

Notice of Exemption

To: The Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: City of Morgan Hill
Development Services Center
17575 Peak Avenue
Morgan Hill, CA 95037

County Clerk-Recorder
County of Santa Clara
70 W. Hedding Street
1st Floor, East Wing
San Jose, CA 95110
[pursuant to Government Code
Section 21152(b)]

Project Title: Depot Park

Project Location (Specific): Depot Street, between E. Third St. and E. Fourth St., Morgan Hill, CA

Project Location/City: Morgan Hill **Project County:** Santa Clara County

Description of Nature, Purpose, and Beneficiaries of Project: The proposed project will be located on a portion of City property currently used for parking that serves the Caltrain station in Morgan Hill. The parking lot is located on the east side of Depot Street, between E. Third Street and E. Fourth Street. Additional commuter parking is available on a similar parking lot to the north of the project site.

The Park project involves the demolition of 21,097 s.f. of the parking lot, removing 51 general parking spaces and 4 ADA parking spaces on the northern part of the site. The parking lot will retain 32 general parking spaces and the dislocated ADA parking spaces will be moved further south within the lot.

The purpose of the proposed project is to provide a park that includes playground facilities with a variety of play equipment, appropriate resilient ground surfacing, and restrooms. In addition, the park features will include: benches, planter walls with seats, bike racks, a 7-foot sound wall and mural, ornamental iron fencing, gates, lighting, security camera, signage, and striping for new parking spaces. The park facilities would be ADA compliant for access such as walkways and parking. The proposed park will be connected to the Downtown area and surrounding neighborhoods through the community's trail system and bikeways, and will be an important part of the community's recreational system.

The proposed project will benefit the residents and visitors in Morgan Hill as well as the general public through the provision of a playground park with numerous amenities. The park will serve the community at-large and will be immediately accessible to adjoining areas such as: the Downtown, Morgan Hill Community Garden, the Community Center visitors, residents to the south on Depot Street, public institution facilities visitors, and residents to the east of the railroad R-O-W.

Name of Public Agency Approving Project: City of Morgan Hill

Name of Person or Agency Carrying Out Project: City of Morgan Hill Public Works Department

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 type and section number: California Code of Regulations, Title 14, Chapter 3, Section 15332, Class 32, relating to infill development.
- Statutory Exemptions. State code and number:

Attachment 5

Reasons why project is exempt:

Based upon CEQA Guidelines Article 19, Categorical Exemptions, Sections 15300 to 15332, the following class of exemption would apply, either individually or in combination, to the proposed park development activities:

CEQA Guidelines Sections:

§15332. Infill Development Projects.

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

Note: Authority cited: Section 21083, Public Resources Code. Reference: Section 21084, Public Resources Code.

The proposed park project would comply with all of the conditions established for this category of exemption.

(a) The General Plan's City and Neighborhood Form Element provides for a mixture of uses to ensure a vibrant, identifiable Downtown enlivened by public events, place-making activities, residences and businesses, taking advantage of the train station (GOAL CNF-14). The City encourages a mixture of uses in the Downtown that will promote its identity as the cultural and activity center of the City, and is investing \$25 million in Downtown public improvements, including development of a new 275-space parking structure, two new parks, a hilltop trail, and streetscape improvements.

(b) The proposed park is located within the city limits on a parcel that is approximately 0.67 acre and surrounded by urban uses.

(c) The proposed project site is a paved parking lot and a biological assessment including the project site indicates that it has no value as habitat for special-status species.

(d) A review of the project plans indicates that the proposed improvements would not result in any significant impacts related to traffic, noise, air quality, or water quality. The park will be accessible by alternative modes to vehicular travel, such as bus, rail, bicycle, and pedestrian paths.

Noise impacts to and from the proposed site would be ameliorated by a project element, i.e. a sound wall. The site is also within the General Plan designated 60 dBA CNEL contour (General Plan Figure SSI-7); park noise levels are acceptable up to 70 dBA CNEL.

The proposed recreational use would have negligible air quality and water quality impacts. Depending upon the nature of resilient surface materials, which are generally permeable, selected for the park, the removal of asphalt paving would promote on-site infiltration of rainfall, resulting in reductions of surface runoff from the project site, a beneficial impact of the project.

(e) The project site can be served by all required municipal utilities (water, sewer, storm drainage) and public services (e.g. police and fire protection, etc.), as these are available through surrounding urban uses via Depot Street and adjoining streets.

Attachment 5

The project is exempt pursuant to categorical exemptions per CEQA Guidelines Sections 15332, which identifies exemptions for infill development projects. A review of the proposed project improvements relative to CEQA Guidelines Section 15300.2, *Exceptions*, indicates that the improvements would not occur in a particularly sensitive environment, nor have cumulative impacts in the project area. The project would not have a significant effect on the environment due to unusual circumstances, nor would proposed improvements affect a scenic highway or hazardous waste site. A review of records for potentially historical resources in the project area indicates that no adverse impacts to such resources would result from project implementation.

