



Planning for Success.

PROPOSED MITIGATED NEGATIVE DECLARATION

BORELLO SITE ACQUISITION

PREPARED FOR

Morgan Hill Unified School District

October 25, 2012

EMC PLANNING GROUP INC.
A LAND USE PLANNING & DESIGN FIRM

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BORELLO SITE ACQUISITION

Proposed Mitigated Negative Declaration

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October 25, 2012

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NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

In compliance with the California Environmental Quality Act (CEQA), the Morgan Hill Unified School District has undertaken environmental review for the proposed Borello Site Acquisition located at Peet Road and Mission Avenida, and intends to adopt a Mitigated Negative Declaration. The Morgan Hill Unified School District invites all interested persons and agencies to comment on the proposed Borello Site Acquisition Mitigated Negative Declaration.



Lead Agency: Morgan Hill Unified School District

Project Location: The 12.04-acre project site is located at the northeast corner of the intersection of Peet Road and Mission Avenida in the City of Morgan Hill, Santa Clara County, California.

Project Description: The Morgan Hill Unified School District has been offered ten acres of a 12.04-acre property in the City of Morgan Hill for a future school facility. The School District is considering acquisition of the property; however, no plans for development of the site have been identified. The project site would be large enough to accommodate an elementary school or some other type of School District facility, such as a sport's facility, but is not large enough for either a middle school or traditional high school.

For the purposes of CEQA, an Initial Study was prepared that evaluates development of ten acres of the project site as a 600-student elementary school. No development plans have been prepared. Should the School District acquire the property, it will need to conduct supplemental CEQA analysis when it proposes specific development for the property.

Public Review Period: Begins– Friday October 26, 2012
Ends – Monday November 26, 2012

Proposed Mitigated Negative Declaration is Available for Public Review at these Morgan Hill Unified School District
15600 Concord Circle
Morgan Hill, CA 95037

Locations: MHUSD website at:
<http://www.mhu.k12.ca.us/>

Morgan Hill Library
660 West Main Avenue
Morgan Hill, CA 95037

Address Where Written Comments May be Sent: Anessa Espinosa, Director of Facilities
Morgan Hill Unified School District
15600 Concord Circle
Morgan Hill, CA 95037

October 2012

Proposed Mitigated Negative Declaration



Proposed MITIGATED NEGATIVE DECLARATION

I. DESCRIPTION OF PROJECT

Project Title: Borello Site Acquisition

APN: 728-55-015, -016, and -017

Project Location: The 12.04-acre project site is located at the northeast corner of the intersection of Peet Road and Mission Avenida in the City of Morgan Hill, Santa Clara County, California.

Project Proponent/Lead Agency:

Morgan Hill Unified School District
15600 Concord Circle
Morgan Hill, CA 95037

Project Description: The Morgan Hill Unified School District (hereinafter "School District" or "MHUSD") has been offered ten acres of a 12.04-acre property (hereinafter "project site") in the City of Morgan Hill for a future school facility. The School District is considering acquisition of the property; however, no plans for development of the site have been identified. The project site would be large enough to accommodate an elementary school or some other type of School District facility, such as a sport's facility, but is not large enough for either a middle school or traditional high school.

The School District is required to comply with the California Environmental Quality Act (CEQA) prior to acquisition of property. CEQA requires consideration of direct physical changes in the environment that may be caused by the project and reasonably foreseeable indirect physical changes in the environment that may be caused by the project. Acquisition of the project site by the School District would not directly result in a change in the

environment; however, it is reasonably foreseeable that the School District would, at some time in the future, construct a School District facility at the project site. Therefore, for the purposes of CEQA, this Initial Study evaluates development of ten acres of the project site as a 600-student elementary school. No development plans have been prepared.

Should the School District acquire the property, it will need to conduct supplemental CEQA analysis when it proposes specific development for the property.

II. PROPOSED FINDING

The Morgan Hill Unified School District is the custodian of the documents and other material that constitute the record of proceedings upon which this decision is based.

The initial study indicates that the proposed project has the potential to result in significant adverse environmental impacts. However, the mitigation measures identified in the initial study would reduce the impacts to a less than significant level. There is no substantial evidence, in light of the whole record before the lead agency (Morgan Hill Unified School District) that the project, with mitigation measures incorporated, may have a significant effect on the environment. See the following project-specific mitigation measures:

III. MITIGATION MEASURES

Aesthetics

- AE-1. MHUSD will prepare a lighting study evaluating the future proposed school facilities when a project is proposed and prior to completion of future supplemental environmental review pursuant to CEQA. The lighting study will identify methods for reducing potential lighting impacts to neighbors, motorists, and nighttime views while maintaining safety and the objectives of the school facility. The study will consider, but not be limited to, recommending the following measures that may serve to minimize potential light pollution: the use of energy efficient lights and/or low- or high-pressure sodium lights; exclusion of mercury vapor lights; light shielding and proper direction; light pole height; and, hours of lighting. All recommendations in the lighting study that do not compromise school programs will be implemented prior to occupancy of the school, or prior to use of lighting for nighttime visibility during school activities, whichever comes first.

- AE-2. MHUSD will design the school with placement of lighted fields and parking lots in the least obtrusive location to existing and/or planned surrounding land uses, balancing the educational needs with the environmental impacts and without jeopardizing the use and value of the school facility or compromising school programs.

Air Quality

- AQ-1. MHUSD will implement all applicable regional and state efficiency measures into the school facility design, including BAAQMD's control measures, and State of California energy efficiency requirements.

- AQ-2. The following measures will be implemented during construction activities, and included as contractual conditions by and between the MHUSD and construction company, for the purpose of reducing dust emissions during site preparation and construction:

- a. Earthmoving or other dust-producing activities will be suspended during periods of high winds.
- b. All exposed or disturbed soil surfaces will be watered at least twice daily to control dust as necessary.
- c. Stockpiles of soil or other materials that can be blown by the wind will be watered or covered.
- d. All trucks hauling soil, sand, and other loose materials will be covered and all trucks will be required to maintain at least two feet of freeboard.
- e. All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites will be swept daily (with water sweepers).
- f. Vegetation in disturbed areas will be replanted as quickly as possible.

Biological Resources

- BIO-1. To avoid impacts to nesting birds, the School District will attempt to schedule noise-generating construction activities outside of the nesting bird season. The nesting bird season is February 1 to August 31. If the School

District determines that construction must occur during the nesting season, then a qualified biologist will conduct a pre-construction survey for nesting birds to ensure that no nests would be disturbed during project construction. This survey will be conducted no more than 7 days prior to the initiation of disturbance activities during the early part of the nesting season (February through April) and no more than 30 days prior to the initiation of disturbance activities during the late part of the nesting season (May through August). If no active nests are present within 300 feet of construction, then activities can proceed as scheduled. However, if an active nest is detected during the survey within 300 feet of construction, then the establishment of a protective construction-free buffer zone from each active nest (typically 250 feet for raptors and 50-100 feet for other species) will be clearly delineated or fenced until the juvenile bird(s) have fledged (left the nest), unless the biologist determines that construction noise would not impact the active nest.

BIO-2. To avoid/minimize potential impacts to burrowing owls, a qualified biologist will conduct a two-visit (i.e. morning and evening) presence/absence survey at areas of suitable habitat on and adjacent to the project site no less than 14 days and no more than 30 days prior to the start of construction. Surveys will be conducted according to methods described in the Staff Report on Burrowing Owl Mitigation (CDFG 2012). If pre-construction “take avoidance” surveys performed during the breeding season (February through August) or the non-breeding season (September through January) for the species locate occupied burrows near the construction area, then consultation with the CDFG would be required to interpret survey results and develop project-specific avoidance and minimization approaches.

Cultural Resources

CR-1. The School District will contract with a qualified professional archeologist to conduct a Program of Subsurface Probing prior to supplemental CEQA analysis associated with future construction of school facility. The subsurface probing would be conducted to determine the presence or absence of subsurface cultural deposits. Should intact cultural resources be found, then appropriate mitigation measures will be formulated by the consultant and implemented by the District.

CR-2. Due to the possibility that significant buried cultural resources may be found during construction even after the completion of the Program of Subsurface Probing, and in accordance with CEQA Guidelines section 15064.5, the School District shall ensure that the following language is included in all construction contracts and permits:

“If archaeological resources or human remains are accidentally discovered during construction, work will be halted within 50 feet of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures will be formulated and implemented.”

CR-3. Construction personnel involved in the site clearing and subsequent grading and trenching will be informed that there is a potential for the discovery of subsurface cultural resources. Indicators of archaeological site deposits include, but are not limited to, the following: darker than surrounding soils, evidence of fire (ash, fire altered rock and earth, carbon flecks), concentrations of stone, bone and shellfish, artifacts of these materials and animal or human burials.

CR-4. Due to the possibility that significant buried paleontological resources may be found during construction even after the completion of the Program of Subsurface Probing, the School, District will ensure that the following language is included in all construction contracts and permits:

“If paleontological resources are encountered during subsurface construction activities, all work within 50 feet of the discovery will be redirected until a qualified paleontologist can evaluate the finds and make recommendations. If the paleontological resources are found to be significant, they will be avoided by project construction activities and recovered by a qualified paleontologist. Upon completion of the recovery, a paleontological assessment will be conducted by a qualified paleontologist to determine if further monitoring for paleontological resources is required. The assessment will include:

1) the results of any geotechnical investigation prepared for the project site;

- 2) specific details of the construction plans for the project site;
- 3) background research; and
- 4) limited subsurface investigation within the project site.

If a high potential to encounter paleontological resources is confirmed, a monitoring plan of further project subsurface construction will be prepared in conjunction with this assessment. After project subsurface construction has ended, a report documenting monitoring, methods, findings, and further recommendations regarding paleontological resources will be prepared.”

CR-5. Because site disturbance 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 will apply. If human remains are discovered, it is probable they are the remains of Native Americans.

- a. If human remains are encountered they will 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 will 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 will 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.
- b. In the event that known or suspected Native American remains are encountered or significant historic or archaeological materials are discovered, ground-disturbing activities will 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 discovery locale.

- c. An “exclusion zone” where unauthorized equipment and personnel are not permitted will 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).
- d. The discovery locale will be secured (e.g., 24 hour surveillance) as directed by the School District if considered prudent to avoid further disturbances.
- e. The Contractor Foreman or authorized representative, or party who made the discovery and initiated these protocols will 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 Morgan Hill Unified School District Facilities Director
(408) 201-6087
 - The Contractor’s Point(s) of Contact
 - The Coroner of the County of Santa Clara (if human remains found)
(408) 793-1900
 - The Native American Heritage Commission (NAHC) in Sacramento
(916) 653-4082
 - The Amah Mutsun Tribal Band (916) 481-5785 (H) or
(916) 743-5833 (C)

- f. 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.
- g. 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.)
- h. Within 24 hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose.
- i. Within 24 hours of their notification by the NAHC, the MLD may recommend to the School District Facilities 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.
- j. If the MLD recommendation is rejected by the School District the parties will attempt to mediate the disagreement with the NAHC. If mediation fails then the remains and all associated grave offerings will be reburied with appropriate dignity on the property in a location not subject to further subsurface disturbance.

CR-6. If resources are encountered, the School District will have a final report prepared. This report will contain a description of the mitigation program that was implemented and its results, including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusion, and a description of the disposition/curation of the resources.

A. Geology and Soils

G-1. Once a preliminary design of the new school facility is prepared, the School District will have a geotechnical analysis prepared to determine the suitability,

stability, and appropriate recommendations for construction of a specified school design/siting. The analysis will be completed prior to approval of the site plan by the School District. The recommendations in the analysis will be used in all relative phases of design, site preparation, and construction. The report will include, but not be limited to, 1) performing additional subsurface exploration within proposed building footprints, as required by California Code of Regulations, Title 24, and the most-recent California Building Code, once building layout is determined, 2) review of plans and specifications, 3) observation and in-place density testing of subgrade preparation and grading, engineered fill installation, utility trench backfill, aggregate base installation, and 4) observation of building foundation excavations and pavement construction.

B. Hazards and Hazardous Materials

- H-1. Prior to development of the site, the School District will conduct a preliminary environmental assessment (PEA) under DTSC oversight and review. As a component of the PEA, soils will be evaluated to determine whether a release of hazardous material has occurred since the 2005 site cleanup. This evidence will be submitted to DTSC. If no hazardous materials are identified, the School District will obtain certification from the DTSC that on-site soils contamination is at a level that is acceptable for unrestricted school facility use.

The PEA will also determine the presence of asbestos containing materials and/or lead based paint. If the structures do contain either hazardous material, the PEA will present recommendations and requirements for demolition and disposal. Prior to occupancy of the school, the School District will ensure the structures are demolished and disposed according to the most recent legal requirements, and provide evidence to DTSC as the oversight agency.

- H-2. The School District will design the future school facility in compliance with State Department of Education requirements, particularly to avoid siting of facilities within 100 feet of the power transmission line right-of-way along the southern boundary of the site.

C. Hydrology and Water Quality

- HY-1. Prior to construction activities for any future development, the School District will obtain a NPDES Construction General Permit from the Regional Water Quality Control Board (RWQCB), San Francisco Bay which specify how the discharger will protect water quality during the course of construction consistent with RWQCB requirements.
- HY-2. The School District will coordinate with the City of Morgan Hill for connecting to the city's storm water infrastructure, or conveying water to an off-site detention pond if available. If City storm water infrastructure or other privately owned detention facilities are not available or do not have adequate capacity, the School District will have a hydrological analysis prepared and the results included in a supplemental CEQA review for the school development project. The hydrological analysis will determine adequate storm water conveyance and detention infrastructure, including sizing and on-site or off-site detention requirements. Storm water management infrastructure will be in place prior to occupancy of the school.
- HY-3. Prior to design approval and associated with subsequent environmental review for construction of a specific school facility project, the School District will prepare a Flood Evacuation Plan that details feasible measures that will be implemented in the event of catastrophic dam failure to reduce exposure of people to risk of loss, injury, or death from flooding. The Evacuation Plan will include a system for adequate warning in the event of a dam failure and a plan for the safe and expedient evacuation of school facility staff and students. The Plan will prioritize actions to be taken in the event of dam failure including communication protocol, and identify locations and procedures to obtain necessary resources. The Evacuation Plan should be coordinated with any other state and local Emergency Plans in place at the time of facility design.

