

# 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: Chick-fil-A at 18599 Sutter Boulevard Project

Project Applicant: Chick-fil-A, Inc.

## Project Location - Specific:

The 1.82-acre project site is located at 18599 Sutter Boulevard in the City of Morgan Hill, CA. The project site, identified by Assessor's Parcel Number (APN) 726-32-002, is bound by Cochrane Road to the northwest and Sutter Boulevard to the northeast. Currently, the site is developed with an unoccupied, single-story, 6,900-square foot (sf) restaurant and an associated surface parking lot, as well as multiple trees located along the edges of the project site. Surrounding existing uses include commercial and light industrial uses to the north, and a business park to the northwest, across Cochrane Road; a shopping center to the east, across Sutter Boulevard; medical offices to the southeast; and the 20-acre Evergreen Village, which will include commercial uses such as a Holiday Inn Express and an assisted living facility, to the southwest. The City of Morgan Hill General Plan designates the site as Commercial and the site is zoned General Commercial – Planned Unit Development (CG-PUD).

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

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

The Chick-fil-A at 18599 Sutter Boulevard Project (proposed project) would include the demolition of the existing on-site building and subsequent development of a 5,028-sf Chick-fil-A restaurant with 74 indoor seats, outdoor patio seating, and dual drive-thru lanes. The restaurant would include a meal fulfillment area, dining area, kitchen, team member room, office, and restrooms. A total of 48 parking stalls would be provided throughout the project site, including two Americans with Disabilities Act (ADA)-compliant parking stalls. Primary site access would be from an entrance-only driveway off of Cochrane Road, as well as a second driveway to the south, which would connect to the existing internal roadway north of the medical office building and would allow vehicles to enter and exit the project site.

The proposed project would require the City's approval of a Conditional Use Permit and Design Review.

Name of Public Agency Approving Project: City of Morgan Hill

Name of Person or Agency Carrying Out Project: Chick-fil-A, 5200 Buffington Road, Atlanta, GA, 30349-2998

## 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 Commercial, and thus, would meet Criterion 15332(a). In addition, the project would meet Criterion 15332(b), as the site is less than five acres and within the City limits, and is surrounded by existing and future development on all sides. 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), respectively. 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: Rich Buikema, Contract Planner, City of Morgan Hill Development Services Department  
Area Code/Telephone/Extension: (408) 778-6480

**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: Richard Buikema Date: 9-27-2023 Title: 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: \_\_\_\_\_