

Notice of Exemption

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

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

Project Title: Raising Cane's at Evergreen Village

Project Applicant: Raising Cane's, 6800 Bishop Road, Plano, TX 75024, 972-769-3100

Project Location - Specific:

The currently undeveloped, 1.9-acre project site, identified by Assessor's Parcel Number 726-58-001, is located at the intersection of Butterfield Boulevard and Cochrane Road in the City of Morgan Hill, within the western corner of the 20.25-acre Evergreen Village Development Master Plan area. The City of Morgan Hill 2035 General Plan designates the site as Commercial and the site is zoned General Commercial (CG)/Planned Unit Development (PUD).

Project Location - City: Morgan Hill

Project Location - County: Santa Clara

Description of Nature, Purpose and Beneficiaries of Project:

The Raising Cane's at Evergreen Village Project (proposed project) would include development of a 2,899-square foot Raising Cane's restaurant and dual-lane drive-through, each equipped with an ordering board and speaker. The interior of the restaurant would be comprised of a dining room, customer pick-up area, serving area, kitchen, manager's office, cooler/freezer area, and mechanical room. The exterior would include an outdoor dining area with covered seating and an outdoor pedestrian plaza. A total of 50 surface parking stalls would be provided, including two ADA, six electric vehicle (EV) capable, and two EV charging station stalls. The necessary entitlements include a Conditional Use Permit and Design Permit.

Name of Public Agency Approving Project: City of Morgan Hill

Name of Person or Agency Carrying Out Project: Jay Higgins, Raising Cane's, JAYD@HIGGINSLAND.COM

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:

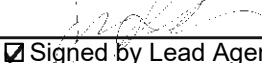
Article 19 of the CEQA Guidelines, Sections 15300 through 15333, includes a list of classes of projects that have been determined to not have a significant effect on the environment, and are therefore exempt from CEQA. As demonstrated throughout the Initial Study prepared by the City, the proposed project 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) by being located near existing residential and commercial development to the north, west, and south, 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) 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:  Date: April 23, 2024 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: _____