D. Noise

- N-1. The School District will prepare an acoustical analysis when layout of the future school is determined, as a part of the supplemental CEQA process. The acoustical analysis will determine, but not be limited to, potential

impacts to the school from the surrounding noise environment; potential impacts to neighboring uses due to school-related activities; and, recommendations for reducing potential noise impacts within acceptable levels. The acoustical analysis will be completed and appropriate mitigation adopted prior to approval of the school design by the School Board.

- N-2. All construction activities and use of heavy equipment at the project site will be limited to the hours of 7:00 a.m. to 8:00 p.m. Monday through Friday and between the hours of 9:00 a.m. to 6:00 p.m. on Saturday. Construction activities will not occur on Sundays or federal holidays. This requirement will be included in any construction contracts for activities on the project site.

E. Transportation

- T-1. Prior to approval of a site plan and construction of the school facility, the School District will conduct supplemental CEQA analysis to evaluate consistency of the proposal with applicable plans, ordinances or policies (including applicable congestion management programs), impacts on the roadway system, as well as access issues for vehicles, busses, pedestrians, and bicycles. The traffic analysis will be completed and mitigation considered prior to approval of the school design by the School Board. All identified significant adverse impacts will be mitigated.

BORELLO SITE ACQUISITION

Initial Study

PREPARED FOR
Morgan Hill Unified School District
15600 Concord Circle
Morgan Hill, CA 95037
Tel 408.201.6087

PREPARED BY
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A. BACKGROUND

| | |
|---|---|
| Project Title | Borello Site Acquisition |
| Lead Agency Contact Person and Phone Number | Morgan Hill Unified School District Anessa Espinosa, Director of Facilities (408) 201-6087 |
| Date Prepared | October 25, 2012 |
| Study Prepared by | EMC Planning Group 301 Lighthouse Avenue, Suite C Monterey, CA 93940 Teri Wissler Adam, Senior Principal Barb (Polaris) Kinison Brown, Associate Planner Andrea Edwards, Associate Biologist |
| Project Location | The 12.04-acre project site is located at the northeast corner of the intersection of Peet Road and Mission Avenida in the City of Morgan Hill, Santa Clara County, California. |
| Project Sponsor Name and Address | Morgan Hill Unified School District 15600 Concord Circle Morgan Hill, CA 95037 |
| General Plan Designation | Single Family Low with School and Park Site identification (City of Morgan Hill General Plan Land Use Diagram 2001 - rev 2012) |
| Zoning | Single Family District (R1-12,000) Planned Development (PD) Overlay |

Setting

The proposed project site is located on the east side of U.S. Highway 101 in the City of Morgan Hill, Santa Clara County, California. [Figure 1, Regional Location](#), presents the regional location of the project site. The property is located on Peet Road, in the northeast portion of the City. Coyote Creek is located approximately one-half mile to the north, and the Anderson Reservoir Dam is located approximately 0.5 mile to the northeast of the site. [Figure 2, Project Vicinity](#), presents the project site in relation to the City of Morgan Hill and land uses and natural features in the vicinity. The project site consists of 12.04 acres bordered by Peet Road and Mission Avenida and is identified as Assessor's parcel numbers (APNs) 728-55-015, -016, and -017 as illustrated in [Figure 3, Assessor's Parcel Map](#).

The site is surrounded by residential neighborhoods to the north, south, and west. The Coyote Pumping Plant, operated by the Santa Clara Valley Water District, is adjacent to the east. Vacant property to the northeast and east of the pumping plant (approximately 122 acres) is currently undergoing environmental review for a proposed 244 single-family home residential development.

The property has been in agricultural production for more than 100 years; utilized as an apricot orchard from the early 1900's through the mid 1990's when the apricot orchard was replaced with a cherry orchard. The cherry orchard was removed and burned onsite in September 2004 (Department of Toxic Substances Control Northern California Coastal Cleanup Operations Branch. *Notice of Exemption (NOE) - Removal Action Workplan for Borello Property Site*. May 5, 2005). In 2005, the site underwent bioremediation to remove organochlorine pesticides. The Department of Toxic Substance Control (DTSC) certified the site as clean for residential development in October 2005 (Department of Toxic Substances Control. Envirostor. Accessed Sept. 12, 2012 www.envirostor.dtsc.ca.gov/public). Since that time it is unclear if the site has continued to be used for agricultural production. At the time of EMC Planning Group's site visit (July 2012), soils had been recently disturbed (tilled or plowed) and the land appeared fallow. The site is not fenced.

The site is relatively flat, with an elevation range of approximately 405 to 415 feet. The remainder of the property contains three structures: a barn structure located near the northern border of the site, and two temporary structures located near the western corner of the site. During the 2012 site visit the barn appeared to be actively used, with the upper two feet of the structure open and exposed to light, and the two temporary structures were identified as sales offices associated with the nearby Alicante residential development to the west and north. Existing conditions are illustrated in [Figure 4, Aerial Photograph](#) and [Figure 5, Site Photographs](#).

Project Description

The Morgan Hill Unified School District (hereinafter "School District" or "MHUSD") has been offered ten acres of a 12.04-acre property (hereinafter "project site") in the City of Morgan Hill for a future school facility. The School District is considering acquisition of the property; however, no plans for development of the site have been identified. The project site would be large enough to accommodate an elementary school or some other type of School District facility, such as a sport's facility, but is not large enough for either a middle school or traditional high school.

The School District is required to comply with the California Environmental Quality Act (CEQA) prior to acquisition of property. CEQA requires consideration of direct physical changes in the environment that may be caused by the project and reasonably foreseeable indirect physical changes in the environment that may be caused by the project. Acquisition of the project site by the School District would not directly result in a change in the environment; however, it is reasonably foreseeable that the School District would, at some time in the future, construct a School District facility at the project site. Therefore, for the purposes of CEQA, this Initial Study evaluates development of ten acres of the project site as a 600-student elementary school. No development plans have been prepared.

Should the School District acquire the property, it will need to conduct supplemental CEQA analysis when it proposes specific development for the property.

Other Public Agencies Whose Approval May Be Required

City of Morgan Hill (encroachment permit on public streets, infrastructure improvements)

Division of the State Architect (future School District facility plans)

Department of Toxic Substances Control (clearance of the site for a school facility)

Bay Area Air Quality Management District (demolition permit)

Regional Water Quality Control Board (National Pollutant Discharge Elimination System Permit)

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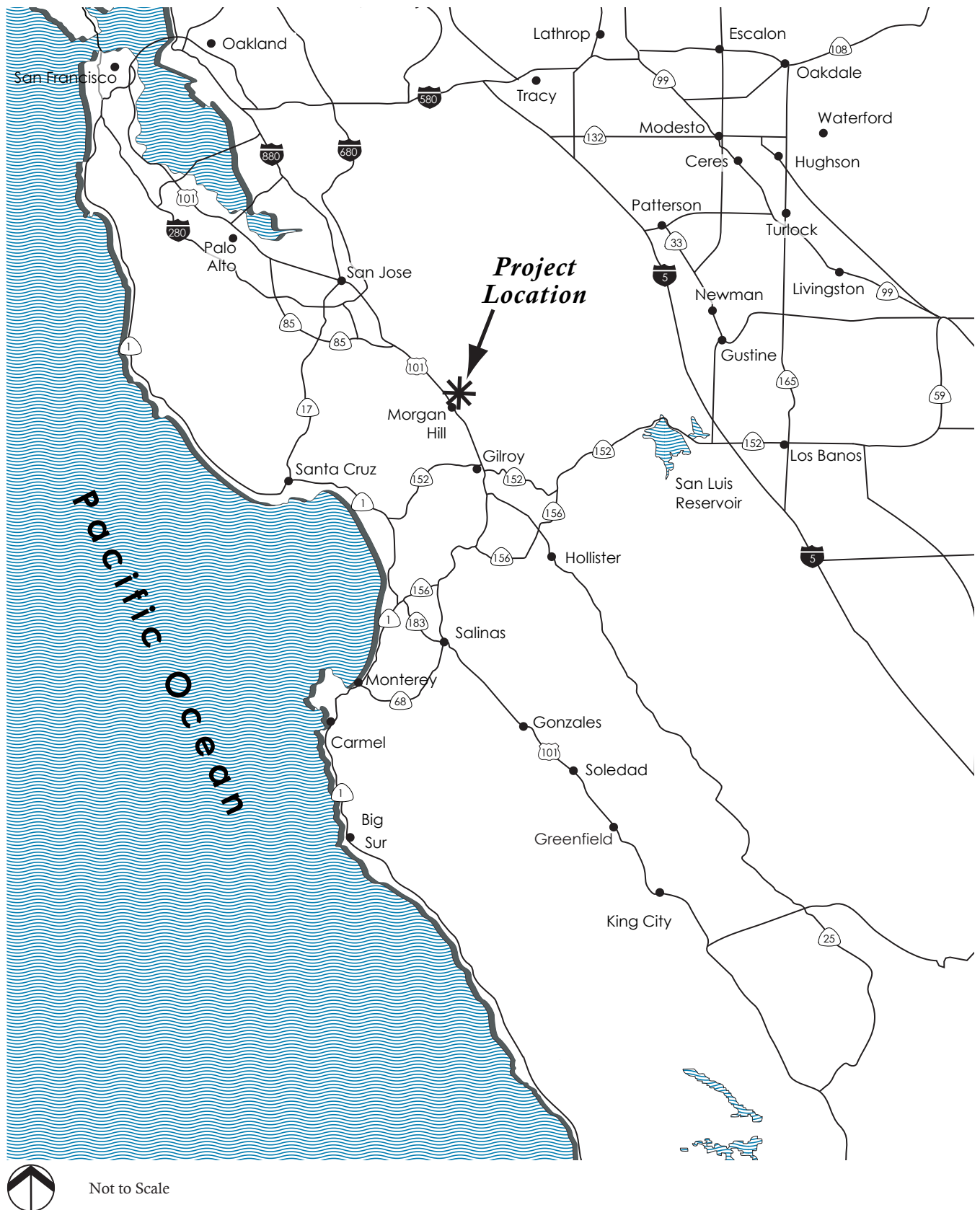


Figure 1
Regional Location

Borello Site Acquisition Initial Study

This side intentionally left blank.



0 4,000 feet



Approximate Project Site Boundary

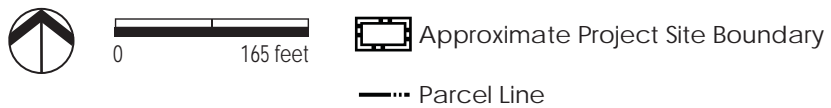
Source: Google Earth 2011



Figure 2
Local Vicinity

Borello Site Acquisition Initial Study

This side intentionally left blank.



Source: MHEngineering Co. 2012, Google Earth 2011

Figure 3
Assessors Parcel Map
 Borello Site Acquisition Initial Study

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Source: MHEngineering Co. 2012, Google Earth 2011

Figure 4
Aerial Photograph

Borello Site Acquisition Initial Study



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① View of on-site ruderal area and barn structure.



② Site overview facing adjacent Coyote Pumping Station.



③ Recently disturbed site from Peet Road facing barn.



④ Site overview showing disturbed agricultural land.

Source: Google Earth 2011



Figure 5
Site Photographs
 Borello Site Acquisition Initial Study

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B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

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

C. DETERMINATION

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ✓ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (1) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (2) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Teri Wussler Adam for:
Anessa Espinosa, Director of Facilities

10-26-12
Date

D. EVALUATION OF ENVIRONMENTAL IMPACTS

Notes

1. A brief explanation is provided for all answers except “No Impact” answers that are adequately supported by the information sources cited in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer is explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers take account of the whole action involved, including off-site as well as on-site, cumulative as well as a project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once it has been determined that a particular physical impact may occur, then the checklist answers indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less-Than-Significant Impact with Mitigation Measures Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less-Than-Significant Impact.” The mitigation measures are described, along with a brief explanation of how they reduce the effect to a less-than-significant level (mitigation measures from section XVII, “Earlier Analyses,” may be cross-referenced).
5. Earlier analyses are used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier document or negative declaration. [Section 15063(c)(3)(D)] In this case, a brief discussion would identify the following:
 - a. “Earlier Analysis Used” identifies and states where such document is available for review.

- b. “Impact Adequately Addressed” identifies which effects from the checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and states whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. “Mitigation Measures”—For effects that are “Less-Than-Significant Impact with Mitigation Measures Incorporated,” mitigation measures are described which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6. Checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances, etc.) are incorporated. Each reference to a previously prepared or outside document, where appropriate, includes a reference to the page or pages where the statement is substantiated.
- 7. “Supporting Information Sources”—A source list is attached, and other sources used or individuals contacted are cited in the discussion.
- 8. This is the format recommended in the CEQA Guidelines as amended January 2011.
- 9. The explanation of each issue identifies:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any to reduce the impact to less than significant.

