

**Monterey & Third Development Initial Study
February 2016**

**Prepared by M-Group
For City of Morgan Hill**

Monterey & Third-Rodrigues Development Project

PROJECT DESCRIPTION AND BACKGROUND

**Table 1:
Project Summary**

Project Title:	Monterey & Third-Rodrigues: Zoning Amendment ZA-15-14/Site Review SR15-23 & Environmental Assessment EA-15-10
Lead agency name and address:	City of Morgan Hill Community Development Department, 17575 Peak Avenue, Morgan Hill CA 95037
Contact person and phone number:	Andrew Crabtree (408) 778-6480
Project Location:	17290, 17280, 17270 Monterey Road, Morgan Hill (APN: 726-13-040, 726-13-039, 726-13-038) at the southeast corner of Monterey Road and Third Street
Project sponsor's name and address:	Kenneth Rodrigues & Partners, Inc. 445 N. Whisman Rd., Mountain View, CA 94043
General plan description:	Mixed-Use
Zoning:	CBD GF (Central Business District Ground Floor)
Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation.)	<p>The project site includes three lots (one with a 2,080 square foot single-story commercial building and the other two lots constitute a public parking lot) totaling 18,400 square feet (0.42 acres). The project proposes a lot line adjustment so that there would be two legal lots and demolish the existing building and site improvements.</p> <p>The project proposes the construction of two, two-story commercial buildings proposed for restaurant use (5,600 square feet and 6,425 square feet) for a net of 9,945 square feet of new building area. Both buildings would include outdoor dining patio areas adjacent to public streets and between the two buildings there would be a public</p>

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	walkway leading to the new downtown parking garage.
Surrounding land uses and setting; briefly describe the project's surroundings:	The project is located within the City's Downtown. The surrounding properties have similar General Plan land use designations and Zoning classifications. Monterey Road within the Downtown includes one to two-story commercial buildings.
Other public agencies whose approval is required (e.g. permits, financial approval, or participation agreements):	None.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project. Please see the checklist beginning on page 12 for additional information.

<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agriculture and Forestry	<input checked="" type="checkbox"/>	Air Quality
<input type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Geology/Soils
<input type="checkbox"/>	Greenhouse Gas Emissions	<input type="checkbox"/>	Hazards and Hazardous Materials	<input type="checkbox"/>	Hydrology/Water Quality
<input type="checkbox"/>	Land Use/Planning	<input type="checkbox"/>	Mineral Resources	<input checked="" type="checkbox"/>	Noise
<input type="checkbox"/>	Population/Housing	<input type="checkbox"/>	Public Services	<input type="checkbox"/>	Recreation
<input type="checkbox"/>	Transportation/Traffic	<input type="checkbox"/>	Utilities/Service Systems	<input type="checkbox"/>	Mandatory Findings of Significance

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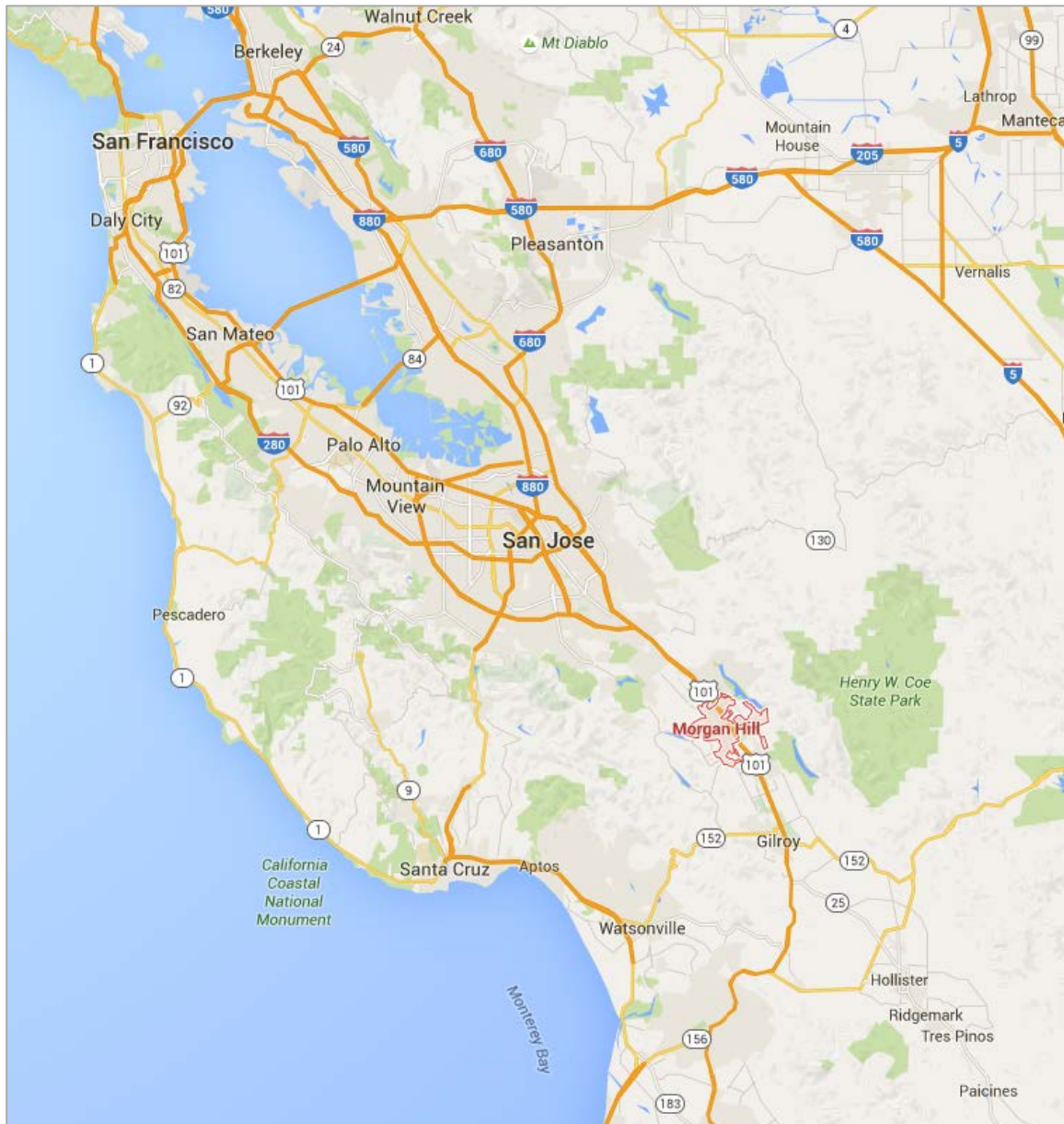
DETERMINATION:

