxic air contaminants and sensitive receptors.
NRE-12.1	**Best Practices.** Require that development projects implement best management practices to reduce air quality emissions associated with construction and operation of the project.
NRE-12.2	**Conditions of Approvals.** Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At a minimum, conditions shall conform to construction mitigation measures recommended in the current Bay Area Air Quality Management District CEQA Guidelines.
NRE-12.3	**Control Measures.** Require construction and demolition projects that have the potential to disturb asbestos (from soil or building materials) to comply with all the requirements of the California Air Resources Board's air toxics control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.
NRE-13.1	**Building Materials.** Promote the use of building materials that maintain healthful indoor air quality in an effort to reduce irritation and exposure to toxins and allergens for building occupants.
NRE-15.10	**Green Building.** Promote green building practices in new development.
NRE-16.7	**Renewable Energy.** Encourage new and existing development to incorporate renewable energy generating features, like solar panels and solar hot water heaters.

Morgan Hill Climate Action Plan

On December 15, 2021, the City Council adopted a Climate Action Plan that focuses on the adoption of electric vehicles in the Community and the process of decarbonizing existing buildings by reducing the use of fossil fuels. The Climate Action Plan goal is to transition 95 percent of existing buildings in Morgan Hill to all-electric by 2045 and to prohibit new gas stations. The project as proposed is a remodel and minor expansion of an existing gas station and does not qualify as a new gas station.

4.3.1.3 *Existing Conditions*

The Bay Area is considered a non-attainment area for ground-level O_3 and $PM_{2.5}$ under both the federal Clean Air Act and state Clean Air Act. The area is also considered nonattainment for PM_{10} under the state act, but not the federal act. The area has attained both state and federal ambient air quality standards for CO. As part of an effort to attain and maintain ambient air quality standards for O_3 and PM_{10}, BAAQMD has established thresholds of significance for these air pollutants and their precursors. These thresholds are for O_3 precursor pollutants (ROG and NO_X), PM_{10}, and $PM_{2.5}$, and apply to both construction period and operational period impacts.

Sensitive Receptors

The closest sensitive receptors to the project site are the residences adjacent to and approximately 40 feet east of the site. In addition, an 83-unit 100 percent affordable housing project is being developed (building permits issued) directly across from the project, along San Pedro Avenue.

Odors

Significant sources of offending odors are typically identified based on complaint histories received and compiled by BAAQMD. Common sources of odors and odor complaints include wastewater treatment plants, landfills including composting operations, transfer stations, painting/coating operations, food processing facilities, and chemical plants. Other sources, such as restaurants, paint or body shops, and coffee roasters typically result in localized sources of odors. There are no substantial sources of odor on the project site or in the vicinity of the project site.

4.3.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
2) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
3) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
4) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

Note: Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the determinations.

4.3.2.1 *Bay Area Air Quality Management*

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of Morgan Hill has considered the air quality thresholds updated by BAAQMD in May 2017 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with TACs and $PM_{2.5}$. The BAAQMD CEQA Air Quality thresholds used in this analysis are identified in Table 4.3-2.

Table 4.3-2: BAAQMD Air Quality Significance Thresholds			
Pollutant	**Construction Thresholds**	**Operation Thresholds**	
	Average Daily Emissions (pounds/day)	**Average Daily Emissions (pounds/day)**	**Annual Average Emissions (tons/year)**
Criteria Air Pollutants			
ROG, NO_x	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
CO	Not Applicable	9.0 ppm (eight-hour) or 20.0 ppm (one-hour)	
Fugitive Dust	Dust Control Measures/Best Management Practices	Not Applicable	
Health Risks and Hazards for New Sources (within a 1,000-foot Zone of Influence)			
Health Hazard	**Single Source**	**Combined Cumulative Sources**	
Excess Cancer Risk	10 per one million	100 per one million	
Hazard Index	1.0	10.0	
Incremental Annual $PM_{2.5}$	0.3 µg/m^3	0.8 µg/m^3 (average)	
Notes: ppm = parts per million. µg/m^3 = micrograms per cubic meter.			

Friant Ranch Case

In a 2018 decision (*Sierra Club v. County of Fresno*), the Supreme Court of California determined that CEQA requires that the potential for the project's emissions to affect human health in the air basin must be disclosed when a project's criteria air pollutant emissions would exceed applicable thresholds and contribute considerably to a significant cumulative impact. State and federal ambient air quality standards are health-based standards and exceedances of those standards result in continued unhealthy levels of air pollutants. As stated in the BAAQMD CEQA Air Quality Guidelines, air pollution by its nature is largely a cumulative impact. No single project is sufficient in size to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project has a less than significant impact for criteria air pollutants, it is assumed not to have an adverse health effect with respect to those pollutants.

Impact AIR-1:	The project would not conflict with or obstruct implementation of the applicable air quality plan. **(Less than Significant Impact)**

The BAAQMD CEQA Air Quality Guidelines set forth criteria for determining consistency with the 2017 CAP (see Table 4.3-2). In general, a project is considered consistent if it: a) supports the primary goals of the 2017 CAP; b) includes relevant control measures; and c) does not interfere with implementation of 2017 CAP control measures. The 2017 CAP includes control measures that are intended to reduce air pollutant emissions in the Bay Area. The proposed project would not conflict with the 2017 CAP because, as discussed below, the proposed project's emissions would be below the BAAQMD construction and operational criteria pollutant thresholds.

Regional Criteria Pollutants

As discussed previously in Section 4.3.1 Environmental Setting, the Bay Area is considered a non-attainment area for ground-level O_3 and $PM_{2.5}$ under both the federal Clean Air Act and the California Clean Air Act. The area is also considered non-attainment for PM_{10} under the California Clean Air Act. As part of an effort to attain and maintain ambient air quality standards for O_3 and PM_{10}, BAAQMD has established thresholds of significance for these air pollutants and their precursors. These thresholds are for O_3 precursor pollutants (ROG and NO_x), PM_{10}, and $PM_{2.5}$ and apply to both construction period and operational period impacts.

Construction-Related Criteria Pollutant Emissions

The California Emissions Estimator Model (CalEEMod) was used to estimate emissions from construction activities. As shown in Table 4.3-3 below, construction emissions would not exceed BAAQMD significance thresholds.

Table 4.3-3: Summary of Project Construction Emissions				
Year	**ROG**	**NO_x**	**PM_{10} Exhaust**	**$PM_{2.5}$ Exhaust**
Construction Emissions Per Year (tons)				
2022	0.03	0.14	0.01	0.01
Annualized Daily Construction Emissions (pounds per day)				
2022 (165 construction workdays)	0.35	1.74	0.09	0.07
BAAQMD Thresholds (pounds per day)	*54*	*54*	*82*	*54*
Exceed Threshold?	No	No	No	No
Source: Illingworth & Rodkin, Inc. *World Oil Gas Station Air Quality Report.* August 18, 2021. Page 13.				

In addition, consistent with standard City practices, the project would be required to implement the following standard condition to control dust and exhaust at the project site.

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

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Replant vegetation in disturbed areas as soon as possible after completion of construction.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of the California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action

within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

With implementation of the standard conditions described above, the project's construction criteria pollutant emissions would be well below the BAAQMD single-source threshold of 54 pounds per day. **(Less than Significant Impact)**

Operational Period Emissions

Operational air emissions from the proposed project would be generated primarily from vehicles driven by future project users, as well as evaporative emissions (i.e., ROG) from architectural coatings and maintenance products (classified as consumer products). CalEEMod was used to estimate emissions from operation of the proposed project.

Additionally, the project would include a six-pump gasoline station with 12 fuel dispenser positions. As shown in Table 4.3-3 below, the air quality analysis includes a credit for the existing four-pump island and calculates the net emissions. The maximum throughput for the proposed gas station would be two million gallons per year.[13] CalEEMod does not compute evaporative ROG emissions from gasoline dispensing facilities (GDF); therefore, these emissions were computed based on projected annual throughput of gasoline using emission factors developed by CARB. Computations are provided in Appendix A).

Table 4.3-3 below shows the computed average daily emissions of ROG, NOx, PM_{10}, and $PM_{2.5}$ during operation of the project, with the existing gas station emissions netted out as the environmental baseline.

Table 4.3-4: Summary of Operational Period Emissions

Scenario	ROG	NO_x	PM_{10}	$PM_{2.5}$
2023 Project Operational Emissions (tons per year)				
Emissions from CalEEMod	0.67	0.68	0.99	0.25
GDF Evaporative Emissions	0.52	--	--	--
Project Total	1.19	0.68	0.99	0.25
2023 Existing Operational Emissions (tons per year)				
Emissions from CalEEMod	0.49	0.50	0.73	0.18
GDF Evaporative Emissions	0.33	--	--	--
Existing Total	0.82	0.50	0.73	0.18
Net Annual Emissions Total	**0.37**	**0.18**	**0.26**	**0.07**
BAAQMD Thresholds	*10*	*10*	*15*	*10*

[13] Hundley, John. Vice President, World Oil Corp. Personal Communication. June 17, 2021.

Table 4.3-4: Summary of Operational Period Emissions				
Scenario	**ROG**	**NO_x**	**PM_{10}**	**$PM_{2.5}$**
Exceed Threshold?	*No*	*No*	*No*	*No*
2023 Project Operational Emissions (pounds per day)				
Total Emissions	2.01	0.98	1.44	0.41
BAAQMD Thresholds	*54*	*54*	*82*	*54*
Exceed Threshold?	*No*	*No*	*No*	*No*
Source: Illingworth & Rodkin, Inc. *World Oil Gas Station Air Quality Report.* August 18, 2021. Page 17.				

As shown in Table 4.3-3 above, the operational period emissions would not exceed the BAAQMD significance thresholds. Since the project's construction and operational would be below the BAAQMD significance thresholds, the project would be consistent with the 2017 CAP. **(Less than Significant Impact)**

Impact AIR-2:	The project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. **(Less than Significant Impact)**

As discussed under Impact AIR-1, construction and operational criteria pollutant emissions associated with the project would not exceed the BAAQMD significance thresholds. Since the project would have a less than significant criteria pollutant impact, the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment. **(Less than Significant Impact)**

Impact AIR-3:	The project would not expose sensitive receptors to substantial pollutant concentrations. **(Less than Significant Impact)**

Project impacts related to increased community health risk can occur either by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity or by significantly exacerbating existing cumulative TAC impacts. The project would introduce new sources of TACs during construction (i.e., on-site construction and truck hauling emissions) and operation (i.e., mobile sources).

Community Health Risks from Project Construction

Construction of the proposed project would generate dust and equipment exhaust that could affect nearby sensitive receptors. Construction equipment and associated heavy-duty truck traffic generate diesel exhaust, which is a known TAC. Construction exhaust emissions would not be considered to contribute substantially to air quality violations; however, these exhaust emissions could pose health risks for sensitive receptors. The primary community risk impact issues associated with construction emissions are cancer risk and exposure to $PM_{2.5}$. Diesel exhaust poses both a

potential health and nuisance impact to nearby receptors. A health risk assessment of the project construction activities was conducted that evaluated potential health effects to nearby sensitive receptors from construction emissions of DPM and $PM_{2.5}$.

The health risk assessment evaluated potential health effects to nearby receptors (within 1,000 feet of the project site) from construction emissions of DPM and $PM_{2.5}$. Receptors include locations where sensitive populations would be present for extended periods of time including all existing childcare facilities and residences surrounding the project site. The maximum modeled DPM and $PM_{2.5}$ concentrations were identified at nearby sensitive receptors to find the maximally exposed individuals (MEI). Results of the construction MEIs were located in two places: the cancer risk MEI was located at a residence on the first floor to the north of the project site, and the $PM_{2.5}$ concentration MEI was located at the adjacent residence on the first floor to the east of the project site (refer to Figure 4.3-1). The estimated cancer risks and annual $PM_{2.5}$ concentrations are summarized in Table 4.3-4.

Community Health Risks from Project Operation

Operation of the proposed project would have long-term emissions from mobile sources (i.e., traffic). Per BAAQMD recommended risks and methodology, a road with less than 10,000 total vehicles per day is considered a low-impact source of TACs. The proposed project would generate 286 net daily trips, which is less than three percent of the 10,000 vehicle per day BAAQMD threshold. Therefore, emissions from project traffic are considered negligible, and were not included in the air quality analysis.

Community Health Risks from Project Construction and Operation

The sensitive receptors identified as the construction MEIs are also the project's operational MEIs. The cancer risks from construction and operation were summed together. The estimated cancer risks and annual $PM_{2.5}$ concentrations are summarized in Table 4.3-5.

Table 4.3-5: Construction and Operation Risk Impacts at the Off-Site Receptors

Source		Cancer Risk[1] (per million)	Annual $PM_{2.5}$ ($\mu g/m_3$)[1,2]	Hazard Index
Project Construction	Unmitigated	4.60 (infant)	0.07	0.01
Operational Gas Station[3]	Unmitigated	1.74	--	0.01
Unmitigated Total/Maximum Project Risks		6.34 (infant)	0.07	0.01
BAAQMD Single-Source Threshold		>10.0	>0.3	>1.0
Exceed Threshold?		No	No	No

[1] Maximum cancer risk and maximum PM2.5 concentration occur at different locations.

[2] $\mu g/m_3$ = microgram per cubic meter.

[3] Based on 2 million gallons per year maximum throughput.

Source: Illingworth & Rodkin, Inc. *World Oil Gas Station Air Quality Report.* August 18, 2021. Page 22.

Source: Illingworth & Rodkin, Inc., August 11, 2021.

LOCATION OF OFF-SITE SENSITIVE RECEPTORS AND MEIS | FIGURE 4.3-1

As shown in Table 4.3-5, construction and operations of the project would result in a cancer risk of 6.34 in one million, an annual PM2.5 concentration of 0.07 μg/m_3 and a hazard index of 0.01 (which are below the BAAQMD thresholds) at the project's MEI. Therefore, the project's DPM and $PM_{2.5}$ emissions during construction and operations would have a less than significant impact on nearby sensitive receptors. **(Less than Significant Impact)**

Impact AIR-4:	The project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. **(Less than Significant Impact)**

BAAQMD has identified a variety of land uses and types of operations that would produce emissions that may lead to odors in their CEQA Air Quality Guidelines. Some of the identified land uses include wastewater treatment plants, sanitary landfills, food processing facilities, coffee roasters, compositing facilities, and confined animal facility/feed lot/dairy facility. The proposed project would construct a gas station, which does not fall under any of the land uses BAAQMD has identified.

Consistent with the Morgan Hill Climate Action Plan, the new convenience store will be an all-electric structure which reduces fossil fuels and supports the goal to transition existing buildings to all-electric. The Morgan Hill Climate Action Plan also prohibits new gas stations. However, this is an expansion of an existing gas station, with a minor size increase for the retail portion of the business and the addition of two fuel pumps. Because the project will meet the all-electric goals, is not a new gas station, and meets the regional BAAQMD 2017 CAP, the proposal is consistent with the Morgan Hill CAP.

Future construction activities in the project area could result in odorous emissions from diesel exhaust associated with construction equipment. Because of the temporary nature of these emissions and the highly diffusive properties of diesel exhaust, exposure of sensitive receptors to these emissions would be limited. Odors from vehicles traveling to and from the site during operations would be localized and would not result in substantial odors. Therefore, the project is not expected to generate odors that could cause complaints and affect a substantial number of people. **(Less than Significant Impact)**

4.4 BIOLOGICAL RESOURCES

4.4.1 Environmental Setting

4.4.1.1 *Regulatory Framework*

Federal and State

Endangered Species Act

Individual plant and animal species listed as rare, threatened, or endangered under state and federal Endangered Species Acts are considered special-status species. Federal and state endangered species legislation has provided the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Permits may be required from both the USFWS and CDFW if activities associated with a proposed project would result in the take of a species listed as threatened or endangered. To "take" a listed species, as defined by the State of California, is "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill" these species. Take is more broadly defined by the federal Endangered Species Act to include harm of a listed species.

In addition to species listed under state and federal Endangered Species Acts, Sections 15380(b) and (c) of the CEQA Guidelines provide that all potential rare or sensitive species, or habitats capable of supporting rare species, must be considered as part of the environmental review process. These may include plant species listed by the California Native Plant Society and CDFW-listed Species of Special Concern.

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, capture, possession, or trade of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. Hunting and poaching are also prohibited. The taking and killing of birds resulting from an activity is not prohibited by the MBTA when the underlying purpose of that activity is not to take birds.[14] Nesting birds are considered special-status species and are protected by the USFWS. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

Sensitive Habitat Regulations

Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable federal, state, and local regulations, and are generally subject to regulation by the United States Army Corps of Engineers (USACE), Regional Water Quality Control

[14] United States Department of the Interior. "Memorandum M-37050. The Migratory Bird Treaty Act Does Not Prohibit Incidental Take." Accessed June 18, 2021. https://www.doi.gov/sites/doi.gov/files/uploads/m-37050.pdf.

Board (RWQCB), CDFW, and/or the USFWS under provisions of the federal Clean Water Act (e.g., Sections 303, 304, 404) and State of California Porter-Cologne Water Quality Control Act.

Fish and Game Code Section 1602

Streambeds and banks, as well as associated riparian habitat, are regulated by the CDFW per Section 1602 of the Fish and Game Code. Work within the bed or banks of a stream or the adjacent riparian habitat requires a Streambed Alteration Agreement from the CDFW.

City of Morgan Hill Burrowing Owl Habitat Mitigation Plan

Since 2003, the City of Morgan Hill has implemented a citywide program (Burrowing Owl Habitat Mitigation Plan) to evaluate and mitigate impacts to burrowing owls and potential burrowing owl habitat that could result from development activities within the City limits. Under the Burrowing Owl Habitat Mitigation Plan, the City requires pre-construction owl surveys to be completed in areas of potentially suitable habitat (generally any grassland and/or mixed herbaceous vegetation below 600 feet above mean sea level) within 30 days of the on-set of construction.

Morgan Hill 2035 General Plan

The Morgan Hill 2035 General Plan includes goals, policies, and actions to avoid significant impacts due to loss of biological resources. The following goal and policies are applicable to the proposed project:

Morgan Hill 2035 General Plan Policies: Biological Resources

Policy	Description
NRE-6.2	**Habitat Conservation Plan.** Support the implementation of the Santa Clara Valley Habitat Plan to protect wildlife, rare and endangered plants and animals, and sensitive habitats from loss and destruction.
NRE-6.4	**Tree Preservation and Protection.** Preserve and protect mature, healthy trees whenever feasible, particularly native trees, historically significant trees, and other trees which are of significant size or of significant aesthetic value to the immediate vicinity or to the community as a whole.

Regional and Local

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

The Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (Habitat Plan) covers approximately 520,000 acres, or approximately 62 percent of Santa Clara County. It was developed and adopted through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Valley Water, Santa Clara Valley Transportation Authority (VTA), USFWS, and CDFW. The Habitat Plan is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in southern Santa Clara County. The Santa Clara Valley Habitat Agency is responsible for implementing the plan.

4.4.1.2 *Existing Conditions*

The project site is located in a developed area of Morgan Hill. The site is mostly developed with paved surfaces, a gas station and retail/convenience store; the eastern portion of the site is undeveloped and covered with grass. The site was previously occupied by residences and outbuildings on the western portion of the site and was used for agricultural purposes on the eastern portion of the site. There are no trees on-site. The site's grassland habitat is common in the project area. Limited locally occurring, common urban-adapted wildlife species may occur on the eastern portion of the project site.

There are no undisturbed areas or sensitive habitats on the site, and the site does not contain any trees, streams, waterways, or wetlands. Because the site is within an urban setting and is surrounded by development, the site provides limited value for wildlife. No rare, threatened, endangered, or special-status species of flora or fauna are known to inhabit the site. The project is covered under the Habitat Plan and is designated as Urban-Suburban land.[15]

4.4.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	☐	☒	☐	☐

[15] Santa Clara Valley Habitat Agency. "Habitat Agency Geobrowser." Accessed July 21, 2022. http://www.hcpmaps.com/habitat/

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	☐	☐	☐	☒
3) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☒	☐

Impact BIO-1:	The project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. **(Less Than Significant Impact with Mitigation Incorporated)**

As discussed in Section 4.4.1.2 Existing Conditions, the project site is mostly developed and occupied by a gas station, retail/convenience store, and surface parking lot. The eastern portion of the site is an undeveloped area covered with grasses. Given the history of disturbance from agricultural uses and grading, and surrounding urban development, no natural sensitive habitats which would support endangered, threatened or special status plant or wildlife species would occur on or adjacent to the site. Based on the information provided in Habitat Plan database, the project site is not located within a burrowing owl survey or fee zone.[16] Therefore, the site is not considered burrowing owl habitat and pre-construction surveys for the owls are not required.

[16] Santa Clara Valley Habitat Agency. Habitat Agency Geobrowser. Accessed August 19, 2022. http://www.hcpmaps.com/habitat/.

There are no trees located on the project site. There is one street tree located across the site, along the Monterey Road frontage. At the time of development, raptors and migratory birds could nest at this tree and vegetation on and adjacent to the project site. Migratory birds could potentially nest on the existing on-site structures as well. Construction during the nesting season could destroy nests or disturb occupied nests, resulting in the loss of the reproductive effort.

Mitigation Measures: The following mitigation measures will reduce impacts from construction at the project site nesting raptors and migratory birds to a less than significant level:

MM BIO-1.1: Construction shall be scheduled to avoid the nesting season to the extent feasible. If construction can be scheduled to occur between September 1st and January 31st (inclusive) to avoid the raptor nesting season, no impacts will be expected. If construction will take place between February 1st and August 31st, then pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. Surveys shall be completed within seven days of the on-set of site clearing or construction activities. During this survey, the ornithologist shall inspect all trees and other potential nesting habitats (e.g., trees, shrubs, buildings) onsite as well as within 250 feet of the site for nests of raptors and 100 feet for nests of non-raptors.

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

With the implementation of the above mitigation measures that would reduce impacts to nesting birds/raptors, the project would not result in a substantial adverse impact on sensitive species regulated by the CDFW or USFW. **(Less Than Significant Impact with Mitigation Incorporated)**

Impact BIO-2:	The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS. **(No Impact)**

As discussed in Section 4.4.1.2 Existing Conditions, the project site is located within an urban area of the City. There are no riparian habitats located on the project site. There are no sensitive natural communities located on or adjacent to the project site. Therefore, the proposed project would not result in adverse effects to riparian habitat or other sensitive rural communities. **(No Impact)**

Impact BIO-3:	The project would not have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means. **(No Impact)**

As discussed in Section 4.4.1.2 Existing Conditions, the project site does not contain any wetlands. Therefore, implementation of the project would not result in a substantial adverse effect on protected wetlands. **(No Impact)**

Impact BIO-4:	The project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. **(No Impacts)**

As discussed in Section 4.4.1.2 Existing Conditions, the project is in an urban area bordered by roads and other developments. The project is not located within a connectivity area. Therefore, the project would not interfere with the movement of fish or wildlife species, nor interfere with established corridors or wildlife nursery sites. **(No Impact)**

Impact BIO-5:	The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. **(Less than Significant Impact)**

As discussed in Section 4.4.1.2 Existing Conditions, there are no trees located on the project site. The project does not include removal of the street tree adjacent to the site on Monterey Road. For the above reasons, the project would not conflict with any local tree preservation policies or ordinances. **(Less than Significant Impact)**

Impact BIO-6:	The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. **(Less than Significant Impact)**

As discussed in Section 4.4.1.2 Existing Conditions, the proposed project site is designated as Urban-Suburban land under the Habitat Plan. Therefore, no land cover fees would be required for the project.

The Habitat Plan also considers covered activities to result in a certain number of indirect impacts from urban development mostly in the form of increased impervious surface and from the effects of nitrogen deposition. Development that increases the intensity of land use results in increased air pollutant emissions from vehicles. Emissions from these sources are known to increase airborne nitrogen, of which a certain amount is converted into forms that can fall to earth as depositional nitrogen. It has been shown that increased nitrogen in serpentine soils can favor the growth of nonnative annual grasses over native serpentine species and these nonnative species, if left

unmanaged, can overtake the native serpentine species, which are host plants for larval Bay Checkerspot butterfly. As such, covered projects within the Habitat Plan area are subject to paying a "Nitrogen Deposition Impact Fee" which is calculated based on the number of daily vehicle trips attributed to the activity and collected prior to the commencement of the use.

In addition, all covered activities in the Habitat Plan are subject to certain conditions (as identified in Chapter 6 of the Plan) based on the project's location and type of project. To ensure that the project complies with conditions of the Habitat Plan, the conditions would be applied to each component as part of the entitlement approval conditions and/or other permits (i.e., grading permits, building permits, etc.).

The City of Morgan Hill has adopted the Habitat Plan and, as an ordinance[17] implementing the measures and conditions set forth in the Habitat Plan, would levy applicable impact fees and incorporate relevant conditions on covered activities into the project. Therefore, the project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan. **(Less Than Significant Impact)**

[17] Chapter 18.132 of the City of Morgan Hill Municipal Code.

4.5 CULTURAL RESOURCES

The following discussion is based, in part, on a Cultural Resources Assessment Memorandum completed for the project by PaleoWest dated September 30, 2021. A copy of this report is on file with the City of Morgan Hill.

4.5.1 Environmental Setting

4.5.1.1 *Regulatory Framework*

Federal and State

National Historic Preservation Act

Federal protection of cultural resources is legislated by the National Historic Preservation Act of 1966 (NHPA) and the Archaeological Resource Protection Act of 1979. These laws maintain processes for determination of the effects on historical properties eligible for listing in the National Register of Historic Places (NRHP). Section 106 of the NHPA and related regulations (36 Code of Federal Regulations [CFR] Part 800) constitute the primary federal regulatory framework guiding cultural resources investigations and require consideration of effects on properties that are listed or eligible for listing in the NRHP. Impacts to properties listed in the NRHP must be evaluated under CEQA.

The NRHP is the nation's master inventory of historic resources that are considered significant at the national, state, or local level. The minimum criteria for determining NRHP eligibility include:

- The property is at least 50 years old (properties under 50 years of age that are of exceptional importance or are contributors to a district can also be included in the NRHP);
- It possesses at least one of the following characteristics:
    - **Criterion 1**: It is associated with events that have made a significant contribution to the broad patterns of history;
    - **Criterion 2**: It is associated with the lives of persons significant in the past;
    - **Criterion 3**: It embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master or possesses high artistic values, or represents a significant, distinguishable entity whose components may lack individual distinction); or
    - **Criterion 4**: It has yielded, or may yield, information important to prehistory or history.
- rIt retains integrity of location, design, setting, materials, workmanship, feeling, and associations.

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is administered by the State Office of Historic Preservation and encourages protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local planning purposes and affords protections under CEQA. Under Public Resources Code Section 5024.1(c), a resource may be eligible for listing in the CRHR if it meets any of the NRHP criteria.[18]

Historical resources eligible for listing in the CRHR must meet the significance criteria described previously and retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. A resource that has lost its historic character or appearance may still have sufficient integrity for the CRHR if it maintains the potential to yield significant scientific or historical information or specific data.

The concept of integrity is essential to identifying the important physical characteristics of historical resources and, therefore, in evaluating adverse changes to them. Integrity is defined as "the authenticity of a historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance." The processes of determining integrity are similar for both the CRHR and NRHP and use the same seven variables or aspects to define integrity that are used to evaluate a resource's eligibility for listing. These seven characteristics include 1) location, 2) design, 3) setting, 4) materials, 5) workmanship, 6) feeling, and 7) association.

In order for a resource to be determined eligible and considered a historical resource for the purpose of CEQA, the resource must be determined to be significant under the local, state, or national level under one of four criteria (Criteria 1 through 4 listed below) and retain historic integrity.

- **Criterion 1**: It is associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States;
- **Criterion 2**: It is associated with the lives of persons important to local, California or national history;
- **Criterion 3**: It embodies the distinctive characteristics of a type, period, region or method of construction or represents the work of a master or possesses high artistic values;
- **Criterion 4**: It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.

[18] California Office of Historic Preservation. "CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6." Accessed August 31, 2020. http://www.ohp.parks.ca.gov/pages/1069/files/technical%20assistance%20bulletin%206%202011%20update.pdf.

California Native American Historical, Cultural, and Sacred Sites Act

The California Native American Historical, Cultural, and Sacred Sites Act applies to both state and private lands. The act requires that upon discovery of human remains, construction or excavation activity must cease and the county coroner be notified.

Public Resources Code Sections 5097 and 5097.98

Section 15064.5 of the CEQA Guidelines specifies procedures to be used in the event of an unexpected discovery of Native American human remains on non-federal land. These procedures are outlined in Public Resources Code Sections 5097 and 5097.98. These codes protect such remains from disturbance, vandalism, and inadvertent destruction, establish procedures to be implemented if Native American skeletal remains are discovered during construction of a project, and establish the Native American Heritage Commission (NAHC) as the authority to resolve disputes regarding disposition of such remains.