1. AESTHETICS

Would the project:

| | <i>Potentially Significant Impact</i> | <i>Less-than-Significant Impact with Mitigation Measures Incorporated</i> | <i>Less-Than- Significant Impact</i> | <i>No Impact</i> |
|---|---|---|--|--------------------------|
| a. Have a substantial adverse effect on a scenic vista? (1, 2, 6, 8) | <input type="checkbox"/> | <input 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? (1, 2, 6, 8) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ✓ |
| c. Substantially degrade the existing visual character or quality of the site and its surroundings? (1, 2, 6, 8) | <input type="checkbox"/> | <input 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? (1, 2, 6, 8) | <input type="checkbox"/> | ✓ | <input type="checkbox"/> | <input type="checkbox"/> |

Comments:

- a. **Scenic Vistas.** The City of Morgan Hill's General Plan does not specifically identify the project site as an area providing scenic vistas. However, the plan does put a high priority in maintaining open views of hillsides surrounding the city, as well as preserving their important resources. The hills to the north are visible from Peet Road and Mission Avenida, which are public roads adjacent to the project site, but these views are interrupted by adjacent residential development to the north, south, and west and the Coyote Pumping Plant to the east. Due to the existing development in the area, future development of the site as an elementary school would not have a substantial adverse impact on a scenic vista.
- b. **Scenic Resources.** The project site is not visible from a state highway. The nearest highway is U.S. Highway 101, approximately 3/4 of a mile west of the project site. The project site will have no impact on scenic resources.
- c. **Visual Character or Quality.** The existing visual character of a majority of the site is fallow agricultural land. The remainder of the property contains three structures: A barn structure is located near the northern border of the site, and two temporary sales structures associated with the neighboring Alicante residential development are located near the western corner of the site. The site is relatively flat, with an elevation range of about 405 to 415 feet. However, the properties surrounding have been developed into

residential neighborhoods and the Coyote Pump Station, making the project site a small “agricultural island” amid urban development. Future development of the property as a school facility would change the character of the site from agricultural to urban. However, the change would make the parcel more consistent with the surrounding land uses and is not considered a “degradation” of the site or its surrounding.

- d. **Light and Glare.** Development of the site in the future with school uses could create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area. In particular, parking areas and school fields associated with schools have the potential to cause significant sources of light, skyglow, and light trespassing that could adversely affect neighbors and motorists. To ensure that best available measures are taken to reduce lighting impacts to a less than significant level, the following mitigation measures will be required.

AE-1. MHUSD will prepare a lighting study evaluating the future proposed school facilities when a project is proposed and prior to completion of future supplemental environmental review pursuant to CEQA. The lighting study will identify methods for reducing potential lighting impacts to neighbors, motorists, and nighttime views while maintaining safety and the objectives of the school facility. The study will consider, but not be limited to, recommending the following measures that may serve to minimize potential light pollution: the use of energy efficient lights and/or low- or high-pressure sodium lights; exclusion of mercury vapor lights; light shielding and proper direction; light pole height; and, hours of lighting. All recommendations in the lighting study that do not compromise school programs will be implemented prior to occupancy of the school, or prior to use of lighting for nighttime visibility during school activities, whichever comes first.

AE-2. MHUSD will design the school with placement of lighted fields and parking lots in the least obtrusive location to existing and/or planned surrounding land uses, balancing the educational needs with the environmental impacts and without jeopardizing the use and value of the school facility or compromising school programs.

Implementation of the mitigation measures above would reduce potential impacts due to light and glare to a less than significant level by implementing best available measures to minimize light pollution.

2. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts on agricultural resources are significant environmental effects and in assessing impacts on agriculture and farmland, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department 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 forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

| | <i>Potentially Significant Impact</i> | <i>Less-than-Significant Impact with Mitigation Measures Incorporated</i> | <i>Less-Than-Significant Impact</i> | <i>No Impact</i> |
|--|---------------------------------------|---|-------------------------------------|--------------------------|
| 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 nonagricultural use? (1, 10, 12) | <input type="checkbox"/> | <input type="checkbox"/> | ✓ | <input type="checkbox"/> |
| b. Conflict with existing zoning for agricultural use, or a Williamson Act contract? (4,13) | <input type="checkbox"/> | <input type="checkbox"/> | <input 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))? (4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ✓ |
| d. Result in the loss of forest land or conversion of forest land to non-forest use? (4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ✓ |
| e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use? (4) | <input type="checkbox"/> | <input type="checkbox"/> | ✓ | <input type="checkbox"/> |

Comments:

This section is based on a site visit conducted by EMC Planning Group, previous technical evaluations of the site and surrounding area, the Department of Conservation Farmland Mapping and Monitoring Program, and the City's General Plan.

The majority of the project site has been in agricultural production for more than 100 years. The property was utilized as an apricot orchard from the early 1900's through the mid 1990's when the apricot orchard was replaced with a cherry orchard. The cherry orchard was removed and burned onsite in September 2004. Since that time it is unclear if the site has continued to be used

for agricultural production. At the time of EMC Planning Group's site visit (July 2012), soils had been recently disturbed and the land appeared fallow.

The site also contains an actively used barn, and two temporary sales structures associated with the nearby Alicante residential development. The site is surrounded by urban development.

- a. **Farmland Conversion.** According to mapping pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency (Santa Clara Important Farmland Map 2010) the site is identified as "Prime Farmland." However, the City of Morgan Hill's General Plan has anticipated the site for future urban development; designating the site as residential and identifying the location as appropriate for a school or park. As the site carries an urban designation and is sited in an urban zoning district, the project site is appropriate for development consistent with the General Plan.

A previous environmental document evaluating the residential development adjacent to the site (Geier & Geier Consulting, Inc. 2000, Section II Agricultural Resources) determined that "proposed conversion of farmland would not constitute a significant impact because the site's continued agricultural viability is limited by existing surrounding urban development and the site's current location within the City's urban service area."

The surrounding area of the project site has been developed, with residential to the north, south and west and the Coyote Pumping Station to the east. Remaining vacant land to the northeast and east of the pumping plant (approximately 122 acres) is currently undergoing environmental review for a proposed 244 single-family home residential development.

The site itself represents a small 12.04-acre undeveloped infill area surrounded by urban uses. As such its continued agricultural viability is limited. The City has previously considered any potential impacts to loss of Prime Farmland in its allocation of the land for urban development in the City General Plan and Zoning Code. For these reasons, potential impacts associated with conversion of Prime Farmland to other uses are less than significant.

- b. **Zoning and Williamson Act Contract.** The site is zoned as Single Family District (R1). No portion of the site is under an active Williamson Act contracts as identified on the Assessor's parcel map. Therefore, therefore future development would not conflict with existing zoning for agricultural use, or a Williamson Act contract.
- c/d. **Forestland and Timberland.** No portion of the project site is zoned for forestland or timberland use and development of the site would not result in result in the loss of forest land or conversion of forest land to non-forest use.

- e. **Conversion of Farmland or Forest Land.** As discussed under (a) above, the surrounding area of the project site has been developed, with residential to the north, south and west and the Coyote Pumping Station to the east. The site itself represents a small 12.04-acre, undeveloped infill area surrounded by urban uses. As such its continued agricultural viability is limited. The City has anticipated urban development of the site and the surrounding are in its General Plan. Development of the site would not involve any other changes in the existing environment which, due to their location or nature, could result in conversion of additional agricultural land to nonagricultural use or conversion of forest land to non-forest use. Therefore, impacts associated with conversion of farmland to other uses are less than significant.

3. 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:

| | <i>Potentially Significant Impact</i> | <i>Less-than-Significant Impact with Mitigation Measures Incorporated</i> | <i>Less-Than-Significant Impact</i> | <i>No Impact</i> |
|---|---------------------------------------|---|-------------------------------------|--------------------------|
| a. Conflict with or obstruct implementation of the applicable air quality plan? (1, 2, 3, 4, 7,47, 48, 49, 50,52) | <input type="checkbox"/> | ✓ | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (1, 2, 3,4, 7, 47, 48, 49, 50,52) | <input 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 nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)? (47, 48, 49, 50,52) | <input type="checkbox"/> | ✓ | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Expose sensitive receptors to substantial pollutant concentrations? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ✓ |
| e. Create objectionable odors affecting a substantial number of people? (5) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ✓ |

Comments:

The Bay Area Air Quality Management District (BAAQMD)'s CEQA Air Quality Guidelines ("CEQA Air Quality Guidelines") were updated in June 2010 to include references to thresholds of significance, which were then updated again in May 2011. On March 5, 2012, the Alameda County Superior Court issued a judgment finding that the BAAQMD had failed to comply with CEQA when it adopted the thresholds. The court did not determine whether the thresholds were valid on their merits, but found that the adoption of the thresholds was a project under CEQA and the court issued a mandate ordering the BAAQMD to set aside the thresholds and cease their dissemination until the BAAQMD has complied with CEQA.

At this time the BAAQMD is not recommending that the thresholds be used as a generally applicable measure of a project's significant air quality impacts. The BAAQMD states that lead agencies may continue to make determinations regarding the significance of an individual project's air quality impacts based on the substantial evidence in the record for that project (BAAQMD website, accessed September 2012).

The BAAQMD prepared the Draft Options and Justifications Report California Environmental Quality Act Thresholds of Significance (“justifications report”) in October 2009 to justify the recommended thresholds that were adopted in 2011. Based on the scientific justification provided in that report, and lacking officially adopted or prior adopted thresholds, the BAAQMD’s thresholds are utilized in this analysis.

- a. **Air Quality Plan.** The BAAQMD’s Clean Air Plan was adopted on September 15, 2010 and addresses ozone, PM10, toxic air contaminants, and greenhouse gasses. Consistency of projects with the Clean Air Plan is based on the project’s implementation of applicable control measures. Although several of these are focused on governmental program implementation, the following control measures (not a comprehensive listing) are at least in part relevant to school facility development:

Mobile Source Measure (MCM)

MSM-3 Low Emission Vehicle Incentives

Traffic Control Measure (TCM)

TCM-10 - Youth Transportation

TCM C-2 Implement Safe Routes to Schools and Safe Routes to Transit

Energy and Climate Measure (ECM)

ECM 1 Energy Efficiency

Future development of the project site will be subject to all applicable state energy efficiency requirements, including the current version of the California Energy Commission’s Title 24 energy standards. The proposed project would be required to be in substantial compliance with BAAQMD’s control measures, and State energy efficiency requirements. Therefore, the following mitigation measure will be implemented.

Mitigation Measure

AQ-1. MHUSD will implement all applicable regional and state efficiency measures into the school facility design, including BAAQMD’s control measures, and State of California energy efficiency requirements.

The proposed project would therefore, be in compliance with BAAQMD’s control measures and state efficiency requirements and therefore, would not obstruct implementation of the Clean Air Plan.

- b/c. **Air Quality Standards.** According to the CEQA Air Quality Guidelines Updated May 2011 (page 3-2, Table 3-1 Operational-Related Criteria Air Pollutant and Precursor Screening Level Sizes) an elementary school project with fewer than 2,747 students and is less than 271,000 square feet in size would not require further air emissions analysis for operational impacts. Table 3.1 also indicates that an elementary school project of less than 3,904 students and a size of less than 277,000 square feet would not result in significant construction emissions impacts.

The California Department of Education provides Basic School Construction Data in their School Facilities Fingertip Facts guide (online at www.cde.ca.gov/ls/fa/sf/facts.asp). The guide identifies that the allocation per elementary school student is 71 square feet. Using this allocation, the proposed 600 student elementary school would be 42,600 square feet in size (600 students x 71 square feet = 42,600 square feet).

The proposed project is well below the BAAQMD's thresholds, and therefore, would have a less than significant operational and construction air quality impact.

The construction phase may include demolition, which is an exception to using the screening procedure in the CEQA Air Quality Guidelines. However the buildings that may be removed are small (a barn and two temporary structures) and the proposed project is far below the screening size for construction. Note: Buildings to be demolished may contain asbestos. Asbestos is considered a hazardous material. Please reference **Section 8** of this Initial Study (Hazards and Hazardous Materials), for a discussion of release of asbestos into the environment and required mitigation.

Dust emissions from construction activities would include particulate matter (PM₁₀ and PM_{2.5}) that is considered both a health risk and a nuisance. Existing residences are located adjacent to the project site and could be affected by the dust emissions, which is an adverse significant impact. Implementation of the following standard measures would reduce impact to a less than significant level.

Mitigation Measure

AQ-2. The following measures will be implemented during construction activities, and included as contractual conditions by and between the MHUSD and construction company, for the purpose of reducing dust emissions during site preparation and construction:

- a. *Earthmoving or other dust-producing activities will be suspended during periods of high winds.*
- b. *All exposed or disturbed soil surfaces will be watered at least twice daily to control dust as necessary.*

- c. *Stockpiles of soil or other materials that can be blown by the wind will be watered or covered.*
- d. *All trucks hauling soil, sand, and other loose materials will be covered and all trucks will be required to maintain at least two feet of freeboard.*
- e. *All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites will be swept daily (with water sweepers).*
- f. *Vegetation in disturbed areas will be replanted as quickly as possible.*

Implementation measure of AQ-2 as outlined above will ensure that air quality impacts associated with particulate emissions will be reduced to a less than significant level by incorporating standard, best management practices into the construction phase.

- d. **Exposure to Substantial Pollutant Concentrations.** The proposed project is site acquisition and possible future development of a 600 student elementary school. As discussed under items b,c. above, the proposed project would have a less than significant operational and construction air quality impact. Development of the site with an elementary school is not expected to expose sensitive receptors to substantial pollutant concentrations.
- e. **Odors.** The proposed project does not include the types of uses that could result in significant odors; therefore there is no impact to air quality involving odors that would result from this project.

4. BIOLOGICAL RESOURCES

Would the project:

| | <i>Potentially Significant Impact</i> | <i>Less-than-Significant Impact with Mitigation Measures Incorporated</i> | <i>Less-Than- Significant Impact</i> | <i>No Impact</i> |
|---|---|---|--|--------------------------|
| 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, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service? (1,15,16,17,19) | <input type="checkbox"/> | ✓ | <input 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, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service? (15,16) | <input type="checkbox"/> | <input 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? (15) | <input type="checkbox"/> | <input 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? (15) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ✓ |
| e. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (15,20) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ✓ |

Comments:

This section is based on a biological reconnaissance survey conducted by EMC Planning Group biologist Andrea Edwards on July 13, 2012 to document existing habitats and evaluate the potential for special-status species to occur on the project site. Biological resources were documented in field notes, including species observed, dominant plant communities, and

significant wildlife habitat characteristics. Qualitative estimations of plant cover, structure, and spatial changes in species composition were used to determine plant communities and wildlife habitats, and habitat quality and disturbance level were described. The 12.04-acre mostly vacant agricultural project site is situated on the Morgan Hill U.S. Geological Survey (USGS) quadrangle map, and ranges in elevation from about 405 to 415 feet. The site consists mainly of recently disturbed land that contains minimal cover of scattered weedy plant species, and a ruderal area on a mound of dirt (spoils from previous construction grading activities) vegetated by weedy plant species. The site also contains a barn (actively used, with the upper two feet of the structure open and exposed to light), and two temporary structures associated with the nearby residential development.