On the basis of this initial evaluation:

<input checked="" type="checkbox"/>	No substantial changes have occurred with respect to the circumstances under which the MEIR was certified, or that there is no new available information, which was not known and could have been known at the time the MEIR was certified.
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**Figure 1:
Regional Map**



Source: Google

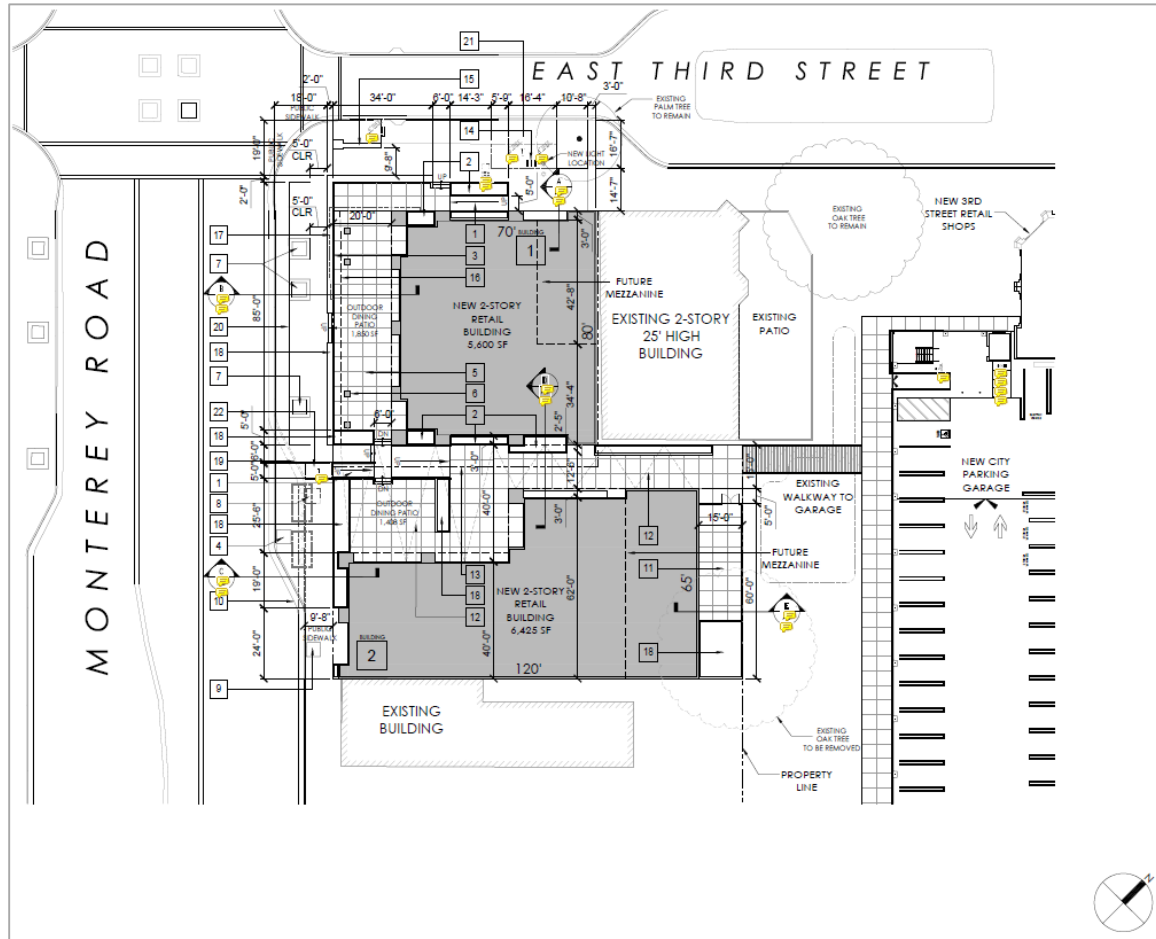
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Figure 2:
Local Vicinity



Source: Microsoft

Figure 3:
Proposed Site Plan



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Project Description

Location and Existing Setting

The Monterey and Third project (project) is located within the City of Morgan Hill (City) in Santa Clara County. The project site is located within the City's Downtown (Figure 2: Local Vicinity) on Monterey Road, approximately 660 feet from the Morgan Hill Caltrain Station. The approximate 18,400 square foot (0.42 acre) site is bordered by 3rd Street to the north; Monterey Road to the west; and commercial buildings to the south and east. It is currently designated Mixed Use under the City's General Plan, and zoned as Central Business District—Ground Floor (CBD GF).

Access to the site is currently provided from Monterey Road via two curb cuts. The site is comprised of three parcels (APN: 726-13-040, 726-13-039, 726-13-038), currently developed with a one-story commercial 2,080 square-foot building built in 1971 and a public parking lot with 17 spaces. The site contains limited ground biological habitat, however, mature trees do exist on-site. The site is well served by existing utilities and public services and is relatively at grade with Monterey Road. Other commercial and residential development are located within Downtown. A new multi-story public parking garage will open in the near future adjacent to the site.

Monterey and Third Project

The proposed project would demolish the existing on-site structures and surface parking areas and construct two, two-story commercial buildings for restaurant use (5,600 square feet and 6,425 square feet). It is expected that each building would include two restaurant operators when the site is fully functional. Both buildings would include outdoor dining patio areas adjacent to public streets. While the exterior patio areas are both open and visible to the public, a low barrier is proposed to separate patrons from the sidewalk to accommodate the alcohol beverage service and frame the outdoor dining areas. Between the two buildings there would be a public walkway leading to the new downtown three-story parking garage that includes 275 parking spaces.