Pursuant to Public Resources Code Section 5097.98, in the event of human remains discovery, no further disturbance is allowed until the county coroner has made the necessary findings regarding the origin and disposition of the remains. If the remains are of a Native American, the county coroner must notify the NAHC. The NAHC then notifies those persons most likely to be related to the Native American remains. The code section also stipulates the procedures that the descendants may follow for treating or disposing of the remains and associated grave goods.

Local

Morgan Hill 2035 General Plan

The Morgan Hill 2035 General Plan includes goals, policies, and actions to avoid significant impacts to cultural resources. The following policies are applicable to the proposed project.

Morgan Hill 2035 General Plan Policies: Cultural Resources

Policy	Description
HC-8.1	**Identify and Protect Resources.** Identify and protect heritage resources from loss and destruction. (South County Joint Area Plan 15.09)
HC-8.2	**Historic Structures.** Encourage the preservation and rehabilitation of the City's historic structures.
HC-8.3	**Demolition.** Prior to approving demolition or alteration of historically significant buildings, evaluate alternatives, including structural preservation, relocation, or other mitigation, and demonstrate that financing has been secured for replacement use.
HC-8.4	**Tribal Consultation.** Consult with Native American tribes that have ancestral ties to Morgan Hill regarding proposed new development projects and land use policy changes.
HC-8.5	**Mitigation.** Require that if cultural resources, including tribal, archaeological, or paleontological resources, are uncovered during grading or other on-site excavation activities, construction shall stop until appropriate mitigation is implemented.

Morgan Hill Historic Context Statement

The City's Historic Context Statement creates a framework against which to objectively qualify a property's significance in relation to larger historic themes and events. The Historic Context Statement includes a historical inventory and historical maps which recognize existing historic resources in the City. Historical evaluation of a subject property should use the context statement as a tool for understanding where a property's significance lies within the City's historical timeline. The City determines historical significance and eligibility for inclusion in the historical inventory based on the California Register criteria under Municipal Code Chapter 18.60.

Santa Clara County Heritage Resource Inventory

The Santa Clara County Heritage Resource Inventory compiles historical landmarks throughout the County and sets forth guidelines for their treatment and evaluation. Properties listed in the inventory are subject to a demolition review process by the Historical Heritage Commission (HHC) and the Board of Supervisors. The Heritage Resource Inventory was last updated in 2012.[19]

4.5.1.2 *Existing Conditions*

Archaeological Resources

Prehistoric Background

Cultural/archaeological resources are traces of human occupation and activity. The first documentation of human occupation in the southern Santa Clara Valley dates back from 12,000 to 150 years ago. Sites of occupation were mostly identified in the western region due to proximity and access to lakeside resources. The aboriginal inhabitants of the Santa Clara Valley include a group known as the Costanoans, who occupied the central California coast as far east as the Diablo Range. The descendants of these Native Americans are referred to as Ohlone. The project site appears to have been within the ethnographic territory of the Taymen Ohlone who settled in Morgan Hill roughly 12,000 to 6,000 years ago.

Prehistoric and Historic Archaeological Resources

A records search at the Northwest Information Center (NWIC) at Sonoma State University of the California Historical Resources Information System and a review of archival literature were completed to determine the potential presence of pre-historic or historic-era archaeological resources at the 0.5-acre project site and within 0.5-mile of the site. Based on a records search of the project site, two cultural resource investigations were completed within the project area, but no archaeological sites were identified within the project site. Within half a mile of the project area, 22 cultural resource investigations were completed with two sites (P-43-000469 and P-43-

[19] County of Santa Clara Department of Planning and Development Planning Office. County of Santa Clara Historic Context Statement. Revised February 2012.

004018) recorded as prehistoric and historic. No subsurface indications of prehistoric or historic archaeological materials or culturally modified sediments were identified or discovered during a field survey completed on May 14, 2021. Additionally, the site has been previously disturbed when the existing gas station was constructed, including the installation of underground fuel tanks. For the reasons described above, the project site is considered to have low to moderate sensitivity for prehistoric resources.

Historic Resources

Historical Context – Project Area

In the 1790s, El Camino Real (known as Monterey Road in Morgan Hill), became the primary north-south travel route through the Santa Clara Valley. Towns of the lower Santa Clara Valley developed along El Camino Real, which was used for stagecoach travel. In 1926, El Camino Real/Monterey Road became part of the National Highway System and the route was renamed US 101. The original intent of the National Highway System was to utilize existing roads to connect downtown districts as part of an organized, and signed, route. In the 1930s, commercial development in downtown Morgan Hill increased as many businesses accommodated automobiles. Gas stations, restaurants, hotels and stores often incorporated car-friendly features such as drive-ins, drive-throughs, and parking. When a downtown by-pass of Monterey Road was completed in 1970, many of these businesses closed. Based on the project's cultural resources assessment the City's historic context statement, pre-1960 gas stations could be considered historical resources due to their association within the context of commercial development in Morgan Hill.

Historical Uses and Evaluation of the Project Site

The project site was a part of larger lot owned by Pietro Lepera, who emigrated from Italy in 1904 and lived in Morgan Hill in 1928. The site was occupied by an orchard, residences, and outbuildings until 1963. In 1963, World Oil Corporation (owned by Bernard Roth) purchased the project site and constructed a gas station with two gas pump islands. The canopy over the gas pump island was constructed between the years 1968 and 1971. The site has operated as a gas station since its construction.

In 1938, Bernard Roth opened his first gas station in Los Angeles, California. By the 1970s, he owned more than 30 gas stations throughout California and subsequently owned and operated more than 120 gas stations (80 of which were in Los Angeles County) up until his death in 2011. The nearest World Oil gas stations to the site are located in San José, California.

The retail/convenience store and canopy have Mansard roof styles (Oblong Box with Canopy) and were constructed with stone, brick, and/or stucco siding, large display windows, single entry door, and roll-up doors in service bays. The Mansard roof was a revival-style (common in the late 19th and early 20th centuries) that resurged in the 1940s and was used for both residential and commercial properties. The roof style has not been common for residential and commercial buildings since the mid-1980s.

Historic Evaluation

Resources greater than 50 years in age are considered potentially historic and require evaluation for their potential historical significance under the CRHR's eligibility criteria. The 0.5-acre existing gas station and associated infrastructure was constructed in 1963. As such, the properties were the subject of the historic evaluation. In order to be determined eligible and considered a historical resource under CEQA, each resource must be determined to be significant under one of four CRHR criteria (Criteria 1 through 4) and retain historic integrity. The CRHR criteria are consistent with the NRHP criteria.

Under CRHR Criterion 1, the site does not have associations with any events that have made a significant contribution to broad patterns of history at the local, state, or national level. The gas station is not important within the context of retail gas sales or the development of Morgan Hill, and there is no evidence that any historically important events occurred at this location that would merit significance under this criterion. Under CRHR Criterion 2, the site is not associated with the lives of persons important to history. There is no indication that any individuals related to the development and use of this property, made important contributions to history at the local, state, or national level.

Under CRHR Criterion 3, the retail building and canopy structure are not significant because they do not embody enough of the distinctive characteristics of a type, period, or method of construction to merit listing on the CRHR under this criterion. The Oblong Box with Canopy (Mansard Roof) is a common design implemented at gas stations throughout the United States. This gas station and canopy is a modest example of the style topped with Mansard roofs and does not merit significance under this criterion. While the retail building and canopy structure have the distinctive features of a Mansard Roof, they lack the high artistic value that would merit listing under CRHR Criterion 3.

Under CRHR Criterion 4, the retail building and canopy structure are not significant as a source of important information regarding history. The structures do not yield important information about historic construction materials or technologies.

While the on-site structures retain integrity of location, setting, design, materials, workmanship, feeling, and association to their original construction, they do not meet any of the significance criteria necessary for eligibility for listing in either the NRHP or CRHR.

The project site is not listed as a historic property in the General Plan EIR (Table 4.5-1). The historic properties list in the General Plan EIR includes Morgan Hill properties in the Santa Clara County Historic Properties Directory, the National Register, or the Morgan Hill Historic Resources Inventory. Given the gas station and the property does not meet the CRHR criterion, the site is not eligible to be listed on the City's local historic inventory.

Additionally, no known historic dwellings or other features have been identified in or adjacent to the project site. The closest historic property to the site is the Page House located at 17100 Monterey Road, 0.4 mile north of the site.

4.5.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?	☐	☐	☒	☐
2) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?	☐	☐	☒	☐
3) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐

Impact CUL-1:	The project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5. **(Less than Significant Impact)**

Pursuant to CEQA Guidelines Section 15064.5(b)(1), a "substantial adverse change" in the significance of a historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired. The proposed project is a gas station redevelopment project that would replace an existing four-pump gas station and 880 square foot retail store with a six-pump gas station and 2,115 square foot retail store.

The existing gas station and its associated structures on-site were evaluated for potential eligibility for listing on local, state, and national historical registers and were determined ineligible for these listings. The project site is also not listed on the NRHP, the CRHR, the Santa Clara County Historic Resources Inventory, or the Morgan Hill Historic Context Statement.[20] Therefore, the site's on-site structures are not considered historic resources. Additionally, there are no historic resources in the vicinity of the project site that could be impacted directly or indirectly by the proposed project. As a result, the project would not result in an adverse change to a historic resource. **(Less than Significant Impact)**

Impact CUL-2:	The project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. **(Less than Significant Impact)**

As discussed in Section 4.5.1.2, Existing Conditions, the project site does not contain any known archaeological resources and has a low sensitivity for prehistoric and historic archaeological

[20] City of Morgan Hill. *Morgan Hill 2035 Final Environmental Impact Report*. May 2016.

resources based on the cultural resources record search. Nonetheless, ground-disturbing construction activities, specifically the excavation and installation of subsurface infrastructure, could result in significant impacts if any unknown subsurface archaeological resources are encountered. The City held an AB52 Tribal Consultation with the Tamien Nation regarding the project on October 11, 2021. Based upon this review, the project would be required to adhere to the standard conditions described below to reduce potential impacts to archaeological resources to less than significant levels.

Standard Conditions: 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:

1. Prior to start of grading or earthmoving activity (includes demolition and moving of heavy equipment on site) on the "first day of construction", the archaeologist and Tamien Nation Tribal Monitor shall hold a pre-construction meeting for the purposes of "cultural sensitivity training" with the general contractor and subcontractors.

2. 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:

    a. Work at the location of the find shall halt immediately within 50 feet of the find. If an archaeologist is not present at the time of the discovery, the applicant shall contact an archaeologist for evaluation of the find to determine whether it qualifies as a unique archaeological resource as defined by this chapter;
    b. 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;
    c. 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
    d. 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.

3. 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,
    a. 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.
    b. Remains should not be held by human hands. Surgical gloves should be worn if remains need to be handled.
    c. Surgical mask should also be worn to prevent exposure to pathogens that may be associated with the remains.

4. In the event that known or suspected Native American remains are encountered, or significant historic or archaeological materials are discovered, ground-disturbing activities shall be immediately stopped. Examples of significant historic or archaeological materials include, but are not limited to, concentrations of historic artifacts (e.g., bottles, ceramics) or prehistoric artifacts (chipped chert or obsidian, arrow points, ground stone mortars and pestles), culturally altered ash stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire-altered rock and/or burned or charred organic materials and historic structure remains such as stone lined building foundations, wells or privy pits. Ground-disturbing project activities may continue in other areas that are outside the exclusion zone as defined below.

5. An "exclusion zone" where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable buffer zone by the contractor foreman or authorized representative, or party who made the discovery and initiated these protocols, or if on-site at the time or discovery, by the monitoring archaeologist and tribal representative (typically twenty-five to fifty feet for single burial or archaeological find).

6. The discovery locale shall be secured (e.g., 24-hour surveillance) as directed by the City or County if considered prudent to avoid further disturbances.

7. The contractor foreman or authorized representative, or party who made the discovery and initiated these protocols shall be responsible for immediately contacting by telephone the parties listed below to report the find and initiate the consultation process for treatment and disposition:
    - The City of Morgan Hill Development Services Director (408) 779-7247

- The Contractor's Point(s) of Contact
- The Coroner of the County of Santa Clara (if human remains found) (408) 793-1900
- The Native American Heritage Commission (NAHC) in Sacramento (916) 653-4082
- The Amah Mutsun Tribal Band (916) 481-5785 (H) or (916) 743-5833 (C)
- The Tamien Nation (707) 295-4011 (office) and (925) 336-5359 (THPO)

8. The Coroner has two working days to examine the remains after being notified of the discovery. If the remains are Native American, the Coroner has 24 hours to notify the NAHC.

9. The NAHC is responsible for identifying and immediately notifying the Most Likely Descendant (MLD). (Note: NAHC policy holds that the Native American Monitor will not be designated the MLD.)

10. Within 24 hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose.

11. Within 24 hours of their notification by the NAHC, the MLD may recommend to the City's Development Services Director the recommended means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The recommendation may include the scientific removal and non-destructive or destructive analysis of human remains and items associated with Native American burials. Only those osteological analyses or DNA analyses recommended by the appropriate tribe may be considered and carried out.

12. If the MLD recommendation is rejected by the City of Morgan Hill the parties will attempt to mediate the disagreement with the NAHC. If mediation fails, then the remains and all associated grave offerings shall be reburied with appropriate dignity on the property in a location not subject to further subsurface disturbance.

Implementation of the standard conditions listed above would ensure that contractors and their employees are alerted to the potential presence of subsurface archaeological resources and trained on how to respond to any potential discoveries, thus ensuring that any unknown subsurface archaeological resources present within the project site would be identified during construction. The standard conditions would ensure that any archaeological resources present within the project site are evaluated by a professional archaeologist and treated in accordance with California Public Resources Code Section 15064.5, as required by CEQA. Therefore, the project would not cause a substantial adverse change in the significance of an archaeological resource. **(Less than Significant Impact)**

Impact CUL-3:	The project would not disturb any human remains, including those interred outside of dedicated cemeteries. **(Less than Significant Impact)**

Although it is not expected, human remains have the potential to be discovered during construction. If human remains were unearthed during project construction, damage to or

destruction of culturally significant human remains would be a potentially significant impact. The standard conditions described in Impact CUL-2 includes measures that would reduce impacts to human remains if they are discovered during project construction. Compliance with these standard conditions would ensure that if human remains are discovered during project construction, the human remains would be treated in compliance with applicable state laws and an appropriate process is followed prior to the commencement of construction. Therefore, the project would have a less than significant impact on human remains. **(Less than Significant Impact)**

4.6 ENERGY

The following discussion is based, in part, on an Air Quality Analysis completed by Illingworth & Rodkin, Inc. on August 18, 2021. The report is attached as Appendix A.

4.6.1 Environmental Setting

4.6.1.1 *Regulatory Framework*

Federal and State

Energy Star and Fuel Efficiency

At the federal level, energy standards set by the EPA apply to numerous consumer products and appliances (e.g., the EnergyStar™ program). The EPA also sets fuel efficiency standards for automobiles and other modes of transportation.

Renewables Portfolio Standard Program

In 2002, California established its Renewables Portfolio Standard Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2010. Governor Schwarzenegger issued Executive Order (EO) S-3-05, requiring statewide emissions reductions to 80 percent below 1990 levels by 2050. In 2008, EO S-14-08 was signed into law, requiring retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from renewable sources by 2030. SB 100, passed in 2018, requires 100 percent of electricity in California to be provided by 100 percent renewable and carbon-free sources by 2045.

Executive Order B-55-18 To Achieve Carbon Neutrality

In September 2018, Governor Brown issued an executive order, EO-B-55-18 To Achieve Carbon Neutrality, setting a statewide goal "to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter." The executive order requires CARB to "ensure future Scoping Plans identify and recommend measures to achieve the carbon neutrality goal." EO-B-55-18 supplements EO S-3-05 by requiring not only emissions reductions, but also that, by no later than 2045, the remaining emissions be offset by equivalent net removals of CO_2 from the atmosphere through sequestration.

California Building Standards Code

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6 of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately

every three years.[21] Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.[22]

California Green Building Standards Code

The California Green Building Standards Code (CALGreen) establishes mandatory green building standards for buildings in California. CALGreen was developed to reduce GHG emissions from buildings, promote environmentally responsible and healthier places to live and work, reduce energy and water consumption, and respond to state environmental directives. CALGreen covers five categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality.

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars program in 2012 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing pollutants and GHG emissions into a single coordinated set of requirements for vehicle model years 2015 through 2025. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.[23]

Regional and Local

Morgan Hill 2035 General Plan

The Morgan Hill 2035 General Plan includes goals, policies, and actions to conserve energy and mitigate energy impacts resulting from planned developments within the City. The following policies are applicable to the proposed project.

Morgan Hill 2035 General Plan Policies: Energy

Policy	Description
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.
NRE-16.2	**Energy Conservation.** Promote energy conservation techniques and energy efficiency in building design, orientation, and construction.
NRE-16.3	**Energy Use Data and Analysis.** Provide information to increase building owner, tenant, and operator knowledge about how, when, and where building energy is used.

[21] California Building Standards Commission. "California Building Standards Code." Accessed May 13, 2022. https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo.
[22] California Energy Commission (CEC). "2019 Building Energy Efficiency Standards." Accessed May 13, 2022. https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency.
[23] California Air Resources Board. "The Advanced Clean Cars Program." Accessed May 13, 2022. https://www.arb.ca.gov/msprog/acc/acc.htm.

Morgan Hill 2035 General Plan Policies: Energy

Policy	Description
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.
NRE-16.6	**Landscaping for Energy Conservation.** Encourage landscaping plans for new development to address the planting of trees and shrubs that will provide shade to reduce the need for cooling systems and allow for winter daylighting.
NRE-16.7	**Renewable Energy.** Encourage new and existing development to incorporate renewable energy generation features, like solar panels and solar hot water heaters.

4.6.1.2 *Existing Conditions*

Total energy usage in California was approximately 7,875 trillion British thermal units (Btu) in the year 2018, the most recent year for which this data was available.[24] Out of the 50 states, California is ranked second in total energy consumption and 46th in energy consumption per capita. The breakdown by sector was approximately 18 percent (1,440 trillion Btu) for residential uses, 19 percent (1,510 trillion Btu) for commercial uses, 23 percent (1,847 trillion Btu) for industrial uses, and 39 percent (3,078 trillion Btu) for transportation.[25] This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

Electricity

California's total system electric generation in 2020 was approximately 272,576 GWh (a decrease of 2 percent from 2019).[26] In Santa Clara County, a total of approximately 16,435 gigawatt hours (GWh) of electricity was consumed in 2020.[27] Electricity in Santa Clara County in 2020 was consumed primarily by the non-residential sector (73 percent), followed by the residential sector consuming 27 percent.

The community-owned Silicon Valley Clean Energy (SVCE) is the electricity provider for the City of Morgan Hill.[28] SVCE sources the electricity, and the Pacific Gas and Electric Company (PG&E) delivers it to customers over their existing utility lines. Customers are automatically enrolled in the

[24] United States Energy Information Administration. "State Profile and Energy Estimates, 2018." Accessed May 13, 2022. https://www.eia.gov/state/?sid=CA#tabs-2.
[25] United States Energy Information Administration. "State Profile and Energy Estimates, 2018." Accessed May 13, 2022. https://www.eia.gov/state/?sid=CA#tabs-2.
[26] California Energy Commission. "2020 Total System Electric Generation, Total System Electric Generation and Methodology." Accessed February 10, 2022. https://www.energy.ca.gov/data-reports/energy-almanac/california-electricity-data/2020-total-system-electric-generation#:~:text=Total%20generation%20for%20California%20was,to%2057%20percent%20in%202019.
[27] California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed February 10. http://ecdms.energy.ca.gov/elecbycounty.aspx.
[28] Silicon Valley Clean Energy. "Frequently Asked Questions." Accessed May 13, 2022. https://www.svcleanenergy.org/faqs.

GreenStart plan and can upgrade to the GreenPrime plan. The GreenStart plan is considered 80 percent GHG-emission free and the GreenPrime Plan is considered 100 percent GHG-emission free.

Natural Gas

PG&E provides natural gas services within Morgan Hill. In 2019, approximately one percent of California's natural gas supply came from in-state production, while the remaining supply was imported from other western states and Canada.[29] In 2019 residential and commercial customers in California used 33 percent of the state's natural gas, power plants used 26 percent, the industrial sector used 35 percent, and other uses used six percent.[30] Transportation accounted for one percent of natural gas use in California. In 2020, Santa Clara County used approximately 418 million therms of natural gas.[31]

Fuel for Motor Vehicles

In 2019, 15.4 billion gallons of gasoline were sold in California.[32] The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the United States has steadily increased from about 13.1 miles per gallon (mpg) in the mid-1970s to 25.4 mpg in 2020.[33] Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was updated in March 2020 to require all cars and light duty trucks achieve an overall industry average fuel economy of 40.4 mpg by model year 2026.[34,35]

[29] California Gas and Electric Utilities. 2020 *California Gas Report.* Accessed February 10, 2022. https://www.socalgas.com/sites/default/files/2020-10/2020_California_Gas_Report_Joint_Utility_Biennial_Comprehensive_Filing.pdf.

[30] United States Energy Information Administration. "State Profile and Energy Estimates, 2019." Accessed February 10, 2022. https://www.eia.gov/state/?sid=CA#tabs-2.

[31] California Energy Commission. "Natural Gas Consumption by County." Accessed May 13. 2022. http://ecdms.energy.ca.gov/gasbycounty.aspx.

[32] California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed February 10, 2022. https://www.cdtfa.ca.gov/dataportal/dataset.htm?url=VehicleTaxableFuelDist.

[33] United States Environmental Protection Agency. "The 2021 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." November 2021. https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P1010U68.pdf

[34] United States Department of Energy. *Energy Independence & Security Act of 2007.* Accessed February 10, 2022. http://www.afdc.energy.gov/laws/eisa.

[35] Public Law 110–140—December 19, 2007. *Energy Independence & Security Act of 2007.* Accessed February 10, 2022. http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf.

4.6.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
2) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

Impact EN-1:	The project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. **(Less than Significant Impact)**

The proposed project is a gas station redevelopment project that would replace an existing four-pump gas station and 880 square foot retail store with a six-pump gas station and 2,115 square foot retail store. The project also proposes to construct a new fuel canopy and UST system.

Construction

The proposed project would be constructed over a period of approximately eight months. Construction of the project would require energy for the manufacture and transportation of building materials, preparation of the site for grading, and construction of structures on-site. Petroleum-based fuels such as diesel fuel would be the primary sources of energy for these tasks. The overall construction schedule and process is already designed to be efficient to avoid excess monetary costs. That is, equipment and fuel would not be used wastefully on the site because of the added expense associated with renting the equipment, maintaining it, and fueling it. Therefore, the opportunities for future efficiency gains during construction are limited.

The proposed project, however, does include several measures that would improve the efficiency of the construction process. Implementation of the identified Standard Conditions outlined in Section 4.3 Air Quality would restrict equipment idling times to five minutes or less and would require the applicant to post signs on the project site reminding workers to shut off idle equipment. Implementation of applicable General Plan policies and existing regulations and programs would also reduce energy waste from construction and demolition. Therefore, the proposed project would not consume energy in a manner that is wasteful, inefficient, or unnecessary. **(Less than Significant Impact)**

Operation

Implementation of the proposed development would consume energy (in the form of electricity) during operation, primarily from building heating and cooling, lighting, and water heating. The project would use minimal energy since electricity is provided by SVCE. Table 3.6-1 below summarizes the estimated energy use of the proposed project compared to the existing development.

Table 4.6-1: Estimated Annual Energy Use of Proposed Development

Land Use	Electricity (kWh)	Natural Gas (Btu)	Gasoline (gallons)
Existing Development			
Convenience Market with Gas Pumps	6,970	9,336	83,683
Total Existing	**6,970**	**9,336**	**83,683**
Proposed Development			
Convenience Market with Gas Pumps	16,743	22,430	113,677
Parking Lot	5,207	0	0
Total Proposed	**21,950**	**22,430**	**113,677**
Net (Proposed – Existing)	***14,980***	***13,094***	***29,994***

Source: Illingworth & Rodkin, Inc. *World Oil Gas Station Air Quality Analysis, Morgan Hill, California.* August 19, 2021.

Compared to existing conditions, the proposed project would increase on-site electricity use by approximately 14,980 kWh per year. However, the project would be built in accordance with the current CALGreen requirements and Title 24 energy efficiency standards, which would improve the efficiency of the overall project and reduce impacts. Based on the CalEEMod results, the total annual VMT for the project would be approximately 2,887,403 (7,900 VMT per day) associated with customers, employees, and vendors coming to and leaving from the proposed project site. Using the U.S. EPA fuel economy estimates (25.4 mpg) the proposed project would result in consumption of approximately 113,677 gallons of gasoline per year, an increase of 29,994 gallons compared to existing conditions. For the above reasons, implementation of the proposed project would not result in a wasteful, inefficient, or unnecessary consumption of energy resources during operation. **(Less than Significant Impact)**

Impact EN-2: The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. **(Less than Significant Impact)**

The proposed development would be completed in compliance with the current energy efficiency standards set forth in Title 24, CALGreen, and the City's Municipal Code. The project would implement measures to reduce energy during construction (see discussion regarding Impact EN-1).

The project would utilize SVCE as an electricity provider, which would provide at least 80 percent renewable electricity. For these reasons, the project would not conflict with or obstruct state or local plans for renewable energy or energy efficiency. **(Less than Significant Impact)**

4.7 GEOLOGY AND SOILS

The following discussion is based, in part, on a Geotechnical Engineering Investigation completed for the project by SALEM Engineering Group, Inc., dated August 7, 2020. A copy of this report is included in Appendix B.

4.7.1 Environmental Setting

4.7.1.1 *Regulatory Framework*

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed following the 1971 San Fernando earthquake. The act regulates development in California near known active faults due to hazards associated with surface fault ruptures. Alquist-Priolo maps are distributed to affected cities, counties, and state agencies for their use in planning and controlling new construction. Areas within an Alquist-Priolo Earthquake Fault Zone require special studies to evaluate the potential for surface rupture to ensure that no structures intended for human occupancy are constructed across an active fault.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (SHMA) was passed in 1990 following the 1989 Loma Prieta earthquake. The SHMA directs the California Geological Survey (CGS) to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. CGS has completed seismic hazard mapping for the portions of California most susceptible to liquefaction, landslides, and ground shaking, including the central San Francisco Bay Area. The SHMA requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the seismic hazard is present and identify measures to reduce earthquake-related hazards.

California Building Standards Code

The California Building Code (CBC) prescribes standards for constructing safe buildings. The CBC contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, ground strength, and distance to seismic sources. The CBC requires that a site-specific geotechnical investigation report be prepared for most development projects to evaluate seismic and geologic conditions such as surface fault ruptures, ground shaking, liquefaction, differential settlement, lateral spreading, expansive soils, and slope stability. The CBC is updated every three years, most recently in 2019. The 2022 CBC was published July 1, 2022, with an effective date of January 1, 2023. The City of Morgan Hill has adopted the 2022 CBC.

California Division of Occupational Safety and Health Regulations

Excavation, shoring, and trenching activities during construction are subject to occupational safety standards for stabilization by the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) under Title 8 of the California Code of Regulations and Excavation Rules. These regulations minimize the potential for instability and collapse that could injure construction workers on the site.

Public Resources Code Section 5097.5

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. These materials are valued for the information they yield about the history of the earth and its past ecological settings. California Public Resources Code Section 5097.5 specifies that unauthorized removal of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it would disturb or destroy a unique paleontological resource or site or unique geologic feature.

4.7.1.2 *Existing Conditions*

Regional Geologic Conditions

The project site is located within the seismically active San Francisco Bay Area. The San Francisco Bay Area contains several faults that are capable of generating earthquakes of magnitude 7.0 or higher which regionally trend in a northwesterly direction. The closest faults to the project site are the Calaveras (4.2 miles northeast), North San Andreas (9.8 miles north), and Monte Vista-Shannon (12.2 miles northwest). Vicinity faults and their distances from the project site are listed below in Table 4.7-1.

Table 4.7-1: Faults Near Project Site

Fault Name	Approximate Distance (mi)	Orientation from Site
Calaveras	4.2	Northeast
North San Andreas	9.8	Northwest
Monte Vista-Shannon	12.2	Northwest
Zayante-Vergeles	13.2	Southwest
Calaveras	13.4	Northeast
North San Andreas	20.1	Northwest
Quien Sabe	20.6	Northwest
San Andreas fault – creeping segment	22.0	Northwest
Ortigalita	22.6	Southeast
Calaveras	24.0	Northeast

The project site is located within the Santa Clara Valley, a broad alluvial basin underlain by sedimentary and metamorphic rocks of the Franciscan Complex. The Santa Clara Valley is bounded by the Diablo Range to the east and the Santa Cruz Mountains to the west. The Valley was formed when sediments derived from both mountain ranges were exposed by tectonic uplift and regression of the inland sea which previously inundated this area. The closest foothills to Morgan Hill reach an approximate elevation of over 1,200 feet to the east and west of the City. The project is situated in the Coast Ranges Geomorphic Province, comprised of a series of north-west trending mountains and valleys (2,000 to 4,000 feet above mean sea level) that trend sub-parallel to the San Andreas Fault.[36]

The City of Morgan Hill is susceptible to the effects of regional seismic activity that produces ground shaking intensity levels of 8.0 (severe shaking) and 9.0 (violent shaking) according to the Modified Mercalli Intensity (MMI) Scale.[37] In the event of a moderate to large earthquake occurring because of one of the faults mentioned above, strong seismic ground shaking is likely to occur on-site.