- a. **Special-Status Species.** A search of the California Department of Fish and Game (CDFG) California Natural Diversity Database (CNDDB) was conducted for the San Jose East, Lick Observatory, Isabel Valley, Santa Teresa Hills, Morgan Hill, Mount Sizer, Loma Prieta, Mount Madonna, and Gilroy USGS quadrangles in order to evaluate potentially occurring special-status species in the project vicinity. Records of occurrence for special-status plants were reviewed for those same USGS quadrangles in the California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants. A U.S. Fish and Wildlife Service (USFWS) threatened and endangered species list was also generated for Santa Clara County. Most special-status species known to occur in the region are not expected to occur in or adjacent to the project site due to lack of suitable habitat and high level of disturbance; only those species with potential to occur in or immediately adjacent to the site are discussed below.

The City's General Plan, Plants and Wildlife section, includes Policy 6e to "identify and protect wildlife, rare and endangered plants and animals and heritage resources from loss and destruction."

Nesting birds. A massive on-site coast live oak tree, along with a row of oak trees and non-native ornamental trees/shrubs along the eastern boundary of the site, provide potentially suitable nesting habitat for breeding birds. Construction noise associated with anticipated future development of the project site would have the potential to impact nesting birds (including raptors) protected under the federal Migratory Bird Treaty Act and California Fish and Game Code. If protected species are nesting in or adjacent to the project site during the nesting season (February through August), then noise-generating construction activities could result in the loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. As such, the following mitigation measure will be required:

Mitigation Measure

BIO-1. To avoid impacts to nesting birds, the School District will attempt to schedule noise-generating construction activities outside of the nesting bird season. The nesting bird season is February 1 to August 31. If the School District determines that construction must occur during the nesting season, then a qualified biologist will conduct a pre-construction survey for nesting birds to ensure that no nests would be disturbed during project construction. This survey will be conducted no more than 7 days prior to the initiation of disturbance activities during the early part of the nesting season (February through April) and no more than 30 days prior to the initiation of disturbance activities during the late part of the nesting season (May through August). If no active nests are present within 300 feet of construction, then activities can proceed as scheduled. However, if an active nest is detected during the survey within 300 feet of construction, then the establishment of a protective construction-free buffer zone from each active nest (typically 250 feet for raptors and 50-100 feet for other species) will be clearly delineated or fenced until the juvenile bird(s) have fledged (left the nest), unless the biologist determines that construction noise would not impact the active nest.

Implementation of mitigation measure BIO-1 would reduce potentially significant impacts to nesting birds to a less than significant level.

Burrowing owls. The State Species of Special Concern burrowing owl (*Athene cunicularia*) occurs in open, dry grasslands, deserts, and shrub-lands with low-growing vegetation; it usually dens in ground squirrel burrows. The on-site disturbed and ruderal areas contain numerous California ground squirrel (*Spermophilus beecheyi*) burrows. However, due to the recent soil disturbance and lack of grassland vegetation, the project site contains only marginally suitable habitat for this species, and burrowing owl therefore has low potential to occur on the site.

The *Citywide Burrowing Owl Habitat Mitigation Plan* adopted in 1999 requires that direct impacts to burrowing owls (mortality or take) during clearing and grading of potential burrowing owl habitat shall be avoided by ensuring that owls are absent from such lands with a burrowing owl pre-construction survey. To ensure that potential impacts to burrowing owls are avoided/minimized, the following mitigation measure will be required.

Mitigation Measure

BIO-2. To avoid/minimize potential impacts to burrowing owls, a qualified biologist will conduct a two-visit (i.e. morning and evening) presence/absence survey at areas of suitable habitat on and adjacent to the project site no less than 14 days and no more than 30 days prior to the start of construction. Surveys will be conducted according to methods described in the

Staff Report on Burrowing Owl Mitigation (CDFG 2012). If pre-construction “take avoidance” surveys performed during the breeding season (February through August) or the non-breeding season (September through January) for the species locate occupied burrows near the construction area, then consultation with the CDFG would be required to interpret survey results and develop project-specific avoidance and minimization approaches.

Implementation of mitigation measure Bio-2 would reduce potentially significant impacts to burrowing owls to a less than significant level.

- b. **Sensitive Natural Communities.** The project site does not contain riparian or other sensitive natural communities; therefore no sensitive natural communities will be impacted by the proposed project.
- c. **Wetlands.** The project site does not contain federally protected wetlands or waterways; therefore no federally protected wetlands or waterways will be impacted by the proposed project. No impacts to wetland or waterway resources within the jurisdiction of the U.S. Army Corps of Engineers (USACE), the CDFG, or the Regional Water Quality Control Board (RWQCB) would occur.
- d. **Wildlife Movement.** Wildlife movement corridors provide connectivity between habitat areas, enhancing species richness and diversity, and usually also provide cover, water, food, and breeding sites. The agricultural project site is regularly disturbed and is surrounded by development. The site does not function as a wildlife movement corridor or nursery site; therefore development of the site will have no impacts to wildlife movement corridors or use of native wildlife nursery sites.
- e. **Conservation Plans.** No adopted Habitat Conservation Plan, adopted Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan includes the project site. Therefore, the proposed project would not conflict with any adopted/approved conservation plan. However, the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) is a regional partnership between six local partners (the County of Santa Clara, Santa Clara Valley Transportation Authority, Santa Clara Valley Water District, City of San Jose, City of Gilroy, and the City of Morgan Hill) and two wildlife agencies (the CDFG and USFWS). This plan is in the final preparation phase, and therefore has not yet been finalized or adopted. Even if the HCP were adopted, the proposed project is not expected to conflict with this plan because appropriate special-status biological resource protections are included as mitigation measures in this document. Further, if the HCP were adopted prior to site development, then future site development would be required to be consistent with applicable HCP requirements.

5. CULTURAL RESOURCES

Would the project:

| | <i>Potentially Significant Impact</i> | <i>Less-than-Significant Impact with Mitigation Measures Incorporated</i> | <i>Less-Than- Significant Impact</i> | <i>No Impact</i> |
|---|---|---|--|--------------------------|
| a. Cause a substantial adverse change in the significance of a historical resource as defined in section 15064.5? (21,22) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ✓ |
| b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5? (22) | <input type="checkbox"/> | ✓ | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (22) | <input type="checkbox"/> | ✓ | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Disturb any human remains, including those interred outside of formal cemeteries? (22) | <input type="checkbox"/> | ✓ | <input type="checkbox"/> | <input type="checkbox"/> |

Comments:

The analysis in this section is primarily based on an archaeological survey completed by Pacific Legacy in July, 1998. Supplemental, historical information regarding on-site buildings and site condition was included in a Phase I Environmental Site Assessment addressing hazardous materials prepared by TERRASEARCH, Inc. Although these reports were completed for a previous development proposal for four parcels encompassing 90 acres, the findings of this report apply to this project since the survey included the project site.

The Pacific Legacy report included an archival search of the Northwest Information Center records and a field inspection of the project site. The archival research revealed that no previously recorded prehistoric sites are located on the project site, but there are three recorded prehistoric sites located in the project vicinity (CA-SCL-159, CA-SCL-160, and CA-SCL-358).

The site closest to the subject property, CA-SCL-159, approximately ¼ mile from the site, was recorded in 1974 and described as a large lithic scatter of chert flakes and thermally altered rock. Bowl mortars and projectile points have been found in the area near this recorded site. Field inspection by Pacific Legacy in March and April of 1998 confirmed the presence of CA-SCL-159. Further inspection of areas to the south of CA-SCL-159, including the project site (identified in the Pacific Legacy report as APN 728-34-002 and illustrated on Figure 2 of that report) did not reveal the presence of an archeological site. A small number of chert flakes, historic glass and ceramics were noted but they were very sparse and did not warrant the designation of a site. Previous investigations have also confirmed that a subsurface deposit exists in the vicinity although its depth was not reported.

There are also two historic homesteads, CA-SCL-323H and -324H noted to the east of the site closer to Anderson Dam.

The project site property contains three structures: A barn structure is located near the northern border of the site, and two temporary structures associated with the nearby subdivision, are located near the western corner of the site. Based on aerial photos and historic topographic maps reviewed as part of the Phase I Environmental Site Assessment, the barn structure on the Borello site does not appear in historic aerial photographs dating from 1966 to 1989 (Phase I Environmental Site Assessment, p 5). As a component of the research for the Phase I Environmental Site Assessment, in 2003 TERRASEARCH contacted the current property owner, Stanley Borello. Mr. Borello stated that he owned the site for the past 50 plus years; it had always been used for orchards and no buildings exist on site (Phase I Environmental Site Assessment, p 6). A review of city and county records also indicated that the site was vacant land only, no structures (Phase I Environmental Site Assessment, p 6). Based on the information from Mr. Borello and a search of City and County records, it appears the barn and two temporary sales structures must have been constructed sometime after the Phase I Site Assessment, sometime between 2003 and 2012.

- a. **Historic Resources.** It is anticipated that the three structures currently on site (a barn and two temporary buildings) could be demolished as part of future school facility development. There is no impact to historic resources with the demolition however, since these structures have been constructed within the last ten years, and are not identified in the archeological report or by the City of Morgan Hill as historical or significant resources.
- b. **Archeological Resources.** Future development on the project site would result in ground-disturbing activities. Given the high archaeological sensitivity of the general area and presence of CA-SCL-159 in the vicinity, ground-disturbing activities could reveal buried or otherwise obscured archaeological deposits. Such disturbance could result in the loss of integrity of potentially-significant cultural deposits and the loss of information, if these deposits exist. To ensure that any subsurface cultural resources are not adversely affected by future development on the site, the following mitigation measures will be implemented:

Mitigation Measures

CR-1. The School District will contract with a qualified professional archeologist to conduct a Program of Subsurface Probing prior to supplemental CEQA analysis associated with future construction of school facility. The subsurface probing would be conducted to determine the presence or absence of subsurface cultural deposits. Should intact cultural

resources be found, then appropriate mitigation measures will be formulated by the consultant and implemented by the District.

- CR-2. *Due to the possibility that significant buried cultural resources may be found during construction even after the completion of the Program of Subsurface Probing, and in accordance with CEQA Guidelines section 15064.5, the School District shall ensure that the following language is included in all construction contracts and permits:*

“If archaeological resources or human remains are accidentally discovered during construction, work will be halted within 50 feet of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures will be formulated and implemented.”

- CR-3. *Construction personnel involved in the site clearing and subsequent grading and trenching will be informed that there is a potential for the discovery of subsurface cultural resources. Indicators of archaeological site deposits include, but are not limited to, the following: darker than surrounding soils, evidence of fire (ash, fire altered rock and earth, carbon flecks), concentrations of stone, bone and shellfish, artifacts of these materials and animal or human burials.*

Implementation of mitigation measures CR-1 through CR-3 would reduce potential impacts to archeological resources to a less than significant level by providing procedures specifically designed to ensure limited disturbance and proper handling in the event of unanticipated or accidental discovery.

- c. **Paleontological Resources.** Future ground-disturbing activities associated with the development of a school facility on the project site could reveal buried or otherwise obscured paleontological deposits. Such disturbance could result in the significant loss of integrity of the deposits and the loss of information, if these deposits exist. To ensure that any subsurface paleontological resources are not adversely affected by future development on the site, the following mitigation measures will be implemented:

- CR-4. *Due to the possibility that significant buried paleontological resources may be found during construction even after the completion of the Program of Subsurface Probing, the School, District will ensure that the following language is included in all construction contracts and permits:*

“If paleontological resources are encountered during subsurface construction activities, all work within 50 feet of the discovery will be redirected until a qualified paleontologist can evaluate the finds and make recommendations. If the paleontological resources are found to be significant, they will be avoided by project construction activities and recovered by a qualified paleontologist. Upon completion of the recovery, a paleontological assessment will

be conducted by a qualified paleontologist to determine if further monitoring for paleontological resources is required. The assessment will include:

- 1) the results of any geotechnical investigation prepared for the project site;*
- 2) specific details of the construction plans for the project site;*
- 3) background research; and*
- 4) limited subsurface investigation within the project site.*

If a high potential to encounter paleontological resources is confirmed, a monitoring plan of further project subsurface construction will be prepared in conjunction with this assessment. After project subsurface construction has ended, a report documenting monitoring, methods, findings, and further recommendations regarding paleontological resources will be prepared.”

Implementation of mitigation measures CR-4 would ensure potential impacts to paleontological resources would be reduced to a less than significant level by providing procedures specifically designed to ensure limited disturbance and proper handling of such resources in the event of unanticipated or accidental discovery.

- d. **Human Remains.** Archeological and historical investigation of the site did not identify any human remains or evidence to suggest that human remains may be present within the project boundaries. There is a possibility however, of unanticipated and accidental discovery of human remains during ground-disturbing future project-related activities. Therefore, during construction of the future school facility the following mitigation will be implemented:

Mitigation Measures

CR-5. Because site disturbance 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 will apply. If human remains are discovered, it is probable they are the remains of Native Americans.

- a. *If human remains are encountered they will 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 will 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 will 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.*
- b. *In the event that known or suspected Native American remains are encountered or significant historic or archaeological materials are discovered, ground-disturbing activities will 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 discovery locale.*
- c. *An “exclusion zone” where unauthorized equipment and personnel are not permitted will 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).*
- d. *The discovery locale will be secured (e.g., 24 hour surveillance) as directed by the School District if considered prudent to avoid further disturbances.*
- e. *The Contractor Foreman or authorized representative, or party who made the discovery and initiated these protocols will 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 Morgan Hill Unified School District Facilities Director
(408) 201-6087*
 - *The Contractor’s Point(s) of Contact*
 - *The Coroner of the County of Santa Clara (if human remains found)
(408) 793-1900*
 - *The Native American Heritage Commission (NAHC) in Sacramento
(916) 653-4082*

- *The Amah Mutsun Tribal Band (916) 481-5785 (H) or (916) 743-5833 (C)*
- f. *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.*
 - g. *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.)*
 - h. *Within 24 hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose.*
 - i. *Within 24 hours of their notification by the NAHC, the MLD may recommend to the School District Facilities 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.*
 - j. *If the MLD recommendation is rejected by the School District the parties will attempt to mediate the disagreement with the NAHC. If mediation fails then the remains and all associated grave offerings will be reburied with appropriate dignity on the property in a location not subject to further subsurface disturbance.*
- CR-6. *If resources are encountered, the School District will have a final report prepared. This report will contain a description of the mitigation program that was implemented and its results, including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusion, and a description of the disposition / curation of the resources.*

Implementation of mitigation measures CR-5 and CR-6 would ensure impacts to human remains are reduced to a less than significant level by providing procedures specifically designed to ensure limited disturbance and proper handling of human remains in the event of unanticipated or accidental discovery.