Table 2:
Project Components

Proposed Component Type	Square Feet
Site Area	18,400
Building 1	5,600
Tenant 1	3,220
Tenant 2	2,380
Outdoor patio area	1,850
Building 2	6,425
Tenant 3	1,425
Tenant 4	5,000
Outdoor patio area	1,408
Landscaping/Planters	1,026
Hardscape	5,349

Source: Monterey and Third Development Plans: January 18, 2016

Access and Parking

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The project would eliminate the two driveway cuts and no on-site parking would be provided. The site would include multiple entries for pedestrians from the sidewalk along Monterey and Third Streets as well as from the adjacent public parking garage.

Site Preparation

The project consists of removal of the existing building and structures, grading and other earthwork to achieve desired elevations.

Project Construction Access

No construction access plan was submitted at this time, however, the project could take access from either or both Monterey and Third Streets. The applicant would be required to submit a traffic control plan to the City.

Construction haul routes

Leaving the site: North on Monterey to 3rd (East) to Depot (North) to East Main Street (East) to Butterfield Boulevard (South) to East Dunne (East) to Highway 101]

Coming to the site: Highway 101 to East Dunne (West) to Monterey (North) to the site. Based on the grading and demolition plans there would be limited hauling.

Staging

No plans indicate construction staging at this time, however, the project proponent has indicated that construction staging would occur where the proposed outdoor dining patios would be located. The application would be required to apply for any applicable encroachment permits, and submit any traffic control plans that may be necessary.

Schedule

Construction would occur entirely in one phase and be completed between nine and 12 months.

Construction Equipment

No construction equipment schedule was submitted at this time, however, typical construction equipment include back-hoe, grader, excavator, dozer, skid steer loader amongst others. Given the small site, it is not expected that larger equipment would be necessary.

Tree Removal and Landscaping

The project includes the removal of 13 trees, two of which are protected trees (Sheet T-1 of the project plans) under Section 12.32 of the Morgan Hill Municipal Code. The protected coast redwood tree would be impacted directly by the construction of one of the buildings and site improvements, and an oak tree would be impacted by construction of site improvements. Other vegetation to be removed include Redbuds, Locusts, Strawberry Tree, and Olives. The project proposes to plant two Columbia Sycamore street trees along Monterey Road and Crape Myrtles and other various groundcover and flowering shrubs to accent the site (refer to the project plans).

City's Standard Conditions of Approval

Appropriate City Standard Conditions of Approval are incorporated into projects as conditions of approval regardless of a project's environmental determination. As applicable, the Standard Conditions of Approval are adopted as requirements for an individual project when it is approved by the City and are designed to substantially mitigate environmental effects.

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In reviewing project applications, the City determines which Standard Conditions of Approval are applied, based upon zoning district, type of permit/approval required for the project, and specific project characteristics.

The Standard Conditions of Approval incorporate development policies and standards from various adopted plans, policies, and ordinances (such as the Morgan Hill Municipal Code which include ordinances governing tree removals, grading, building, and construction, California Building Code, and Uniform Fire Code, et al.), which have been found to substantially mitigate environmental effects.

Standard and Mitigation Measures

As indicated within the Master EIR, measures that are required by law or are City standard conditions of approval are categorized at “Standard Measures.” “Mitigation Measures” are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guideline 15370).

Where applicable standard and mitigation measures are applied to the project.

Project Entitlements

The project would require the following entitlements:

- Rezoning to include a Planned Development (PD) overlay to allow the following:
 - Restaurant uses with full alcoholic beverage service as a permitted use; and
 - Deviation from front setback requirements.
- Site and Architectural Review (includes tree removal permit) for project design and removal of two protected trees.
- Lot Merger to combine the three lots into one.
- Encroachment Permit

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Intended Use of Downtown Specific Plan Master EIR

The CEQA Guidelines identify a Master EIR as an alternative to preparing a project EIR, staged EIR, or program EIR for certain projects which will form the basis for later decision making. The Downtown Specific Plan Master EIR (Master EIR) is intended to identify the impacts of the Downtown Specific Plan in order to streamline the later environmental review of projects and approvals required to implement the plan. The Master EIR includes all available information with regard to the kind, size, intensity, and location of subsequent projects envisioned under the Downtown Specific Plan, per CEQA Guidelines Section 15176(b). The Master EIR was certified in November 2009, and subsequent projects consistent with the Downtown Specific Plan (including later site-specific approvals) may rely on the analysis contained in the Master EIR, per CEQA Guidelines Section 15176(d).

At the time subsequent development projects are proposed within the Downtown Specific Plan project area only limited environmental review will be required. Neither a new environmental document, such as an EIR, nor the preparation of EIR findings per CEQA Guidelines Section 15091 shall be required of a subsequent project when the Lead Agency (City of Morgan Hill) determines the following, pursuant to CEQA Guidelines Section 15177(b):

- The subsequent project was described in the Master EIR and, through the preparation of an Initial Study, is not found to cause any additional significant effect on the environment which was not previously examined in the Master EIR.
- On the basis of written findings, no additional significant environmental effect will result from the proposal, no new additional mitigation measures or alternatives may be required and the project is within the scope of the Master EIR.

Since the Master EIR was certified more than five years ago, an additional finding is required by the Lead Agency:

- Finds that no substantial changes have occurred with respect to the circumstances under which the Master EIR was certified or that no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

The checklist of this document will analyze whether the project includes potentially significant impacts and is inconsistent with the MEIR, thus requiring a subsequent environmental document; requires mitigation, which were identified as part of the Master EIR; has a less than significant impact; or no impact.