On-Site Geologic Conditions

Seismicity and Seismic-Related Hazards

As described above, the project site is located in an area of high seismic activity and will be subjected to at least one earthquake with a magnitude greater than 7.0. The project site will likely be exposed to periodic small to moderate magnitude earthquakes throughout their operational lifespan.

The project site is generally level and is not at risk of landslides.[38] The project site is not located within a state-designated Earthquake Fault Zone as delineated on the most recent Alquist-Priolo Fault Zone with the nearest segment located approximately 4.2 miles to the northeast as listed in Table 4.7-1.

Topography and Soils

The project site area is relatively flat with the site elevation approximately 337 feet above mean sea level.[39] Based on an on-site subsurface geotechnical field investigation completed in July 2020, soil beneath the site includes clayey sand with gravel and clayey sand to the maximum depth explored of 24 feet below grade. The developed portion of the site includes approximately 3.5 inches of asphalt concrete over 3.5 inches of aggregate base at the surface. The site is underlain by

[36] Salem Engineering Group, Inc. *Geotechnical Engineering Investigation: Proposed Petroleum Station, 16720 Monterey Highway, Morgan Hill, California 95037.* Page 4. August 7, 2020.
[37] Metropolitan Transportation Commission/Association of Bay Area Governments. Hazard Viewer Map, "Probabilistic Earthquake Shaking Hazard". Map. Accessed June 1, 2022. Available at: https://www.arcgis.com/apps/webappviewer/index.html?id=4a6f3f1259df42eab29b35dfcd086fc8
[38] California Department of Conservation, California Geological Survey. *Earthquake Zones of Required Investigation, Landslides.* GIS Map. Accessed June 1, 2022. Available at: https://maps.conservation.ca.gov/cgs/EQZApp/app/
[39] SALEM Engineering Group, Inc. *Geotechnical Engineering Investigation Proposed Petroleum Station 16720 Monterey Highway Morgan Hill, California 95037*. Page 2. August 7, 2020.

Quaternary alluvial deposits.[40] Soils on-site have a low risk of shrink swell potential and are, therefore, have low expansive potential.

Groundwater

Groundwater was encountered at approximately 15 feet below site grade. Based on available water well data, historic groundwater depths are reported to be around six feet below site grade. Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall and underground drainage patterns, and other factors.

Soil Liquefaction and Related Hazards

Liquefaction occurs when water-saturated soils lose structural integrity due to seismic activity. Soils that are most susceptible to liquefaction are loose to moderately dense, saturated granular soils with poor drainage. The site is identified as an area of low earthquake liquefaction susceptibility based on the Metropolitan Transportation Commission/Association of Bay Area Governments (MTC/ABAG)'s Hazard Viewer Map.[41]

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open area, such as the steep bank of a stream channel. The project site is relatively flat and the potential for lateral spreading is low. The site is at a minor risk of lateral spreading and related ground failure since the site is located in an area with low susceptibility of liquefaction.

Paleontological Resources

Paleontological resources or fossils are the remains of prehistoric plant and animal life. Paleontological resources do not include human remains or artifacts. Fossil remains such as bones, teeth, shells, and wood are found in geologic formations. Paleontological resources are limited, non-renewable, sensitive scientific and educational resources. The potential for fossil remains at a location can be predicted based on whether or not previous fossil finds have been made in the vicinity, as well as based on the age of the geologic formations. Based on the findings in the General Plan EIR, no paleontological resources have been identified in the City of Morgan Hill.

[40] SALEM Engineering Group, Inc. *Geotechnical Engineering Investigation Proposed Petroleum Station 16720 Monterey Highway Morgan Hill, California 95037*. Page 5. August 7, 2020.
[41] MTC/ABAG. "Hazard Viewer Map." Accessed June 1, 2022. Available at: https://mtc.maps.arcgis.com/apps/webappviewer/index.html?id=4a6f3f1259df42eab29b35dfcd086fc8

4.7.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
– Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42)?	☐	☐	☒	☐
– Strong seismic ground shaking?	☐	☐	☒	☐
– Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
– Landslides?	☐	☐	☒	☐
2) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
3) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☒	☐
4) Be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
5) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
6) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	☐	☐	☒	☐

Impact GEO-1:	The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides. **(Less than Significant Impact)**

As shown in Table 4.7-1, the project site is located approximately four miles southwest of the Calaveras fault in the Diablo Range. The project site is also not within an Alquist-Priolo Earthquake Fault Zone. The project site is within an area of high seismicity based on the MMI projected ground shaking intensity; however, the site is in an area of low susceptibility to liquefaction as identified in the MTC/ABAG Hazards Map Viewer. The risk of lateral spreading is low due to the flat topography of the site. In addition, there is no potential for a landslide to be a hazard to the project because the site is not located in a landslide zone nor a liquification landslide overlap zone.[42] The proposed project structures could be subject to a severe earthquake (magnitude 7.0 or greater) that could cause significant ground shaking at the project site.[43] Major damage could occur to buildings not designed to resist the ground acceleration forces generated by earthquakes.

Impacts from seismic and seismic-related hazards would be reduced by implementing standard engineering and seismic safety design techniques pursuant with the City's Building Division and the CBC. In accordance with the City of Morgan Hill standards, the project shall implement the following standard condition to reduce and/or avoid soil hazards.

Standard Condition: The project shall implement the following measures to reduce and/or avoid soil hazards.

- To avoid or minimize potential damage from seismic shaking, the proposed project shall be built using standard engineering and seismic safety design techniques. Prior to issuance of building permits, building design and construction at the site shall be completed in conformance with the recommendations of a design-level geotechnical investigation, which shall be included in a report to the City. The structural designs for the proposed development will account for repeatable horizontal ground accelerations. The report shall be reviewed and approved by the City of Morgan Hill Building Division prior to issuance of a building permit. The buildings shall be required to meet the requirements of applicable Building and Fire Codes, including the 2022 California Building Code Chapter 16, Section 1613, as adopted or updated by the City. The project shall be designed to withstand soil hazards identified on the site and the project shall be designed to reduce the risk to life or property to the extent feasible and in compliance with the Building Code.

[42] California Department of Conservation, California Geological Survey. *Earthquake Zones of Required Investigation, Landslides.* GIS Map. Accessed June 1, 2022. Available at: https://maps.conservation.ca.gov/cgs/EQZApp/app/
[43] City of Morgan Hill. *Morgan Hill 2035 General Plan Final Environmental Impact Report*. Page 4.6-10. January 2016.

With implementation of the standard condition described above, the proposed development would be designed to withstand soil hazards and to reduce the risk to life or property to the extent feasible and in compliance with the CBC. Implementation of the above standard condition would ensure that impacts to the project from soil conditions and seismic hazards would be less than significant. **(Less Than Significant Impact)**

Impact GEO-2:	The project would not result in substantial soil erosion or the loss of topsoil. **(Less than Significant Impact)**

Ground disturbance would be required during grading, trenching, and construction of the proposed project. Ground disturbance would expose soils and increase the potential for wind or water related erosion and sedimentation at the site until construction is complete.

The City developed standard conditions to avoid significant soil erosion impacts during construction. The following conditions would be included as part of the project:

Standard Condition: The project shall implement the following standard conditions to ensure soil erosion impacts remain at less than significant levels.

- As required by the State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ, construction activity resulting in a land disturbance of one acre or more of soil, or whose projects are part of a larger common plan of development that in total disturbs more than one acre, are required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity (General Permit). To be permitted with the SWRCB under the General Permit, owners must file a complete Notice of Intent (NOI) online at http://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.jsp and develop a Storm Water Pollution Prevention Plan (SWPPP) Manual in accordance with the General Permit. The SWPPP Manual shall follow the CASQA SWPPP template/format at https://www.casqa.org/store/products/tabid/154/p-167-construction-handbookportal-initial-subscription.aspx and shall be approved by Public Works Engineering. A Waste Discharger Identification (WDID) number to be issued to the construction site after the SWRCB receives and verifies the submitted Online NOI information. The WDID number and approved SWPPP Manual shall be provided to Public Works and the Building Department prior to any approval of grading activities. In addition, the project shall adhere with the following for NPDES General Permit SWPPP inspections and compliance:
    - All project onsite and offsite construction activity shall have the site inspected by a qualified third party SWPPP inspector (i.e., QSD, QSP, or RCE).
    - SWPPP inspections shall occur weekly during the rainy season (September 15 through May 1).
    - SWPPP inspections shall occur bi-weekly during the non-rainy season.
    - 48 hours prior to and following a forecasted rain event, SWPPP inspections shall occur in addition to items two or three above.

- Per each of the inspection conditions 2, 3, or 4, the NPDES SWPPP inspector shall certify in writing to the Building and Public Works Department if the site is in compliance or non-compliance with the NPDES General Permit for Stormwater, site SWPPP Manual, and Water Pollution Control Drawings (per the CMH-SWPPP Inspection Check List to be provided by Public Works. QSD/QSP inspectors shall forward onsite and offsite information/certification to the building (on-site private property issues) and Public Works (public right-of-way issues) inspectors respectively.
- Prior to rain events, BMPs not in compliance shall be corrected immediately.
- Illicit discharges per the NPDES General Permit, non-compliance of tracking control, and inlet protection within the public right of way shall be addressed immediately.
- Other non-compliance issues shall be addressed within a 24-hour period.
- Non-compliance issues which have been corrected shall be verified by NPDES SWPPP Inspector by a follow up inspection.
- BMPs maintenance/inspections shall include tree protection if applicable.

With implementation of the standard condition described above, the proposed project would result in a less than significant soil erosion impact. **(Less than Significant Impact)**

Impact GEO-3:	The project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. **(Less than Significant Impact)**

The project site is located in an area of low expansion potential, low potential for liquefication, and low potential for lateral ground failure. However, the area has potential for very strong ground shaking during an earthquake. As discussed under Impact GEO-1, the proposed project would be constructed in compliance with the CBC and Morgan Hill Building Code. Therefore, development of the site would not substantially change or exacerbate the geologic conditions of the project area. **(Less than Significant Impact)**

Impact GEO-4:	The project would not be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property. **(Less than Significant Impact)**

Based on the geotechnical investigation report, the soils on-site have a low expansion potential. Therefore, substantial direct or indirect risks related to expansive soils is unlikely. Furthermore, adherence to the standard condition described in Impact GEO-1 would ensure that impacts to the project from soil conditions and seismic hazards would be less than significant. **(Less than Significant Impact)**

Impact GEO-5:	The project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. **(No Impact)**

The proposed project would be connected to a City sewer system for wastewater disposal and would not require septic tanks or alternative wastewater disposal systems. Therefore, the project would not have a significant impact due to inadequate wastewater disposal resulting from incapable soils. **(No Impact)**

Impact GEO-6:	The project would not directly or indirectly destroy a unique paleontological resource or site or unique geological feature. **(Less than Significant Impact with Mitigation Incorporated)**

As described in Section 4.7.1.2, Existing Conditions, no paleontological resources have been identified in the City of Morgan Hill. The proposed project would require excavation to a maximum depth of approximately 10 feet to install the underground storage tanks. Although paleontological resources would not likely be encountered during construction (given no other paleontological resources have been discovered in the area), the project would implement the following mitigation measure in the event undiscovered paleontological resources are encountered.

Mitigation Measures: The following mitigation measure would be implemented to reduce impacts to paleontological resources to a less than significant level.

MM GEO-6.1: If vertebrate fossils are discovered during construction, all work on the site shall stop immediately. The Development Services Director or the Director's designee shall be notified, and a qualified professional paleontologist shall assess the nature and importance of the find and recommend appropriate treatment. Treatment may include, but is not limited to, preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The project applicant shall be responsible for implementing the recommendations of the qualified paleontologist. A report of all findings shall be submitted to the Development Services Director or the Director's designee prior to work beginning on the site following a discovery.

With the implementation of the Mitigation Measures GEO-1, the impacts related to paleontological resources would be less than significant. **(Less than Significant Impact with Mitigation Incorporated)**

4.8 GREENHOUSE GAS EMISSIONS

The following discussion is based, in part, on an Air Quality Analysis completed by Illingworth & Rodkin, Inc. on August 18, 2021. The report is attached as Appendix A.

4.8.1 Environmental Setting

4.8.1.1 *Background Information*

Gases that trap heat in the atmosphere, GHGs, regulate the earth's temperature. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate. In GHG emission inventories, the weight of each gas is multiplied by its global warming potential (GWP) and is measured in units of CO_2 equivalents (CO_2e). The most common GHGs are carbon dioxide (CO_2) and water vapor but there are also several others, most importantly methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6). These are released into the earth's atmosphere through a variety of natural processes and human activities. Sources of GHGs are generally as follows:

- CO_2 and N_2O are byproducts of fossil fuel combustion.
- N_2O is associated with agricultural operations such as fertilization of crops.
- CH_4 is commonly created by off-gassing from agricultural practices (e.g., keeping livestock) and landfill operations.
- Chlorofluorocarbons (CFCs) were widely used as refrigerants, propellants, and cleaning solvents, but their production has been stopped by international treaty.
- HFCs are now used as a substitute for CFCs in refrigeration and cooling.
- PFCs and SF_6 emissions are commonly created by industries such as aluminum production and semiconductor manufacturing.

An expanding body of scientific research supports the theory that global climate change is currently causing changes in weather patterns, average sea level, ocean acidification, chemical reaction rates, and precipitation rates, and that it will increasingly do so in the future. The climate and several naturally occurring resources within California are adversely affected by the global warming trend. Increased precipitation and sea level rise will increase coastal flooding, saltwater intrusion, and degradation of wetlands. Mass migration and/or loss of plant and animal species could also occur. Potential effects of global climate change that could adversely affect human health include more extreme heat waves and heat-related stress; an increase in climate-sensitive diseases; more frequent and intense natural disasters such as flooding, hurricanes and drought; and increased levels of air pollution.

4.8.1.2 *Regulatory Framework*

State

Assembly Bill 32

Under the California Global Warming Solutions Act, also known as AB 32, CARB established a statewide GHG emissions cap for 2020, adopted mandatory reporting rules for significant sources of GHGs, and adopted a comprehensive plan, known as the Climate Change Scoping Plan, identifying how emission reductions would be achieved from significant GHG sources.

In 2016, SB 32 was signed into law, amending the California Global Warming Solution Act. SB 32, and accompanying Executive Order B-30-15, require CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. CARB updated its Climate Change Scoping Plan in December of 2017 to express the 2030 statewide target in terms of million metric tons of CO_2e ($MMTCO_2e$). Based on the emissions reductions directed by SB 32, the annual 2030 statewide target emissions level for California is 260 $MMTCO_2e$.

Senate Bill 375

SB 375, known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. SB 375 builds upon AB 32 by requiring CARB to develop regional GHG reduction targets for automobile and light truck sectors for 2020 and 2035. The per capita GHG emissions reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission (MTC) partnered with the Association of Bay Area Governments (ABAG), BAAQMD, and the Bay Conservation and Development Commission to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan process. The SCS is referred to as Plan Bay Area 2040. Plan Bay Area 2040 establishes a course for reducing per capita GHG emissions through the promotion of compact, high-density, mixed-use neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).

Regional and Local

2017 Clean Air Plan

To protect the climate, the 2017 CAP (prepared by BAAQMD) includes control measures designed to reduce emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. The

jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing GHG impacts developed by BAAQMD within the CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

Morgan Hill 2035 General Plan

The Morgan Hill 2035 General Plan includes goals, policies, and actions to avoid significant impacts due to greenhouse gases. The following policies are applicable to the proposed project.

Morgan Hill 2035 General Plan Policies: Greenhouse Gases

Policy	Description
NRE-15.1	**Greenhouse Gas Emission Reduction Targets.** Maintain a greenhouse gas reduction trajectory that is consistent with the greenhouse gas reduction targets of Executive Order 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.
NRE-15.7	**Mix of Uses in Employment Centers.** Encourage employment areas to include a mix of support services to minimize the number of employee trips.
NRE-15.11	**Green Building.** Promote green building practices in new development.
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.
NRE-16.2	**Energy Conservation.** Promote energy conservation techniques and energy efficiency in building design, orientation, and construction.
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.
NRE-16.6	**Landscaping for Energy Conservation.** Encourage landscaping plans for new development to address the planting of trees and shrubs that will provide shade to reduce the need for cooling systems and allow for winter daylighting.
NRE-16.7	**Renewable Energy.** Encourage new and existing development to incorporate renewable energy generating features, like solar panels and solar hot water heaters.

4.8.1.3 *Existing Conditions*

Unlike emissions of criteria and toxic air pollutants, which have regional and local impacts, emissions of GHGs have a broader, global impact. Global warming is a process whereby GHGs accumulating in the upper atmosphere contribute to an increase in the temperature of the earth and changes in weather patterns. GHG emissions from existing operations of the gas station on-site primarily result from vehicles traveling to and from the project site. The estimated emissions from

existing site operations are approximately 706 metric tons of carbon dioxide equivalent (MT/CO_2e) per year.

4.8.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
2) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs?	☐	☐	☒	☐

Impact GHG-1: The project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. **(Less than Significant Impact)**

GHG emissions associated with development of the proposed project would occur over the short-term from construction activities, consisting primarily of emissions from equipment exhaust and worker and vendor trips. There would also be long-term operational emissions associated with vehicular traffic within the project vicinity, energy and water usage, and solid waste disposal. Emissions for the proposed project were analyzed using CalEEMod and the methodology recommended in the BAAQMD CEQA Air Quality Guidelines, and are discussed below.

Construction Emissions

GHG emissions associated with construction were computed to be 30 metric tons (MT) of carbon dioxide equivalent (CO_2e) for the total construction period. These are the emissions from on-site operation of construction equipment, vendor and hauling truck trips, and worker trips. Neither the City nor BAAQMD have an adopted threshold of significance for construction related GHG emissions, though BAAQMD recommends quantifying emissions and disclosing that GHG emissions would occur during construction. BAAQMD also encourages the incorporation of best management practices to reduce GHG emissions during construction where feasible and applicable.

Operational Emissions

The CalEEMod model, along with the project vehicle trip generation rates, was used to estimate daily emissions associated with operation of the fully developed site under the proposed project. As shown in Table 4.8-1 below, the net annual emissions resulting from operation of the proposed project, after deducting existing baseline gas station emissions, is predicted to be 252 MT of CO_2e in 2030.

Table 4.8-1: Annual Project GHG Emissions (CO_2e) in Metric Tons and Per Capita		
Source Category	**Existing Land Use**	**Proposed Project**
	2030	
Area	0	0
Energy Consumption	1	1
Mobile	705	957
Solid Waste Generation	0	0
Water Usage	0	0
Total (MT CO_2e/year)	706	958
Net Emissions (MT CO_2e/year)	--	252
Significance Threshold (MT CO_2e/year)		*660*
Exceeds threshold?		**No**
Source: Illingworth & Rodkin, Inc. *World Oil Gas Station Air Quality Report.* August 18, 2021. Page 35.		

To be considered an exceedance, the project must have emissions above the GHG significance threshold in metric tons per year in year of 2030. As shown in Table 4.8-1 above, the project's net annual emissions would not exceed the annual emissions bright-line threshold of 660 MT CO_2e per year in 2030. Therefore, the project would not exceed thresholds for GHG emissions. **(Less than Significant Impact)**

Impact GHG-2:	The project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. **(Less than Significant Impact)**

As discussed under Impact GHG-1, the proposed project's operational GHG emissions would fall below the bright-line threshold of 660 MT CO_2e per year in 2030, which is based on the statewide GHG emissions reduction targets established by SB 32 and Executive Order B-30-15. Thus, the proposed project would not conflict or otherwise interfere with the statewide GHG reduction measures identified in CARB's Scoping Plan nor would the project conflict with SB 100 goals (discussed in Section 4.8.1.2). Therefore, the project would be consistent with state and local plans and policies pertaining to GHG emission reductions. **(Less than Significant Impact)**

4.9 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based, in part, on an Environmental Document Review completed by Cornerstone Earth Group on June 1, 2021, Soil Sampling Memorandum completed by Apex Companies, LLC on December 6, 2021, and a Peer Review Report of the Memorandum completed by Cornerstone Earth Group on June 14, 2022. These reports are attached as Appendix C.

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

Overview

The storage, use, generation, transport, and disposal of hazardous materials and waste are highly regulated under federal and state laws. In California, the EPA has granted most enforcement authority over federal hazardous materials regulations to the California Environmental Protection Agency (CalEPA). In turn, local agencies have been granted responsibility for implementation and enforcement of many hazardous materials regulations under the Certified Unified Program Agency (CUPA) program.

Worker health and safety and public safety are key issues when dealing with hazardous materials. Proper handling and disposal of hazardous material is vital if it is disturbed during project construction. Cal/OSHA enforces state worker health and safety regulations related to construction activities. Regulations include exposure limits, requirements for protective clothing, and training requirements to prevent exposure to hazardous materials. Cal/OSHA also enforces occupational health and safety regulations specific to lead and asbestos investigations and abatement.

Federal and State

Federal Aviation Regulations Part 77

Federal Aviation Regulations, Part 77 Objects Affecting Navigable Airspace (FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing other potential hazards (such as reflective surfaces, flashing lights, and electronic interference) to aircraft in flight. These regulations require that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above the ground.

Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law created a tax on the chemical and petroleum industries and provided broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the

environment. Over five years, $1.6 billion was collected and the tax went to a trust fund for cleaning up abandoned or uncontrolled hazardous waste sites. CERCLA accomplished the following objectives:

- Established prohibitions and requirements concerning closed and abandoned hazardous waste sites;
- Provided for liability of persons responsible for releases of hazardous waste at these sites; and
- Established a trust fund to provide for cleanup when no responsible party could be identified.

The law authorizes two kinds of response actions:

- Short-term removals, where actions may be taken to address releases or threatened releases requiring prompt response; and
- Long-term remedial response actions that permanently and significantly reduce the dangers associated with releases or threats of releases of hazardous substances that are serious, but not immediately life-threatening. These actions can be completed only at sites listed on the EPA's National Priorities List.

CERCLA also enabled the revision of the National Contingency Plan (NCP). The NCP provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also established the National Priorities List. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.[44]

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA), enacted in 1976, is the principal federal law in the United States governing the disposal of solid waste and hazardous waste. RCRA gives the EPA the authority to control hazardous waste from the "cradle to the grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also sets forth a framework for the management of non-hazardous solid wastes.

The Federal Hazardous and Solid Waste Amendments (HSWA) are the 1984 amendments to RCRA that focused on waste minimization, phasing out land disposal of hazardous waste, and corrective action for releases. Some of the other mandates of this law include increased enforcement

[44] United States Environmental Protection Agency. "Superfund: CERCLA Overview." Accessed May 11, 2020. https://www.epa.gov/superfund/superfund-cercla-overview.

authority for the EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program.[45]

Government Code Section 65962.5

Section 65962.5 of the Government Code requires CalEPA to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by state and local agencies and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by the Department of Toxic Substances Control (DTSC) and SWRCB.[46]

Toxic Substances Control Act

The Toxic Substances Control Act (TSCA) of 1976 provides the EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. Certain substances are generally excluded from TSCA, including, among others, food, drugs, cosmetics, and pesticides. The TSCA addresses the production, importation, use, and disposal of specific chemicals including polychlorinated biphenyls (PCBs), asbestos, radon, and lead-based paint.

California Accidental Release Prevention Program

The California Accidental Release Prevention (CalARP) Program aims to prevent accidental releases of regulated hazardous materials that represent a potential hazard beyond the boundaries of a property. Facilities that are required to participate in the CalARP Program use or store specified quantities of toxic and flammable substances (hazardous materials) that can have off-site consequences if accidentally released. The Santa Clara County Department of Environmental Health reviews CalARP risk management plans as the CUPA.

Asbestos-Containing Materials

Friable asbestos is any asbestos-containing material (ACM) that, when dry, can easily be crumbled or pulverized to a powder by hand, allowing the asbestos particles to become airborne. Common examples of products that have been found to contain friable asbestos include acoustical ceilings, plaster, wallboard, and thermal insulation for water heaters and pipes. Common examples of non-friable ACMs are asphalt roofing shingles, vinyl floor tiles, and transite siding made with cement. The EPA phased out use of friable asbestos products between 1973 and 1978. National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines require that potentially friable ACMs be removed prior to building demolition or remodeling that may disturb the ACMs.

[45] United States Environmental Protection Agency. "Summary of the Resource Conservation and Recovery Act." Accessed May 11, 2020. https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act.
[46] California Environmental Protection Agency. "Cortese List Data Resources." Accessed May 28, 2020. https://calepa.ca.gov/sitecleanup/corteselist/.

CCR Title 8, Section 1532.1

The United States Consumer Product Safety Commission banned the use of lead-based paint in 1978. Removal of older structures with lead-based paint is subject to requirements outlined by the Cal/OSHA Lead in Construction Standard, CCR Title 8, Section 1532.1 during demolition activities. Requirements include employee training, employee air monitoring, and dust control. If lead-based paint is peeling, flaking, or blistered, it is required to be removed prior to demolition.

Fire Hazard Severity Zones

CAL FIRE is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. Referred to as Fire Hazard Severity Zones (FHSZs), these maps influence how people construct buildings and protect property to reduce risk associated with wildland fires. FHSZs are divided into areas where the state has financial responsibility for wildland fire protection, known as state responsibility areas (SRAs), and areas where local governments have financial responsibility for wildland fire protection, known as local responsibility areas (LRAs). Homeowners living in an SRA are responsible for ensuring that their property is in compliance with California's building and fire codes. Only lands zoned for very high fire hazard are identified within LRAs.

Local

Morgan Hill 2035 General Plan

The Morgan Hill 2035 General Plan includes goals, policies, and actions to avoid significant impacts due to hazards and hazardous materials. The following policies are applicable to the proposed project.

Morgan Hill 2035 General Plan Policies: Hazards and Hazardous Materials

Policy	Description
NRE-12.3	**Control Measures.** Require construction and demolition projects that have the potential to disturb asbestos (from soil or building material) to comply with all the requirements of the California Air Resource Board's air toxics control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.
SSI-4.3	**Use and Handling Requirements.** Continue a program of regular inspections and monitoring to ensure compliance with local, State, and federal regulations, in order to reduce the risks associated with the use and handling of hazardous materials and wastes.
SSI-4.5	**Storage and Usage.** Regularly inspect activities that store and/or use hazardous materials, including above-ground and underground storage tanks and related equipment, to ensure compliance with the City's Hazardous Materials Storage Ordinance (HMSO).
SSI-4.16	**Contaminated Soil Mitigation.** Require new or expanding development projects in areas contaminated from previous discharges to mitigate their environmental effects.

4.9.1.2 *Existing Conditions*

Historic and Current Uses of the Site

From 1917 to 1950, the western portion of the site was occupied by residences and associated outbuildings. The eastern portion of the project site was historically used for agricultural purposes, particularly orchards from the 1920s until 1963. The existing gas station was constructed on the site by 1963 and the uses of the site have not changed since this period.

On-site Environmental Conditions

Regulatory Database Review and Previous Environmental Studies

The existing on-site gas station is listed as a closed leaking underground storage tank (LUST) case on the State Water Resources Control Board Geotracker database, which is a part of the Cortese List. A fuel leak was discovered on-site in February of 1986 and a Cleanup and Abatement Order was issued by the Regional Water Quality Control Board in March of 1986. Since 1986, a number of studies were completed at the site to evaluate soil, soil gas, and groundwater quality. Remediation has included the replacement of five former USTs that contained gasoline and waste oil with the existing double-walled gasoline UST, the installation of groundwater extraction and treatment (GWET) systems, and the installation of air/oxygen sparging and ozone sparging systems. These remedial measures reduced contaminant (e.g., total petroleum hydrocarbons, and petroleum constituents such as benzene, toluene, ethylbenzene, methyl ter-butyl ether (MTBE), and xylenes) concentrations at the site to levels that meet the applicable State Water Resources Control Board's (SWRCB) Low-Threat Underground Storage Tank Policy criteria.