6. GEOLOGY AND SOILS

Would the project:

| | <i>Potentially Significant Impact</i> | <i>Less-than-Significant Impact with Mitigation Measures Incorporated</i> | <i>Less-Than- Significant Impact</i> | <i>No Impact</i> |
|--|---|---|--|--------------------------|
| a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| (1) 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? (1,27) | <input type="checkbox"/> | ✓ | <input type="checkbox"/> | <input type="checkbox"/> |
| (2) Strong seismic ground shaking? (1,25) | <input type="checkbox"/> | ✓ | <input type="checkbox"/> | <input type="checkbox"/> |
| (3) Seismic-related ground failure, including liquefaction? (1,25) | <input type="checkbox"/> | <input type="checkbox"/> | ✓ | <input type="checkbox"/> |
| (4) Landslides? (1,25) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ✓ |
| b. Result in substantial soil erosion or the loss of topsoil? (21,22) | <input type="checkbox"/> | <input 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? (21,22) | <input type="checkbox"/> | <input 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? (21,22) | <input type="checkbox"/> | <input type="checkbox"/> | ✓ | <input type="checkbox"/> |
| e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (21,22) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ✓ |

Comments:

The analysis in this section is based on several technical reports prepared by TERRASEARCH, Inc. for a previous development proposal for four parcels encompassing 90 acres which includes

the subject property. The findings of these reports apply to this project since the survey included the project site. The reports include a geotechnical investigation (1996); a Phase I Environmental Site Assessment (2003); a Surficial Soil Phase II Environmental Site Assessment (2003); and a Workplan to Perform an Additional Phase II Environmental Site Assessment (2004). The investigations included geotechnical site evaluation, identification of potential geologic hazards, field reconnaissance by a soil engineer, drilling and sampling of subsurface soils, laboratory testing of soil samples, and engineering analysis.

Earthquake/Seismic Activity /Landslides

The project site is not located within the boundaries of an Alquist –Priolo Fault Zone. The site is also not within a fault rupture zone as identified in the County's of Santa Clara's 2011 Draft Local Hazard Mitigation Plan (LHMP) based on data provided by the California Geological Survey, State of CA Department of Conservation. The nearest active fault (the Calaveras fault) is located approximately three to four miles east of the project site (City of Morgan Hill 2001). The project site is located within the seismically-active San Francisco Bay area. As identified in the County's Draft LHMP (based on information provided California Department of Conservation) the site, just like much of the City of Morgan Hill, has the potential to experience moderate to strong earthquake ground shake due to the number of active faults in the region (Morgan Hill Critical Facilities and Ground Shake Potential figure, p. 16-36).

The project site is level and not prone to landslides. The site is not within a Landslide Hazard Zone according to the County's Draft LHMP (Morgan Hill Critical Facilities and Landslide Hazard Zones figure, p. 16-43, based on data from the Santa Clara Planning Office and the California State Department of Conservation).

Soils

According to the TERRASEARCH reports, the potential for liquefaction in near-surface soils is considered very low based on the data obtained and nature of subsurface soils. The site is not within a Liquefaction Hazard Zone according to the County of Santa Clara's Draft LHMP (Morgan Hill Critical Facilities and Liquefaction Hazard Zones figure, p. 16-41)

Potential inundation hazards on the site in the event of dam failure are discussed under Section 7. Hydrology.

- a. **Earthquake/Earthquake Related Hazard/Landslide.** The potential for surface fault rupture at the site is likely to be low since there is no evidence that mapped or inferred locations of active faults traverse the project site. However, due to the proximity of a number of major active faults in the region, it is reasonable to assume that all improvements in the City, including future development on the project site, will experience intense ground shaking within their useful life.

As there is no information regarding the placement of structures on site, additional geotechnical evaluation of the site may be necessary when specific development information is available. If structures are proposed where there is limited or inadequate technical information available, further analysis and subsurface exploration within proposed building footprints would be necessary. Lack of analysis could otherwise result in a potentially significant impact due to inappropriate design and engineering of the structures. To reduce the potential geologic impacts pursuant to CEQA and the California Department of Education, the following mitigation measure will be implemented.

Mitigation Measure

G-1. Once a preliminary design of the new school facility is prepared, the School District will have a geotechnical analysis prepared to determine the suitability, stability, and appropriate recommendations for construction of a specified school design/siting. The analysis will be completed prior to approval of the site plan by the School District. The recommendations in the analysis will be used in all relative phases of design, site preparation, and construction. The report will include, but not be limited to, 1) performing additional subsurface exploration within proposed building footprints, as required by California Code of Regulations, Title 24, and the most-recent California Building Code, once building layout is determined, 2) review of plans and specifications, 3) observation and in-place density testing of subgrade preparation and grading, engineered fill installation, utility trench backfill, aggregate base installation, and 4) observation of building foundation excavations and pavement construction.

Implementation of Mitigation Measure G-1 will reduce potential impacts associated with geologic hazards related to earthquakes to a less than significant level.

- b. **Erosion or Loss of Topsoil.** Grading and vegetation removal associated with construction of the future school site could result in increased erosion. However, after the school project has been constructed and the landscaping has been installed, erosion and sedimentation from the sites should be minimal. The erosion control plan forms a significant portion of the construction-phase controls required in a storm water pollution prevention plan (SWPPP). Erosion impacts resulting from grading of the proposed project site would be reduced or avoided with standard measures presented in the SWPPP required by the Regional Water Quality Control Board. Impacts regarding off-site conveyance of runoff are addressed in Section 9. Hydrology. The impact is less than significant.

- c. **Unstable Geologic Unit.** Based on the information contained in the geologic and site assessments of the area, there is no evidence that the project site is subject to significant ground failure. The impact is less than significant.
- d. **Expansive Soil.** Foundation designs and construction specifications would be engineered in accordance with the latest version of the California Building Code and based on the findings of the soils or geotechnical report (as required by mitigation measure G-1, above), to accommodate soil characteristics. The impact is less than significant.
- e. **Septic tanks.** Any future development in the area would be connected to the municipal sewer and would not include septic systems. No impact would result from soils incapable of supporting septic systems.

7. GREENHOUSE GAS EMISSIONS

Would the project:

| | <i>Potentially Significant Impact</i> | <i>Less-than-Significant Impact with Mitigation Measures Incorporated</i> | <i>Less-Than- Significant Impact</i> | <i>No Impact</i> |
|---|---|---|--|--------------------------|
| a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (5,7,47,48,52) | <input type="checkbox"/> | <input 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? (5,7,47,48,52) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ✓ |

Comments:

As discussed in Section 3. Air Quality, on March 5, 2012, the Alameda County Superior Court issued a judgment finding that the BAAQMD had failed to comply with CEQA when it adopted the air quality and greenhouse gas emissions thresholds. At this time the BAAQMD is not recommending that the thresholds be used as a generally applicable measure of a project's significant air quality impacts. The BAAQMD states that lead agencies may continue to make determinations regarding the significance of an individual project's air quality impacts based on the substantial evidence in the record for that project (BAAQMD website).

The BAAQMD prepared the *Draft Options and Justifications Report California Environmental Quality Act Thresholds of Significance* ("justifications report") in October 2009 to justify the recommended thresholds that were adopted in 2011. Based on the scientific justification provided in that report, and lacking officially adopted or prior adopted thresholds, the 2011 BAAQMD's thresholds are utilized in this analysis.

The City of Morgan Hill has not yet adopted a plan, policy, or regulation for the purpose of reducing greenhouse gas emissions.

- a. **Generate Greenhouse Emissions.** Absent an adopted Climate Action Plan, the BAAQMD Air Quality CEQA Guidelines provide two threshold options for greenhouse gas emissions.

Under the BAAQMD thresholds, a project that results in less than 1,100 metric tons per year of greenhouse gas emissions is considered to have a less than significant effect on the environment.

The City developed a baseline carbon footprint of 299,578 tons (about 8.2 tons per resident per year) in 2005. The threshold developed by BAAQMD is substantially lower than the City's current per capita carbon footprint.

The BAAQMD CEQA Guidelines established GHG screening criteria for several types of projects (pg 3-2, Table 3-1 Operational-Related Criteria Air Pollutant and Precursor Screening Level Sizes). The screening criteria were derived using the default emission assumptions in URBEMIS and using off-model greenhouse gas estimates for indirect emissions from electrical generation and water conveyance. Projects below the applicable screening criteria shown in Table 3-1 would not exceed the 1,100 metric tons per year of greenhouse gas emissions threshold of significance. According to the screening criteria, elementary schools less than 44,000 square feet would be within the BAAQMD's threshold for greenhouse gas emissions.

The California Department of Education provides Basic School Construction Data in their School Facilities Fingertip Facts guide (online at www.cde.ca.gov/ls/fa/sf/facts.asp). The guide identifies that the allocation per elementary school student is 71 square feet. Using this allocation, the proposed 600 student elementary school would be 42,600 square feet in size (600 students x 71 square feet = 42,600 square feet).

The proposed project is below the BAAQMD's screening thresholds, and therefore, will not result in significant greenhouse gas impacts. The impact is less than significant.

- b. **Conflict with Applicable Greenhouse Gas Plan.** Because the proposed project is within the greenhouse gas emissions thresholds developed by the BAAQMD, it is in compliance with the AB 32 Implementation Plan, which is the state's guidance for reducing greenhouse gas emissions.

8. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

| | <i>Potentially Significant Impact</i> | <i>Less-than-Significant Impact with Mitigation Measures Incorporated</i> | <i>Less-Than- Significant Impact</i> | <i>No Impact</i> |
|---|---|---|--|--------------------------|
| a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (1,3,5) | <input type="checkbox"/> | <input 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? (1,3,5,27,28,29,30,51, 56) | <input type="checkbox"/> | ✓ | <input 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? (1, 5,27) | <input type="checkbox"/> | ✓ | <input 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, create a significant hazard to the public or the environment? (1,3,5,28,29,30) | <input 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 a public-use airport, result in a safety hazard for people residing or working in the project area? (6,31) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ✓ |
| f. For a project within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area? (6) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ✓ |
| g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (25) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ✓ |

| | <i>Potentially Significant Impact</i> | <i>Less-than-Significant Impact with Mitigation Measures Incorporated</i> | <i>Less-Than- Significant Impact</i> | <i>No Impact</i> |
|---|---|---|--|--------------------------|
| h. Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands area adjacent to urbanized areas or where residences are intermixed with wildlands? (25) | <input type="checkbox"/> | <input type="checkbox"/> | ✓ | <input type="checkbox"/> |

Comments:

The analysis in this section is based on the Phase I and Phase II Environmental Site Assessments (ESAs) (2003) and the Draft Work Plan for Additional Phase II Site Assessment (2004) prepared by TERRASEARCH, Inc. for a previous development proposal for four parcels encompassing 90 acres. The findings of these reports apply to this project since the studies included the project site.

The Phase I ESA evaluated the possibility that past disposal or releases of hazardous materials on or near the site may have resulted in an adverse environmental impact, or that current conditions or practices represent a substantial risk of future releases. The Phase II ESA addressed the Recognized Environmental Conditions set forth in the Phase I ESA. The investigations included geotechnical site evaluation, identification of potential geologic hazards, field reconnaissance by a soil engineer, drilling and sampling of subsurface soils, laboratory testing of soil samples, and engineering analysis.

- a. **Hazard through the routine transport, use, or disposal of hazardous materials.** The proposed project consists of acquisition by MHSUD of ten acres of mostly vacant agricultural property for possible future development of a 600-student elementary school by MHSUD.

No hazardous materials would be stored at the site, and operations as a school facility would not involve the routine transport, use or disposal of hazardous materials therefore, there would be no impacts associated with these activities.

- b. **Release of Hazardous Materials into the Environment.**

Underground Storage Tanks. The ESAs prepared for the site reported no visual evidence for the presence of underground storage tanks (USTs). In addition no records were found supporting the presence of USTs, groundwater wells, or the use, storage, or disposal of hazardous waste at the project site. The ESA's identified the Santa Clara Valley Water District (SCVWD) Coyote Pumping Plant, which is located adjacent to the site. The SCVWD indicated that no USTs for fuel storage are used at the pumping plant. There

are some tanks located at the facility, but they are used to store water. Database record searches revealed no secondary contamination sites are located within a 1.25-mile radius of the project site.

Pipelines: According to the *School Site Constraint Report* prepared by School Site Solutions, Inc. (2009), three P G & E high pressure natural gas pipelines were identified within 1,500 feet of the project site: two 34-inch diameter, natural gas transmission pipelines with 631 pound-force per square inch gage (psig); and a 6.6-inch diameter natural gas distribution pipeline with 320 psig.

One of the transmission pipelines is aligned beneath Cochrane Road and is approximately 1,110 feet north from the project site boundary. The other transmission pipeline is located beneath Peet Road approximately 11 feet south of the project site boundary.

The 6-inch natural gas distribution pipeline is aligned beneath Cochrane Road and terminates in an underground vault at the southeast corner of Cochrane Road and Peet Road. At its nearest location, it is approximately 120 feet southwest of the property boundary.

A Pipeline Safety Hazards Assessment was conducted in October 2012 (Planning Center/DC & E 2012) to fully evaluate the potential risk of exposure or fatality associated with pipeline release.