Downtown Specific Plan Master EIR Assumptions *Development Projections*

The purpose of the development projections is to identify the likely development that might reasonably be assumed to occur by the 2015 and 2030 timeframes in order to provide CEQA clearance for future projects developed consistent with the Specific Plan. The Master EIR, including the water supply assessment and parking analysis for the Master EIR, analyzed the impacts of the implementation of the Downtown Specific Plan based on the identified likely development projections for the Specific Plan project area (Blocks 1-20) shown in Table 2

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(Originally 2.1-2 of the Master EIR). The traffic impact analysis was based on an amount of development closer to buildout assumptions for the Specific Plan and assumes a higher redevelopment rate for the planned uses. Both the water supply assessment and the traffic impact assumptions represent conservative analyses of development impacts under the Specific Plan. The Specific Plan provides that the City will monitor actual levels of development over time, in order to ensure that the EIR analysis and mitigation measures, as adopted, remain valid for subsequent projects. It also provides for an update of the analysis, as may be required.

Projections through 2015

As shown in Table 2.1-2, the City's development projections for 2015 include approximately 21,221 square feet of new retail space, 850 residential units, and 30,157 square feet of office space within the Downtown Specific Plan project area. The projected retail development assumes replacement of approximately 38,900 square feet of existing retail space.

For the purposes of the Master EIR, development projections through 2015 would result in an increase of 21,221 square feet of retail space, 850 residential units, and 30,157 square feet of office space.

Projections 2015 to 2030

The development projections from 2015 to 2030 include approximately 72,269 square feet of additional retail space, 55,434 square feet of new office space and 342 additional new residential units within the Specific Plan project area.

Projections through 2030

The proposed Specific Plan project, including Blocks 19 and 20 and the intensification of the CC-R district, would result in a net increase of 93,490 square feet of retail space, 1,192 residential units, and 85,591 square feet of office space.

**Table 2:
Development Projections**

Land Use	Existing Development ¹	Development by 2015		Development by 2030	
		Net New	Total	Net New	Total
Retail	213,365 s.f.	21,221 s.f. ²	234,586 s.f.	93,490 s.f.	306,855 s.f.
Residential	201 DU	850 DU	1,051 DU	1,192 DU	1,393 DU
Office/Service	122,248 s.f.	30,157 s.f.	152,405 s.f.	85,591 s.f.	207,839 s.f.

Notes: DU = dwelling units, s.f. = square feet

¹Blocks 1-20 excluding public facilities (including schools, Community and Cultural Center, churches, social halls) and industrial.

²38,900 s.f. of retail development to be replaced on Blocks 2-4.

Actual development

To date within the Downtown Specific Plan area, there has been no additional commercial or office square footage. One residential project at Main and Butterfield with 148 dwelling units is under development. Therefore to date, development has been within the projections described

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in the Master EIR. The Master EIR anticipated the extension of Butterfield Boulevard to Monterey Road, which is now complete.

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CEQA Environmental Checklist

This checklist identifies physical, biological, social and economic factors that might be affected by the proposed project. In many cases, background studies performed in connection with the projects indicate no impacts. A NO IMPACT answer in the last column reflects this determination. Where there is a need for clarifying discussion, the discussion is included either following the applicable section of the checklist or is within the body of the environmental document itself. The words "significant" and "significance" used throughout the following checklist are related to CEQA, not NEPA, impacts. The questions in this form are intended to encourage the thoughtful assessment of impacts and do not represent thresholds of significance.

I. AESTHETICS: Would the project:	Potentially Significant Impact and Inconsistent with MEIR	Less Than Significant with Mitigation identified in the MEIR	Less Than Significant Impact Consistent with MEIR	No Impact
a) Have a substantial adverse effect on a scenic vista	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

As proposed, the project includes two, two-story commercial buildings for the purpose of being occupied by four restaurants. The project includes two outdoor patio areas, which would be framed by low barriers with in-ground planters at the base of the outside of wall along the sidewalk. The outdoor patio adjacent to Building 1 would include a wooden trellis overhead, which will provide shade and allows opportunity for flowering vines to grow above the patio area. The second dining patio adjacent to Building 2 will have string lights hung overhead to create an intimate atmosphere.

The architecture of both buildings would complement the downtown since the height and scale of the proposed buildings mirror the adjacent existing buildings. A stepped roof on the Building 2 is implemented so that height does not overshadow the one-story existing adjacent building. Materials on the buildings would include plaster, stone, which are suggested in the Downtown Specific Plan Guidelines. The buildings also include projecting decorative cornices to add visual interest to the elevations. The elevations includes recessed windows and storefronts, which add variation and shading to the facades.

The project requires Site Review, which would ensure consistency with the Downtown Specific Plan Design Guidelines, which served to reduce any potential impacts.

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II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:	Potentially Significant Impact and Inconsistent with MEIR	Less Than Significant with Mitigation identified in the MEIR	Less Than Significant Impact Consistent with MEIR	No Impact
a) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) 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))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site is completely developed and includes no agricultural resources and is not subject to any Williamson Act contract. The project site settings have not changed since the certification of the Downtown Specific Plan Master EIR and therefore there is no impact to agricultural resources.

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III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact and Inconsistent with MEIR	Less Than Significant with Mitigation identified in the MEIR	Less Than Significant Impact Consistent with MEIR	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) 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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project is within the development projections outlined in the Downtown Specific Plan and its Master EIR. As identified within the Master EIR, future projects would need to implement standard measures to ensure temporary construction activities do not have a significant impact.

SM AQ-1: In accordance with the City of Morgan Hill Standard Conditions of approval, a management plan detailing strategies for control of dust during construction of the project shall be included on all site development and grading plans. The intent of this condition is to minimize construction related disturbance of residents of the nearby or adjacent properties. [MHMC 18.48.005]

MM AQ-5.1: The Bay Area Air Quality Management District (BAAQMD) has prepared a list of feasible demolition and construction dust control measures required to reduce construction impacts to a less than significant level. The following construction practices shall be incorporated into dust mitigation plans implemented during demolition and construction phases of proposed development in the Specific Plan project area to reduce dust and exhaust emissions:

- Water active demolition areas to control dust generation during demolition of structures and break up of pavement.
- Cover all trucks hauling demolition debris from the site.
- Use dust proof chutes to load debris into trucks whenever feasible.
- Water all active construction areas at least twice daily.
- Water or cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind.
- Cover all trucks hauling soil, sand, and other loose materials, or require all trucks to maintain at least two feet of freeboard.