The Low-Treat Underground Storage Tank Case Closure Policy became effective in August 2012. The policy established statewide guidelines for UST release sites that pose a low threat to human health and the environment. The general criteria that must be met by UST cases under this policy include requirements that the unauthorized release is located within the service area of a public water system, the unauthorized release consists only of petroleum, the unauthorized (primary) release from the UST system has been stopped, that soil or groundwater have been tested for MTBE and results have been report to the Regional Water Quality Control Board. The policy requires oversight agencies to review all cases against the criteria set forth in the policy for potential case closure and to close all cases that are determined to meet all the criteria listed in the policy. In 2013 the Santa Clara County Department of Environmental Health (SCCDEH) completed a review of the LUST case. The SCCDEH confirmed that the completion of the investigation and cleanup of the reported release in accordance with the SWRCB requirements. Based on SCCDEH's review of the case compared to the SWRCB's Low-Threat Underground Storage Tank Case Closure Policy, the residual contamination at the site meets the criteria established by the SWRCB and, therefore, the fuel leak case was closed.

On September 10, 2015, SCCDEH issued a case closure letter. Since residual contamination remained at the site, the closure letter and associated case closure summary states that SCCDEH and the appropriate planning department shall be notified that residual contamination exists on the

property and list any necessary mitigation (i.e., preparation of a Site Management Plan and Health and Safety Plan), to ensure compliance with SCCDEH's site management requirements.

Asbestos-Containing Materials and Lead-Based Paint

The buildings on-site were constructed prior to 1978 and are likely to have materials that contain asbestos-containing materials (ACMs) and/or lead-based paints (LBPs).

On-site Soil Sampling for Agricultural Chemicals and Related Metals

Given the site was previously used for agricultural operations and assumed to possibly contain residual pesticides and no previous sampling for pesticides has been completed at the site, it was recommended that soil sampling at the site for the presence of agricultural chemicals (i.e., organochlorine pesticides and associated metals including lead and arsenic) be completed prior to start of earthwork activities. In addition, given the age of the existing on-site structures and due to the previous residences and associated outbuildings that were located on the western portion of the site, sampling for lead and pesticides (used for controlling termites) was recommended next to the existing on-site structures (which may contain lead-based paint) and near the locations of the previous residences and outbuildings (for possible residual lead and pesticides).[47]

As a result of the above recommendations, in November 2021, 10 soil samples were collected, to analyze organochlorine pesticides, mercury, and lead, from a depth of two feet below ground surface. The sample results showed lead, arsenic, and mercury concentrations were below natural background levels.[48] Organochlorine pesticides, DDE and DDT, were detected in one of the 10 samples. However, the concentrations of these pesticides were below environmental screening levels for commercial and residential properties. Concentrations were also below the screening levels established for the protection of construction workers.

A peer review of the site's organochlorine pesticide and related metal November 2021 soil sample results was completed in June 2022. Since the greatest pesticide concentrations are typically present in near-surface soil, it was recommended that additional samples be collected from the surface to six inches below the ground surface based on DTSC's guidance for sampling agricultural properties.

Surrounding Uses

The site was surrounded by orchards to the east, residential and commercial uses to the north and west (of Monterey Road), and an orchard and then vacant land to the south from at least the 1930s to the 1950s. In 1960s and 1970s, the site was surrounded by vacant land to the north, east, and south, and commercial uses to the west of Monterey Road. By the 1980s, commercial uses were

[47] No additional sampling was completed for petroleum or its constituents given the UST meets the Low-Threat UST Case Closure Policy criteria established by the SWRCB and that a closure letter was issued by SCCDEH in September 2015.

[48] Apex. *Technical Memo of Findings from Shallow Soil Sampling on November 3, 2021 at World Oil #52, 16720 Monterey Road, Morgan Hill, California.* December 6, 2021. Page 3.

developed to the north of the site and by 2018, residences were developed to the east of the site. The site is surrounded by commercial (restaurant) uses to the north, Monterey Road and commercial (retail and restaurant) uses to the west, San Pedro Avenue and vacant land to the south, and townhomes to the east.

Based on information in the Geotracker, there is a closed LUST listed under the former Redtree Properties at 140 San Pedro Avenue (located approximately 340 feet southeast of the site). The release of petroleum hydrocarbons was reported in October 1991, after a 550-gallon UST was removed from the site. Soil sampling and groundwater monitoring for total petroleum hydrocarbons and other petroleum and diesel-based chemicals were completed in May 1992. No contaminants of concern were detected in the soil and low levels of total petroleum hydrocarbons as diesel were detected. In March 1994, the City of Morgan Hill Fire Department issued a case closure letter to Redtree Properties (previous property owner) and no further action was required.

Another closed LUST case is listed and located at 16873 Monterey Road, approximately 785 feet northwest of the site. The release of contaminants was reported in 2006. Soil and groundwater remediation and monitoring were completed at the property. Although residual contamination was found in groundwater and soil, based on an August 2011 case closure letter from SCCDEH, the contaminants would not result in a continuing, significant threat to groundwater resources, human health, or the environment.

Airport Hazards

The project site is located approximately four miles northwest of the San Martin Airport. The project is not located within an Airport Influence Area (AIA) or FAA Height Restriction Area.

Schools

The closest school to the project site is Oakwood Preparatory School, located approximately 1.5 miles south of the project site.

Wildland Fires

The project site is not located within a CAL FIRE FHSZ and is located approximately 1,900 feet east of a SRA.[49] According to the City's Wildland Urban Interface, the project site is not located within a very high FHSZ. The nearest very high FHSZ to the site located approximately 350 feet west.[50] The project site is separated from the very high FHSZ by Monterey Road and commercial development.

[49] California Board of Forestry and Fire Protection. "Fire Hazard Severity Zones Maps." Accessed June 23, 2022. http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_zones.
[50] City of Morgan Hill. "Fire Hazard Severity Zones." Accessed June 23, 2022. https://www.morganhill.ca.gov/DocumentCenter/View/3037/Fire-Hazard-Severity-Zones-Adopted3-18-09?bidId=

4.9.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
2) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☒	☐	☐
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☒	☐	☐
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
6) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
7) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	☐	☐	☒	☐

Impact HAZ-1:	The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. **(Less than Significant Impact)**

The proposed project is a gas station redevelopment project that would replace an existing gas station with four pumping stations (eight gas dispensers) and an 880 square foot retail store with a gas station that would have six pump stations (12 dispensers) and a 2,115 square foot retail store. The project also proposes to construct a new fuel canopy and UST system. Hazardous substances

such as fuels, oils, and detergents would continue to be present, similar to the current uses at the site. Materials such as solvents, paints, and fuels could also be utilized during project construction. Compliance with applicable federal, state, and local handling, storage, and disposal requirements would ensure that no significant hazards to the public or the environment are created by the routine transport, use, or disposal of these substances. Therefore, the project would not create a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials. **(Less than Significant Impact)**

Impact HAZ-2:	The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. **(Less than Significant Impact with Mitigation Incorporated)**

Petroleum-Based Contamination

As discussed in Section 4.9.1.2 Existing Conditions above, the existing gas station is listed as a closed case on the LUST database. Based on the summary in the 2015 case closure letter, there was residual petroleum-related chemicals in soil and groundwater on-site. As a result, areas of impacted soil, groundwater, or soil vapor may be encountered during construction. Based on the requirements stated in the case closure letter, the proposed project would implement mitigation measures MM HAZ-2.1 and MM HAZ-2.2 listed below in order to ensure appropriate management practices for handling impacted soil, soil vapor, and groundwater are followed during project construction.

Mitigation Measures: The project shall implement the following mitigation measures to reduce potential impacts resulting from the closed LUST case on the project site.

MM HAZ-2.1: The project applicant shall prepare a Site Management Plan (SMP) prior to issuance of any grading permits to reduce or eliminate exposure risk to human health and the environment, specifically, potential risks associated with the presence of petroleum-based contaminants. The SMP shall include, but is not limited to, the following elements to mitigate potential risks associated with environmental conditions:

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

- Staging and loading procedures and record keeping requirement.

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

MM HAZ-2.2: All contractors and subcontractors at the project site shall develop a health and safety plan (HSP) specific to their scope of work and based upon the known environmental conditions for the site. The HSP shall be implemented under the direction of a Site Safety and Health Officer. The HSP shall include, but not limited to, the following elements, as applicable:

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

The HSP shall be submitted to the Santa Clara County Department of Environmental Health (SCCDEH). Copies of the approved HSP shall be provided to the City's Development Services Department prior to issuance of any grading permits.

Implementation of mitigation measures MM HAZ-2.1 and MM HAZ-2.2 would ensure that hazardous conditions related to residual LUST contaminants on-site would not create a significant hazard to the public or to the environment. **(Less than Significant Impact with Mitigation Incorporated)**

Agricultural Chemicals and Related Metals

Based on the soil samples collected at two feet below the ground surface in November 2021, the concentrations of organochlorine pesticides were below environmental screening levels and pesticide-related metals and lead from LBP were below background levels. However, DTSC guidance recommends that soil samples at agricultural properties be collected from the upper zero to six inches of soil because the greatest pesticide concentrations are typically present in surficial soil. As a result, mitigation measures MM HAZ-2.3 through MM HAZ-2.5 will be required to ensure that the

impacts from agricultural chemicals and related metals would be reduced to less than significant levels.

Mitigation Measures: The project shall implement the following mitigation measures to reduce potential impacts resulting from the agricultural chemicals and related metals.

MM HAZ-2.3: Prior to issuance of a site grading permit, the project applicant shall collect additional soil samples (of organochlorine pesticides and related metals) from the upper zero to six inches of soil to ensure soil samples at the project site are collected in accordance with the California Department of Toxic Substance Control (DTSC) guidance. Soil samples shall be taken in areas where soil disturbances are anticipated as part of the proposed development.

If the concentrations of the analyzed pesticides and related metals in soil samples exceed the most current risk-based screening levels, prior to issuance of any grading permits, the project applicant shall enter into the Santa Clara County Department of Environmental Health's (SCCDEH's) Voluntary Cleanup Program to obtain regulatory oversight to remediate the contaminated soil discovered. A Removal Action Workplan (RAW), or equivalent, shall be prepared for review and approval by SCCDEH that describes the process for the removal of all impacted soil to below established cleanup levels. The RAW shall include a Health and Safety Plan (HSP) for construction worker safety and include measures to control dust and other potential exposure to neighboring properties during remediation. A copy of the SCCDEH-approved RAW shall be provided to the City's Development Services Department prior to issuance of any grading permits.

MM HAZ-2.4: Removal work shall be completed by a California-licensed hazardous waste contractor under the supervision of a Professional Geologist or Engineer. Dust control measures and dust monitoring shall be implemented at the site during demolition, removal of current site structures, and excavation of impacted soil in accordance with the approved Removal Action Workplan (or the equivalent) and to the satisfaction of the City's Development Services Department.

MM HAZ-2.5: After post-remediation sampling has confirmed that the soil has been removed to meet the approved soil cleanup levels, the project applicant shall prepare and submit a final report to SCCDEH and a "No Further Action" or "Closure" letter shall be obtained. This closure letter shall be submitted to the City's Development Services Department.

Implementation of mitigation measures MM HAZ-2.3 through MM HAZ-2.5 would ensure that hazardous conditions related to agricultural chemicals and related metals (as well as lead in soil

from LBP) on-site would not create a significant hazard to the public or to the environment. **(Less than Significant Impact with Mitigation Incorporated)**

Asbestos-Containing Materials and Lead-Based Paint

As discussed in Section 4.9.1.2 Existing Conditions, the project site was historically used for agricultural purposes and contained structures that were constructed prior to 1978 that likely contained ACMs or LBPs. Soil adjacent to structures that were painted with LCPs can become impacted with lead as a result of weathering and/or peeling of the painted surfaces. Soil near wood frame structures could also be impacted by pesticides historically used to control termites.

The project would demolish the existing buildings, which could release asbestos particles and expose construction workers and nearby residents to harmful levels of asbestos, which would constitute a significant impact. The project would conform with the following regulatory programs and mitigation measures to reduce impacts due to potential ACMs and LBPs to less than significant levels.

Mitigation Measures: The project shall implement the following mitigation measure to reduce impacts resulting from disturbance of lead-based paint or ACMs.

MM HAZ-2.6: Prior to issuance of a demolition permit for on-site structures, the project applicant shall consult with certified Asbestos and/or Lead Risk Assessors to complete and submit for review to the Building Division an asbestos and lead survey. If asbestos-containing materials or lead-containing materials are not discovered during the survey, further mitigation related to asbestos-containing materials or lead-containing materials shall not be required. If asbestos-containing materials and/or lead-containing materials are discovered by the survey, the project applicant shall prepare a work plan to demonstrate how the on-site asbestos-containing materials and/or lead-containing materials shall be removed in accordance with current California Occupational Health and Safety (Cal/OSHA) Administration regulations and disposed of in accordance with all CalEPA regulations, prior to the demolition and/or removal of the on-site structures. The plan shall include the requirement that work shall be conducted by a Cal/OSHA registered asbestos and lead abatement contractor in accordance with Title 8 CCR1529 and Title 8 CCR 1532.1 regarding asbestos and lead training, engineering controls, and certifications. The applicant shall submit the work plan to the City for review and approval. The City has the right to defer the work plan to the Santa Clara County Department of Environmental Health for additional review. Materials containing more than one percent asbestos that is friable are also subject to BAAQMD regulations. Removal of materials containing more than one percent friable asbestos shall be completed in accordance with BAAQMD Section 11-2-303.

Compliance with regulatory requirements and implementation of mitigation measure MM HAZ-2.6 would ensure that ACMs and LBPs on-site would not create a significant hazard to the public or to the environment. Therefore, impacts would be less than significant. **(Less than Significant with Mitigation Incorporated)**

Impact HAZ-3:	The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. **(No Impact)**

The closest school to the project site is Oakwood Preparatory School, located approximately 1.5 miles south of the project site. Therefore, the project would not emit hazardous emissions or handle hazardous materials/substances within one-quarter mile of a school. **(No Impact)**

Impact HAZ-4:	The project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment. **(Less than Significant Impact with Mitigation Incorporated)**

As discussed in Section 4.9.1.2 Existing Conditions, the project site is on a list of hazardous materials sites pursuant to Government Code Section 65962.5 (i.e., the Cortese List of Data Resources). The site is listed on Geotracker as a closed LUST case. As discussed in the response to Impact HAZ-2, the impacts of contaminants from the former release would be reduced to less than significant with the implementation of mitigation measures MM HAZ-2.1 and MM HAZ-2.2. Therefore, the project would not create a significant hazard (related to the listed closed LUST case) to the public or environment. **(Less than Significant Impact with Mitigation Incorporated)**

Impact HAZ-5:	The project would not be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport. The project would not result in a safety hazard or excessive noise for people residing or working in the project area. **(No Impact)**

As discussed in Section 4.9.1.2 Existing Conditions, the project site is located approximately four miles northwest of the San Martin Airport. Due to its distance from the airport, the project is not located within an AIA or FAA Height Restriction Area. Therefore, the project would not result in an airport safety hazard. **(No Impact)**

Impact HAZ-6:	The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. **(Less than Significant Impact)**

The proposed project would be constructed in accordance with current building and fire codes to ensure structural stability and safety. The site development plans would be reviewed by CAL FIRE to ensure fire protection design features are incorporated and adequate emergency access is

provided. For these reasons, operations of the proposed project would not interfere with the City-adopted Emergency Operations Plan, or any adopted statewide emergency response or evacuation plans. **(Less than Significant Impact)**

Impact HAZ-7:	The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. **(No Impact)**

As discussed in Section 4.9.1.2 Existing Conditions, the project site is not located within a designated high or very high FHSZ. The project site is located approximately 350 feet east of the edge a very high FHSZ. The site separated from this area by Monterey Road and commercial development. The project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires. **(No Impact)**

4.10 HYDROLOGY AND WATER QUALITY

The following discussion is based, in part, on a Hydraulic Impact Study completed by Schaaf & Wheeler, Inc. on July 21, 2022. The report is attached as Appendix D.

4.10.1 Environmental Setting

4.10.1.1 *Regulatory Framework*

Federal and State

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality in California. Regulations set forth by the EPA and the SWRCB have been developed to fulfill the requirements of this legislation. EPA regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the RWQCBs. The project site is within the jurisdiction of the Central Coast RWQCB.

National Flood Insurance Program

The Federal Emergency Management Agency (FEMA) established the National Flood Insurance Program (NFIP) to reduce impacts of flooding on private and public properties. The program provides subsidized flood insurance to communities that comply with FEMA regulations protecting development in floodplains. As part of the program, FEMA publishes Flood Insurance Rate Maps (FIRMs) that identify Special Flood Hazard Areas (SFHAs). An SFHA is an area that would be inundated by the one-percent annual chance flood, which is also referred to as the base flood or 100-year flood.

Statewide Construction General Permit

The SWRCB has implemented an NPDES General Construction Permit for the State of California (Construction General Permit). For projects disturbing one acre or more of soil, a Notice of Intent (NOI) must be filed with the RWQCB by the project sponsor, and a Storm Water Pollution Prevention Plan (SWPPP) must be prepared by a qualified professional prior to commencement of construction and filed with the RWQCB by the project sponsor. The Construction General Permit includes requirements for training, inspections, record keeping, and, for projects of certain risk levels, monitoring. The general purpose of the requirements is to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related storm water discharges.

Regional and Local

Phase II Small MS4 General Permit

Gilroy, Morgan Hill, and the portion of Santa Clara County that drains to the Pajaro River-Monterey Bay watershed, which includes the project site, are traditional permittees under the state's Phase II

Small MS4 General Permit. Since these regions are located in RWQCB Region 3 (Central Coast Region), they are subject to the Central Coast Post-Construction Requirements per Provision E.12.k of the Phase II Permit. The Central Coast Post-Construction Requirements became effective in 2014 and are specific to the Central Coast Region. Post-construction controls are permanent features of a new development or redevelopment project designed to reduce pollutants in stormwater and/or erosive flows during the life of the project. Types of post-construction controls include LID site design, pollutant source control, stormwater treatment, and hydromodification management measures. The LID approach reduces stormwater runoff impacts by minimizing disturbed areas and impervious surfaces, maximizing opportunities for infiltration and evapotranspiration, and using stormwater as a resource (e.g., rainwater harvesting for non-potable uses).[51]

Water Resources Protection Ordinance and District Well Ordinance

Valley Water operates as the flood control agency for Santa Clara County. Their stewardship also includes creek restoration, pollution prevention efforts, and groundwater recharge. Permits for well construction and destruction work, most exploratory boring for groundwater exploration, and projects within Valley Water property or easements are required under Valley Water's Water Resources Protection Ordinance and District Well Ordinance.

2021 Groundwater Management Plan

This 2021 Groundwater Management Plan (GWMP) describes the Valley Water's comprehensive groundwater management framework, including existing and potential actions to achieve basin sustainability goals and ensure continued sustainable groundwater management. The GWMP covers the Santa Clara and Llagas subbasins, which are located entirely in Santa Clara County. Valley Water manages a diverse water supply portfolio, with sources including groundwater, local surface water, imported water, and recycled water. About half of the county's water supply comes from local sources and the other half comes from imported sources. Imported water includes the District's State Water Project and Central Valley contract supplies and supplies delivered by the San Francisco Public Utilities Commission (SFPUC) to cities in northern Santa Clara County. Local sources include natural groundwater recharge and surface water supplies. A small portion of the county's water supply is recycled water.

Local groundwater resources make up the foundation of the county's water supply, but they need to be augmented by the District's comprehensive water supply management activities to reliably meet the county's needs. These include the managed recharge of imported and local surface water and in-lieu recharge through the provision of treated surface water, acquisition of supplemental water supplies, and water conservation and recycling.[52]

[51] City of Gilroy, City of Morgan Hill, and County of Santa Clara. *Stormwater Management Guidance Manual for Low Impact Development & Post-Construction Requirements*. June 2015.
[52] Valley Water. *2021 Groundwater Management Plan, Santa Clara and Llagas Subbasins*. 2021.

Dam Safety

Since August 14, 1929, the State of California has regulated dams to prevent failure, safeguard life, and protect property. The California Water Code entrusts dam safety regulatory power to California Department of Water Resources, Division of Safety of Dams (DSOD). The DSOD provide oversight to the design, construction, and maintenance of over 1,200 jurisdictional sized dams in California.[53]

As part of its comprehensive dam safety program, Valley Water routinely monitors and studies the condition of each of its 10 dams. Valley Water also has its own Emergency Operations Center and a response team that inspects dams after significant earthquakes. These regulatory inspection programs reduce the potential for dam failure.

Construction Dewatering Waste Discharge Requirements

Each of the RWQCBs regulate construction dewatering discharges to storm drains or surface waters within its Region under the NPDES program and Waste Discharge Requirements.

Local

Morgan Hill 2035 General Plan

The Morgan Hill 2035 General Plan includes goals, policies, and actions to avoid significant impacts to hydrology and water quality. The following policies are applicable to the proposed project.

Morgan Hill 2035 General Plan Policies: Hydrology and Water Quality

Policy	Description
SSI-16.2	**Drainage System Capacity.** Ensure that the level of detention or retention provided on the site of any new development is compatible with the capacity of the regional storm drainage system.
SSI-16.3	**Stormwater Management Plans.** Require a stormwater management plan for each proposed development, to be presented early in the development process and describe the design, implementation, and maintenance of the local drainage.

Morgan Hill Municipal Code

Section 15.80.160 of the Morgan Hill Municipal Code requires, for projects located in a flood zone, a flood study to demonstrate that implementation of any new construction would not increase the base flood elevation by more than one foot.

[53] California Department of Water Resources, Division of Safety of Dams. https://water.ca.gov/Programs/All-Programs/Division-of-Safety-of-Dams#:~:text=Since%20August%2014%2C%201929%2C%20the,Safety%20of%20Dams%20(DSOD). Accessed June 9, 2020.

4.10.1.2 *Existing Conditions*

Hydrology

The City of Morgan Hill is divided into several hydrologically distinct drainage areas, with each having a system of conveyance facilities, pumps, and detention basins to collect and dispose the runoff. The stormwater runoff from these areas is collected and ultimately discharged into creeks that flow through the city and are tributary to either of the Monterey Bay or San Francisco Bay.[54]

Existing On-Site Drainage

The project site has 15,017 square feet of impervious surfaces and 5,186 square feet of pervious surfaces (at the eastern undeveloped portion of the site). The City of Morgan Hill is divided into several hydrologically distinct drainage areas. Each of these areas consist of conveyance facilities, pumps, and detention basins to collect and dispose of the runoff. The storm runoff from these areas is discharged into creeks or ponds that flow through the City and that are tributaries to Monterey Bay or San Francisco Bay. The project site is located in the Little Llagas Creek storm water drainage basin and drains to Monterey Bay.[55] The project site does not contain retention or detention facilities. The project site has stormwater collection facilities that convey stormwater to the City's stormwater system.

Groundwater

The site is located in the Santa Clara Valley Subbasin of the Santa Clara Valley Groundwater Basin. The site is within the Coyote Valley Recharge Area designated by Valley Water.[56] According to the geotechnical investigation completed for the site, groundwater was encountered at a depth of 15 feet below the ground surface in 2020. Historic groundwater depths were reported to be approximately six feet below the ground surface.

Flood Hazard Zones

The project site is located approximately 400 feet east of West Little Llagas Creek. The site is located within FEMA flood hazard Zone AE. Zone AE is a special flood hazard area subject to inundation by the one percent annual chance flood with base flood elevation determined. Base flood elevations (BFEs) at the site range from approximately 330 to 343 feet above mean sea level.

A seiche is an oscillation of the surface of a lake or landlocked sea varying in period from a few minutes to several hours. There are no landlocked bodies of water near the project site that in the event of a seiche would affect the site. A tsunami is a series of water waves caused by the displacement of a body of water, such as an ocean or a large lake. Due to the immense volumes of

[54] City of Morgan Hill. 2018 Storm Drainage System Master Plan. September 2018.
[55] City of Morgan Hill. *2018 Storm Drainage System Master Plan.* September 2018.
[56] Santa Clara Valley Water District. *Groundwater Management Plan*. November 22, 2016. Accessed July 5, 2022. https://www.valleywater.org/your-water/where-your-water-comes-from/groundwater.

water and energy involved, tsunamis can devastate coastal regions. The project site does not lie within a tsunami inundation hazard area.[57]

4.10.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
2) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☒	☐
– result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
– substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐
– create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
– impede or redirect flood flows?	☐	☐	☒	☐
4) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
5) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

[57] California Emergency Management Agency. California Official Tsunami Inundation Map. Accessed July 5, 2022. https://www.conservation.ca.gov/cgs/tsunami/maps.

Impact HYD-1:	The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. **(Less than Significant Impact)**

Construction Water Quality Impacts

As discussed in Section 4.10.1.1 above, the City of Morgan Hill is located within the jurisdiction of the Central Coast RWQCB, which is subjected to the Central Coast Post Construction Requirements under the State's Phase II Permit. New development projects are required to implement source control measures to reduce pollutants in stormwater.

There is the potential for water quality impacts to occur during project construction. In addition to generating dust, litter, oil, and other pollutants that could contaminate runoff from the site, construction activities would increase the potential for erosion and sedimentation to occur by disturbing and exposing underlying soil to the erosive forces of water and wind.

In accordance with the City of Morgan Hill's standard conditions described below would be included in the project to reduce construction-related water quality impacts to a less than significant level.

Standard Condition: In accordance with the City of Morgan Hill Standard Conditions of Approval and the Construction General Permit, the following condition shall be included in the project to reduce construction-related water quality impacts.

The following BMPs shall be implemented during project construction:

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

Standard Condition: In accordance with the City of Morgan Hill Standard Conditions of Approval and the Construction General Permit, the following condition shall be included in the project to reduce construction-related water quality impacts.

- As required by the State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ, construction activity resulting in a land disturbance of one acre or more of soil, or whose projects are part of a larger common plan of development that in total disturbs more than one acre, are required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity (General Permit). To be permitted with the SWRCB under the General Permit, owners must file a complete Notice of Intent (NOI) online at http://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.jsp and develop a Storm Water Pollution Prevention Plan (SWPPP) Manual in accordance with the General Permit. The SWPPP Manual shall follow the CASQA SWPPP template/format at https://www.casqa.org/store/products/tabid/154/p-167-construction-handbookportal-initial-subscription.aspx and shall be approved by Public Works Engineering. A Waste Discharger Identification (WDID) number to be issued to the construction site after the SWRCB receives and verifies the submitted ONLINE NOI information. The WDID number and approved SWPPP Manual shall be provided to Public Works and the Building Department prior to any approval of grading activities. In addition, the project shall adhere with the following for NPDES General Permit SWPPP inspections and compliance:
    - All project onsite and offsite construction activity shall have the site inspected by a qualified third party SWPPP inspector (i.e., QSD, QSP, or RCE).
    - SWPPP inspections shall occur weekly during the rainy season (September 15 through May 1).
    - SWPPP inspections shall occur bi-weekly during the non-rainy season.
    - 48 hours prior to and following a forecasted rain event, SWPPP inspections shall occur in addition to items two or three above.
    - Per each of the inspection conditions 2, 3, or 4, the NPDES SWPPP inspector shall certify in writing to the Building and Public Works Department if the site is in compliance or non-compliance with the NPDES General Permit for Stormwater, site SWPPP Manual, and Water Pollution Control Drawings (per the CMH-SWPPP Inspection Check List to be provided by Public Works. QSD/QSP inspectors shall forward onsite and offsite information/certification to the building (on-site private property issues) and Public Works (public right-of-way issues) inspectors respectively.
    - Prior to rain events, BMPs not in compliance shall be corrected immediately.
    - Illicit discharges per the NPDES General Permit, non-compliance of tracking control, and inlet protection within the public right of way shall be addressed immediately.
    - Other non-compliance issues shall be addressed within a 24-hour period.
    - Non-compliance issues which have been corrected shall be verified by NPDES SWPPP Inspector by a follow up inspection.
    - BMPs maintenance/inspections shall include tree protection if applicable.

Furthermore, the project could require groundwater pumping and dewatering during construction. As discussed in Section 4.10.1.2 Existing Conditions, groundwater is encountered at the project site at a depth of approximately six to 15 feet. As discussed in Section 4.9 Hazards and Hazardous Materials, areas of impacted groundwater (due to residual petroleum-related chemicals) could be

encountered during construction. Compliance with MM HAZ-2.2 would ensure that the HSP developed for the project would include provisions for the on-site management and/or treatment of contaminated groundwater during dewatering activities. Additionally, dewatering would be required to follow all NPDES and LID site design, identified in Section 4.10.1.1 Regulatory Framework, in order to minimize the discharge of pollutants into waterways.

With the implementation of the above standard conditions, the project would not violate any water quality standards during construction and would reduce potential impacts to less-than-significant levels. **(Less than Significant Impact)**

Post-Construction Water Quality

Stormwater runoff from urban uses such as the proposed project contains metals, pesticides, herbicides, and other contaminants such as oil, grease, lead, and animal waste. The project would replace 15,017 square feet of impervious surface and add 1,975 square feet of new impervious area for a total of 16,992 square feet of impervious surface area. The project would result in a net increase of approximately 1,975 square feet of impervious surface area. The project would conform to the City's Stormwater Management Guidance Manual for LID and Post-Construction Requirements, which would ensure that increases in stormwater runoff pollutant loads, rates and volumes generated by the project's increase in impervious surface area on the site would be controlled through the implementation of pollutant source controls and LID-based treatment controls.[58] Additionally, the project would incorporate the following standard conditions to ensure proper storage of outdoor materials.