The results of the Safety Hazards Assessment (Planning Center/DC & E page 10) indicate a total individual risk of 1.2×10^{-7} , which is less than the California Department of Education significance threshold of one in a million (1.0×10^{-6}). Therefore, the risk to of hazard to the public or the environment is not considered to be significant and no mitigation measures are required. Nevertheless, because of the close proximity of the 34-inch PG&E natural gas pipeline beneath Peet Road to the school site, it is recommended that the following precautionary measures be implemented:

- Contact should be made with Pacific Gas & Electric Company to get emergency contact information. In addition, communication should be established with PG&E so that the school is notified if excavation or maintenance activities for the pipeline is planned in the immediate vicinity of the school site
- Any roadwork or underground utility work that involves digging in or near this pipeline should be reported to PG&E to ensure that they are aware of these activities. Similarly, any odors or leakage from the pipeline also should be reported immediately to the pipeline operator and local emergency response personnel.

- The school's emergency response and evacuation plan should address the possibility of pipeline releases and include the following actions in the plan:
 - Steps to be taken in the event of a pipeline failure
 - Possible evacuation routes (i.e., away from the pipelines – to the north for the pipeline located beneath Peet Road, to the south for the pipeline in the right-of-way north of the school site)
 - List of contacts for PG&E in the event that odors or evidence of gas leakage are noted.

Contaminated Soils: Since the project site has been used to grow orchards, the presence of metal or organochloride pesticide residues could have affected the surficial soil at the site. Elevated concentrations of toxophene, total chlordane, and dieldrin were detected with in surficial soil in 2003, indicating that metal and organochloride pesticides have been applied at the subject site. In March 2004, the site was further evaluated and additional soil sampling reported elevated concentrations of toxaphene and dieldrin in the top two to two and a half feet of surficial soil beneath the entire site. Groundwater was encountered at 40 feet below ground surface and no pesticides were detected.

In 2005 the DTSC approved a Removal Action Workplan for site remediation of soil impacted with organochloride pesticides (dieldrin and toxaphene). The removal action for the soil was bioremediation, which consists of amending the soil with appropriate amounts of fertilizer, lime, and gene expression factor for the initial two feet below ground surface and monitoring the efficiency of bioremediation process over the entire time. As the City's General Plan anticipated residential development in the area (with the possible siting of a school facility or park), the Removal Action Workplan set residential cleanup goals, based on a streamlined risk assessment evaluation, of 0.025 milligrams per kilogram (mg/Kg) and 0.40 mg/kg for dieldrin and toxaphene in soil, respectively.

Bioremediation of the site was initiated in June 2005 and was completed in August 2005. In October 2005 the DTSC determined that all appropriate response actions have been completed and that no further removal/remedial action is necessary thereby "certifying" the site as clean for residential development. It is not clear what activities have occurred on the site after the 2005 cleanup. It is possible that organochloride pesticides may have been re-introduced into the soil. In addition, a barn located on site was in active use at the time of EMC Planning Group's site visit in July 2012. The barn could be used to store or transfer agricultural and/or construction materials, some of which may be hazardous. Leaking storage containers and spillage during transfer may cause of round staining and soil contamination.

As current soil conditions are unknown, to reduce the potential impact of on-site hazardous materials, pursuant to CEQA and the California Department of Education, the following mitigation measure will be implemented.

Asbestos and Lead-based paint: Existing structures on the project site may contain asbestos and lead-based paint. Future development of the school facility would include removal of these structures potentially releasing hazardous materials into the environment and adversely affect human health.

Mitigation Measure

H-1. Prior to development of the site, the School District will conduct a preliminary environmental assessment (PEA) under DTSC oversight and review. As a component of the PEA, soils will be evaluated to determine whether a release of hazardous material has occurred since the 2005 site cleanup. This evidence will be submitted to DTSC. If no hazardous materials are identified, the School District will obtain certification from the DTSC that on-site soils contamination is at a level that is acceptable for unrestricted school facility use.

The PEA will also determine the presence of asbestos containing materials and/or lead based paint. If the structures do contain either hazardous material, the PEA will present recommendations and requirements for demolition and disposal. Prior to occupancy of the school, the School District will ensure the structures are demolished and disposed according to the most recent legal requirements, and provide evidence to DTSC as the oversight agency.

Implementation of mitigation measures H-1 3 will ensure that impacts due to release of on-site hazardous materials is reduced to a less significant level.

- c. **Hazardous emissions, materials, substances, or waste within one-quarter mile of a school.** The proposed project consists of acquisition by the School District of ten acres of a 12.04-acre property for possible future development of a 600-student elementary school. The project would not involve the emission or handling of hazardous materials.

Pursuant to CEQA Statutes 21151.8(a)(2), no environmental impact report or negative declaration will be approved for any project involving the acquisition of a school site by a school district unless the lead agency has requested the air district to identify facilities within one-quarter mile of the site which might reasonably be anticipated to emit hazardous emissions or handle hazardous materials, substances or waste. A formal request letter was submitted to BAAQMD on August 2, 2012. Based on the agency response dated September 7, 2012, BAAQMD staff did not identify any sources of toxic air contaminants within the prescribed one-quarter mile of the future school.

According to PG & E, 115 kilovolt (kV) electrical transmission line is located south and adjacent to the project site. Transmission lines are sources of electric and magnetic fields, which are fields of force created by electric charges. The school siting conditions require school buildings to be setback at least 100 feet from an easement for a 50 to 133 kV power transmission line. School facilities within 100 feet of the easement could potentially pose a significant health risk to exposed pupils. Since the school has yet to be designed, consideration of the easement and appropriate placement of school facilities outside of the 100-foot setback line can be accommodated in all phases of school design.

To reduce the potential impact from electric and magnetic field exposure to students and other persons at the school to a less than significant level, the following mitigation measure will be implemented.

Mitigation Measure

H-2. The School District will design the future school facility in compliance with State Department of Education requirements, particularly to avoid siting of facilities within 100 feet of the power transmission line right-of-way along the southern boundary of the site.

Implementation of mitigation measure H-3 will reduce potential impacts associated with exposure to electric and magnetic fields to a less than significant level by ensuring school facilities are set back at least 100 feet from the 115kV line easement.

- d. **Hazardous Materials Location.** The site was determined to have high levels of pesticides due to historic use as an orchard, but the DTSC certified the hazardous waste clean-up in 2005 (see discussion under b. above). According to the DTSC Envirostor website, there are no active hazardous waste sites subject to Government Code section 65962.5 located on the project site. To ensure the site is free on hazardous materials at the time of development, DTSC certification of the site will be required prior to construction consistent with mitigation measure H-1. Implementation of this mitigation measure as required under b. above, will reduce impacts to a less than significant level.
- e/f. **Airport or Airstrip.** The project site is not located within two miles of a public airport or within the vicinity of a private airstrip; therefore, there is no impact.
- g. **Emergency Response Plan.** The proposed project, acquisition by the School District of ten acres of a 12.04-acre property for possible future development of a 600-student elementary school, would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; therefore, there is no impact.

- h. **Wildfire.** The project site is surrounded by urban development. The site is not within the a Fire Hazard Zone as identified in the County's Draft LHMP (Morgan Hill Critical Facilities *and Fire Hazard Zones* figure, pg. 16-45 based on information from the California Department of Forestry and Fire Protection). Therefore future development of the site as a school facility is not anticipated to expose people or structures to a significant risk of loss, injury, or death involving wildland fires. The impact is less than significant.

9. HYDROLOGY AND WATER QUALITY

Would the project:

| | <i>Potentially Significant Impact</i> | <i>Less-than-Significant Impact with Mitigation Measures Incorporated</i> | <i>Less-Than- Significant Impact</i> | <i>No Impact</i> |
|---|---|---|--|--------------------------|
| a. Violate any water quality standards or waste discharge requirements? (1,2) | <input type="checkbox"/> | <input 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., would the production rate of preexisting nearby wells drop to a level which would not support existing land uses or planned uses for which permits have been granted? (1,2, 33) | <input type="checkbox"/> | <input 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 <i>substantial erosion or siltation on- or off-site?</i> (1,2,32,33) | <input type="checkbox"/> | ✓ | <input 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 run-off in a manner which would result in <i>flooding on- or off-site?</i> (1,2,32,33,34) | <input type="checkbox"/> | ✓ | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Create or contribute run-off water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off? (1,2,32,33,34) | <input type="checkbox"/> | ✓ | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Otherwise substantially degrade water quality? (1,2,32,33,34) | <input type="checkbox"/> | ✓ | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Place housing within a 100-year flood hazard area as mapped on Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (1,5,34) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ✓ |

| | <i>Potentially Significant Impact</i> | <i>Less-than-Significant Impact with Mitigation Measures Incorporated</i> | <i>Less-Than- Significant Impact</i> | <i>No Impact</i> |
|--|---|---|--|--------------------------|
| h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (1,5,34) | <input type="checkbox"/> | <input 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? (44) | <input type="checkbox"/> | ✓ | <input type="checkbox"/> | <input type="checkbox"/> |
| j. Be subject to inundation by seiche, tsunami, or mudflow? (1,5,6) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ✓ |

Comments:

- a. **Water Quality Standards/Waste Discharge.** Future development of the project would discharge wastewater to the City's wastewater system, and therefore, would not violate any water quality standards or waste discharge requirements. Wastewater is treated at the South County Regional Wastewater Authority treatment plant in Gilroy. The impact is less than significant. Refer to item "e" below regarding storm water run-off water quality.
- b. **Groundwater.** The City of Morgan Hill Urban Water Management Plan (2010) indicates that the City has an adequate water supply. The proposed project's use as a school facility is consistent with the City's General Plan and was taken into account in the city's Urban Water Management Plan's water demand projections. Therefore, the City would have adequate water supplies for the proposed project. Impacts to groundwater resources or impacts to the existing supply of water associated with future development of the project is less than significant.
- c-f. **Alteration of Drainage Pattern Resulting in Erosion/Flooding/Excess or Polluted Runoff/Degraded Water Quality.** Storm water run-off quantity and quality can be affected by construction activities and by project operations.

Storm water runoff and storm water quality in the City of Morgan Hill are regulated through the California Regional Water Quality Control Board (RWQCB). The project site exceeds one acre and is subject to the requirements of the National Pollutant Discharge Elimination System (NPDES) General Construction Permit for the State of California. A Notice of Intent and Storm Water Pollution Prevention Plan (SWPPP) must be prepared prior to commencement of construction. The SWPPP details the site-specific Best Management Practices to control erosion and sedimentation and maintain water quality during construction activities. The SWPPP is required to contain a site

map(s) that shows the construction site perimeter, existing and proposed buildings, lots, roadways, storm water collection and discharge points, general topography (both before and after construction), and drainage patterns across the project. Best Management Practices (BMPs) are to be implemented to protect water quality.

Erosion and pollutants, and toxic material spills are the greatest concerns during construction. Delivery, handling and storage of construction materials and wastes, as well as use of construction equipment on-site could potentially contaminate storm water quality. Other materials such as trash, debris, and organic matter are additional potential pollutants associated with the construction phase of the project.

Disturbing and/or exposing soil to the natural elements (e.g. wind, rain) during grading operations may impact surface runoff by increasing the amount of silt and debris carried by storm water runoff. During the rainy season (October to March), grading operations may increase the amount of silt and debris carried by storm water runoff.

The future development of a school facility would increase the amount of surface area impervious to water (such as pavement, roofing and walkways, and hard surface playgrounds) and consequently increase the amount of storm water collected on site and urban pollutants conveyed off-site during operations. Therefore, to ensure construction related runoff impacts are less than significant, the following mitigation measure will be implemented:

Mitigation Measure

HY-1. Prior to construction activities for any future development, the School District will obtain a NPDES Construction General Permit from the Regional Water Quality Control Board (RWQCB), San Francisco Bay which specify how the discharger will protect water quality during the course of construction consistent with RWQCB requirements.

Implementation of the above mitigation measure would reduce construction-related water quality impacts to a less than significant level by ensuring that RWQCB-approved BMPs are incorporated into the project that will control water quantity and protect water quality during the course of construction.

The future development of a school facility would increase the amount of surface area impervious to water (such as pavement, roofing and walkways, and hard surface playgrounds) and consequently increase the amount of storm water collected on site and urban pollutants conveyed off-site during operations. Therefore, to mitigate these impacts the following mitigation measure will be implemented:

Mitigation Measure

HY-2. The School District will coordinate with the City of Morgan Hill for connecting to the city's storm water infrastructure, or conveying water to an off-site detention pond if available. If City storm water infrastructure or other privately owned detention facilities are not available or do not have adequate capacity, the School District will have a hydrological analysis prepared and the results included in a supplemental CEQA review for the school development project. The hydrological analysis will determine adequate storm water conveyance and detention infrastructure, including sizing and on-site or off-site detention requirements. Storm water management infrastructure will be in place prior to occupancy of the school.

Implementation of the above mitigation measure would reduce operational storm water quality impacts to a less than significant level by ensuring that measures to protect water quality are developed and analyzed and prior to site occupancy.

- g/h. **Housing or Structures within the 100-year Flood Hazard Area.** According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps as shown on the City of Morgan Hill's 2012 LHMP Flooding Map (Morgan Hill Critical Facilities and Floodplain figure, p. 16-47), the project site is located outside of the 100-year floodplain of Coyote Creek and would not be subject to flood hazards along the creek. The proposed project is for possible future development of an elementary school and would not place housing within a 100-year flood hazard area. Therefore there would be no impact as a result of housing or structures placed within the 100-year flood hazard zone.
- i. **Significant Risk of Loss, Injury, or Death Involving Flooding.** The project site is located approximately 0.5 mile southwest of the Anderson Reservoir Dam and is situated within the inundation zone of this facility.

The Anderson Dam was completed in 1950 and has a capacity of 89,073 acre-feet of water (Santa Clara Valley Water District *Anderson Dam Fact Sheet*, page 4). The dam is operated by the SCVWD, which undertook a dam safety study in 2009. Anderson Dam was determined to be potentially susceptible to failure under a 7.25 magnitude earthquake on the Calaveras Fault, which runs within 1.2 miles of the dam. In the event of catastrophic dam failure, the project site, as much of the City of Morgan Hill would be flooded (Santa Clara Valley Water District *Anderson Dam Fact Sheet*, page 3).