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- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
- Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites.
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads to 15 miles per hour.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.

AM AQ-5.1: The following additional measures recommended by the BAAQMD to reduce engine exhaust emissions:

- Use alternative fueled construction equipment, when feasible.
- Minimize idling time (five minutes maximum).
- Maintain properly tuned equipment.
- Limit the hours of operation of heavy equipment and/or the amount of equipment in use.

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IV. BIOLOGICAL RESOURCES: Would the project:	Potentially Significant Impact and Inconsistent with MEIR	Less Than Significant with Mitigation identified in the MEIR	Less Than Significant Impact Consistent with MEIR	No Impact
a) 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 Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) 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 California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project site does not contain habitat for burrowing owls, however, there are mature trees on site and several are proposed to be removed as part of the construction of the project. The implementation of Master EIR standard measures would reduce any potential significant impact to a less than significant level.

Standard Measures: In accordance with City of Morgan Hill Municipal Code, standard significant tree removal ordinance procedures and the proposed Specific Plan design guidelines, development in the project area would be subject to the following standard measures at the time of development.

SM BIO-4: Prior to site development, the applicant shall retain the services of a certified arborist to assess all trees that may be impacted by the proposed project. The arborist will conduct a tree assessment and submit a report to the City detailing all trees subject to the *Chapter 12.32 Restrictions On Removal Of Significant Trees*. The report will include:

- Tree species and common name.

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- Size (dbh) and approximate height of tree(s).
- Current health of the tree including at a minimum: bark, foliage, structure/integrity, and roots.
- Evaluation of current health and potential impacts to future health. Recommendations for protection or removal of tree (if removal of tree is recommended, provide justification.
- Proposed mitigation and protection measures.

SM BIO-5: Native trees shall be planted to replace native trees removed unless practical reasons preclude this option, as determined by the Community Development Director. [MHMC 12.32.080(A)]

SM BIO-6: Prior to the removal of any tree or community of trees on any city or private property in the Specific Plan project area a tree removal permit would be required from the Community Development Director which would include a description of the tree replacement program and identify any additional conditions imposed by the City. Alternatively, the City's ordinance section 12.32.070(B) allows the Community Development Director to grant a tree cutting permit where utilization of the property is of greater public value than the environmental degradation caused by the action. Tree removal may also occur without a permit if the removal will take place in accordance with an approved landscape plan. [MHMC 12.32.030, 12.32.040, 12.32.060]

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V. CULTURAL RESOURCES: Would the project:	Potentially Significant Impact and Inconsistent with MEIR	Less Than Significant with Mitigation identified in the MEIR	Less Than Significant Impact Consistent with MEIR	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project includes some grading and excavation to support the construction of the project. The project will implement standard measures that would reduce potential impacts to cultural resources to a less than significant impact.

Standard Measures: In accordance with the City of Morgan Hill Municipal Code Chapter 18.75, proposals for the development or redevelopment of a site identified as archaeologically sensitive by the City's adopted archaeological sensitivity map shall be subject to the following review process and standard conditions of project approval:

SM CULT-2: If the project is not located within or adjacent to a known archaeological site, but is located within the mapped archaeologically sensitive area as adopted by the City, then the project applicant has the option to either have an archaeological survey be completed for the site to determine what, if any, conditions of approval will be required as mitigation measures; or agree to comply with the following standard conditions of approval, which shall be conclusively deemed to reduce potentially significant impacts on archaeological resources to a less than significant level (no archaeological resources report is required as part of any CEQA review of the project as long as the applicant accepts these conditions and incorporates them into the project):

- An archaeologist shall be present on-site to monitor all 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:

- Work at the location of the find will halt immediately within thirty 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;
- If the find is determined not to be a Unique Archaeological Resource, construction can continue. The archaeologist will prepare a brief informal memo/letter that describes and assesses the significance of the resource, including a discussion of the methods used to determine significance for the find;

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- If the find appears significant and to qualify as a unique archaeological resource, the archaeologist will determine if the resource can be avoided and will detail avoidance procedures in a formal memo/letter; and
- If the resource cannot be avoided, the archaeologist 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 community development director. The action plan shall be in conformance with California Public Resources Code 21083.2.

SM CULT-3: All development projects located within an archaeological sensitivity area and/or containing known archaeological resources on-site shall also be subject to the following measures as standard conditions of project approval:

- This project may adversely impact undocumented human remains or unintentionally discover significant historic or archaeological materials. The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply. If human remains are discovered, it is probable they are the remains of Native Americans.
- If human remains are encountered they shall be treated with dignity and respect as due to them. Discovery of Native American remains is a very sensitive issue and serious concern. Information about such a discovery shall be held in confidence by all project personnel on a need to know basis. The rights of Native Americans to practice ceremonial observances on sites, in labs and around artifacts shall be upheld.
- Remains should not be held by human hands. Surgical gloves should be worn if remains need to be handled.
- Surgical mask should also be worn to prevent exposure to pathogens that may be associated with the remains.
- In the event that known or suspected Native American remains are encountered or significant historic or archaeological materials are discovered, ground-disturbing activities shall be immediately stopped. Examples of significant historic or archaeological materials include, but are not limited to, concentrations of historic artifacts (e.g., bottles, ceramics) or prehistoric artifacts (chipped chert or obsidian, arrow points, groundstone mortars and pestles), culturally altered ash-stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire-altered rock and/or burned or charred organic materials, and historic structure remains such as stone-lined building foundations, wells or privy pits. Ground-disturbing project activities may continue in other areas that are outside the exclusion zone as defined below.
- An "exclusion zone" where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable buffer zone by the Contractor Foreman or authorized representative, or party who made the discovery and initiated these protocols, or if on-site at the time of discovery, by the Monitoring Archaeologist (typically 25-50ft for single burial or archaeological find).
- The exclusion zone shall be secured (e.g., 24 hour surveillance) as directed by the City or County if considered prudent to avoid further disturbances.
- The Contractor Foreman or authorized representative, or party who made the discovery and initiated these protocols shall be responsible for immediately contacting by telephone the parties listed below to report the find and initiate the consultation process for treatment and disposition:
 - The City of Morgan Hill Community Development Director