Standard Conditions: The project's post-construction treatment control BMPs shall incorporate, at a minimum, either a volumetric or flow-based treatment control design standard, or both, as identified below to mitigate (infiltrate, filter or treat) stormwater runoff.

- Volumetric Treatment Control BMP
    - The 85th percentile 24-hour runoff event determined as the maximized capture stormwater volume for the area, from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87; or
    - The volume of annual runoff based on unit basin storage water quality volume, to achieve 80 percent or more volume treatment by the method recommended in California Stormwater Best Management Practices Handbook – Industrial/Commercial; or
- The volume of runoff produced from a historical-record based reference 24-hour rainfall criterion for "treatment" that achieves approximately the same reduction in pollutant loads achieved by the 85th percentile 24-hour runoff event. Flow-Based Treatment Control BMP

[58] City of Gilroy, City of Morgan Hill and County of Santa Clara. *Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements.* June 2015.

- The flow of runoff produced from a rain event equal to at least two times the 85th percentile hourly rainfall intensity for the area; or
- The flow of runoff produced from a rain event that will result in treatment of the same portion of runoff as treated using volumetric standards above.

Standard Conditions: In accordance with the City of Morgan Hill Standard Conditions of Approval and the Construction General Permit, the following condition shall be included in the project to manage stormwater runoff.

- A Stormwater Runoff Management Plan (SWRMP) would be included. The SWRMP shall include sufficient information to evaluate the environmental characteristics of affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and acceptability of measures (post-construction BMPs) proposed for managing stormwater runoff.
  - The SWRMP shall be prepared under the direction of a professional civil engineer registered in the State of California. The responsible professional civil engineer shall stamp and then the approved SWRMP.
  - The project applicant shall provide a signed certification from the civil engineer responsible for preparing the SWRMP that all the stormwater BMPs have been designed to meet the requirements of this chapter.
  - Each certifying civil engineer shall establish to the City's satisfaction that such person has been trained on the design of stormwater quality BMPs not more than three years prior to the certification signature date.
  - Qualifying training shall be conducted by an organization with stormwater quality management expertise, such as a university, the Bay Area Stormwater Management Agencies Association, the American Society of Civil Engineers, the American Public Works Association, or the California Water Environment Association.
- On or before April 15 and September 15 of each year, the party responsible for the operation and maintenance of on-site stormwater management facilities under the BMP Operation and Maintenance Agreement shall provide the City Engineer or designee with records of all inspections, maintenance, and repairs.
- On or before September 30 of each year, a Registered Civil Engineer shall provide written certification that the project's stormwater quality design standards are properly maintained and functioning as required by the SWRMP.

The proposed project would include an underground infiltration system and bioretention basins along the perimeter of the site. The project would be designed to direct flows from roof, canopy, and other impervious areas onto landscaped areas for treatment prior to entering the storm drain system.

Conformance with the City's Stormwater Management Guidance Manual for LID and Post-Construction Requirements for implementing pollutant source controls and LID-based treatment controls would reduce impacts to post-construction water quality to a less than significant level. **(Less than Significant Impact)**

Impact HYD-2:	The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. **(Less than Significant Impact)**

The maximum depth of excavation proposed by the project is 10 feet below the ground surface. Groundwater was encountered at 15 feet below the ground surface in 2020 and historical groundwater levels have reached up to six feet below the ground surface. As discussed under Impact HYD-1 above, the project could require groundwater pumping and dewatering during construction, which would result in a temporary reduction in groundwater levels at the project site. Due to its temporary nature, dewatering during construction is not considered a substantial decrease in groundwater supplies. In addition, the project site is not an aquifer recharge facility (i.e., streams or ponds). For these reasons, the project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge. **(Less than Significant Impact)**

Impact HYD-3:	The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows. **(Less than Significant Impact)**

Stormwater Runoff Impacts

As discussed under Impact HYD-1 above, the proposed project would incrementally increase impervious surfaces on-site compared to existing conditions by less than 2,000 square feet, which could impact the existing drainage pattern of the site by increasing the amount of runoff generated from the site. However, the proposed project would include bioretention basins that would capture and treat runoff through an underground treatment system. No such features are present on the site currently, as the site development predates modern stormwater requirements. Through the incorporation of drainage features and grading including in the proposed project, the flow rate of runoff would remain similar to existing conditions. Pursuant to the implementation of the SWPPP and other drainage standards implemented by the City, the project would not significantly increase stormwater flows into the existing system during routine rainfall events. Runoff reduction measures proposed by the project include landscape areas and an underground infiltration structure sized to retain and infiltrate the 95th percentile, 24-hr storm event.

The underground filtration structure would establish a stormwater capture system primarily used to manage water quantity by temporarily storing stormwater runoff from impervious surfaces to prevent flooding, slow down the rate at which stormwater leaves the site, and reduce receiving

stream erosion. In addition, the underground filtration system would be used to capture stormwater runoff for water quality treatment. The project's storm drains would connect to existing 24-inch storm drains on San Pedro Avenue. Therefore, the proposed project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river through the addition of impervious surfaces, in a manner that would result in flooding. The proposed project also would not contribute runoff water which would exceed the capacity of the City's stormwater system, because it would be designed to direct excess runoff from roof, canopy, and other impervious areas onto landscaped areas for treatment prior to entering the storm drain system. For these reasons, the project would have a less than significant impact. **(Less than Significant Impact)**

Flooding Impacts

As stated in Section 4.10.1.2, the project site is located within the FEMA flood hazard Zone AE (i.e., a 100-year flood zone). Hydraulic modeling was completed for the site to determine if construction of the proposed retail store would significantly raise, i.e., by more than one foot, BFEs at the site and project area. The portion of the site that the proposed retail store would be located has a base flood elevation of 335.63 above mean sea level. Based on the results of the modeling, construction of the proposed building would minimally displace floodwaters from the site, and result in a maximum increase of 0.2 feet compared to BFEs at the site and surrounding developments between San Pedro Avenue and Spring Avenue. This increase in flood elevations is less than one foot and, therefore, meets the City's threshold for proposed developments' effect on water surface elevations (i.e., BFEs).

In addition, the City's Resolution No. 20-071 requires proposed developments in the Flood Zone AE to elevate the lowest floor of proposed buildings a minimum of one foot above the BFE. Based on the results of the hydraulic modeling, the proposed project combined with pending/approved projects in the area (refer to Section 4.21 Mandatory Findings of Significance for pending/approved projects), the BFE would increase by 0.06 feet at the proposed retail store location. Therefore, in compliance with the City's resolution, the proposed retail store would have a finished floor elevation of 1.06 feet above the existing BFE.

The project would result in a minimal increase in BFEs in the project area and would comply with the City's floodproofing requirements for developments within Flood Zone AE; therefore, the project would not substantially alter the existing drainage pattern in a manner that would impede or redirect flood flows. **(Less than Significant Impact)**

Impact HYD-4:	The project would not risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones. **(Less than Significant Impact)**

The proposed project is a gas station redevelopment project. Pollutants that could result from an operating gas station include petroleum products such as gasoline, diesel, kerosene, oil, and grease. As discussed under Section 4.10.1.2 Existing Conditions, the project site is in a FEMA Zone AE flood

hazard area. In the event that the project site is inundated by a flood, these pollutants could be released from the site.

The project would increase the finished floor of the proposed structure and mechanical units to 1.29 feet above the BFE. The Hydraulic Impact Study prepared for the project found that implementation of the proposed project would result in a 0.2-foot impact to the West Little Llagas Creek water surface elevations, which would be a minimal impact. Accordingly, the proposed project would have a less than significant increase in flood risk during a 100-year event. Additionally, the project would incorporate the following standard conditions to ensure proper storage of outdoor materials.

Standard Conditions: Improper storage of materials outdoors may provide an opportunity for toxic compounds, oil and grease, heavy metals, nutrients, suspended solids, and other pollutants to enter the storm water conveyance system. Where proposed project plans include outdoor areas for storage of materials that may contribute pollutants to the stormwater conveyance system, the following BMPs shall be implemented:

- Materials with the potential to contaminate stormwater must be (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar structure that prevents contact with runoff or spillage to the stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
- The storage area must be paved and sufficiently impervious to contain leaks and spills.
- The storage area must have a roof or awning to minimize collection of storm water within the secondary containment area.

Standard Conditions: The project shall implement the following BMPs to ensure fueling areas are designed in accordance with NPDES Water Quality Stormwater Management Development Standards for retail gasoline outlets.

- The fuel dispensing area shall be covered with an overhanging roof structure or canopy. The canopy's minimum dimensions shall be equal to or greater than the area within the grade break. The canopy shall have a minimum overhang of five feet measured from the perimeter of the fuel dispensing area. The canopy shall not drain onto the fuel dispensing area, and the canopy downspouts shall be routed to a landscaped area to prevent drainage across the fueling area.
- The fuel dispensing area shall be paved with Portland cement concrete (or equivalent smooth impervious surface) and the use of asphalt concrete shall be prohibited.
- The fuel dispensing area shall have a two to four percent slope to prevent ponding and shall be separated from the rest of the site by a grade break that prevents run-on of stormwater to the extent practicable.
- At a minimum, the concrete fuel dispensing area must extend 6.5 feet from the corner of each fuel dispenser, or the length at which the hoes and nozzle assembly may be operated plus one foot, whichever is less.

Furthermore, the proposed project would implement the BMPs listed under Impact HYD-1, which would ensure the project would not violate any water quality standards during construction. Chemicals stored on-site would be properly contained in accordance with state and federal regulation. Furthermore, as shown on Figure 3.2-4, the proposed new fuel canopy would extend beyond the edge of the fuel pumps, thereby minimizing the risk of gas and petroleum products being released onto the site during rainfall events. As discussed under Impact HYD-1 and HYD-3, the project would result in a small increase of impervious surfaces compared to existing conditions. The project also proposes to construct retention basins and an underground filtration system that would remove pollutants, reducing the risk of pollutant release during floods. The project site is not located in a tsunami or seiche zone. Therefore, the proposed project would not risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones. **(Less than Significant Impact)**

Impact HYD-5:	The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. **(Less than Significant Impact)**

Fertilizer and organic compounds are the likely pollutants of concern which can be found at the project site as the land was formerly used for agriculture. During construction of the project, short term impacts to water quality can occur when soils are disturbed, making it susceptible to water erosion and sedimentation. Other pollutants found during construction are petroleum products (gasoline, diesel, kerosene, oil, and grease), hydrocarbons from asphalt paving, paints, and solvents, detergents, nutrients (fertilizers), pesticides (insecticides, fungicides, herbicides, rodenticides), and trash. After construction, typical urban runoff contaminants may include the above constituents, as well as trace petroleum products and landscape maintenance debris.

Potential construction and post-construction pollutant impacts can be mitigated through preparation and implementation of an erosion control plan, a SWPPP and a SWMP consistent with recommended design criteria. The erosion control plan in the SWPPP would include components for erosion control, such as phasing of grading, limiting areas of disturbance, designation of restricted-entry zones, diversion of runoff away from disturbed areas, protective measures for sensitive areas, outlet protection, and provision for re-vegetation or mulching. The plan can also impose treatment measures to trap sediment per each catchment. The SWMP can implement postconstruction water quality BMPs that control pollutant levels to pre-development levels.

The project would comply with the City's Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements. For the reasons described above, the project would not impact groundwater recharge, interfere with groundwater supplies, and would not conflict with the Valley Water's 2021 Groundwater Management Plan. Therefore, the project would not conflict with implementation of a water quality or groundwater management plan. **(Less than Significant Impact)**

4.11 LAND USE AND PLANNING

4.11.1 Environmental Setting

South County Airport Comprehensive Land Use Plan

A small portion of Morgan Hill extends into the Airport Influence Area (AIA) of the South County Airport, which is located in the unincorporated community of San Martin between Morgan Hill and Gilroy. The airport is operated by Santa Clara County and is used for general aviation, which includes all aviation activities other than commercial passenger flights, commuter/air taxi, and military uses.

The AIA includes all areas surrounding the airport that are affected by noise, height, and safety considerations. All development projects within the AIA must be reviewed by the Santa Clara County Airport Land Use Commission (ALUC) to ensure consistency with the Comprehensive Land Use Plan (CLUP). A small portion of the Morgan Hill City limits near Llagas Creek is located within the AIA. The Morgan Hill City limits are located outside of the airport's noise contours and safety zones.

The CLUP also establishes height restrictions for structures, and the area subject to these height restrictions is slightly greater than the AIA. Per Figure 6, FAR Part 77 Surfaces, of the CLUP, structures in the southern portion of the Morgan Hill City limits should not exceed the height limits of between 481 feet and 631 feet above mean sea level depending on the location of the structure.

The proposed project site is not located within an AIA of the CLUP and is not located within an FAA height restriction area for new structures.

4.11.1.1 *Existing Conditions*

The project site is located in an urbanized area of Morgan Hill and is surrounded by commercial/restaurant uses to the north, Monterey Road and commercial (retail and restaurant) uses to the west, San Pedro Avenue and a vacant parcel to the south, and townhouses to the east.

The project site is zoned as Mixed-Use Flex and has a General Plan designation of Mixed-Use Flex, which allows for a mix of residential, commercial, and office uses.

4.11.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Physically divide an established community?	☐	☐	☐	☒

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
2) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

Impact LU-1:	The project would not physically divide an established community. **(No Impact)**

Examples of projects that have the potential to physically divide an established community are new freeways and highways, major arterial streets, and railroad lines. The proposed project would redevelop an existing gas station with 12 gas pumps, a 2,115 square foot retail store (to replace the existing 880 square store), and an improved UST system. The project would not introduce incompatible uses to the site, as the overall use of the site would remain the same as the existing uses. The proposed project would not include the construction of dividing infrastructure. Therefore, the project would not physically divide an established community. **(No Impact)**

Impact LU-2:	The project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. **(Less than Significant Impact)**

Land use conflicts can arise from a new development or land use that would cause impacts to persons or the physical environment in the vicinity of the project site or elsewhere. Potential incompatibility may arise from placing a particular development or land use at an inappropriate location, or from some aspect of the project's design or scope. Depending on the nature of the impact and its severity, land use compatibility conflicts can range from minor irritations and nuisance to potentially significant effects on human health and safety.

The project site is zoned as MU-F. The City's zoning code requires a Conditional Use Permit be obtained for fuel and service station uses and an Administrative Use Permit for convenience markets. The proposed project would be considered a fuel station, with a retail/convenience market and, thus would require a Conditional Use Permit. The project would be consistent with the General Plan designation of Mixed-Use Flex, which allows for a mix of residential, commercial, and office uses. The proposed project is a gas station redevelopment project that would retain the same uses as existing conditions. The project's conformance with various City policies adopted for the purpose of avoiding or mitigating an environmental effect, standard conditions, and mitigation is discussed in various other sections of this Initial Study (e.g., Air Quality, Biological Resources, Noise, Hazards and Hazardous Materials). There are no additional policies pertaining specifically to land use and planning that were adopted for the purpose of avoiding or mitigating an environmental

effect, therefore, the project would not create a significant environmental impact or create a conflict with any plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. **(Less than Significant Impact)**

4.12 MINERAL RESOURCES

4.12.1 Environmental Setting

4.12.1.1 *Regulatory Framework*

State

Surface Mining and Reclamation Act

The Surface Mining and Reclamation Act (SMARA) was enacted by the California legislature in 1975 to address the need for a continuing supply of mineral resources, and to prevent or minimize the negative impacts of surface mining to public health, property, and the environment. As mandated under SMARA, the State Geologist has designated mineral land classifications in order to help identify and protect mineral resources in areas within the state subject to urban expansion or other irreversible land uses which would preclude mineral extraction. SMARA also allowed the State Mining and Geology Board (SMGB), after receiving classification information from the State Geologist, to designate lands containing mineral deposits of regional or statewide significance.

4.12.1.2 *Existing Conditions*

The project site is located in an urban area within the City of Morgan Hill. Mineral resource recovery activities do not occur on or near the project site, nor does the site contain any known mineral resources.

4.12.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
2) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒

Impact MIN-1:	The project would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. **(No Impact)**

Based on the United States Geological Survey (USGS) map of mines and mineral resources, the project site is not comprised of known mineral resources or mineral resource production areas.[59] The General Plan does not identify the project site or area as a mineral resource recovery site. Therefore, the proposed project would not result in the loss of availability of a known mineral resource that would be of value to the residents in the state or region. **(No Impact)**

Impact MIN-2:	The project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. **(No Impact)**

As stated in the response to Impact MIN-1, the project would not result in the loss of availability of a locally important mineral resource recovery site. **(No Impact)**

[59] United States Geological Survey. *Mineral Resources Online Spatial Data: Interactive maps and downloadable data for regional and global Geology, Geochemistry, Geophysics, and Mineral Resources.* Available at https://mrdata.usgs.gov/general/map-us.html#home. Accessed April 16, 2021.

4.13 NOISE

The following discussion is based, in part, on a Noise Analysis completed by Illingworth & Rodkin, Inc. on July 11, 2022. The report is attached as Appendix E.

4.13.1 Environmental Setting

4.13.1.1 *Background Information*

Noise

Factors that influence sound as it is perceived by the human ear, include the actual level of sound, period of exposure, frequencies involved, and fluctuation in the noise level during exposure. Noise is measured on a decibel scale, which serves as an index of loudness. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Each 10 decibel increase in sound level is perceived as approximately a doubling of loudness. Because the human ear cannot hear all pitches or frequencies, sound levels are frequently adjusted or weighted to correspond to human hearing. This adjusted unit is known as the A-weighted decibel, or dBA.

Since excessive noise levels can adversely affect human activities and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are generally expressed using one of several noise averaging methods, including L_{eq}, DNL, or CNEL.[60] These descriptors are used to measure a location's overall noise exposure, given that there are times when noise levels are higher (e.g., when a jet is taking off from an airport or when a leaf blower is operating) and times when noise levels are lower (e.g., during lulls in traffic flows on freeways or in the middle of the night). L_{max} is the maximum A-weighted noise level during a measurement period.

Vibration

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Vibration amplitude can be quantified using Peak Particle Velocity (PPV), which is defined as the maximum instantaneous positive or negative peak of the vibration wave. PPV has been routinely used to measure and assess ground-borne construction vibration. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 inches/second (in/sec) PPV.

[60] L_{eq} is a measurement of average energy level intensity of noise over a given period of time. Day-Night Level (DNL) is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 PM and 7:00 AM. Community Noise Equivalent Level (CNEL) includes an additional five dB applied to noise occurring between 7:00 PM and 10:00 PM. Where traffic noise predominates, the CNEL and DNL are typically within two dBA of the peak-hour L_{eq}.

4.13.1.2 *Regulatory Framework*

Federal

Federal Transit Administration Vibration Limits

The Federal Transit Administration (FTA) has developed vibration impact assessment criteria for evaluating vibration impacts associated with transit projects. The FTA has proposed vibration impact criteria based on maximum overall levels for a single event. The impact criteria for groundborne vibration are shown in Table 4.13-1 below. These criteria can be applied to development projects in jurisdictions that lack vibration impact standards.

Table 4.13-1: Groundborne Vibration Impact Criteria

Land Use Category	Groundborne Vibration Impact Levels (VdB inch/sec)		
	Frequent Event	Occasional Events	Infrequent Events
Category 1: Buildings where vibration would interfere with interior operations	65	65	65
Category 2: Residences and buildings where people normally sleep	72	75	80
Category 3: Institutional land uses with primarily daytime use	75	78	83

Source: Federal Transit Administration. *Transit Noise and Vibration Assessment Manual.* September 2018.

State and Local

California Green Building Standards Code

For commercial uses, CALGreen (Section 5.507.4.1 and 5.507.4.2) requires that wall and roof-ceiling assemblies exposed to the adjacent roadways have a composite STC rating of at least 50 or a composite Outdoor/Indoor Transmission Class (OITC) rating of no less than 40, with exterior windows of a minimum STC of 40 or OITC of 30 when the commercial property falls within the 65 dBA L_{dn} or greater noise contour for a freeway or expressway, railroad, or industrial or stationary noise source. The state requires interior noise levels to be maintained at 50 dBA $L_{eq(1\text{-}hr)}$ or less during hours of operation at a proposed commercial use.

Morgan Hill 2035 General Plan

The Morgan Hill 2035 General Plan includes goals, policies, and actions to avoid significant impacts due to noise and vibration. The following policies are applicable to the proposed project.

Morgan Hill 2035 General Plan Policies: Noise and Vibration

Policy	Description
SSI-8.1	**Exterior Noise Level Standards.** Require new development projects to be designed and constructed to meet acceptable exterior noise level standards (as shown in Table SSI-1) as follows: • Apply a maximum exterior noise level of 60 dBA L_{dn} in residential areas where outdoor use is a major consideration (e.g., backyards in single-family housing developments and recreation areas in multi-family housing projects). Where the City determines that providing a L_{dn} of 60 dBA or lower cannot be achieved after the application of reasonable and feasible mitigation, a L_{dn} of 65 dBA may be permitted.
SSI-8.2	**Impact Evaluation.** The impact of proposed development projects on existing land uses should be evaluated in terms of the potential for adverse community response based on significant increase in existing noise levels, regardless of compatibility guidelines.
SSI-8.5	**Traffic Noise Level Standards.** Consider noise level increases resulting from traffic associated with new projects significant if: a) the noise level increase is 5 dBA L_{dn} or greater, with a future noise level of less than 60 dBA L_{dn}, or b) the noise level increase is 3 dBA L_{dn} or greater, with a future noise level of 60 dBA L_{dn} or greater.
SSI-8.6	**Stationary Noise Level Standards.** Consider noise levels produced by stationary noise sources associated with new projects significant if they substantially exceed existing ambient noise levels.
SSI-8.7	**Other Noise Sources.** Consider noise levels produced by other noise sources (such as ballfields) significant if an acoustical study demonstrates they would substantially exceed ambient noise levels.
SSI-8.9	**Site Planning and Design.** Require attention so site planning and design techniques other than sound walls to reduce noise impacts, including: a) installing earth berms; b) increasing the distance between the noise source and the receiver; c) using non-sensitive structures such as parking lots, utility areas, and garages to shield noise-sensitive areas; d) orienting buildings to shield outdoor spaces from the noise source; and e) minimizing the noise at its source.
SSI-9.1	**Techniques to Reduce Traffic.** Use roadway design, traffic signalization, and other traffic planning techniques (such as limiting truck traffic in residential areas) to reduce noise caused by speed or acceleration of vehicles.
SSI-9.3	**Sound Wall Design.** The maximum height of sound walls shall be eight feet. Residential projects adjacent to the freeway shall be designed to minimize sound wall height through location of a frontage road, use of two sound walls or other applicable measures. Sound wall design and location shall be coordinated for an entire project area and shall meet Caltrans noise attenuation criteria for a projected eight-lane freeway condition. If two sound walls are used, the first shall be located immediately adjacent to the freeway right-of-way and the second shall be located as necessary to meet Caltrans noise requirements for primary outdoor areas. The minimum rear yard setback to the second wall shall be 20 feet.

Morgan Hill 2035 General Plan Policies: Noise and Vibration

Policy	Description
SSI-9.5	**Noise Studies for Private Development.** In order to prevent significant noise impacts on neighborhood residents which are related to roadway extensions or construction of new roadways, require completion of a detailed noise study during project-level design to quantify noise levels generated by projects such as the Murphy Avenue extension to Mission View Drive and the Walnut Grove Extension to Diana Avenue. The study limits should include noise sensitive land uses adjacent to the project alignment as well as those along existing segments that would be connected to new segments. A significant impact would be identified where traffic noise levels would exceed the "normally acceptable" noise level standard for residential land uses and/or where ambient noise levels would be substantially increased with the project. Project specific mitigation measures could include, but not be limited to, considering the location of the planned roadway alignment relative to existing receivers in the vicinity, evaluating the use of noise barriers to attenuate project-generated traffic noise, and/or evaluating the use of "quiet pavement" to minimize traffic noise levels at the source. Mitigation should be designed to reduce noise levels into compliance with "normally acceptable" levels for residential noise and land use compatibility.
SSI-9.6	**Earth Berms.** Allow and encourage earth berms in new development projects as an alternative to sound walls if adequate space is available.
SSI-9.7	**Sound Barrier Design.** Require non-earthen sound barriers to be landscaped, vegetated, or otherwise designed and/or obscured to improve aesthetics and discourage graffiti and other vandalism.

City of Morgan Hill Municipal Code

The City of Morgan Hill's Municipal Code Chapter 8.28 states that "It is unlawful for any person to make or continue, or cause to be made or continued, any loud, disturbing, unnecessary or unusual noise or any noise which annoys, disturbs, injures or endangers the comfort, health, repose, peace or safety of another person within the city." The following sections of the code would be applicable to the project:

1. "Construction activities" are defined as including but not limited to excavation, grading, paving, demolition, construction, alteration or repair of any building, site, street or highway, delivery or removal of construction material to a site, or movement of construction materials on a site. Construction activities are prohibited other than between the hours of seven AM and eight PM, Monday through Friday and between the hours of nine AM to six PM on Saturday. Construction activities may not occur on Sundays or federal holidays. No third person, including, but not limited to landowners, construction company owners, contractors, subcontractors, or employers, shall permit or allow any person working on construction activities which are under their ownership, control or direction to violate this provision. Construction activities may occur in the following cases without violation of this provision:

a. In the event of urgent necessity in the interests of the public health and safety, and then only with a permit from the chief building official, which permit may be granted for a period of not to exceed three days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues.

b. If the chief building official determines that the public health and safety will not be impaired by the construction activities between the hours of eight PM and seven AM, and that loss or inconvenience would result to any party in interest, the chief building official may grant permission for such work to be done between the hours of eight PM and seven AM upon an application being made at the time the permit for the work is issued or during the progress of the work.

c. The city council finds that construction by the resident of a single residence does not have the same magnitude or frequency of noise impacts as a larger construction project. Therefore, the resident of a single residence may perform construction activities on that home during the hours in this subsection, as well as on Sundays and federal holidays from nine AM to six PM, provided that such activities are limited to the improvement or maintenance undertaken by the resident on a personal basis.

d. Public work projects are exempt from this section and the public works director shall determine the hours of construction for public works projects.

2. If it is determined necessary in order to ensure compliance with this section, the chief building official may require fences, gates or other barriers prohibiting access to a construction site by construction crews during hours in which construction is prohibited by this subsection. The project manager of each project shall be responsible for ensuring the fences, gates or barriers are locked and/or in place during hours in which no construction is allowed. This subsection shall apply to construction sites other than public works projects or single dwelling units which are not a part of larger projects.

Chapter 18.76 establishes quantitative noise performance standards:

1. No land use or activity may produce a noise level in excess of the standards in Table 4.13-2.

Table 4.13-2: Municipal Code Maximum Noise Levels	
Receiving Land Use	**Maximum Noise Level at Lot Line of Receiving Use**
Industrial and Wholesale	70 dBA
Commercial	65 dBA
Residential or Public/Quasi-Public	60 dBA
Notes: The planning commission may allow an additional five dBA noise level at the lot line if the maximum noise level shown cannot be achieved with reasonable and feasible mitigation.	

2. Noise standards in Table 4.13-2 do not apply to noise generated by vehicle traffic in the public right-of-way or from temporary construction, demolition, and vehicles that enter and leave the site of the noise-generating use (e.g., construction equipment, trains, trucks).

3. All uses and activities shall comply with Municipal Code Chapter 8.28 (Noise).

4.13.1.3 *Existing Conditions*

Existing Noise Environment

The noise environment at the project site and in the surrounding area consists primarily of vehicular traffic along Monterey Road, San Pedro Avenue, and other roadways in the vicinity. Occasional aircraft flyovers associated with the San Martin Airport and San José International Airport contribute to the noise environment intermittently.