Lead Agency

Contact Person: _____

Telephone: _____

If filed by applicant:

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

Signature: _____ Date: _____ Title: _____

- Signed by Lead Agency
- Signed by Applicant

Date received for filing at OCR:

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Project Title: Hilltop Park

Project Location (Specific): Del Monte Avenue and West Third Street, Morgan Hill, CA

Project Location/City: Morgan Hill **Project County:** Santa Clara County

Description of Nature, Purpose, and Beneficiaries of Project: The proposed project will be located on a portion of City property currently used as a water tank site to provide domestic water service to the community. The Nob Hill Water Tank is located on a 4.89-acre site between West Third Street and West Fifth Street about 635 feet southwest of the West Third Street intersection with Monterey Road. The entrance to the paved and gated access road to the tank site is located at the intersection of West Third Street and Del Monte Avenue. The site elevation ranges from 413 ft. msl at the northwest corner of the site, rising to 472 ft. at the tank site, and descending to approximately 345 ft. at a site access gate on West Fifth Street. Current development on the site includes the water reservoir, pump station, water lines, emergency generator, and communication equipment.

The Hilltop Park project involves the development of passive recreational facilities on the project site along with a trail that will connect West Fifth Street to the site's paved access road and West Third Street. Additionally, two par course trails will provide access to par course stations. The existing water service facilities will remain in operation and are fenced from public access. The purpose of the proposed project is to provide a park recreation that includes par course trail, outdoor fitness equipment, two picnic tables near the water tank, bike racks, a specialty slide, wood benches, and informational signage about city history, and views. The trail will consist of decomposed granite in the vicinity of the water tank and along the par course trails. Asphalt paving and a concrete sidewalk will be constructed from West Fifth Street northward for approximately 250 ft. northward along the western boundary of the project site.

The proposed project will benefit the residents and visitors in Morgan Hill as well as the general public through the provision of a recreational trail with numerous amenities. The park will serve the community at-large and will be immediately accessible to adjoining areas, connecting the neighborhood in the vicinity of West Fifth Street and West Dunne Avenue to West Third Street, Del Monte Avenue, and the future Little Llagas Creek Park.

Name of Public Agency Approving Project: City of Morgan Hill

Name of Person or Agency Carrying Out Project: City of Morgan Hill Public Works Department

Exempt Status: (check one)

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Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

Note: Authority cited: Section 21083, Public Resources Code. Reference: Section 21084, Public Resources Code.

The proposed park project would comply with all of the conditions established for this category of exemption.

(a) The General Plan's City and Neighborhood Form Element provides for open space areas within the community, and the project site is designated for Open Space use. Land designated Open Space is generally meant to remain unimproved and devoted to the preservation of natural resources, managed production of resources, or public health and safety, as well as to complement adjacent, higher density residential and commercial development. The proposed park fulfills Policy CNF-11.6 that encourages the use of existing and planned linear parks to connect residential neighborhoods. The City is investing \$25 million in Downtown public improvements, including development of the hilltop trail along with a new 275-space parking structure, two new parks, and streetscape improvements.

(b) The proposed park is located within the city limits on a parcel that is approximately 4.89 acres and substantially surrounded on the north, east, and south by residential and commercial uses.

(c) The biological resources on the project site were evaluated in a biological assessment, which determined that the site does not support habitat for special-status species.

(d) A review of the project plans indicates that the proposed improvements would not result in any significant impacts related to traffic, noise, air quality, or water quality. The park will be accessible by alternative modes to vehicular travel, i.e. bicycle and pedestrian paths. No public vehicular access will be available to the project site.

The site is outside of the General Plan designated 60 dBA CNEL contour (General Plan Figure SSI-7). The park noise levels will be limited through the control of uses and activities appropriate to the hours of park operation. Park noise levels are acceptable up to 70 dBA CNEL.

The proposed recreational uses as a trail and par course would have negligible air quality and water quality impacts.

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(e) The project site can be served by all required utilities and public services (e.g. police and fire protection, etc.), as these are available through surrounding urban uses via West Third Street, West Fifth Street and adjoining streets. None of the proposed recreational uses will require utility services; emergency services will have vehicular access from West Third Street.

The project is exempt pursuant to categorical exemptions per CEQA Guidelines Sections 15332, which identifies exemptions for infill development projects. A review of the proposed project improvements relative to CEQA Guidelines Section 15300.2, *Exceptions*, indicates that the improvements would not occur in a particularly sensitive environment, nor have cumulative impacts in the project area. The project would not have a significant effect on the environment due to unusual circumstances, nor would proposed improvements affect a scenic highway or hazardous waste site. A review of records for potentially historical resources in the project area indicates that no adverse impacts to such resources would result from project implementation.

Lead Agency

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