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- The Contractor's Point(s) of Contact
- The Coroner of the County of Santa Clara (if human remains found)
- The Native American Heritage Commission (NAHC) in Sacramento
- The Amah Mutsun Tribal Band
- The Coroner has two working days to examine the remains after being notified of the discovery. If the remains are Native American the Coroner has 24 hours to notify the NAHC.
- The NAHC is responsible for identifying and immediately notifying the Most Likely Descendant (MLD) from the Amah Mutsun Tribal Band. (Note: NAHC policy holds that the Native American Monitor will not be designated the MLD.)
- Within 24 hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose.
- Within 24 hours of their notification by the NAHC, the MLD may recommend to the City's community development 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 Amah Mutsun Tribal Band may be considered and carried out.
- If the MLD recommendation is rejected by the City of Morgan Hill the parties will attempt to mediate the disagreement with the NAHC. If mediation fails then the remains and all associated grave offerings shall be reburied with appropriate dignity on the property in a location not subject to further subsurface disturbance.

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VI. GEOLOGY AND SOILS: Would the project:	Potentially Significant Impact and Inconsistent with MEIR	Less Than Significant with Mitigation identified in the MEIR	Less Than Significant Impact Consistent with MEIR	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project will implement the standard measures implied in the Master EIR. With the implementation of these measures, the project would have a less than significant impact.

Standard Measures: In accordance with the City of Morgan Hill standards, development in the Specific Plan project area shall implement the following measures to reduce and/or avoid soil hazards and substantial erosion impacts:

SM GEO-1: Prior to issuance of site development permits, the applicant shall provide two copies of a soils (geotechnical) engineering report prepared by a registered civil (geotechnical) engineer to the City of Morgan Hill Building Division for review and approval. The report shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading criteria for corrective measures, and opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes, per Uniform Building Code (UBC) Appendix Chapter 70.

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The report shall also include soil classification and foundation investigation as required by UBC Chapter 29 (UBC Appendix Chapter 33).

SM GEO-2: The project shall implement standard grading and best management practices, including but not limited to, street sweeping, fiber rolls, inlet protection, stockpile covering or watering, covering of trucks, and/or replanting of vegetation, to prevent substantial erosion and siltation during development of the site.

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VII. GREENHOUSE GAS EMISSIONS: Would the project:	Potentially Significant Impact and Inconsistent with MEIR	Less Than Significant with Mitigation identified in the MEIR	Less Than Significant Impact Consistent with MEIR	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project is within the development projections identified within the Downtown Specific Plan and the Master EIR. Therefore, the impact would continue to be a less than significant.

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VIII. HAZARDS AND HAZARDOUS MATERIALS: Would the project:	Potentially Significant Impact and Inconsistent with MEIR	Less Than Significant with Mitigation identified in the MEIR	Less Than Significant Impact Consistent with MEIR	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) 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, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The existing building on-site was constructed in 1971 and therefore may contain lead-based paint, and asbestos containing materials (ACMs). Implementation of standard measures identified in the Master EIR would reduce the potential impact to less than significant.

Standard Measures: Development in the Specific Plan area is required to conform to the following regulatory programs to reduce impacts due to the presence of ACMs and/or lead-based paint to a less than significant level:

SM HM-1: As appropriate, a lead survey of painted surfaces and soil around buildings on parcels proposed for redevelopment shall be performed prior to demolition. Requirements outlined by Cal/OSHA Lead in Construction Standard, Title 8, CCR 1532.1 would be followed during demolition activities, including employee training, employee air monitoring and dust control. Any debris or

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soil containing lead-based paint or coatings would be disposed of at landfills that meet acceptance criteria for the waste being disposed.

SM HM-2: All potentially friable ACMs shall be removed in accordance with the NESHAP guidelines prior to building demolition or renovation that may disturb the materials. All demolition activities shall be undertaken in accordance with OSHA standards contained in Title 8 of the CCR, Section 1529, to protect workers from exposure to asbestos. Specific measures could include air monitoring during demolition and the use of vacuum extraction for asbestos-containing materials.

SM HM-3: A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.

SM HM-4: Materials containing more than one (1) percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations. Removal of materials containing more than one (1) percent asbestos shall be completed in accordance with BAAQMD requirements.

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IX. HYDROLOGY AND WATER QUALITY: Would the project:	Potentially Significant Impact and Inconsistent with MEIR	Less Than Significant with Mitigation identified in the MEIR	Less Than Significant Impact Consistent with MEIR	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project is subject to the City's water quality regulations. The project includes a storm water management plan to address storm water runoff. The project is within the development projections identified in the Downtown Specific Plan and Master EIR. The implementation of the applicable standard measures will ensure that any potential impacts are reduced to a level of less than significant.

Drainage

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Standard Measures: In accordance with City of Morgan Hill standards, development in the Specific Plan area shall implement the following measures to avoid impacts to the City's storm drainage system.

SM HYDRO-1: In accordance with Morgan Hill Municipal Code Chapter 17.32, Improvement and Improvement Agreements, a complete storm drainage study of the proposed development must be submitted showing amount of runoff, and existing and proposed drainage structure capacities. This study shall be subject to review and approval by the Director of Public Works. All needed improvements will be made by the applicant. No overloading of the existing system will be permitted.

SM HYDRO-2: In accordance with Morgan Hill Municipal Code Chapter 17.32, Improvement and Improvement Agreements, the applicant of development proposed under the Specific Plan shall cause the design and construction to be undertaken for a storm drainage collection system shown on the tentative map or site development plan. All storm drain improvements shall be constructed to the satisfaction of the Director of Public Works.