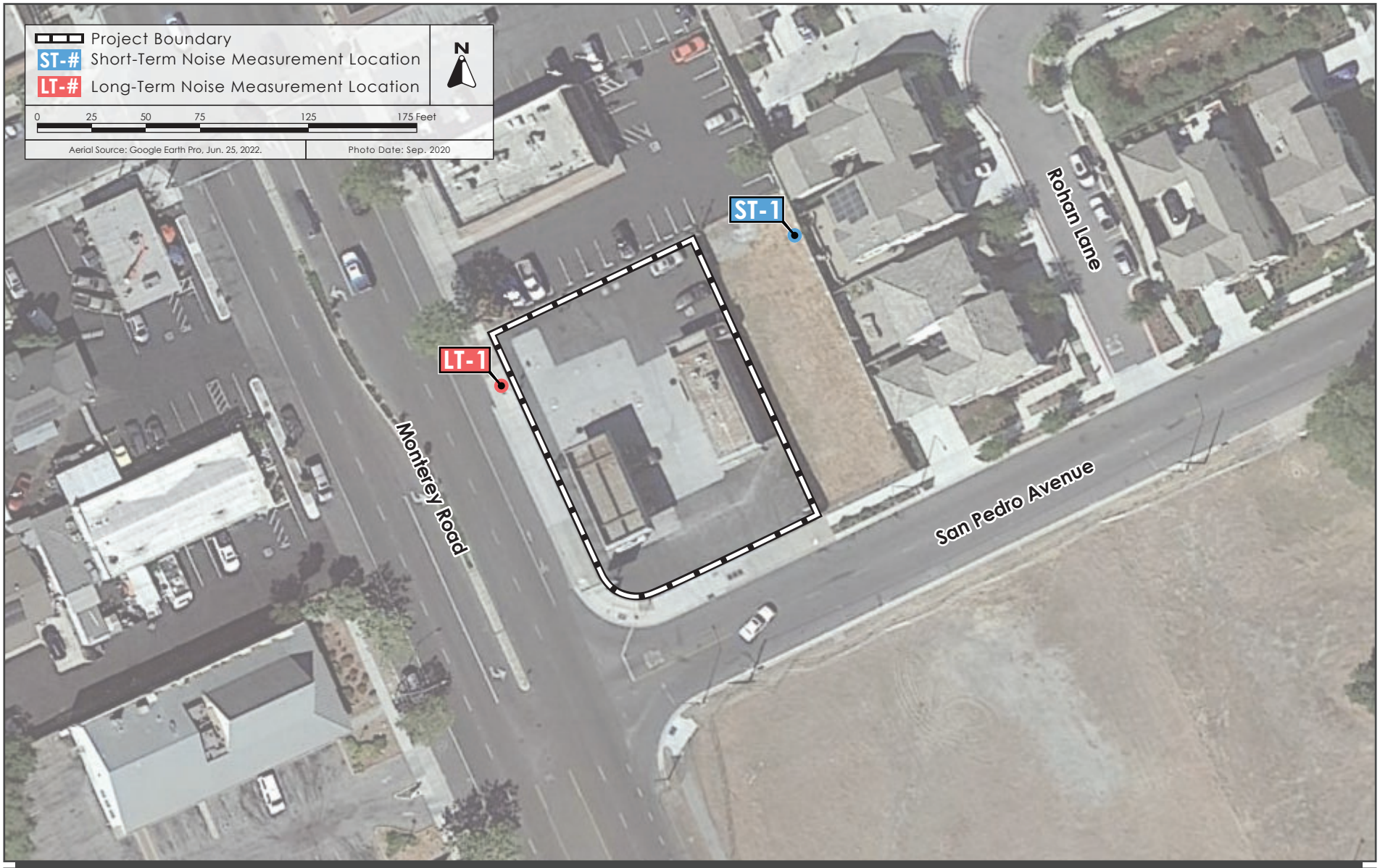
A noise monitoring survey consisting of one long-term (LT-1) and one short-term (ST-1) noise measurement was made at the site between Monday, July 26, 2021, and Thursday, July 29, 2021. Results of the survey are discussed below, and noise monitoring locations are shown on Figure 4.13-1.

Long-term measurement LT-1 was collected approximately 55 feet east of the centerline of Monterey Road. Hourly average noise levels typically ranged from 66 to 74 dBA L_{eq} during daytime hours (7:00 AM and 10:00 PM) and from 53 to 72 dBA L_{eq} during nighttime hours (10:00 PM and 7:00 AM). The day-night average noise level on Tuesday, July 27, 2021, and on Wednesday, July 28, 2021, was 73 dBA L_{dn}.

Short-term measurement ST-1 was collected along the eastern boundary of the project site on Monday, July 26, 2021, at 10:00 AM. This measurement was collected in a 10-minute interval. Typical traffic noise levels along Monterey Road ranged from 50 to 69 dBA. The 10-minute L_{eq} measured at ST-1 was 57 dBA.

Sensitive Receptors

The nearest noise-sensitive receptors are residences located approximately 40 feet east of the site. There is an existing concrete soundwall located between the project site and adjacent residences.



NOISE MEASUREMENT LOCATIONS | FIGURE 4.13-1

4.13.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in:				
1) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
2) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
3) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐

Impact NOI-1:	The project would not result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. **(Less than Significant Impact)**

Construction

Noise sensitive receptors (residences) are located immediately adjacent and to the east of the site. Construction of the proposed project would include temporary noise impacts from demolition, site preparation, grading, excavation, trenching, building exterior and interior, and paving. The types of construction equipment to be used for the project would include graders, rubber-tired dozers, excavators, cranes, forklifts, and tractors. Noise impacts resulting from construction depend upon the noise generated by various pieces of equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise-sensitive areas. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (e.g., early morning, evening, or nighttime hours) when construction lasts over extended periods of time, e.g., more than one year. The project would have a construction duration of approximately eight months (165 construction workdays), which is not considered an extensive construction period.

Construction activities would be conducted in accordance with the provisions of the City's General Plan and the Municipal Code, which limits temporary construction work to between the hours of 7:00 AM and 8:00 PM Monday through Friday and between 9:00 AM to 6:00 PM on Saturday.

Construction is prohibited on Sundays and federal holidays. Additionally, the project would be required to implement the following construction best management practices (BMPs) as a standard condition.

Standard Condition: The project applicant shall develop a noise construction control plan, which shall be submitted to the Development Services Director or Director's designee for review and approval prior to issuance of a demolition, grading or building permit. The noise construction control plan shall include but not be limited to the following construction best management controls:

- Equipment and trucks used for construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds);
- Impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools; and
- Stationary noise sources shall be located as far from noise-sensitive receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or include other measures.
- Construct temporary noise barriers, where feasible, to screen stationary noise-generating equipment. Temporary noise barrier fences would provide a five dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps.
- Unnecessary idling of internal combustion engines shall be strictly prohibited.
- Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction. Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Where feasible, temporary power service from local utility companies should be used instead of portable generators.
- Locate cranes as far from noise-sensitive receptors as possible.
- During final grading, substitute graders for bulldozers, where feasible. Wheeled heavy equipment are quieter than track equipment and should be used where feasible.
- Substitute nail guns for manual hammering, where feasible.
- Avoid the use of circular saws, miter/chop saws, and radial arm saws near the adjoining noise-sensitive receptors. Where feasible, shield saws with a solid screen with material having a minimum surface density of two pounds per square foot (e.g., such as 0.75-inch plywood).

- Maintain smooth vehicle pathways for trucks and equipment accessing the site and avoid local residential neighborhoods as much as possible.
- During interior construction, the exterior windows facing noise-sensitive receptors should be closed.
- During interior construction, locate noise-generating equipment within the building to break the line-of-sight to the adjoining receptors.
- The contractor shall prepare a detailed construction schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

With implementation of the above standard condition as well as the Municipal Code limits on allowable construction hours, the project would not generate a substantial temporary increase in ambient noise levels due to project construction at noise-sensitive receptors in the project area, in excess of the City's noise standards. **(Less than Significant Impact)**

Operation

The City's Noise Element and Municipal Code stipulates that noise levels produced by operational noise at the project site would be considered significant if noise levels substantially exceed existing ambient noise levels, exceed 60 dBA L_{eq} at residential properties, or permanently increase ambient noise levels by three dBA L_{dn} under Policy SSI-8.5 of the General Plan.

Mechanical Equipment

An HVAC unit is proposed at the retail store and would be located at the center of the rooftop. The selected HVAC unit would generate noise levels up to 66 dBA at a distance of five feet. While the building façade would provide partial shielding, no attenuation was assumed in the noise assessment to conservatively represent worst-case scenario. The nearest noise-sensitive receptors would be approximately 100 feet east of the center of the proposed HVAC unit. Conservatively, the existing six-foot sound wall along the residential property line would provide a minimum five dBA of noise attenuation. Noise levels due to the HVAC unit would be about 35 dBA at the residential property line. The day-night average noise level is estimated to be 41 dBA L_{dn}. The proposed HVAC unit would not exceed 60 dBA L_{eq} or ambient noise levels at the nearest residential land uses.

Additionally, an A/W dispenser is proposed along the northern portion of the parking lot. While the existing gas station includes an A/W dispenser, it is unknown if the ambient noise measurements

included the operation of the existing A/W dispenser. Conservatively, the noise analysis assumed the ambient measurements did not include this noise source. This type of equipment does not run continuously and typically generates noise levels up to 65 dBA at a distance of five feet. In a worst-case scenario, it is assumed the equipment would operate for a total of 20 minutes per hour, which means the hourly average noise level would be 60 dBA L_{eq} at five feet. The nearest residential property line is approximately 40 feet from the proposed A/W dispenser. At this distance, maximum noise levels would be 51 dBA, hourly average noise levels would be 46 dBA L_{eq}, and day-night average noise levels would be 44 dBA L_{dn}. The A/W dispenser would not generate noise levels that exceed 60 dBA L_{eq} or ambient noise levels at the nearest residential land uses. **(Less than Significant Impact)**

Parking Lot and Gas Station Activities

The project would include 11 parking spaces which would be located along the eastern boundary of the gas station area, nearest to the residences. Additionally, the proposed six fuel pump stations (12 gas dispensers) would also include similar noise sources as the parking area, which would include vehicular circulation, louder engines, car alarms, door slams, and human voices, all of which are currently occurring at the site in connection with the existing gas station. These sources typically generate noise levels ranging from 53 to 63 dBA L_{max} at a distance of 50 feet.

The isolated, maximum instantaneous noise sources generated by vehicular circulation at parking lots and gas stations would occur during both daytime and nighttime hours. Based on the trip generation analysis completed for the project, the number of net daily trips would increase by 286 trips, with net peak hour increases of 23 trips in the AM and nine trips in the PM. The noise level increase, which accounted for vehicular circulation at the existing gas station, from existing ambient conditions in the project area would be approximately one dBA L_{dn}. Since this noise level increase would be less than three dBA L_{dn}, it would not be considered a substantial increase in noise in excess of the City's standards in General Plan Policy SSI-8.5. **(Less than Significant Impact)**

Truck Deliveries

Gas stations typically require heavy truck deliveries for fuel deposits. The proposed project estimated approximately 5,500 gallons of fuel to be sold daily. The typical fuel truck carries about 9,000 gallons, which would result in about one truck delivery per day. Additionally, smaller vendor truck deliveries would occur at the retail store. The noise analysis conservatively assumed a worse-case scenario of one heavy fuel truck delivery and one vendor truck delivery per day. Depositing the fuel into the tanks (which would be located underground along the eastern portion of the site) would not generate measurable noise levels. However, noise due to low-speed trucks maneuvering results in a combination of engine, exhaust, and tire noise. Trucks would also be associated with intermittent sounds of back-up alarms and releases of compressed air, all of which are currently occurring at the site in connection with the existing gas station.

At a distance of 50 feet, noise levels would range from 70 to 75 dBA L_{max} for heavy fuel trucks, and 60 to 65 dBA L_{max} for smaller vendor trucks. While the length of time to dispense the fuel in the

tanks or unload supplies could take as long as one hour or so, typically, delivery trucks are stationary during this time with the engine off. These maximum noise levels would occur for approximately three minutes in any one hour. Assuming worst-case conditions, this analysis assumes both truck deliveries would occur in the same hour, which would result in an hourly average noise level of 58 dBA L_{eq} at the nearest residential property line, assuming a five dBA reduction due to the existing sound wall, and a day-night average noise level of 47 dBA L_{dn}. Operational truck deliveries would not generate noise levels that exceed 60 dBA L_{eq} or ambient noise levels at the nearest residential land uses. **(Less than Significant Impact)**

Combined Operational Noise

The combined noise sources (i.e., mechanical equipment, parking circulation, and truck deliveries) at the nearest residential property line would result in a noise level of 65 dBA L_{dn}, which would result in a two dBA L_{dn} increase over ambient levels. Therefore, the noise levels from the combined operational sources would not generate noise levels that exceed ambient noise levels at the nearest residential land uses. **(Less than Significant Impact)**

Impact NOI-2:	The project would not result in generation of excessive groundborne vibration or groundborne noise levels. **(Less than Significant Impact)**

The construction of the project may generate vibration when heavy equipment or impact tools are used. Construction activities would include demolition, site preparation work, foundation work, and new building framing and finishing. Pile driving, which can cause excessive vibration, is not proposed.

The California Department of Transportation recommends a vibration limit of 0.5 in/sec PPV for buildings structurally sound and designed to modern engineering standards in order to reduce the potential for cosmetic damage to structures. Cosmetic damage includes cracked plaster, the opening of old cracks, and the loosening of paint or the dislodging of loose objects. A vibration limit of 0.3 in/sec PPV has been used for buildings that are found to be structurally sound but where structural damage is a major concern. Groundborne vibration levels exceeding 0.3 in/sec PPV at nearby buildings would have the potential to result in a significant vibration impact because such levels would be capable of cosmetically damaging adjacent buildings.

Because construction would be temporary and the proposed project would comply with the standard conditions listed under Impact NOI-1 above, the project would not result in generation of excessive groundborne vibration or groundborne noise levels. **(Less than Significant Impact)**

Impact NOI-3:	The project would not be located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport. The project would not expose people residing or working in the project area to excessive noise levels. **(Less than Significant Impact)**

As discussed in Section 4.9 Hazards and Hazardous Materials, the project site is located approximately four miles northwest of the San Martin Airport. Due to its distance from the airport, the project is not located within an AIA and lies outside the 55 dBA CNEL noise contours for the San Martin Airport. As a result, the project would not expose people residing or working in the project area to excessive noise levels from aircraft noise. (**Less than Significant Impact)**

4.14 POPULATION AND HOUSING

4.14.1 Environmental Setting

4.14.1.1 *Regulatory Framework*

State

Housing-Element Law

State requirements mandating that housing be included as an element of each jurisdiction's general plan is known as housing-element law. The Regional Housing Needs Allocation (RHNA) is the state-mandated process to identify the total number of housing units (by affordability level) that each jurisdiction must accommodate in its housing element. California housing-element law requires cities to: 1) zone adequate lands to accommodate its RHNA; 2) produce an inventory of sites that can accommodate its share of the RHNA; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and a work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis.[61]

Regional and Local

Plan Bay Area 2040

Plan Bay Area 2040 is a long-range transportation, land-use, and housing plan intended support a growing economy, provide more housing and transportation choices, and reduce transportation-related pollution and GHG emissions in the Bay Area. Plan Bay Area 2040 promotes compact, mixed-use residential and commercial neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).[62]

ABAG allocates regional housing needs to each city and county within the nine-county San Francisco Bay Area, based on statewide goals. ABAG also develops forecasts for population, households, and economic activity in the Bay Area. ABAG, MTC, and local jurisdiction planning staff created the Regional Forecast of Jobs, Population, and Housing, which is an integrated land use and transportation plan through the year 2040 (upon which Plan Bay Area 2040 is based).

Morgan Hill 2035 General Plan

The Morgan Hill 2035 General Plan includes goals, policies, and actions to avoid significant impacts related to population and housing. The following policies are applicable to the proposed project.

[61] California Department of Housing and Community Development. "Regional Housing Needs Allocation and Housing Elements" Accessed June 16, 2021. http://hcd.ca.gov/community-development/housing-element/index.shtml.
[62] Association of Bay Area Governments and Metropolitan Transportation Commission. "Project Mapper." http://projectmapper.planbayarea.org/. Accessed June 16, 2021.

Morgan Hill 2035 General Plan Policies: Population and Housing

Policy	Description
CNF-3.4	**Population Limit.** Plan for a January 1, 2035 population of 58,200 residents.
CNF-3.5	**Rate of Growth.** Maintain steady and predictable annual growth consistent with the population limit.
CNF-3.6	**Adequate Services and Infrastructure.** Allow residential growth only if it is within the ability for the City to provide adequate public services and infrastructure for new development and community at large.

4.14.1.2 *Existing Conditions*

The population of Morgan Hill was estimated to be approximately 46,451 in January of 2022 and the average persons per household was an estimated 2.93.[63, 64] The project site does not contain housing.

4.14.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
2) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

[63] California Department of Finance. *E-1: City/County Population Estimates with Annual Percent Change – January 1, 2018 and 2019*. May 2019. Accessed November 5, 2020. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-1/.

[64] California Department of Finance. *E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2020 with 2010 Census Benchmark. Table 2: E-5 City/County Population and Housing Estimates, 1/1/2020.* May 2020. Accessed November 5, 2020. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/.

Impact POP-1:	The project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure). **(No Impact)**

A project can induce substantial population growth by: 1) proposing new housing beyond projected or planned development levels, 2) generating demand for housing as a result of new businesses, 3) extending roads or other infrastructure to previously undeveloped areas, or 4) removing obstacles to population growth (i.e., expanding capacity of a wastewater treatment plant beyond that necessary to serve planned growth).

The proposed project is the redevelopment of a gas station and retail store and would not introduce new housing or generate new housing demand. The project would include three employees at the proposed gas station and retail store, which is the same as the number of existing employees. The proposed project would not result in the extension of roads or other infrastructure. The project's utility lines would connect to the City's existing utility systems (refer to Section 4.19, Utilities and Service Systems). Therefore, the project would not induce substantial unplanned population growth. **(No Impact)**

Impact POP-2:	The project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. **(No Impact)**

The proposed project is the redevelopment of a gas station and retail store. The project does not propose new housing and would not displace existing housing. Therefore, the project would not displace substantial numbers of existing people or housing. **(No Impact)**

4.15 PUBLIC SERVICES

4.15.1 Environmental Setting

4.15.1.1 *Regulatory Framework*

State

Government Code Section 66477

The Quimby Act (included within Government Code Section 66477) requires local governments to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two.

Government Code Section 65995 through 65998

California Government Code Section 65996 specifies that an acceptable method of offsetting a project's effect on the adequacy of school facilities is the payment of a school impact fee prior to the issuance of a building permit. Government Code Sections 65995 through 65998 set forth provisions for the payment of school impact fees by new development by "mitigating impacts on school facilities that occur (as a result of the planning, use, or development of real property" (Section 65996[a]). The legislation states that the payment of school impact fees "are hereby deemed to provide full and complete school facilities mitigation" under CEQA (Section 65996[b]).

Developers are required to pay a school impact fee to the school district to offset the increased demands on school facilities caused by the proposed residential development project. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

Regional and Local

Countywide Trails Master Plan

The Santa Clara County Trails Master Plan Update is a regional trails plan approved by the Santa Clara County Board of Supervisors. It provides a framework for implementing the County's vision of providing a contiguous trail network that connects cities to one another, cities to the county's regional open space resources, County parks to other County parks, and the northern and southern urbanized regions of the County. The plan identifies regional trail routes, sub-regional trail routes, connector trail routes, and historic trails.

Morgan Hill 2035 General Plan

The Morgan Hill 2035 General Plan includes goals, policies, and actions to avoid significant impacts related to public services. The following policies are applicable to the proposed project.

Morgan Hill 2035 General Plan Policies: Public Services

Policy	Description
SSI-11.2	**Prevention through Design.** Promote police and fire security considerations in all structures by ensuring that crime and fire prevention concepts are considered in development and design.
SSI-12.4	**Maintenance of Emergency Access Routes.** Require that emergency access routes be kept free of traffic impediments.

4.15.1.2 *Existing Conditions*

Fire Protection

The City of Morgan Hill contracts with CAL FIRE for fire and emergency medical services. The City is served by three stations at the following locations: 1) El Toro Fire Station, located at 18300 Old Monterey Road (approximately 1.1 miles north of the project site), 2) Dunne Hill Fire Station, located at 2100 East Dunne Avenue (approximately 2.0 miles southeast of the project site), and 3) 15670 Monterey Street (approximately 2.8 miles south of the project site). The City has not adopted response time standards or goals related to fire suppression. In general, more than 90 percent of the calls handled by CalFire within Morgan Hill result in a travel time of six minutes or less.[65] Based on estimated driving times provided by Google Maps, the project site is located within seven minutes driving distance of the 18300 Old Monterey Road Fire Station.

Police Protection

Police service is provided to the project site by the City of Morgan Hill Police Department (MHPD). The MHPD facility is located at 16200 Vineyard Boulevard, approximately 0.7 mile south of the project site. The department employs 42 sworn officers. The Police Department's goal is to respond to Priority One calls within five minutes and Priority Two calls within eight minutes.[66] Priority One calls are reports of a crime in progress or where an injury has occurred, and Priority Two calls are reports of felonies and other major calls.

Schools

The project site is located within the Morgan Hill Unified School District (MHUSD). The MHUSD has eight elementary schools, two middle schools, two comprehensive high schools, one continuation high school, and a community adult school, as well as a home-schooling program. The project site is located within the enrollment areas of Barrett Elementary School (located one mile east of the site),

[65] Center for Public Safety Management. Fire Operational and Administrative Analysis: Morgan Hill Fire Dept. and South Santa Clara County Fire District, California. Final Report. January 2017.
[66] Morgan Hill Police Department. "2021 Annual Report." https://www.morgan-hill.ca.gov/ArchiveCenter/ViewFile/Item/1798.

Murphy Middle School (located 10 miles north of the site), and Sobrato High School (located four miles north of the site).[67]

Parks

The City owns 70 acres of developed park land (including the Civic Center, assessment district parks and city owned trails) and 59 acres of recreation facilities. Included within this inventory, the City maintains two community parks, five neighborhood parks, two neighborhood/school parks, and 15 mini-parks, in addition to its public trail system and open space. In addition to publicly owned park land, there is also a significant amount of recreational land and open space in the City that is privately owned and maintained.

The City also owns and operates special use facilities for recreational purposes. These facilities include the Morgan Hill Aquatics Center, Community and Cultural Center, the Centennial Recreation Center, the 38-acre Outdoor Sports Center, and Skateboard/BMX park. Many sports leagues and teams use Morgan Hill School District facilities after school hours and on weekends. These facilities include 12 baseball/softball fields, two football fields, two tracks, and four swimming pools.

The General Plan includes policies that support the City's park land and recreational goal to provide useful, accessible, and high-quality parks, recreation, and trail facilities. To achieve this goal, the City has adopted General Plan Policies and a park land dedication/park land in-lieu fee ordinance (Municipal Code Chapter 17.28) that requires park land dedication or in-lieu fees for residential developments.

In accordance with General Plan Policies HC-3.3 and HC-3.29, park land dedication or in-lieu fees are required by new developments to meet the recreation and open space needs of residents in Morgan Hill. The nearest parks and recreational facilities to the site include the Madrone Channel Trail, approximately 0.2 mile west of the site (and 125 feet east of US 101), Coyote Creek Trail (a regional trail, approximately one mile northeast of the site), and Diana Park, located on 555 Diana Avenue, approximately one mile southwest of the site. The Madrone Channel and Coyote Creek Trails are pedestrian and bicycle trails. Diana Park includes open lawn and children's play areas.

Libraries

The Morgan Hill Library is a member of the Santa Clara County Library District. The Santa Clara County Library District (SCCLD) governs and administers seven community libraries, one branch library, two bookmobiles, the Home Service Library, and the 24-7 online library for all library users. The SCCLD serves all unincorporated communities of Santa Clara County, as well as nine Santa Clara County cities, including Campbell, Cupertino, Gilroy, Los Altos, Los Altos Hills, Milpitas, Monte Sereno, Morgan Hill, and Saratoga. As one of the SCCLD's member cities, Morgan Hill has a community library located on 680 West Main Avenue, approximately two miles northwest of the project site.

[67] Morgan Hill Unified School District. *Find your school.* Accessed May 12, 2022. https://www.mhusd.org/about/find-your-school.

4.15.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
1) Fire Protection?	☐	☐	☒	☐
2) Police Protection?	☐	☐	☒	☐
3) Schools?	☐	☐	☐	☒
4) Parks?	☐	☐	☐	☒
5) Other Public Facilities?	☐	☐	☐	☒

Impact PS-1:	The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection services. **(Less than Significant Impact)**

The proposed project is a redevelopment of the existing gas station and retail/convenience store. The project would increase the number of pump stations from four to six and the number of gas dispensers from eight to 12. The incremental increase in persons that would be served by the gas station and retail store would not affect the response time goals for fire protection services. The development would be reviewed by Morgan Hill Fire Department/CalFIRE to ensure appropriate safety features to reduce fire hazards are included in the project. Given that the proposed project is located at a site and area that is currently served by Morgan Hill Fire Department/CalFIRE, the proposed gas station and retail store would not substantially increase the demand for fire protection, or otherwise require construction or expansion of fire facilities. **(Less than Significant Impact)**

Impact PS-2:	The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police protection services. **(Less than Significant Impact)**

The existing gas station and retail store is served by the Morgan Hill Police Department. The project proposes a new gas station that would result in no net new employees. The incremental increase in persons that would be served by the gas station and retail store would not substantially increase the demand for police services. For the proposed project, the Morgan Hill Police Department will review the development plans to ensure safety features, such as appropriate lighting, to reduce the risk of criminal activity are incorporated into the project design. Given that the proposed project is located at a site and area that is currently served by Morgan Hill Police Department, the proposed gas station and retail store would not substantially increase the demand for fire protection, or otherwise require construction or expansion of police facilities. **(Less than Significant Impact)**

Impact PS-3:	The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for schools. **(No Impact)**

The proposed project would redevelop the site with a new gas station and retail store and would not increase the resident population of Morgan Hill. The development of the project site would not result in a demand for schools or require the expansion of school facilities. Therefore, the proposed project would not increase the need for new or physically altered schools. **(No Impact)**

Impact PS-4:	The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for parks. **(No Impact)**

The proposed project is a gas station and retail project would not result in a net increase in employees or an increase in the resident population of Morgan Hill. The development of the project site would not result in an increase in demand for parks or require the expansion of park facilities. Therefore, the proposed project would not increase the need for new or physically altered park facilities. **(No Impact)**

Impact PS-5:	The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for other public facilities. **(No Impact)**

The proposed project would not increase the resident population of Morgan Hill. The development of the project site would not result in a demand for library services or require the expansion of library facilities. Therefore, the proposed project would not increase the need for new or physically altered library facilities. **(No Impact)**

4.16 RECREATION

4.16.1 Environmental Setting

4.16.1.1 *Regulatory Framework*

State

Government Code Section 66477

The Quimby Act (included within Government Code Section 66477) requires local governments to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two.

4.16.1.2 *Existing Conditions*

The City owns 70 acres of developed park land and 59 acres of recreation facilities. The City maintains two community parks, five neighborhood parks, two neighborhood/school parks, and 15 mini-parks, in addition to its public trail system and open space. In addition to publicly owned park land, there is also a substantial amount of recreational land and open space in the City that is privately owned and maintained. The nearest park to the project site is the Morgan Hill Community Park, located approximately 1,600 feet southwest of the site.

The City also owns and operates special use facilities for recreational purposes. These facilities include the Morgan Hill Aquatics Center, Community and Cultural Center, the Centennial Recreation Center, the 38-acre Outdoor Sports Center, and Skateboard/BMX park. Many sports leagues and teams use Morgan Hill School District facilities after school hours and on weekends. These facilities include 12 baseball/softball fields, two football fields, two tracks, and four swimming pools. There is no recreational land on site.

4.16.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
1) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
2) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Impact REC-1:	The project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. **(No Impact)**

The proposed project is a gas station and retail project would not result in a net increase in employees or an increase in the resident population of Morgan Hill. Therefore, the project would not increase the use of existing neighborhood parks, regional parks, or other recreational facilities that would result in the physical deterioration of these facilities. **(No Impact)**

Impact REC-2:	The project does not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. **(No Impact)**

The proposed gas station and retail store project would not include recreational facilities, nor would it require the construction or expansion of recreational facilities. Therefore, the project would have no impact on new or expanded recreational facilities that would result in a physical effect on the environment. **(No Impact)**

4.17 TRANSPORTATION

The following discussion is based, in part, on a VMT Assessment and a Trip Generation and Operations Analysis, prepared by Hexagon Traffic Consultants on June 4, 2021 and December 5, 2022, respectively. Both reports are attached as Appendix F.

4.17.1 Environmental Setting

4.17.1.1 *Regulatory Framework*

State

Regional Transportation Plan

MTC is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2040 in July 2017, which includes a Regional Transportation Plan to guide regional transportation investment for revenues from federal, state, regional and local sources through 2040.

Senate Bill 743

SB 743 establishes criteria for determining the significance of transportation impacts using a vehicle miles traveled (VMT) metric intended to promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. Specifically, SB 743 requires analysis of VMT in determining the significance of transportation impacts. Local jurisdictions were required by Governor's Office of Planning and Research (OPR) to implement a VMT policy by July 1, 2020.

SB 743 did not authorize OPR to set specific VMT impact thresholds, but it did direct OPR to develop guidelines for jurisdictions to utilize. CEQA Guidelines Section 15064.3(b)(1) describes factors that might indicate whether a development project's VMT may be significant. Notably, projects located within 0.50 mile of transit should be considered to have a less than significant transportation impact based on OPR guidance.

