

# Notice of Exemption

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

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

Project Title: Edes Court Townhomes Project

Project Applicant: TTLIC Morgan Hill – Edes, LLC.

### Project Location - Specific:

The 1.1-acre project site, identified by Assessor's Parcel Number (APN) 767-18-046, is located west of the intersection of Edes Court and Monterey Road in the City of Morgan Hill, California. The site is currently undeveloped and contains ruderal vegetation and 21 trees which are primarily located along the eastern site boundary. Surrounding existing land uses include commercial uses and an associated parking lot to the north; a commercial-office building and car wash to the east; commercial uses to the south, across Edes Court; the City of Morgan Hill Corporation Yard to the southwest; and an access road, West Little Llagas Creek, West Little Llagas Creek Trail, and the Morgan Hill Unified School District Transportation Department to the west. The proposed project is located within Zone AE, which is a Federal Emergency Management Agency (FEMA) Special Flood Hazard Area (SFHA). The City of Morgan Hill 2035 General Plan designates the site as Mixed Use Flex and the site is zoned Mixed Use Flex (MU-F).

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

### Description of Nature, Purpose and Beneficiaries of Project:

The Edes Court Townhomes Project (proposed project) would include the development of seven, three-story residential buildings comprising a total of 21 townhomes, each of which would include a two-car garage. Primary site access would be provided by a paved, private 20-foot-wide road along the western boundary of the project site, which would also serve as a fire access lane. All proposed buildings and appurtenant structures would be raised above the Base Flood Elevation (BFE) in compliance with the effective National Flood Insurance Program's Flood Insurance Rate Map. In addition, all proposed buildings would be located outside of the 35-foot West Little Llagas Creek setback. The proposed project is also anticipated to follow the entitlement guidelines of the Senate Bill (SB) 330 program and Assembly Bill (AB) 1763 regarding density bonus. The proposed project would require the City's approval of a Vesting Tentative Subdivision Map and Design Permit.

Name of Public Agency Approving Project: City of Morgan Hill

Name of Person or Agency Carrying Out Project: TTLIC Morgan Hill – Edes, LLC.

### Exempt Status: (check one):

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

### Reasons why project is exempt:

Article 19 of the CEQA Guidelines, Sections 15300 through 15333, includes a list of classes of projects that have been determined to not have a significant effect on the environment, and are therefore exempt from CEQA. As demonstrated throughout the Initial Study prepared by the City, the proposed project qualifies for exemption under CEQA Guidelines Section 15332, Class 32. For example, the proposed project would be consistent with the General Plan land use designation of Mixed Use Flex, and thus, would meet Criterion 15332(a). In addition, the project would meet Criterion 15332(b) by being located near existing commercial development to the north, south, east, and west, and is generally surrounded by urban uses. The project site does not support habitat for rare, threatened, or endangered species and the applicant would be subject to payment of all applicable development fees according to the Santa Clara Valley Habitat Plan (SCVHP).


Thus, the proposed project would meet Criterion 15332(c). Furthermore, the proposed project would not result in any significant environmental effects related to traffic, noise, air quality, or water quality. The project can be adequately served by all required utilities and public services. As such, the proposed project would meet Criterion 15332(d) and 15332(e). It should also be noted that exceptions to the exemptions under CEQA Guidelines Section 15300.2 would not apply to the proposed project. Therefore, the proposed project would be considered exempt under CEQA Guidelines Section 15332, Class 32.

Lead Agency

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

**If filed by applicant:**

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

Signature:  Date: 9/12/23 Title: Associate Planner  
 Signed by Lead Agency     Signed by Applicant

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

Date Received for filing at OPR: \_\_\_\_\_