The dam is currently kept at a minimum of 25.5 feet below spillway to reduce the potential for disastrous flooding were the dam to fail. In addition, the dam is inspected twice a year by the SCVWP in the presence of representatives from the California Division of Safety of Dams and the Federal Energy Regulatory Commission.

The SCVWD initiated a capital project to complete the planning, design and construction of a seismic retrofit by the end of 2018. The probability of a catastrophic failure of the dam in the meantime is extremely remote and the reduced water surface elevation ensures an adequate margin of safety for the site and the rest of the City until the dam retrofit is complete.

Therefore, inundation from dam failure is not considered a significant hazard. However, to ensure an adequate level of safety, pursuant to CEQA and the California Department of Education, and as recommended in the School Site Constraint Report, the following mitigation measure will be implemented:

Mitigation Measure

HY-3. Prior to design approval and associated with subsequent environmental review for construction of a specific school facility project, the School District will prepare a Flood Evacuation Plan that details feasible measures that will be implemented in the event of catastrophic dam failure to reduce exposure of people to risk of loss, injury, or death from flooding. The Evacuation Plan will include a system for adequate warning in the event of a dam failure and a plan for the safe and expedient evacuation of school facility staff and students. The Plan will prioritize actions to be taken in the event of dam failure including communication protocol, and identify locations and procedures to obtain necessary resources. The Evacuation Plan should be coordinated with any other state and local Emergency Plans in place at the time of facility design.

Implementation of mitigation measure HY-3 will ensure risk of loss, injury, or death associated with flooding is reduced to a less than significant level.

- j. **Inundation by seiche, tsunami, or mudflow.** The project site is not located adjacent to steep hillsides and is located inland. Therefore, the project site is not located in an area subject to tsunami, seiche, or mudflow.

10. LAND USE AND PLANNING

Would the project:

| | <i>Potentially Significant Impact</i> | <i>Less-than-Significant Impact with Mitigation Measures Incorporated</i> | <i>Less-Than- Significant Impact</i> | <i>No Impact</i> |
|---|---|---|--|----------------------|
| a. Physically divide an established community? (1,5,7) | <input type="checkbox"/> | <input type="checkbox"/> | <input 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? (1,2,3,4,5,54) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ✓ |
| c. Conflict with any applicable habitat conservation plan or natural community conservation plan? (1,5,45) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ✓ |

Comments:

- a. The proposed project consists of acquisition by the School District of ten acres of a 12.04-acre agricultural property for possible future development of a 600-student elementary school. The project site could be considered an infill project as it is surrounded by other urban uses (residential and public uses). The proposed project would be built within planned urban areas of the City of Morgan Hill with the purpose of providing access and capacity to public schools. The project would not physically divide the community.
- b. The proposed project site is designated as Single Family Low 1-3du/ac and identified as a site appropriate for a school or park in the City's general plan. The site is zoned as Single-Family District Planned Development Overlay (R-1 PD).

The proposed project is consistent with vision of the general plan particularly the City's stated goal "Coordinated urban and school development" (Goal 19) and policy 19m: "Encourage the Morgan Hill Unified School District to locate elementary schools at the locations designated on the Land Use Diagram."

The City of Morgan Hill planning commission was consulted regarding the applicability of the project site as a school. Upon review of the project, the planning commission concluded that the property was appropriate for a school.

Therefore, based on the level of detail available at this time, the proposed project is consistent with the City's general plan land use designations and policies, and with the City's zoning ordinance. The project does not conflict with any applicable land use plan, policy, or regulation of any agency with jurisdiction over the project.

Development of the site as a school is subject to the State Department of Education's regulation regarding school proximity to power transmission lines. Mitigation is presented in Section 8. Hazards and Hazardous Materials to that future development of the site as a school would be consistent with this policy. The mitigation requires the school district to study the voltage and configure the school to ensure human exposure to electric and magnetic fields are within acceptable State thresholds. Therefore, the proposed project would not conflict with any applicable plans or policies.

- c. There is no adopted habitat conservation plan or natural community conservation plan covering the project site. A habitat conservation plan for Santa Clara County, including Morgan Hill, is in the process of development, and currently in public review but is not ready for adoption at this time. The site is surrounded by urban development and the site itself is anticipated for development in the City's general plan.

11. MINERAL RESOURCES

Would the project:

| | <i>Potentially Significant Impact</i> | <i>Less-than-Significant Impact with Mitigation Measures Incorporated</i> | <i>Less-Than- Significant Impact</i> | <i>No Impact</i> |
|---|---|---|--|----------------------|
| a. Result in loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (1,2,24) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ✓ |
| b. Result in the loss of availability of a locally important mineral resource recovery site delineated in a local general plan, specific plan, or other land-use plan? (1,2,24) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ✓ |

Comments:

- a/b. The project site is not a known location of valuable mineral resources. No mineral resource mining is known to have occurred on the project site. The Morgan Hill General Plan does not identify any areas of mineral resources within the City's planning area. No impact to mineral resources will occur as a result of the proposed project.

12. NOISE

Would the project:

| | <i>Potentially Significant Impact</i> | <i>Less-than-Significant Impact with Mitigation Measures Incorporated</i> | <i>Less-Than- Significant Impact</i> | <i>No Impact</i> |
|---|---|---|--|--------------------------|
| a. Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or in applicable standards of other agencies? (1,2,3,4,46) | <input type="checkbox"/> | ✓ | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Result in exposure of persons to or generation of excessive ground-borne vibration or ground borne noise levels? (1,2,3,4) | <input type="checkbox"/> | ✓ | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (1,2,3,4,46) | <input type="checkbox"/> | ✓ | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (1,2,3,4,46) | <input 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, expose people residing or working in the project area to excessive noise levels? (1,5,6) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ✓ |
| f. For a project located within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels? (1,5,6) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ✓ |

Comments:

Noise is often defined as unwanted sound. A decibel (dB) is a measure based on the relative amplitude of a sound. In general, the City identifies the maximum exterior noise level of 60 dB where outdoor use is a major consideration for residential areas. Indoor noise levels should not exceed a 45 dBA in new residential housing units. Noise generation and exposure to noise may be of concern for land uses such as residential, schools, libraries, hospitals and other uses that could be highly sensitive to noise disturbances. For the proposed project, noise exposure to students, employees, and to surrounding residences may be an issue.

Existing Noise

The existing noise environment at the project site is created primarily by traffic on Peet Road (adjacent to the southern boundary of the site) and the Coyote Pumping Plant (adjacent to the eastern boundary of the site). Some noise may also be associated with the surrounding residential neighborhoods.

Future Noise (General Plan Buildout)

According to the City's general plan, major noise sources in the year 2025 (buildout) will include Highway 101, railroad activity, and traffic on major streets. As identified on Map 8, Future Noise Contours, of the General Plan, upon buildout the project site and surrounding vicinity will be well within the City's acceptable exterior noise levels of 60 db or less.

Construction

Construction activities including use of construction related vehicles used for site grading and preparation, trenching, paving, and general construction can result in elevated noise and/or vibration levels which could prove a nuisance to adjacent receptors.

- a. **Noise Exposure.** The proposed project will introduce new sources of noise in the vicinity due to increased vehicle trips, recreational areas (playgrounds) and sporting or special events often associated with schools. According to the Morgan Hill General Plan, the project site is well within acceptable noise levels at General Plan buildout projected for the vicinity (Map 8, Future Noise Contours). However, it is possible that the noise projections for the project site may change due to increased development or changed development patterns than evaluated in the General Plan and General Plan EIR. In addition, specific details of the proposed future school facility (unavailable at this time) may introduce noise sources or levels greater than anticipated.

The Coyote Pumping Station adjacent to the project site may be a source of noise to the future school facility. As identified in the SCVWD Coyote Pumping Station Disclosure Statement:

Noise generated by air release and air and vacuum valves during the draining or filling of pipelines can be quite loud and piercing. There is considerable harmonic reactor noise in the switchyard generated by the adjustable speed motor drives when the pumps are in operation. There is a reactor for each pump. The harmonic noise is determined by the speed of the motors. At night during the summer when it is quiet, the noise can be heard. There is also noise periodically from the Western Area Power Administration transformers when our demand goes up and the voltage tap changers operate. An audible fire alarm may sound. Other alarms may sound due to security or operational challenges.

A significant increase in the noise environment could have an adverse impact on students and faculty of the future school, and on residents in the surrounding neighborhoods. If and when the MHUSD decides to move forward with development of the site and determines the layout of the site (i.e., location of buildings, play grounds, etc.), more information will be available to determine the potential impact of noise from school activities on surrounding land uses, and the potential impact of surrounding noise on the school.

Mitigation Measure

N-1. The School District will prepare an acoustical analysis when layout of the future school is determined, as a part of the supplemental CEQA process. The acoustical analysis will determine, but not be limited to, potential impacts to the school from the surrounding noise environment; potential impacts to neighboring uses due to school-related activities; and, recommendations for reducing potential noise impacts within acceptable levels. The acoustical analysis will be completed and appropriate mitigation adopted prior to approval of the school design by the School Board.

Implementation of mitigation measure N-1 will ensure potential impacts associated with noise exposure will be reduced to a less than significant level by requiring project specific analysis and mitigation prior to site plan approval.

- b. **Vibration.** It is not expected that sources of vibration will be located on site during the operational phase of the future school facility. Activities during the construction phase, however, will produce some level of vibration. Construction activities for school facilities vary, but they will typically require at least one piece of large equipment to be operating at fairly regular intervals, especially during the earlier stages when grading and/or drilling will be taking place. This vibration could pose a nuisance to surrounding land uses, such as the existing residential subdivision surrounding the site the site. Therefore, the following standard noise mitigation measure will be implemented:

Mitigation Measure

N-2. All construction activities and use of heavy equipment at the project site will be limited to the hours of 7:00 a.m. to 8:00 p.m. Monday through Friday and between the hours of 9:00 a.m. to 6:00 p.m. on Saturday. Construction activities will not occur on Sundays or federal holidays. This requirement will be included in any construction contracts for activities on the project site.

Implementation of mitigation measure N-2 will ensure potential impacts associated with construction vibration and noise are reduced to a less than significant level by requiring limited construction hours intended to have the least impact on surrounding receptors.

- c. **Permanent Increase in Ambient Noise Levels.** The future school facility may result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. Since project details are unknown at this time, implementation of mitigation measure N-1, described above will be required to ensure that potentially significant impacts are reduced to a less than significant level.
- d. **Temporary or Periodic Increase in Ambient Noise Levels.** Construction of a school in the future would result in significant levels of noise from construction related vehicles used for site grading and preparation, trenching, paving, and general construction. Elevated noise during construction activities could prove a nuisance to adjacent receptors.

Implementation of mitigation measure N-2, presented above, will ensure impacts associated with construction vibration and noise are reduced to a less than significant level by requiring limited construction hours intended to have the least impact on surrounding receptors.

- e/f. **Airport Noise Levels.** The proposed project site is not located within two miles of an airport or private airstrip facility. No impact is anticipated.

13. POPULATION AND HOUSING

Would the project:

| | <i>Potentially Significant Impact</i> | <i>Less-than-Significant Impact with Mitigation Measures Incorporated</i> | <i>Less-Than- Significant Impact</i> | <i>No Impact</i> |
|---|---|---|--|----------------------|
| a. Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)? (1,2) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ✓ |
| b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (1,2,6,7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ✓ |
| c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (1,2,6,7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ✓ |

Comments:

The proposed project consists of acquisition by the School District of ten acres of a 12.04-acre property for possible future development of a 600-student elementary school. Project plans have not been prepared.

- a. **Population Growth.** The site has been identified in the City's general plan as a location suitable for a school or park. Currently a new school facility is not needed and may not be needed for several years. Population growth would be the catalyst for need of a school within the City. The proposed project does not extend City utilities into areas not planned for future development. There will be no impact on population growth either directly or indirectly.
- b/c. **Displacement of housing or people.** The proposed project site is mostly vacant agricultural land, surrounded by urban development. There are no residences on the property. The project would not displace housing or people; therefore, there is no impact.

14. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of or 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 following public services:

| | <i>Potentially Significant Impact</i> | <i>Less-than-Significant Impact with Mitigation Measures Incorporated</i> | <i>Less-Than- Significant Impact</i> | <i>No Impact</i> |
|---------------------------------|---|---|--|----------------------|
| a. Fire protection? (1,3,6,57) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ✓ |
| b. Police protection? (1,3,7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ✓ |
| c. Schools? (1,5) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ✓ |
| d. Parks? (1,5) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ✓ |
| e. Other public facilities? (5) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ✓ |

Comments:

- a. **Fire Protection.** The City contracts with the Santa Clara County Fire Department for fire protection and emergency medical response. The Santa Clara County Fire Department's Morgan Hill service area is not contiguous with its other service area (which is generally west of San Jose). The Santa Clara County Fire Department operates two fire stations in Morgan Hill: one on Old Monterey Highway and one on Dunne Avenue, and has mutual aid agreements with adjacent jurisdictions. The California Department of Forestry and Fire Prevention operates a fire station on Monterey Road. The project site and surrounding area is serviced by the Dunne Avenue Station located at 2100 East Dunne Avenue, which is approximately two miles from the proposed project site.

On July 25, 2012 the City of Morgan Hill approved a contract with Cal Fire to be the City's service provider beginning January 1, 2013. According to Steve Reymer, City of Morgan Hill Community Services Manager, the Cal Fire contract will establish a single regional service provider, add a third fire station, and streamline overall operations. According to Mr. Reymer, the Fire Department's service goal as outlined in the City's Fire and Emergency Medical Services Master Plan is a total response time of seven minutes 90 percent of the time which adequately services the area; however, the contract with Cal Fire and the additional station should bring response time to less than eight minutes 95 percent of the time. Therefore, there currently is adequate service to the project site and response time should only get better in the future. The proposed project

- would incrementally increase demand for fire services but not in excess of what has been anticipated in the General Plan and by the service providers. No new fire facilities would be required as a result of the proposed project. Therefore, there would be no environmental impact.
- b. **Police Protection.** The project site is served by the City of Morgan Hill Police Department. The headquarters is located at 16200 Vineyard Boulevard. The police department has 36 officers and operates from an office on Vineyard Boulevard. The proposed project would incrementally increase demand for police services but not in excess of what has been anticipated in the buildout of the general plan and would not require construction of new police facilities. Therefore, there would be no environmental impact.
 - c. **Schools.** The proposed project is the acquisition of property for possible future development of a 600-student elementary school by the School District. The environmental impacts are analyzed throughout this Initial Study.
 - d. **Parks.** The proposed project is the acquisition of property for possible future development of an elementary school by the School District. The project will not require the provision of, or need for, new or physically altered public parks. Therefore, there would be no environmental impact.
 - e. **Other Public Facilities.** The proposed project will have no impact on other public facilities.