Regional and Local

Congestion Management Program

VTA oversees the Congestion Management Program (CMP), which is aimed at reducing regional traffic congestion. The relevant state legislation requires that urbanized counties in California prepare a CMP in order to obtain each county's share of gas tax revenues. State legislation requires that each CMP define traffic LOS standards, transit service standards, a trip reduction and transportation demand management plan, a land use impact analysis program, and a capital

improvement element. VTA has review responsibility for proposed development projects that are expected to affect CMP-designated intersections.

Morgan Hill 2035 General Plan

The Morgan Hill 2035 General Plan includes goals, policies, and actions to avoid significant impacts related to transportation. The following policies are applicable to the proposed project.

Morgan Hill 2035 General Plan Policies: Transportation

Policy	Description
TR-3.2	**Safe and Complete Improvements.** Avoid creating incomplete public improvements that create public safety hazards.
TR-3.4	**Level of Service Standards.** As the Level of Service (LOS) policy and design criteria for roadway improvements, use a Tiered LOS Standard as follows: • LOS F in the Downtown at Main/Monterey, along Monterey Road between Main and Fifth Street, and along Depot Street at First through Fifth Streets. This LOS standard in the Downtown recognizes the unique nature of and goals for Downtown Morgan Hill as the transit hub of the City and as a center for shopping, business, entertainment, civic and cultural events, and higher-density, mixed-use living opportunities. This standard does not preclude the City, developers, and property owners from voluntarily implementing improvements and employing operational strategies to improve level of service, especially at the Main/Monterey intersection, if and when land uses redevelop. • LOS D for intersections and segments elsewhere; except: o Allow LOS E for identified freeway ramps/zones, road segments and intersections that (1) provide a transition to and are located on the periphery of downtown; (2) are freeway zone intersections; and/or (3) where achieving LOS D could result in interim intersection improvements which would be "over-built" once the City's circulation network has been completed, and/or would involve unacceptable impacts on existing buildings or existing or planned transportation facilities, including roads, sidewalks, bicycle and transit facilities; and/or would involve extraordinary costs to acquire land and existing buildings, and build the improvement in relation to benefits achieved; and/or the facility would be widened beyond requirements to serve local traffic, in that the facility accommodates a significant component of peak-hour sub-regional and regional through-traffic. • In order to reduce the incentive for regional travel to be drawn off the freeway and onto local neighborhood streets, protect neighborhoods, avoid overbuilding intersections, and to create an incentive for using alternate modes of travel, LOS E during peak hours of travel is acceptable for the following identified freeway ramps, road segments, and intersections: o Main Avenue and Del Monte Avenue o Main Avenue and Depot Street o Dunne Avenue and Del Monte Avenue o Dunne Avenue and Monterey Avenue

Morgan Hill 2035 General Plan Policies: Transportation

Policy	Description
	○ Dunne Avenue and Church Street; also, until closed: Dunne Avenue and Depot Street ○ Cochrane Road and Monterey Road ○ Tennant Avenue and Monterey Road ○ Tennant Avenue and Butterfield Boulevard ○ Cochrane Road Freeway Zone: from ○ Madrone Parkway/Cochrane Plaza to ○ Cochrane/DePaul Drive ○ Dunne Avenue Freeway Zone: from Walnut ○ Grove/East Dunne to Condit/East Dunne ○ Tennant Avenue Freeway Zone: from ○ Butterfield/Tennant to Condit/Tennant ○ Freeway Ramps Projects shall pay the City's standard traffic impact fees imposed on new developments in accordance with the adopted impact fee schedule.
TR-9.10	**Sidewalk Connectivity.** Improve sidewalk connectivity by installing new sidewalks where they do not exist, consistent with the Trails and Natural Resources Master Plan.

4.17.1.2 *Existing Conditions*

Roadway Network

Regional Access

US 101 is a north-south freeway extending northward to San Francisco and southward through Gilroy. US 101 is an eight-lane freeway (consisting of three mixed-flow lanes and one high-occupancy vehicle (HOV) lane in each direction) north of Cochrane Road. South of Cochrane Road, it is a six-lane freeway with no HOV lanes. Access to and from the project site is provided via its interchanges at Dunne Avenue and Tennant Avenue.

Local Access

Monterey Road is classified in the City of Morgan Hill General Plan as a four-lane major arterial that runs directly through Morgan Hill. It extends from Market Street, in downtown San Jose, to US 101 south of the City of Gilroy. Monterey Road has a posted speed limit of 35 miles per hour (mph) in the vicinity of the project site.

Existing Bicycle, Pedestrian and Transit Facilities

The project site is served by VTA bus routes that run along Monterey Road. Frequent Route 68 (Gilroy Transit Center to San José Diridon Transit Center) serves bus stops at the intersection of Monterey Avenue and Spring Avenue, located approximately 400 feet northwest from the site.

There are continuous sidewalks along most roadways and crosswalks provided at signalized intersections within the vicinity of the project site. A future crosswalk is planned to be installed across the Monterey Road/San Pedro Avenue intersection. Additionally, sidewalks along eastbound San Pedro Avenue between Monterey Road and Church Street are planned to be constructed.

There are bike lanes located on Monterey Road, Tennant Avenue, Butterfield Boulevard, and Dunne Avenue. A trailhead providing access to the West Little Llagas Creek Trail is located approximately 400 feet west of the site. The trail runs southward between Spring Avenue and La Cross Drive, parallel with Monterey Road.

4.17.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, 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 uses (e.g., farm equipment)?	☐	☐	☒	☐
4) Result in inadequate emergency access?	☐	☐	☒	☐

Impact TRN-1:	The project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities. **(Less than Significant Impact)**

The project is consistent with the policies of the City's General Plan to improve sidewalk connectivity and expand pedestrian opportunities. The City's Bikeways, Trails, Parks and Recreation Master Plan, adopted in July 2017, establishes goals, policies, and actions to facilitate bicycling and designates bicycle lanes along many City streets. The project's consistency with these plans and the is described below.

Transit Facilities

As discussed in Section 4.17.1.2 Existing Conditions, the project site is served by VTA bus routes that run along Monterey Road. Frequent Route 68 serves bus stops at the intersection of Monterey Avenue and Spring Avenue, located approximately 400 feet from the project site. Given the project would not result in a net increase in employees, the project would not result in an increase in demand on transit facilities. The project does not propose to remove or result in a physical effect on

transit facilities (such as a bus stop). Therefore, the project would not conflict with programs or policies addressing transit facilities. **(Less than Significant Impact)**

Bicycle Facilities

As discussed in Section 4.17.1.2 Existing Conditions, there are bicycle lanes in the vicinity of the project site, located on Monterey Road, Tennant Avenue, Butterfield Boulevard, and Dunne Avenue. A trailhead providing access to West Little Llagas Creek Trail is located approximately 400 feet west of the project site. The proposed project would not generate new bicycle trips and would not conflict with programs or policies addressing bicycle facilities. **(Less than Significant Impact)**

Pedestrian Facilities

As discussed in Section 4.17.1.2 Existing Conditions, there are continuous sidewalks along most roadways and crosswalks provided at signalized intersections in the vicinity of the project site. Based on the General Plan, a future crosswalk is planned to be installed across the Monterey Road/San Pedro Avenue intersection. Additionally, sidewalks along eastbound San Pedro Avenue between Monterey Road and Church Street are planned to be constructed. The project proposes to replace the existing sidewalk along the Monterey Road and San Pedro Avenue with new sidewalks. The project would not conflict with programs or policies addressing pedestrian facilities. **(Less than Significant Impact)**

Impact TRN-2:	The project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). **(Less than Significant Impact)**

This assessment relies on the California Office of Planning and Research (OPR) guidelines in analyzing the project's effects on vehicle miles traveled (VMT). The number and origination/ destination of daily trips and resulting VMT generated by the proposed gas station would be similar to that of local-serving retail since the gas station will be centrally located within the City and not adjacent to a major regional freeway. For the purpose of the VMT assessment, the uses proposed by the project were converted to equivalent amount of retail/commercial use, since the OPR screening criteria does not include a specific land use category for proposed gas station uses. The use is already present on the site, and the purpose of the project is to increase the amount of retail space and provide additional pump stations and gas dispensers to serve additional customers.

OPR guidelines state that future local-serving retail developments less than 50,000 square feet (s.f.) may be assumed to cause a less than significant impact on VMT. The results of the conversion indicate that the proposed gas station and retail store would generate net new daily trips equivalent to that of an approximately 7,578 square foot retail development. If no credit for the existing gas station use on site were applied, the proposed gas station would generate daily trips equivalent to that of an approximately 28,715 square foot retail development. Since the daily trips and resulting VMT estimated to be generated by the proposed project would be equivalent to that generated by retail uses of less than 50,000 square feet in size, the project is considered to be a

local-serving facility. Therefore, the project's VMT impacts would be less than significant, and the project would not conflict with CEQA Guidelines Section 15064.3(b). **(Less than Significant Impact)**

Impact TRN-3:	The project would not substantially increase hazards due to a design feature or incompatible use. **(Less than Significant Impact)**

The proposed project would be designed in accordance with the City of Morgan Hill design standards. The project design does not include sharp curves or dangerous intersections that could result in safety hazards, or does the project propose incompatible uses, such as farm equipment. The project will shorten the width of the driveway on Monterey Road, which will serve to reduce the potential for conflicts between cars entering and exiting the site as there will be fewer opportunities for car to enter and leave the site. During the architectural and site plan review, the project's design will be reviewed to ensure that all applicable design standards are met. For these reasons, the project would not substantially increase hazards due to a design feature or incompatible use. **(Less than Significant Impact)**

Impact TRN-4:	The project would not result in inadequate emergency access. **(Less than Significant Impact)**

The project proposes a new 32-foot-wide driveway on Monterey Road and the existing 32-foot wide driveway on San Pedro Avenue would remain. Emergency vehicles would access the site via these driveways. The driveway widths would comply with the City of Morgan Hill's Design Standards, which specify a minimum driveway width of 20 feet for emergency vehicle access. Therefore, the project would not result in inadequate emergency access. **(Less than Significant Impact)**

4.17.3 Non-CEQA Effects

While the evaluation of project CEQA impacts on the transportation system is based on vehicle miles traveled (VMT), the following discussion is included for informational purposes in accordance with the City's Level of Service General Plan Policy TR-3.4. The physical roadway improvements discussed below are physical changes to the environment, related to the project, that are also discussed where relevant in this IS for their potential to result in impacts.

4.17.3.1 *Project Trip Generation*

Trip generation estimates are based on trip generation rates from the Institute of Transportation Engineers' (ITE's) Trip Generation Manual, 10th Edition. Based on the trip generation rates and the project size, it is estimated the proposed gas station would generate 150 new vehicle trips during the AM peak hour and 168 vehicle trips during the PM peak hour, prior to any trip reductions. Trip generation for gas stations are typically adjusted to account for pass-by trips. Pass-by trips are trips that are already accounted for in the existing traffic but would turn into the site while passing by. The pass-by trip reduction is applied because gas station traffic is not generated by the gas station but is already part of ambient traffic levels. Pass-by trips are therefore excluded from the traffic projections to yield net new project trips. However, at intersections providing direct access to the

site (i.e., project driveways), all project-generated traffic is included, including pass-by reductions. Total estimated project trips are shown in Table 4.17-1 below.

Table 4.17-1: Trip Generation Summary

Land Use[1]	Size	Daily	AM Peak Hour Trips			PM Peak Hour Trips		
		Trip	In	Out	Total	In	Out	Total
Proposed Land Use								
Gasoline/Service Station with Convenience Market	12 fueling positions	2,464	77	73	150	86	82	168
Pass-by Reduction[2]		-1,380	-48	-45	-93	-48	-46	-94
Sub-Total		1,084	29	28	57	23	36	74
Existing Land Use Credit								
Gasoline/Service Station	8 fueling positions	-1,386	-41	-41	-82	-57	-56	-113
Pass-by Reduction[2]		578	24	24	48	24	24	48
Sub-Total		-798	-17	-17	-34	-33	-32	-65
Total Project Trips		**286**	**12**	**11**	**23**	**5**	**4**	**9**

[1] Source: ITE Trip Generation Manual, 10th Edition. 2017.

[2] AM and PM Peak-hour pass-by reduction rates obtained from ITE Trip Generation Handbook, 3rd Edition. Daily peak-hour pass-by reductions are assumed to be the same as their PM peak-hour pass-by rate.

4.17.3.2 *Intersection Level of Service Analysis*

Based on the VTA's Congestion Management Program Guidelines and the City's traffic impact analysis (TIA) Guidelines, preparation of a comprehensive TIA for a particular development is based on its estimated trip generation and its effects on surrounding transportation facilities. Based on the City's TIA Guidelines, the City requires the completion of a comprehensive TIA if the following criteria are met:

- Project generates 100 or more net new peak hour trips,(projects located in the 14-block Downtown Core area are exempt from this requirement).

- Project adds 50 to 99 net new peak hour trips to the roadway systems where nearby intersections are currently operating at or below the City's LOS standard, or projected to operate at or below the City's LOS standard with traffic added by approved developments (projects located in the 14-block Downtown Core area are exempt from this requirement).

- Creates a transportation issue that City staff request to have analyzed.

The proposed project would result in the addition of 23 net new AM peak-hour trips and 9 net new PM peak-hour trips to the roadway system under existing plus project conditions. Therefore, a comprehensive TIA is not required. However, a trip generation and operations analysis was prepared for the project.

Traffic conditions at the Monterey Road/Spring Avenue and Monterey Road/San Pedro Avenue intersections were analyzed for weekday AM and PM peak hours. Other intersections in the project area were not studied because the project would have minimal (less than 10) peak hour trips.

Signalized Intersection Analysis

Signalized study intersections are subject to the City of Morgan Hill's LOS standards. The City's LOS methodology is TRAFFIX, which evaluates signalized intersections operations based on average delay time for all vehicles at the intersection. All intersections within the City of Morgan Hill are required to meet the City's LOS standard of LOS D, except the following:

- LOS F for Downtown intersections and segments including at Main/Monterey, along Monterey Road between Main and Fifth Street, and along Depot at First through Fifth Street;
- LOS E for the following intersections and freeway zones:

    - Main Avenue and Del Monte Avenue
    - Main Avenue and Depot Street
    - Dunne Avenue and Del Monte Avenue
    - Dunne Avenue and Monterey Avenue
    - Dunne Avenue and Church Street
    - Dunne Avenue and Depot Street
    - Cochrane Road and Monterey Road
    - Tennant Avenue and Monterey Road
    - Tennant Avenue and Butterfield Boulevard
    - Cochrane Road Freeway Zone: from Madrone Parkway/Cochrane Plaza to Cochrane Road/DePaul Drive
    - Dunne Avenue Freeway Zone: from Walnut Grove Drive/East Dunne Avenue to Condit Road/East Dunne Avenue
    - Tennant Avenue Freeway Zone: from Butterfield Boulevard/Tennant Avenue to Condit Road/Tennant Avenue

According to the City of Morgan Hill LOS guidelines, a development is said to create an adverse impact on traffic conditions at a signalized intersection for either peak hour, if 1) the LOS at the intersection degrades from an acceptable level (LOS D or LOS E) under no project conditions to an unacceptable level (LOS E or LOS F) under project conditions, or 2) the LOS at the intersection is an unacceptable level (LOS E or F) under no project conditions and the addition of project trips causes the average critical delay to increase by four or more seconds and the volume-to-capacity ratio (V/C) to increase by 0.01.

Unsignalized Intersections

Signal Warrants

The LOS analysis at unsignalized intersections is supplemented with an assessment of the need for signalization of the intersection. The need for signalization of unsignalized intersections is assessed based on the Peak Hour Volume Warrant (Warrant 3) described in the California Manual on Uniform Traffic Control Devices for Streets and Highways, Part 4, Highway Traffic Signals, 2014. This method provides an indication whether vehicular peak hour traffic are, or would be, sufficient to justify installation of a traffic signal.

LOS Results

The results of the LOS analysis show that under existing conditions, the intersection of Monterey Road and San Pedro Avenue currently operates at a LOS F during the PM peak hour, which is below the City standard. The addition of project traffic would increase delays by 64.6 seconds during the PM peak hour and would degrade AM peak hour operations to an unacceptable LOS E. Since the Monterey Road and San Pedro Avenue is a one-way-stop-controlled unsignalized intersection, the approach to the reported delay is the worst-case approach delay (and not the average delay that is used for signalized and all-way stop controlled intersections). At this intersection, San Pedro Avenue is considered the worst-case approach. The addition of a single trip to the worst-case approach can result in a disproportional increase in reported delay. This 64.6 second delay accounts for trips generated by the project and does not include the pass-by trips shown in Table 4.17-1.[68]

However, there is a planned improvement to construct a raised median along Monterey Road that would restrict left-turns out of San Pedro Avenue to southbound Monterey Avenue which would address the adverse operational effects that would result from the delays at this intersection. The approved Senior Housing development at 16685 Church Street is conditioned to implement this improvement during construction. With this intersection improvement in place, the Monterey Road and San Pedro Avenue intersection would operate at an acceptable level of service under Year 2025 cumulative conditions. The improvement would occur within an existing right-of-way and would not result in significant environmental impacts (e.g., such as removal or a sidewalk, bicycle lane, or significant number of trees).

Furthermore, the results of the LOS analysis show that the intersection of Monterey Road and Spring Avenue currently operates and is projected to continue operating at an acceptable LOS B or better under Year 2025 cumulative conditions. The addition of project traffic would not result in the degradation of the study intersection's LOS during AM and PM peak hours. Therefore, the proposed project would not have an adverse effect on operations at the Monterey Road and Spring Avenue intersection and would not require physical improvements. Results of the LOS analysis are shown in Table 4.17-2 below.

[68] Del Rio, Robert. Principal, Hexagon Transportation Consultants. Personal Communication. August 30, 2022.

Table 4.17-2: Intersection Level of Service Summary															
Intersection	**LOS Stan-dard**	**Peak Hr.**	**Existing**			**Existing Plus Project**						**Year 2025 Cumulative**		**Year 2025 Cumulative with Project**			
			Warrant Met?	**Delay**	**LOS**	**Warrant Met?**	**Delay**	**LOS**	**Inc. in Critical Delay**	**Inc. in Critical V/C**		**Delay**	**LOS**	**Delay**	**LOS**	**Inc. in Critical Delay**	**Inc. in Critical V/C**
Monterey Road and Spring Avenue (Signal)	D	AM	--	5.1	A	--	5.2	A	0.1	0.002		4.7	A	4.7	A	0.1	0.002
		PM	--	11.3	B	--	11.4	B	0.0	0.002		12.0	B	12.1	B	0.0	0.001
Monterey Road and San Pedro Avenue (OWSC[1])	D	AM	No	26.7	D	No	**37.3**	**E**	**N/A**	**N/A**		14.3	B	14.5	B	N/A	N/A
		PM	**Yes**	**71.1**	**F**	**Yes**	**135.7**	**F**	**N/A**	**N/A**		15.3	C	15.3	C	N/A	N/A

1 OWSC = One-Way Stop-Controlled

2 The reported delay and corresponding LOS for signalized intersections represent the average delay for all approaches at the intersection. The reported delay and corresponding LOS for one- and two-way stop-controlled intersections are based on the stop-controlled approach with the highest delay.

Bold indicates unacceptable LOS or signal warrant met. Bold and boxed indicate significant impact.

4.18 TRIBAL CULTURAL RESOURCES

4.18.1 Environmental Setting

4.18.1.1 *Regulatory Framework*

State

Assembly Bill 52

AB 52, effective July 2015, established a new category of resources for consideration by public agencies called Tribal Cultural Resources (TCRs). AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a tribal cultural resource, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a TCR or until it is concluded that mutual agreement cannot be reached.

Under AB 52, TCRs are defined as follows:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either:
    - Included or determined to be eligible for inclusion in the California Register of Historic Resources, or
    - Included in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).
- A resource determined by the lead agency to be a TCR.

4.18.1.2 *Existing Conditions*

The City of Morgan Hill prepared and emailed a notification letter to the Tamien Nation tribe on August 23, 2021, pursuant with AB 52 requirements. Tamien Nation responded with a request for formal consultation in a response dated September 16, 2021. Tamien Nation requested the proposed project include standard conditions to reduce potential impacts to tribal cultural resources. The consultation process was concluded in October 2021.

4.18.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?	☐	☐	☒	☐
2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☒	☐

Impact TCR-1:	The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). **(Less than Significant Impact)**

Based on consultation with Native American individuals/groups, including Tamien Nation, regarding development at the site, no known tribal cultural resources are present on-site or adjacent to the site. As a result of Tamien Nation's and the City's consultation, the tribe requested that the City include measures for reducing impacts to archaeological/tribal cultural resources, including human remains, during construction. These measures included requiring a tribal monitor on-site during ground disturbance and are presented in Section 4.5.2 Cultural Resources (standard permit conditions listed under Impact CUL-1). For this reason, the project would not cause an adverse change in the significance of tribal cultural resources. In the event that any tribal cultural resources are unexpectedly unearthed during construction, the standard permit conditions listed under Impact CUL-1 (if the resource is human remains) would be implemented. Implementation of the above mitigation measure would reduce the project's impact to tribal cultural resources to less than significant. **(Less than Significant Impact)**

Impact TCR-2:	The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. **(Less than Significant Impact)**

As discussed in Impact TCR-1, there are no known tribal cultural resources on-site; however, if any subsurface tribal cultural resources are unexpectedly found, the project would implement the standard permit conditions listed under Impact CUL-1. Therefore, the project would not cause a substantial adverse change in the significance of a tribal cultural resource. **(Less than Significant Impact)**

4.19 UTILITIES AND SERVICE SYSTEMS

The following discussion is based, in part, on a Stormwater Control Plan prepared for the project by RAMCAM Engineering Group, Inc. on September 1, 2020. This report is attached as Appendix G.

4.19.1 Environmental Setting

4.19.1.1 *Regulatory Framework*

State

State Water Code

Pursuant to the State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. The City of Morgan Hill adopted its most recent UWMP in October 2021.

Assembly Bill 939

The California Integrated Waste Management Act of 1989, or AB 939, established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of solid waste generated (from 1990 levels), beginning January 1, 2000, and divert at least 75 percent by 2010. Projects that would have an adverse effect on waste diversion goals are required to include waste diversion mitigation measures.

Assembly Bill 341

AB 341 sets forth the requirements of the statewide mandatory commercial recycling program. Businesses that generate four or more cubic yards of garbage per week and multi-family dwellings with five or more units in California are required to recycle. AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.

Senate Bill 1383

SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that at least 20 percent of currently disposed edible food is recovered for human consumption by 2025.

California Green Building Standards Code

In January 2010, the State of California adopted the California Green Building Standards Code, establishing mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and indoor environmental quality. These standards include the following mandatory set of measures, as well as more rigorous voluntary guidelines, for new construction projects to achieve specific green building performance levels:

Reducing indoor water use by 20 percent;

Reducing wastewater by 20 percent;

Recycling and/or salvaging 50 percent of nonhazardous construction and demolition debris; and

Providing readily accessible areas for recycling by occupants.

Local

Morgan Hill 2035 General Plan

The Morgan Hill 2035 General Plan includes goals, policies, and actions to avoid significant impacts related to transportation. The following policies are applicable to the proposed project.

Morgan Hill 2035 General Plan Policies: Utilities and Service Systems

Policy	Description
SSI-14.5	**Water Supply.** Routinely evaluate the impact of new development proposals in Morgan Hill and require appropriate measures (fees, water supply assessments, etc.) to ensure long-term water supplies are available.
SSI-14.8	**Sufficient Supply.** Ensure that new development does not exceed the water supply.
SSI-16.2	**Drainage System Capacity.** Ensure that the level of detention or retention provided on the site of any new development is compatible with the capacity of the regional storm drainage system.

4.19.1.2 *Existing Conditions*

Water Service

The City of Morgan Hill provides potable water service to its residential, commercial, industrial, and institutional customers within the City limits. The City's water system facilities include 17 groundwater wells, 12 potable water storage tanks, 10 booster stations, and over 180 miles of pressured pipes ranging from two to 14 inches in diameter. The City's water distribution system meets the needs of existing customers. In anticipation of future growth, the City has planned and constructed water projects in conjunction with new street construction.

The City relies on groundwater as its sole source of supply. The City relies on water imports from the State Water Project and the federal Central Valley Project for the purpose of groundwater recharge of the sub-basins that supply water to the City (Coyote Valley sub-area of the Santa Clara

sub-basin and the Llagas sub-basin). The City's 2020 UWMP (adopted in 2021) determined that there is sufficient supply to meet water demands within the service area through 2045.[69] The UWMP identified potential shortages which may occur during prolonged years of drought; however, upon implementation of water shortage contingency actions, these shortages can be mitigated in dry-year and multiple dry-year scenarios.

Under existing conditions, the gas station uses approximately 115 gallons per day (gpd) for indoor use and 70 gpd for outdoor use, for a total of 185 gpd.[70]

Wastewater

The City of Morgan Hill's sewer collection system consists of approximately 160 miles of four-inch through 30-inch diameter sewers, three miles of force mains, and 14 sewage lift stations. The "backbone" of the system consists of the trunk sewers, generally 12-inches in diameter and larger, that convey the collected wastewater flows south to the South County Regional Wastewater Authority (SCRWA) Wastewater Treatment Plant.[71,72] The treatment plant provides service to the cities of Morgan Hill and Gilroy. The treatment plant has capacity to treat an average dry weather flow (ADWF) of 8.5 million gallons per day (mgd) and is currently permitted by the Central Coast RWQCB to treat up to 8.5 mgd.[73] Currently, Morgan Hill is allocated 42 percent of the treatment plant's 8.5 mgd capacity, amounting to 3.6 mgd. In 2016, the ADFW in the City was 2.8 mgd, leaving approximately 0.8 mgd of allowable growth within the City's General Plan before capacity at the plant is reached.[74] Existing sewer utilities in the project area consist of 10-inch lines along Monterey Road.[75] The existing site generates approximately 92 gallons of water per day.[76]

The SCRWA estimated in 2017 that the Wastewater Treatment Plant (WWTP) will reach capacity in 2025. The SCRWA is currently undergoing a WWTP Facility Expansion Project that will expand the existing WWTP capacity from 8.5 mgd to 11 mgd.[77] The project is estimated for completion by 2024. Project-level CEQA review for the project was completed by SCRWA in August 2020.

[69] City of Morgan Hill. *2020 Urban Water Management Plan.* October 2021. Page 7-4.
[70] Illingworth & Rodkin, Inc. *World Oil Gas Station Air Quality Report.* August 11, 2021.
[71] City of Morgan Hill. *Sewer System Master Plan.* October 2017.
[72] City of Morgan Hill. *City Council State Report 2163: Accept Report Regarding Wastewater System Needs and Rate Study Schedule*. May 18, 2019.
[73] Santa Clara Valley Water District. *US Bureau of Reclamation WaterSMART Title XVI Water Reclamation and Reuse Program Funding FY 2017, FOA BOR-DO-17-F002. South Santa Clara County Recycled Water Project (Phases 1B and 2A)*. December 15, 2016. Accessed April 19, 2021. https://www.usbr.gov/watersmart/title/docs/applications/authorized/2017/F002-007santaclara.pdf
[74] City of Morgan Hill. *Sewer System Management Plan.* Page 53. February 2018.
[75] City of Morgan Hill. *Sewer System Master Plan.* Figure ES.3. October 2017.
[76] The wastewater generation is based on the assumption that it is equivalent to approximately 80 percent of indoor water use.
[77] City of Gilroy. South County Regional Wastewater Authority (SCRWA). Accessed April 23, 2021. http://www.ci.gilroy.ca.us/561/South-County-Regional-Wastewater-Authori

Storm Drainage

The City of Morgan Hill is divided into several hydrologically distinct drainage areas. Each drainage area has a system of curb and gutter facilities, inlets, conveyance facilities, pumps, and detention basins to collect and dispose of runoff. The stormwater runoff from these areas is ultimately discharged into creeks that flow through the City and are tributary to either Monterey Bay or San Francisco Bay. The drainage areas include Coyote Creek, Fisher Creek, Tennant Creek, Madrone Channel, Butterfield Channel, West Little Llagas Creek, and Llagas Creek. The project site is located in the Little Llagas Creek drainage basin, which eventually discharges to Monterey Bay.

Solid Waste

Recology South Valley provides solid waste and recycling services to the residents and businesses of the City. The City is contracted with Waste Solutions Group of San Benito, LLC. Effective March 2022, the City's waste is hauled to Kirby Canyon landfill in San José or the Monterey Peninsula landfill in Marina. There is a negligible amount of solid waste currently generated at the project site. The existing gas station generates approximately 0.004 tons of solid waste per day.[78]

Other Utilities

The community-owned SVCE is the electricity provider for the City of Morgan Hill.[79] SVCE sources the electricity, and PG&E delivers it to customers over their existing utility lines. PG&E provides natural gas services within Morgan Hill. The existing gas station is connected to existing utility lines and is served by SVCE and PG&E. Refer to Section 4.6 Energy for further discussion of electricity and natural gas use of the proposed project.