SM HYDRO-3: In accordance with Morgan Hill Municipal Code Chapter 17.32, Improvements and Improvement Agreements, proposed collection system in the project area shall be designed to be capable of handling runoff without local flooding. On-site detention facilities shall be designed to a 25-year storm capacity; whereas, on-site retention facilities shall be designed to a 100-year storm capacity. Off-site detention and retention facilities may also be proposed, and are subject to the approval of the Director of Public Works. Items of construction shall include, but not be limited to installation of storm line extensions and surface and subsurface storm drain facilities, manholes with manhole frames and covers, catch basins and laterals.

SM HYDRO-4: Future development will be required to pay the City of Morgan Hill Storm Drainage Impact fee in accordance with Chapter 3.56 of the Morgan Hill Municipal Code. The fees established by this chapter are based on the costs required for new facilities and other capital acquisition costs to serve new development.

Flooding

Standard Measures: In accordance with City of Morgan Hill standards, development in the Specific Plan area shall implement the following measures to reduce and/or avoid flooding impacts:

SM HYDRO-5: Development in the project area shall comply with Morgan Hill Municipal Code Chapter 18.42, the Flood Damage Prevention Ordinance, which requires new residential construction to elevate habitable spaces one foot above anticipated flood levels, non-residential construction to be flood proofed, and subgrade floors to withstand hydrostatic flood forces.

SM HYDRO-6: Development proposed in the project area would prepare and submit a Storm Drainage Study to the Director of Public Works for review and approval. The study would include calculations to determine detention and operations and demonstrate how the runoff rate from the proposed development would be less than or equal to existing conditions, or how off-site facilities would be used.

Water Quality

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Standard Measures: In accordance with City of Morgan Hill standards, development in the Specific Plan area shall implement the following measure to avoid construction phase and post-construction water quality impacts:

SM HYDRO-7: Prior to final map approval or issuance of a grading permit the applicant shall complete the following to the satisfaction of the Director of Public Works.

- Storm drain calculations to determine detention pond sizing and operations.
- Plan describing how material excavated during construction will be controlled to prevent this material from entering the storm drain system.
- Water Pollution Control Drawings (WPCD) for Sediment and Erosion Control.

SM HYDRO-8: As required by the State Water Resources Control Board (SWRCB) Order No. 99-08-DWQ, construction activity resulting in a land disturbance of one (1) acre or more of soil, or whose projects are part of a larger common plan of development that in total disturbs more than one (1) 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) package and develop a Storm Water Pollution Prevention Plan (SWPPP) Manual in accordance with Section A, B, and C of the General Permit prior to the commencement of soil disturbing activities. A NOI Receipt Letter assigning a Waste Discharger Identification (WDID) number to the construction site will be issued after the SWRCB receives a complete NOI package (original signed NOI application, vicinity map, and permit fee); copies of the NOI Receipt Letter and SWPPP shall be forwarded to the Building and Public Works Department review. SWPPP shall be made a part of the improvement plans.

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X. LAND USE AND PLANNING: Would the project:	Potentially Significant Impact and Inconsistent with MEIR	Less Than Significant with Mitigation identified in the MEIR	Less Than Significant Impact Consistent with MEIR	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project includes a Planned Development request to deviate from the front setback and to allow restaurants with full service of alcoholic beverages as a permitted use.

The project proposes commercial uses within the Downtown area, which is consistent with the Specific Plan. The implementation of the PD does not materially change the CBD district and will include standard conditions for operation of restaurants with alcoholic beverage service as other similar restaurants. The project would continue to be consistent with the Design Guidelines of the Downtown Specific Plan, including constructing service areas away from public view.

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XI. MINERAL RESOURCES: Would the project:	Potentially Significant Impact and Inconsistent with MEIR	Less Than Significant with Mitigation identified in the MEIR	Less Than Significant Impact Consistent with MEIR	No Impact
a) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The site setting has not changed since the certification of the Master EIR and therefore there would be no impact.

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XII. NOISE: Would the project result in:	Potentially Significant Impact and Inconsistent with MEIR	Less Than Significant with Mitigation identified in the MEIR	Less Than Significant Impact Consistent with MEIR	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) 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, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project proposes commercial development with no residential uses on-site. There may be temporary noise impacts associated with construction activities. As identified in the Master EIR, construction projects with a duration of less than a year typically do not have significant impacts. The project small infill project site fits within the description identified in the Master EIR. The implementation of standard measures and construction mitigation measures would ensure that impacts are less than significant.

Standard Measures: The following standard measure will reduce potential construction related noise impacts to nearby sensitive receptors:

SM NV-2: Construction activities shall be limited to the hours between 7:00 a.m. and 8:00 p.m., Monday through Friday, and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays. No construction activities should occur on Sundays or federal holidays (Consistent with Section 8.28.040 of the Morgan Hill Municipal Code).

Construction Noise

Mitigation Measures

MM NV-5.1: The following mitigation measures shall be implemented, as conditions of approval, in addition to construction hour limitations in the Morgan Hill Municipal Code, to reduce potential construction related noise impacts to nearby sensitive receptors:

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- Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Locate stationary noise generating equipment (e.g. rock crushers, compressors) as far as possible from adjacent residential receivers.
- Acoustically shield stationary equipment located near residential receivers with temporary noise barriers or recycled demolition materials.
- Utilize “quiet” air compressors and other stationery noise sources where technology exists.
- The contractor shall prepare a detailed construction plan identifying the 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 would determine the cause of the noise complaint (e.g., bad muffler, etc.) and would require that reasonable measures be implemented to correct the problem.

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XIII. POPULATION AND HOUSING: Would the project:	Potentially Significant Impact and Inconsistent with MEIR	Less Than Significant with Mitigation identified in the MEIR	Less Than Significant Impact Consistent with MEIR	No Impact
a) Induce substantial 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The Master EIR identified that by 2030, the Specific Plan area would include an additional 1,192 residential units and 1,577 additional employees.

The project proposes the construction of two commercial buildings totaling 12,025 square feet, which is a net of 9,945 square feet. Based on square footage and the US Green Building Council for employees per square foot¹, the proposed restaurant uses would employ 90 people. No residential units are proposed. That amount is within the employment projections and therefore the project would have less than significant impact.