15. RECREATION

| | <i>Potentially Significant Impact</i> | <i>Less-than-Significant Impact with Mitigation Measures Incorporated</i> | <i>Less-Than- Significant Impact</i> | <i>No Impact</i> |
|--|---|---|--|--------------------------|
| 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? (1,5) | <input type="checkbox"/> | <input type="checkbox"/> | <input 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? (1,5) | <input type="checkbox"/> | <input type="checkbox"/> | ✓ | <input type="checkbox"/> |

Comments:

- a. **Increased Use.** The proposed project is the acquisition of property for possible future development of an elementary school by the School District. The project will not increase the use of existing park facilities; therefore, there is no impact in this issue area.
- b. **Development of Recreational Facilities.** The proposed project may provide beneficial recreational opportunities to the community by providing facilities for athletics and community events. Should the School District acquire the property, they will need to conduct supplemental CEQA analysis when they propose specific development for the property. The impact is less than significant.

16. TRANSPORTATION/TRAFFIC

Would the project:

| | <i>Potentially Significant Impact</i> | <i>Less-than-Significant Impact with Mitigation Measures Incorporated</i> | <i>Less-Than- Significant Impact</i> | <i>No Impact</i> |
|---|---|---|--|--------------------------|
| 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? (5, 55) | <input 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? (1,5) | <input type="checkbox"/> | ✓ | <input 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? (1,5) | <input type="checkbox"/> | <input type="checkbox"/> | <input 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)? (1,5) | <input type="checkbox"/> | ✓ | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Result in inadequate emergency access? (1,5) | <input type="checkbox"/> | ✓ | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decreased the performance or safety of such facilities? (1,5) | <input type="checkbox"/> | ✓ | <input type="checkbox"/> | <input type="checkbox"/> |

Comments:

Because the school facility is expected to be developed at some point in the future, and because detailed project information has not been developed, a quantitative analysis of traffic impacts is not feasible. Consistent with the requirements of CEQA, this evaluation will focus on the

probable traffic impacts of the project. Prior to development of the site, the School District will need to prepare a supplemental environmental document, as well as a detailed quantitative traffic analysis.

The proposed project anticipates future development of a 600-student elementary school. The magnitude of traffic produced by a new development is estimated by applying the size of the project to the applicable trip generation rate contained in the Institute of Transportation Engineers (ITE) Trip Generation Manual as shown in Tables 1a and b below.

Table 1 Trip Generation Estimates (AM Peak Hour)

| | | | AM Peak Hour (7:00 - 9:00 AM) | | | | | |
|------|------------------|-------------|-------------------------------|--------|-----|-------|-----|-------|
| | | | | Splits | | Trips | | |
| Size | Daily Trip Rates | Daily Trips | Peak Hour Rate | In | Out | In | Out | Total |
| 600 | 1.29 | 774 | 0.45 | 55% | 45% | 149 | 122 | 270 |

Source: ITE Trip Generation, 8th Edition, 2008

Note: It is assumed that the difference between the inbound and outbound trip generation represents staff/faculty members driving in to the facility and parking in the morning, and staff faculty leaving the school site at the end of the day.

Table 2 Trip Generation Estimates (PM Peak Hour)

| | | | PM School Peak Hour (2:00-4:00 PM) | | | | | |
|------|------------------|-------------|------------------------------------|--------|-----|-------|-----|-------|
| | | | | Splits | | Trips | | |
| Size | Daily Trip Rates | Daily Trips | Peak Hour Rate | In | Out | In | Out | Total |
| 600 | 1.29 | 774 | 0.28 | 45% | 55% | 76 | 92 | 168 |

Source: ITE Trip Generation, 8th Edition, 2008

Note: It is assumed that the difference between the inbound and outbound trip generation represents staff/faculty members driving in to the facility and parking in the morning, and staff faculty leaving the school site at the end of the day.

On the basis of the ITE rates shown above, it is estimated that the proposed project with a student enrollment of 600 students would generate 270 AM peak-hour trips and 168 afternoon school peak hour trips.

a/b/d-f. **Traffic, Design and Operations.** Based on the ITE rates it is estimated that the proposed elementary school would add about 270 AM peak-hour trips and 168 afternoon school peak hour trips to the existing roadway system. Access to the project site, as well as specific impacts to the roadway system that will exist at the time the elementary school is proposed to be constructed, are unknown at this time. It would also be speculative to assume what the circumstances will be regarding other potential development in this area.

Because development of the elementary school at this location will add several trips to the roadway system that could have impacts in terms of traffic, design and operations, the following mitigation measure will be implemented to determine the significance of any traffic operation impacts and to identify mitigation measures to reduce any identified impacts to a less than significant level.

Mitigation Measure

T-1. Prior to approval of a site plan and construction of the school facility, the School District will conduct supplemental CEQA analysis to evaluate consistency of the proposal with applicable plans, ordinances or policies (including applicable congestion management programs), impacts on the roadway system, as well as access issues for vehicles, busses, pedestrians, and bicycles. The traffic analysis will be completed and mitigation considered prior to approval of the school design by the School Board. All identified significant adverse impacts will be mitigated.

Implementation of mitigation measure T-1 will ensure impacts associated with traffic and circulation are reduced to a less than significant level by requiring project specific analysis and identification of mitigation prior to project approval.

c. **Air Traffic Patterns.** The proposed project will not affect air traffic patterns.

17. UTILITIES AND SERVICE SYSTEMS

Would the project:

| | <i>Potentially Significant Impact</i> | <i>Less-than-Significant Impact with Mitigation Measures Incorporated</i> | <i>Less-Than- Significant Impact</i> | <i>No Impact</i> |
|--|---|---|--|--------------------------|
| a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (1) | <input type="checkbox"/> | <input 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? (1,33,40,41) | <input type="checkbox"/> | <input 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? (1,33, 40,53) | <input type="checkbox"/> | <input 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? (1,33) | <input type="checkbox"/> | <input 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 inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (1,40) | <input type="checkbox"/> | <input type="checkbox"/> | ✓ | <input type="checkbox"/> |
| f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid-waste disposal needs? (1,38,39) | <input type="checkbox"/> | <input type="checkbox"/> | ✓ | <input type="checkbox"/> |
| g. Comply with federal, state, and local statutes and regulations related to solid waste? (1,38,39) | <input type="checkbox"/> | <input type="checkbox"/> | ✓ | <input type="checkbox"/> |

Comments:

The proposed project is the acquisition of property for possible future development of a 600-student elementary school by the School District. Future development proposals would require plans for utilities and service system infrastructure which would undergo additional environmental review beyond the scope of this initial study. Should the School District acquire the property, they will need to conduct supplemental CEQA analysis when they propose specific development for the property.

- a. **Exceed Wastewater Treatment Requirements.** It is anticipated that the future school facility would discharge wastewater to the City's wastewater system, which transports wastewater for treatment at the regional wastewater treatment plant (WWTP) in Gilroy. The WWTP is operated by South County Regional Wastewater Authority (SCRWA). The WWTP operates within the requirements of the Central Coast Regional Water Quality Control Board.

The City's Sewer Master Plan was updated in 2002 to reflect changes in volume and system operating conditions associated with the city's projected growth through 2020, and to coordinate with General Plan policies and actions aimed at accommodating growth. Development of the proposed project site was anticipated in the general plan, and thus was also considered in the sewer system master plan. The site was evaluated in the sewer system master plan with a land use category of Single Family Low, which has a higher water demand co-efficient than Public facilities Sewer Master Plan (Table 3.4. pg. 2-5). Therefore, should the site be developed as an elementary school (Public facility), the sewer system demands are anticipated to be somewhat less than what was planned for in the city's sewer system master plan. This is a less than significant impact. See also discussion in section b., below.

- b. **Construction or expansion of water/wastewater treatment facilities.** The WWTP accepts wastewater flows from the City of Gilroy and the City of Morgan Hill and the WWTP capacity and finances are split between the two cities. The existing dry weather capacity of the WWTP is about 8.5 million gallons per day. An expansion of WWTP capacity to 12.75 million gallons per day is anticipated to begin in 2012 and is expected to be completed by 2015. The SCRWA has also identified additional lands available for expansion of the percolation ponds. The WWTP expansion will accommodate growth planned in the Gilroy and Morgan Hill general plans.

The City's water is pumped from wells in the Llagas and Coyote Valley subbasins of the Santa Clara Valley Groundwater Basin and pumped uphill to the east and west of the City. The proposed project site is within the City's urban growth boundary and development of the site for residential use, or possibly a school or park, was anticipated when the City's water system was planned. The existing City water system, along with planned expansions and extensions would adequately serve the proposed project.

As identified in the City's sewer master plan, the City's water distribution, sewer collection, and storm drainage master plans were prepared concurrently with the General Plan and identified the infrastructure necessary to service developed lands within the City's urban growth boundary. No unanticipated sewer or water system expansions are required to specifically serve the proposed project therefore, the impact is less than significant. See also discussion in section a., above.

- c. **Construction or expansion of storm water drainage facilities.** The proposed project is within the City of Morgan Hill urban growth boundary and has been designated in the General Plan for future development. As identified in the City's General Plan, the City's Storm Drainage Master Plan (2002) was prepared concurrently with the General Plan and identified the infrastructure necessary to service developed lands within the City's urban growth boundary. No new off-site storm water facilities that are not already planned are anticipated to be required for the proposed project, therefore the impact is less than significant.
- d. **Sufficient water supplies.** Current average annual groundwater pumping is estimated at about 8,000 acre-feet per year, with future pumping projected at 8,600 acre-feet in 2020 and 9,600 acre-feet in 2030 (Urban Water Management Plan pages 3-7 and 4-4). Groundwater is recharged naturally by rainfall and supplemented by a recharge program utilizing Central Valley Project water and detained storm water from reservoirs. The City's sustainable water supply is estimated to be 18,422 acre-feet per year (Urban Water Management Plan page 4-2). The Urban Water Management Plan indicates that the City has an adequate water supply.

The proposed project is within the City's urban growth boundary and was anticipated for future development. Development of the area was taken into account in the Urban Water Management Plan's water demand projections. Therefore, no new water supplies are anticipated to be needed for the proposed project and the impact is less than significant.

- e. **Cumulative wastewater treatment capabilities.** This impact is less than significant. Refer to the response to item b.
- f/g. **Solid Waste.** Solid waste generated by the proposed project would go to the Johnson Canyon Landfill, located at 31400 Johnson Canyon Road, east of the City of Gonzales. The Salinas Valley Solid Waste Authority operates landfills, including Johnson Canyon Landfill, and transfer stations designed to accommodate the long-term solid waste disposal needs of customers within its service area. The landfill has capacity projected to service the region for the next 30 years. Therefore, there is sufficient permitted capacity to accommodate the project's solid-waste disposal needs and the impact is less than significant.

18. MANDATORY FINDINGS OF SIGNIFICANCE

| | <i>Potentially Significant Impact</i> | <i>Less-than-Significant Impact with Mitigation Measures Incorporated</i> | <i>Less-Than- Significant Impact</i> | <i>No Impact</i> |
|--|---|---|--|--------------------------|
| 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 an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory? (1-8, 15-17, 19-22, 25, 27-30, 32-34, 46, 47-52) | <input type="checkbox"/> | ✓ | <input 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) (1-8, 15-17, 19-22, 25, 27-30, 32-34, 46, 47-52) | <input type="checkbox"/> | ✓ | <input 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? (1-8, 15-17, 19-22, 25, 27-30, 32-34, 46, 47-52) | <input type="checkbox"/> | ✓ | <input type="checkbox"/> | <input type="checkbox"/> |

Comments:

- a. **Potential to Degrade the Environment.** Acquisition of the project site by the School District would not directly result in a change in the environment; however, the future development of the elementary school or other district facility could result in potentially significant impacts in the following environmental issue areas: aesthetics, air quality, biological resources (nesting birds and burrowing owls), cultural resources, geology/soils, hazards and hazardous materials, hydrology/water quality, noise and traffic/transportation. However, mitigation measures have been provided in this initial study to reduce any potentially significant impacts to a less than significant level. Should the School District acquire the property, they will need to conduct supplemental CEQA analysis when they propose specific development for the property. That analysis will further define potential environmental impacts associated with a specific construction project, and may include additional mitigation measures.

- b. **Cumulative Impacts.** Acquisition of the site by the MHUSD and the possible future development of an elementary school were anticipated in the city's general plan. Site development along with buildout of other areas within the city's urban growth boundary has been considered in the General Plan and the city's sewer, water, and storm water master plans (which were prepared concurrently with the General Plan). Future development of the elementary school would not result in significant cumulative impacts if the mitigation measures identified in this Initial Study are fully implemented. Should the School District acquire the property, they will need to conduct supplemental CEQA analysis when they propose specific development for the property. That analysis will further define potential environmental impacts associated with a specific construction project, and may include additional mitigation measures.
- c. **Substantial Adverse Effects on Human Beings.** The development of a 600-student elementary school could have potentially significant adverse impacts to humans in the areas of air quality, hazardous materials, and noise. However, mitigation measures have been provided in this initial study to reduce any potentially significant impacts to a less than significant level. Should the School District acquire the property, they will need to conduct supplemental CEQA analysis when they propose specific development for the property. That analysis will further define potential environmental impacts associated with a specific construction project, and may include additional mitigation measures.

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All documents accessed via the web are available at the websites listed. All other documentation is available for review at the Morgan Hill Unified School District at 15600 Concord Circle, Morgan Hill, (408) 201-6000 by contacting Anessa Espinosa during normal business hours.

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