4.19.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐

[78] CalRecycle. Estimated Solid Waste Generation Rates. Accessed August 19, 2022. https://www2.calrecycle.ca.gov/wastecharacterization/general/rates. Solid waste generation 0.9 lbs/100 s.f.
[79] Silicon Valley Clean Energy. "Frequently Asked Questions." Accessed May 13, 2022. https://www.svcleanenergy.org/faqs.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
2) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
3) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
4) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
5) Be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Impact UTL-1:	The project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. **(Less than Significant Impact)**

The proposed project would utilize existing connections and would not install new water lines, storm drains, and sanitary sewer lines.

Water Facilities

The proposed project would connect to the existing 10-inch water mains in Monterey Road. As discussed under Impact UTL-2 below, the City has sufficient water supply to meet the demands of the proposed project. Thus, the proposed project would not result in significant environmental impacts due to the construction of additional facilities to meet project demand. **(Less than Significant Impact)**

Storm Drainage

The proposed project would include an underground infiltration structure with a pretreatment and trash capture unit that would reduce stormwater runoff from the project site. Storm drains from the project site would connect to 24-inch storm drains in San Pedro Avenue. The project would be consistent with the City's Stormwater Management Guidance Manual for Low Impact Development

and Post-Construction Requirements and Storm Drainage Master Plan. The proposed project would only incrementally increase (by less than 2,000 sq.ft.) the amount of impervious surface area on the site, and not require expansion of the City's existing storm drainage system. The final drainage system design for the project would be subject to review and approval by the City's Engineering Division, who would confirm that the proposed project would not result in an exceedance of existing capacity. For these reasons, the proposed project would not result in significant environmental impacts due to the construction of additional facilities. **(Less Than Significant Impact)**

Sanitary Sewer and Wastewater Treatment

The proposed project would connect to the existing 10-inch sanitary sewer mains in Monterey Road. The design of the utility system serving the project would be reviewed by the City's Engineering Division to ensure that all sewer lines have adequate capacity to meet the demands of the various project components. The SCWRA Wastewater Treatment Plant would not need to be expanded solely to accommodate the increase in wastewater created by the proposed development (discussed under Impact UTL-3). Thus, the project would have a less than significant impact related to the relocation or construction of new wastewater treatment facilities. **(Less than Significant Impact)**

Electric Power, Natural Gas, and Telecommunications

The proposed project would connect to existing electric power and telecommunication lines in the project area. The project would not require the construction or relocation of these facilities. **(Less than Significant Impact)**

Impact UTL-2:	The project would not have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. **(Less than Significant Impact)**

As discussed in Section 4.19.1.2 Existing Conditions, the existing gas station uses approximately 115 gallons per day (gpd) for indoor use and 70 gpd for outdoor use, for a total of 185 gpd. The proposed project would result in approximately 172 gpd of indoor water use and 105 gpd of outdoor water use, for a total of approximately 277 gpd of water, or a net increase in demand of 92 gpd.[80] The UWMP projects a water supply of 24,800 AF in 2025 and anticipates an approximately 700 AF increase in supply every five years.[81] Total water use in the City of Morgan Hill is expected to increase to 9,155 acre-feet per year (AFY) in 2025, 9,760 AFY in 2030, and 10,366 AFY in 2035. Estimates of water use increases are based on expected population growth in the City. The proposed project is a gas station redevelopment project that would not introduce new residences or increase population growth in the City. Therefore, the project is consistent with UWMP projections and there would be sufficient water supplies available to serve the project during normal, dry, and multiple years. **(Less than Significant Impact)**

[80] Illingworth & Rodkin, Inc. *World Oil Gas Station Air Quality Report.* August 11, 2021.
[81] City of Morgan Hill. *2020 Urban Water Management Plan.* October 2021. Page 6-17.

Impact UTL-3:	The project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. **(Less than Significant Impact)**

The proposed project would generate approximately 140 gpd of wastewater.[82] As discussed in Section 4.19.1.2 Existing Conditions, the SCRWA Wastewater Treatment Plant, which serves the Cities of Morgan Hill and Gilroy, has approximately 0.8 mgd of remaining capacity allocated for the City of Morgan Hill. The project's wastewater flows alone would not cause the Plant to exceed capacity. The proposed project would not increase demand beyond what is expected in the General Plan and Sanitary Sewer System Master Plan. Therefore, the project would not result in a determination by the SCRWA that it does not have adequate capacity to serve the wastewater treatment demands of the project. **(Less than Significant Impact)**

Impact UTL-4:	The project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. **(Less than Significant Impact)**

As discussed in Section 4.19.1.2 Existing Conditions, the City's waste is hauled to the Monterey Peninsula landfill in Marina or to the Kirby Canyon landfill in San José. The Monterey Peninsula landfill has a projected permitted capacity of approximately 48,560,000 cubic yards (13,111,200 tons) and is expected to remain open through 2106.[83,84] The Kirby Canyon landfill has a projected permitted capacity of approximately 36,400,000 cubic yards (9,828,000 tons) and is expected to remain open through 2059.[85] The project would generate approximately 0.01 tons of solid waste per day (which is approximately a 0.006 ton increase over existing solid waste generation) and would not result in an exceedance of the capacity of local infrastructure. Additionally, the project would be required to direct and recycle waste consistent with federal, state, and local requirements. For these reasons, the project would not generate solid waste in excess of state or local standards, in excess of the capacity of local infrastructure, or impair the attainment of solid waste reduction goals. **(Less than Significant Impact)**

[82] Based on the assumption that wastewater accounts for approximately 80% of indoor water use.
[83] CalRecycle. *SWIS Facility Detail: Monterey Peninsula Landfill (27-AA-0010).* Accessed August 29, 2022. https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2642?siteID=1976
[84] 1 cubic yard = 0.27 tons.
[85] CalRecycle. *SWIS Facility Detail: Kirby Canyon Landfill (43-AN-0008)*. Accessed August 26, 2022. https://www2.calrecycle.ca.gov/SolidWaste/Site/Summary/3393

Impact UTL-5:	The project would not be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste. **(Less than Significant Impact)**

As discussed under Impact UTL-4, the project would comply with local, state, and federal regulations related to solid waste, the City of Morgan Hill's standard for projects to divert 50 percent of its waste away from landfills. Therefore, the project would have a less than significant impact related to solid waste. **(Less than Significant Impact)**

4.20 WILDFIRE

4.20.1 Environmental Setting

State

Fire Hazard Severity Zones

CAL FIRE is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. Referred to as Fire Hazard Severity Zones (FHSZs), these maps influence how people construct buildings and protect property to reduce risk associated with wildland fires. FHSZs are divided into areas where the state has financial responsibility for wildland fire protection, known as state responsibility areas (SRAs), and areas where local governments have financial responsibility for wildland fire protection, known as local responsibility areas (LRAs). Homeowners living in an SRA are responsible for ensuring that their property is in compliance with California's building and fire codes. Only lands zoned for very high fire hazard are identified within LRAs.

California Fire Code Chapter 47

Chapter 47 of the California Fire Code sets requirements for wildland-urban interface fire areas that increase the ability of buildings to resist the intrusion of flame or burning embers being projected by a vegetation fire, in addition to systematically reducing conflagration losses through the use of performance and prescriptive requirements.

California Public Resources Code Section 4442 through 4431

The California Public Resources Code includes fire safety regulations that restrict the use of equipment that may produce a spark, flame, or fire; require the use of spark arrestors on construction equipment that uses an internal combustion engine; specify requirements for the safe use of gasoline-powered tools on forest-covered land, brush-covered land, or grass-covered land; and specify fire suppression equipment that must be provided onsite for various types of work in fire-prone areas. These regulations include the following:

- Earthmoving and portable equipment with internal combustion engines would be equipped with a spark arrestor to reduce the potential for igniting a wildland fire (Public Resources Code Section 4442);
- Appropriate fire suppression equipment would be maintained during the highest fire danger period, from April 1 to December 1 (Public Resources Code Section4428);
- On days when a burning permit is required, flammable materials would be removed to a distance of 10 feet from any equipment that could produce a spark, fire, or flame, and the construction contractor would maintain appropriate fire suppression equipment (Public Resources Code Section 4427); and
- On days when a burning permit is required, portable tools powered by gasoline-fueled internal combustion engines would not be used within 25 feet of any flammable materials (Public Resources Code Section 4431).

California Code of Regulations Title 14

The California Board of Forestry and Fire Protection has adopted regulations, known as SRA Fire Safe Regulations, which apply basic wildland fire protection standards for building, construction, and development occurring in a SRA. The future design and construction of structures, subdivisions and developments in SRAs are required to provide for the basic emergency access and perimeter wildfire protection measures discussed in Title 14.

Fire Management Plans

CAL FIRE has developed an individual Unit Fire Management Plan for each of its 21 units and six contract counties. CAL FIRE has developed a strategic fire management plan for the Santa Clara County Unit, which covers the project area and addresses citizen and firefighter safety, watersheds and water, timber, wildlife and habitat (including rare and endangered species), unique areas (scenic, cultural, and historic), recreation, range, structures, and air quality. The plan includes stakeholder contributions and priorities and identifies strategic areas for pre-fire planning and fuel treatment as defined by the people who live and work with the local fire issues.

Local

Morgan Hill 2035 General Plan

The Morgan Hill 2035 General Plan includes goals, policies, and actions to avoid significant impacts due to hazards and hazardous materials. The following policies are applicable to the proposed project.

Morgan Hill 2035 General Plan Policies: Wildfire

Policy	Description
SSI-3.1	**Development in Fire Hazard Areas.** Minimize development in fire hazard areas and plan and construct permitted development so as to reduce exposure to fire hazards and to facilitate fire suppression efforts in the event of a wildfire.
SSI-3.2	**Wildfire Risks.** Avoid actions which increase fire risk, such as increasing public access roads in fire hazard areas, because of the great environmental damage and economic loss associated with a large wildfire.

City of Morgan Hill Wildland Urban Interface

The City of Morgan Hill adopted its Wildland Urban Interface map on March 18, 2009. The map shows high FHSZs and very high FHSZs within City limits.

4.20.1.1 *Existing Conditions*

The project site is not located within a CAL FIRE FHSZ and is located approximately 1,900 feet east of a SRA.[86] According to the City's Wildland Urban Interface, the project site is not located within a very high FHSZ. The nearest very high FHSZ to the site located approximately 350 feet west.[87] The project site is separated from the very high FHSZ by Monterey Road and commercial development.

4.20.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
1) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
2) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒
3) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
4) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

As discussed in Section 4.9.1.2 Existing Conditions, the project site is not located within a designated high or very high FHSZ. The project site is located approximately 350 feet east of the edge a very high FHSZ. The site is separated from this area by Monterey Road and commercial development. The project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires. **(No Impact)**

[86] California Board of Forestry and Fire Protection. "Fire Hazard Severity Zones Maps." Accessed June 23, 2022. http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_zones.
[87] City of Morgan Hill. "Fire Hazard Severity Zones." Accessed June 23, 2022. https://www.morganhill.ca.gov/DocumentCenter/View/3037/Fire-Hazard-Severity-Zones-Adopted3-18-09?bidId=

4.21 MANDATORY FINDINGS OF SIGNIFICANCE

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
1)	Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
2)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☒	☐	☐
3)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Impact MFS-1:	The project does not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. **(Less than Significant Impact with Mitigation Incorporated)**

As discussed in the previous sections of this Initial Study, the proposed gas station redevelopment project would not degrade the quality of the environment through implementation of identified standard conditions and mitigation measures. The proposed project would not substantially alter the existing condition of operation of the site because it would continue operating as a gas station with retail store. As discussed in Section 4.4 Biological Resources, the project site does not contain wildlife habitat or endangered species and the proposed project would not significantly impact sensitive habitat or species. As discussed in Section 4.5 Cultural Resources and Section 4.18 Tribal Cultural Resources, the project would implement standard conditions that would result in a less than significant impact to archaeological resources or tribal cultural resources, in the unlikely event

any are discovered during construction of the project. Therefore, with the implementation of standard conditions and mitigation measures, the project would not substantially degrade the quality of biological, cultural, or tribal cultural resources. **(Less than Significant Impact with Mitigation Incorporated)**

Impact MFS-2:	The project does not have impacts that are individually limited, but cumulatively considerable. **(Less than Significant Impact with Mitigation Incorporated)**

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects "that are individually limited, but cumulatively considerable." As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." This Initial Study evaluates the environmental impacts of the proposed gas station redevelopment project. This Initial Study also takes into account other past, pending, and probable future projects whose impacts could combine to produce cumulative impacts.

The nearest project to the site is the approved 82-unit Morgan Hill Senior Housing project located at 16685 Church Street, approximately 100 feet southeast of the proposed project, across San Pedro Avenue. The approved Myrtle-Frank Residential project (proposed for 12 single-family houses) is located at the corner of Myrtle Avenue and Monterey Road, approximately 920 feet north of the project site.

Resource Topics not Impacted by the Project

As described in the respective sections throughout this Initial Study, the proposed gas station project would have no impact on agricultural resources, historic resources, mineral resources, and recreational facilities. Therefore, the project has no potential to combine with other projects to result in cumulative impacts to those resources. **(No Cumulative Impact)**

Cumulative Air Quality Impacts

By its very nature, air pollution is largely a cumulative impact. The geographic area for cumulative air quality impacts is the San Francisco Bay Area Air Basin. No single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, a project's individuals emissions contribute to existing cumulatively significant adverse air quality impacts. The proposed project would emit criteria air pollutants and contribute to the overall regional emissions of these pollutants. The project-level thresholds identified by BAAQMD (which the project's impacts were compared to in Section 4.3 Air Quality) are the basis for determining whether a project has a cumulatively considerable contribution to the existing cumulatively significant air quality impact. As discussed in Section 4.3 Air Quality, the project's construction and operational criteria air pollutant emissions would be below BAAQMD screening criteria and thresholds for these pollutants.

Therefore, the project would result in a less than significant cumulatively considerable contribution to significant regional air quality impact.

As a part of the community health risk assessment, all substantial sources of TACs that could affect sensitive receptors that are located within 1,000 feet of the project site (i.e., influence area). These sources include rail lines, freeways or highways, busy surface streets, and stationary sources identified by BAAQMD.

A review of the project area and provided traffic information indicates that traffic on Monterey Road has an ADT of over 10,000 vehicles. All other roadways within the area are assumed to have an ADT that is less than 10,000 vehicles. Two stationary sources were identified within the 1,000-foot influence area using the BAAQMD's stationary source geographic information systems (GIS) map tool. Figure 4.21-1 shows the sources that would affect the MEIs. Community risk impacts from these sources on the MEIs are shown in Table 4.21-1.

Permitted stationary sources of air pollution near the project site were identified using BAAQMD's Permitted Stationary Sources 2018 GIS website, which identifies the location of nearby stationary sources and their estimated risk and hazard impacts. Two sources, a gas dispensing facility and an industrial facility, were identified using this tool. A Stationary Source Information Form (SSIF) containing the identified sources was prepared and submitted to BAAQMD. The gas dispensing facility identified was the existing site's gas station.

Table 4.21-1 shows both the project and cumulative community risk impacts at the sensitive receptors most affected by the project (i.e., MEIs). The project's community risk from project construction activities would not exceed the single-source maximum increased cancer risk, $PM_{2.5}$ concentration, or HI thresholds. In addition, the combined cancer risk, $PM_{2.5}$ concentration, and HI values would not exceed their respective cumulative thresholds.

Table 4.21-1: Cumulative Community Risk Impacts from Combined TAC Sources at MEIs

Source	Cancer Risk* (per million)	Annual $PM_{2.5}$* ($\mu g/m^3$)	Hazard Index
Project Impacts			
Proposed Project (Construction and Operation) Unmitigated	6.34 (infant)	0.07	0.01
BAAQMD Single-Source Threshold	***>10.0***	***>0.3***	***>1.0***
Exceed Threshold? Unmitigated	*No*	*No*	*No*
Cumulative Sources			
Monterey Road, ADT 21,965	2.05 (infant)	0.14	<0.01

Table 4.21-1: Cumulative Community Risk Impacts from Combined TAC Sources at MEIs				
Source		**Cancer Risk* (per million)**	**Annual $PM_{2.5}$* ($\mu g/m^3$)**	**Hazard Index**
Airtronics Metal Products (Facility ID #23026, Spray booths, Ovens), MEIs at 650 feet		<0.01	0.01	-
Combined Sources	*Unmitigated*	<8.40 (infant)	0.22	<0.02
BAAQMD Cumulative Source Threshold		***>100***	***>0.8***	***>10.0***
Exceed Threshold?	Unmitigated	*No*	*No*	*No*

Given the distance of the approved Myrtle Frank residential project from the site, this approved project would have a different MEI than the proposed project. In addition, both approved residential projects would be required to comply with the same standard conditions to reduce fugitive dust emissions as the proposed project. With the implementation of these standard conditions, the cumulative TAC sources would result in a less than significant cumulative impact on the nearby sensitive receptors. **(Less than Significant Cumulative Impact)**

Cumulative Greenhouse Gas Impacts

The proposed project and past, present, present and future development projects worldwide contribute to global climate change. No single project is sufficient in size to, by itself, change the global average temperature. Therefore, due to the nature of GHG impacts, a significant project impact is a significant cumulative impact. As discussed in Section 4.8 Greenhouse Gas Emissions, the project's operational emissions would be below applicable thresholds for 2030. Therefore, the project would not result in significant GHG impact. For these reasons, the project would not result in a cumulatively considerable contribution to a significant cumulative GHG impact. **(Less Than Significant Impact)**

Cumulative Cultural Resources, Tribal Cultural Resources, and Geologic Impacts

The geographic area for cumulative archaeological resources and tribal cultural resources would be locations adjacent to the site. There are no other current or future projects immediately adjacent to the project site. The project would, therefore, have no cumulative impact on archaeological resources and tribal cultural resources. **(No Cumulative Impact)**

The geographic area for cumulative geologic impacts would be locations adjacent to the site since geological impacts are limited to the project site and adjacent properties. There are no other current or future projects immediately adjacent to the project site. Therefore, the project has no

Source: Illingworth & Rodkin, Inc., August 11, 2021.

CUMULATIVE TAC AND $PM_{2.5}$ SOURCES | FIGURE 4.21-1

potential to combine impacts to geological resources or soils with other projects. **(No Cumulative Impact)**

Cumulative Hydrology and Utilities Impacts

The geographic area for cumulative hydrology and water quality impacts is the Upper Llagas Creek watershed. Cumulative developments near the project would be subject to similar hydrological and urban runoff conditions.

As discussed in Section 4.10 Hydrology and Water Quality, the project site is within a FEMA Flood Zone AE and the existing BFEs in the project area range from 330 to 343 feet above mean sea level. Based on hydraulic modeling that accounted for the proposed project and other pending/approved projects in the area (including those discussed in this section), the cumulative projects would result in a maximum 0.71-foot increase in BFEs in the project area. The cumulative impacts are within the City's requirement of less than one foot increase in the base flood elevation; thus, the cumulative projects would result in a less than significant cumulative impact to the City's drainage system due to effects on flood flows.

Furthermore, all projects occurring within Morgan Hill would be required to implement the same standard conditions and measures related to construction water quality as the proposed project (including preparation of a SWPPP if disturbance if greater than one acre). In addition, all current and probable future projects that would disturb more than one acre of soil or replace/add more at least 2,500 square feet of impervious surfaces would be required to meet applicable site design and runoff reduction measures where feasible and the City's Storm Drainage Manual requirements on a project-specific basis. For these reasons, the cumulative projects, including the proposed project, would not result in significant cumulative hydrology or water quality impacts. **(Less than Significant Cumulative Impact)**

The geographic area for cumulative utility and service systems is the City boundaries. The project would incrementally contribute to cumulative demands on utilities and service systems (water, sewer, solid waste, storm drainage).

Future projects accounted for in the General Plan were included in the UWMP water demand projections. In addition, the City's share of the South County Regional Wastewater Authority Wastewater Treatment Plant's treatment capacity is 3.6 mgd. As discussed in Section 4.19 Utilities and Service Systems, the ADFW in the City in 2016 was approximately 2.8 mgd, leaving approximately 0.8 mgd of allowable growth within the City before capacity at the plant is reached. Implementation of the proposed project and pending/approved projects consistent with the General Plan would not cause the City to exceed water demand projections, which are primarily based on population and employment growth disclosed in the City's most recent UWMP, or cause the City to exceed its allocation for wastewater treatment. **(Less than Significant Cumulative Impact)**

As discussed in the Section 4.19, Utilities and Service Systems, the Monterey Peninsula landfill have remaining capacity to serve the region through 2107. Projects, including the proposed project, that are consistent with the General Plan would not exceed the City's solid waste generation projections. Based on the above reasons, the combined projects would not result in significant cumulative impacts to the City's water, sewer, solid waste, and storm drainage facilities. **(Less than Significant Cumulative Impact)**

The project would not relocate natural gas, electricity, or telecommunications lines. The project would not combine impacts to these utility lines with other projects, therefore, no cumulative impacts to these utilities would result from the combined projects. **(No Cumulative Impact)**

Cumulative Hazards and Hazardous Materials and Impacts

The geographic area for cumulative hazardous materials impacts is locations within approximately 1,000 feet of the project site. There is a recently approved school project that will be constructed at the northwest corner of Cosmo Avenue and Monterey Highway (APN 767-17-047), approximately 800 feet from the project site. The use, storage, transportation, and disposal of fuel, and maintenance chemicals would be managed in accordance with existing laws and regulations that ensure storage, and transportation to and from the cumulative sites would not result in a significant cumulative impact related to hazardous materials. In addition, the cumulative projects would be required to implement mitigation measures such as a Site Management Plan to and standard conditions to reduce exposure to ACMs and LBP, to reduce the impacts of contaminants on the public and environment. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**

The project would not result in an aircraft hazard given the project site is not located within an AIA of a Comprehensive Land Use Plan and is not located within an FAA height restriction area for new structures. The project would, therefore, not result in cumulative impacts due to aircraft hazards when combined with the impacts of other projects. **(No Cumulative Impact)**

Cumulative Noise Impacts

The geographic area for cumulative noise impacts is approximately a 1,000 feet radius from the site.

Construction

While the three proposed cumulative projects within 1,000 feet of the site would result in a temporary construction noise increase while they are each under construction, the project and other development projects would comply with standard conditions discussed in Section 4.13 Noise and Vibration. Construction of the proposed project would be approximately eight months. Therefore, the project would have a less than significant cumulative construction noise impact on noise sensitive receptors on the site. **(Less than Significant Cumulative Impact)**

Operation

As discussed in Section 4.13 Noise, project vehicles traveling on surrounding roadways would not, in combination with other growth in the area, lead to substantial increases in roadway noise. Roadway volumes on Monterey Road and San Pedro Avenue would not double as a result of cumulative development, the amount of increased vehicular traffic necessary to cause a noticeable three dBA increase in roadway noise. **(Less than Significant Cumulative Impact)**

Cumulative Traffic Impacts

The geographic area for cumulative transportation resource impacts includes the project site and its surrounding area. The proposed project would be consistent with applicable General Plan policies regarding circulation and, therefore, would not result in a cumulative conflict with those policies. The cumulative projects would comply with current building and fire codes and be reviewed by the Fire Department to ensure adequate emergency access. For these reasons, the cumulative projects would not result in a significant cumulative impact to emergency access. In addition, the project is considered local-serving retail with less than 50,000 square feet of retail space and would not result in a cumulatively considerable contribution to a regional VMT impact. **(Less than Significant Cumulative Impact)**

Impact MFS-3:	The project does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. **(Less than Significant Impact with Mitigation)**

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Pursuant to this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include air quality, hazardous materials, and noise. Implementation of the mitigation measures MM HAZ-2.1 through MM HAZ-2.6 along with best management practices, standard conditions, and adherence to General Plan, City Code, and state and federal regulations described in these sections of the report, would avoid significant impacts. No other direct or indirect adverse effects on human beings have been identified. **(Less Than Significant Impact with Mitigation)**

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SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

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SECTION 7.0 ACRONYMS AND ABBREVIATIONS

AB	Assembly Bill
ABAG	Association of Bay Area Governments
ACMs	Asbestos-containing Materials
ADA	Americans with Disabilities Act
AIA	Airport Influence Area
ALUC	Airport Land Use Commission
BAAQMD	Bay Area Air Quality Management District
bsg	Below site grade
Btu	British Thermal Units
CAL FIRE	California Department of Forestry and Fire Protection
CalARP	California Accidental Release Prevention
CalEEMod	California Emissions Estimator Model
CalEPA	California Environmental Protection Agency
CALGreen	California Green Building Standards Code
Cal/OSHA	California Department of Industrial Relations, Division of Occupational Safety and Health
CAP	Clean Air Plan
CARB	California Air Resources Board
CBC	California Building Code
CDFW	California Department of Fish and Wildlife
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CEQA	California Environmental Quality Act
CFCs	Chlorofluorocarbons
CFR	Code of Federal Regulations
CGS	California Geological Survey
CH_4	Methane
CHRIS	California Historical Resource Information System
CLUP	Comprehensive Land Use Plan
CMP	Congestion Management Program
CO	Carbon Monoxide

CO_2	Carbon Dioxide
CO_2e	Carbon Dioxide Equivalents
CRHR	California Register of Historical Resources
CUPA	Certified Unified Program Agency
DPM	Diesel Particulate Matter
DSOD	California Department of Water Resources, Division of Safety of Dams
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
EO	Executive Order
EPA	Environmental Protection Agency
FAA	Federal Aviation Administration
FAR Part 77	Federal Aviation Regulations, Part 77 Objects Affecting Navigable Airspace
FEMA	Federal Emergency Management Agency
FHSZ	Fire Hazard Severity Zone
FIRM	Flood Insurance Rate Map
FMMP	Farmland Mapping and Monitoring Program
FTA	Federal Transit Administration
gpd	Gallons per day
GIS	Geographic Information Systems
GWh	Gigawatt Hours
GWMP	Groundwater Management Plan
GWP	Global Warming Potential
Habitat Plan	Santa Clara Valley Habitat Plan/Natural Community Conservation Plan
HHC	Historical Heritage Commission
HFCs	Hydrofluorocarbons
HWSA	Federal Hazardous and Solid Waste Amendments
HVAC	Heating, Ventilation, and Air Conditioning
kWh	Kilowatt Hours
LBP	Lead-based Paints
LESA	Land Evaluation and Site Assessment
LID	Low Impact Development

LOS	Level of Service
LRA	Local Responsibility Area
LUST	Leaking Underground Storage Tank
MBTA	Migratory Bird Treaty Act
MEI	Maximally Exposed Individuals
MHPD	Morgan Hill Police Department
MHUSD	Morgan Hill Unified School District
MLD	Most Likely Descendant
MMI	Modified Mercalli Intensity
$MMTCO_2e$	Million Metric Tons of Carbon Dioxide Equivalent
MND	Mitigated Negative Declaration
mpg	Miles per gallon
MRP	Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit
MT	Metric tons
MTC/ABAG	Metropolitan Transportation Commission/Association of Bay Area Governments
N_2O	Nitrous Oxide
NAHC	Native American Heritage Commission
NCP	National Contingency Plan
NESHAP	National Emission Standards for Hazardous Air Pollutants
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act of 1966
NO_2	Nitrogen Dioxide
NOD	Notice of Determination
NOI	Notice of Intent
NO_x	Nitrogen Oxides
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
O_3	Ozone
OITC	Outdoor/Indoor Transmission Class
PCBs	Polychlorinated biphenyls
PDA	Priority Development Area

PFCs	Perfluorocarbons
PG&E	Pacific Gas and Electric Company
$PM_{2.5}$	Fine Particulate Matter
PM_{10}	Coarse Particulate Matter
PPV	Peak Particle Velocity
RCRA	Resource Conservation and Recovery Act
RHNA	Regional Housing Needs Allocation
ROG	Reactive Organic Gases
RWQCB	Regional Water Quality Control Board
SCCDEH	Santa Clara County Department of Environmental Health
SCCLD	Santa Clara County Library District
SCS	Sustainable Communities Strategy
SF_6	Sulfur Hexafluoride
SFHA	Special Flood Hazard Area
SFPUC	San Francisco Public Utilities Commission
SHMA	Seismic Hazards Mapping Act
SMARA	Surface Mining and Reclamation Act
SMGB	State Mining and Geology Board
SO_x	Sulfur Oxides
SR	State Route
SRA	State Responsibility Area
SVCE	Silicon Valley Clean Energy
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TACs	Toxic Air Contaminants
TCR	Tribal Cultural Resource
TSCA	Toxic Substances Control Act
USACE	United States Amry Corps of Engineers
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
UST	Underground Storage Tank

UWMP	Urban Water Management Plan
V/C	Volume-to-capacity
VMT	Vehicle Miles Traveled
VTA	Santa Clara Valley Transportation Authority