¹ USGBC. Building Area per Employee by Business Type.

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwi88t6Pu7vJAhVBzWMKHTchCFEQFggdMAA&url=http%3A%2F%2Fwww.usgbc.org%2FDocs%2FArchive%2FGeneral%2FDocs4111.pdf&usg=AFQjCNHi969PWIS_W0NeeCtN39LBjtcoqA Accessed: December 1, 2015

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XIV. PUBLIC SERVICES:	Potentially Significant Impact and Inconsistent with MEIR	Less Than Significant with Mitigation identified in the MEIR	Less Than Significant Impact Consistent with MEIR	No Impact
a) 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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project is within the Development Projections identified in the Downtown Specific Plan and the Master EIR. The Planned Development will include operating standards for the restaurants that are intended to reduce police calls to the premises.

Implementation of standard measures identified in the Master EIR will ensure that the project has a less than significant impact.

Fire Protection

Standard Measures: In accordance with City of Morgan Hill standard conditions, development in the Specific Plan project area shall implement the following measures:

SM PS-1: Development and roadway modifications proposed under the Specific Plan will be subject to SCCFD review to ensure building compliance with the Uniform Fire Code and roadway widths/configurations allow for fire truck access to buildings and adequate response times to the project area.

Schools

Standard Measures: In accordance with City of Morgan Hill standards, development in the Specific Plan area shall implement the following measures to avoid impacts to the Morgan Hill Unified School District.

SM PS-2: State Law (Government Code Section 65996) specifies an acceptable method of offsetting a project's effect on the adequacy of school facilities is payment of a school impact fee prior to issuance of a building permit. The school impact fees implementation of measures

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specified in Government Code 65996 would be used to offset project-related increases in student enrollment. Residential development proposed under the Specific Plan would be required to comply with the school impact fee requirements of the Morgan Hill Unified School District.

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XV. RECREATION:	Potentially Significant Impact and Inconsistent with MEIR	Less Than Significant with Mitigation identified in the MEIR	Less Than Significant Impact Consistent with MEIR	No Impact
a) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project includes the construction and operation of commercial buildings. No residential development is included with the project. Therefore, there would be no impacts to recreation.

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XVI. TRANSPORTATION/TRAFFIC: Would the project:	Potentially Significant Impact and Inconsistent with MEIR	Less Than Significant with Mitigation identified in the MEIR	Less Than Significant Impact Consistent with MEIR	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project is within the Downtown Specific Plan and Master EIR development projections. The Master EIR identified Significant and unavoidable impacts for transportation. The City of Morgan Hill continues to monitor traffic conditions at Main Avenue and Depot Street (MM TRANS-5.1/MM TRANS-5a.1), Main Avenue and Hale Avenue (MM TRANS-6a.1) and Main Avenue and Butterfield Boulevard (MM TRANS-8a.1) as specified in the Master EIR.

The Specific Plan does not require parking commercial uses. While parking spaces will be eliminated on-site, the City's public parking garage will open soon providing 275 stalls for the downtown area. The City is currently also conducting a parking inventory study and completing a land use database as specified in the Master EIR and Downtown Specific Plan (MM TRANS-10.1).

In addition, the project is within a quarter-mile of the Morgan Hill Caltrain Station. In accordance with CEQA Section 21099 (adopted subsequent to the certification of the Master EIR), projects within a transit area will not have significant impacts to aesthetics and parking.

Monterey & Third-Rodrigues Development Project

XVII. UTILITIES AND SERVICE SYSTEMS: Would the project:	Potentially Significant Impact and Inconsistent with MEIR	Less Than Significant with Mitigation identified in the MEIR	Less Than Significant Impact Consistent with MEIR	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project is within the development projections outlined in the Downtown Specific Plan and Master EIR. The implementation of standard measures will ensure that the project would have less than significant impacts.

Storm Drainage System

Specific Plan area shall implement the following measures to avoid impacts to the City's storm drainage system.

Standard Measures: In accordance with City of Morgan Hill standards, development in the Specific Plan area shall implement the following measures to avoid impacts to the City's storm drainage system.

SM UTIL-3: In accordance with Morgan Hill Municipal Code Chapter 17.32, a complete storm drainage study of the proposed development must be submitted showing amount of runoff, and existing and proposed drainage structure capacities. This study shall be subject to review and approval by the Director of Public Works. All needed improvements will be made by the applicant. No overloading of the existing system will be permitted.

Monterey & Third-Rodrigues Development Project

SM UTIL-4: In accordance with Morgan Hill Municipal Code Chapter 17.32, the applicant for development proposed under the Specific Plan shall cause the design and construction to be undertaken for a storm drainage collection system shown on the tentative map or site development plan. All storm drain improvements shall be constructed to the satisfaction of the Director of Public Works.

SM UTIL-5: In accordance with Morgan Hill Municipal Code Chapter 17.32, proposed collection system systems in the project area shall be designed to be capable of handling a 10-year storm without local flooding. On-site detention facilities shall be designed to a 25-year storm capacity; whereas, on-site retention facilities shall be designed to a 100-year storm capacity. Off-site detention and retention facilities may also be proposed, and are subject to the approval of the Director of Public Works. Items of construction shall include, but not be limited to Installation of storm line extensions and surface and subsurface storm drain facilities, manholes with manhole frames and covers, catch basins and laterals.

Monterey & Third-Rodrigues Development Project

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE	Potentially Significant Impact and Inconsistent with MEIR	Less Than Significant with Mitigation identified in the MEIR	Less Than Significant Impact Consistent with MEIR	No Impact
a) Does the project have the potential to 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project proposed development is within the development projections identified in the Downtown Specific Plan and Master EIR. The project site is completely developed. The project is within an area that includes existing infrastructure. The City of Morgan Hill will continue to implement the City's Capital Improvement Program, Water Master Plan and Sanitary Sewer Master Plan.

Furthermore, the project is subject to standard measures and mitigation measures contained herein that would reduce impacts to less than significant.