

# Morgan Hill Annexation and Urban Service Area Amendment Project

## Draft Environmental Impact Report

SCH #2025101076

*prepared by*

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# Table of Contents

Executive Summary ..... ES-1
Project Synopsis ..... ES-1
Project Objectives ..... ES-3
Alternatives ..... ES-4
Areas of Known Controversy ..... ES-5
Issues to be Resolved ..... ES-6
Summary of Impacts and Mitigation Measures ..... ES-6
1 Introduction ..... 1-1
1.1 Statement of Purpose ..... 1-1
1.2 Purpose and Legal Authority ..... 1-1
1.3 Streamlining and Tiering Opportunities ..... 1-3
1.4 Public Review and Participation Process ..... 1-3
1.5 Scope and Content ..... 1-4
1.6 Issues Not Studied in Detail in the EIR ..... 1-5
1.7 Lead, Responsible, and Trustee Agencies ..... 1-5
1.8 Environmental Review Process ..... 1-5
2 Project Description ..... 2-1
2.1 Project Title ..... 2-1
2.2 Lead Agency Name and Address ..... 2-1
2.3 Contact Person and Phone Number ..... 2-1
2.4 Project Location ..... 2-1
2.5 Project Sponsor's Name and Address ..... 2-1
2.6 General Plan Designation ..... 2-4
2.7 Zoning ..... 2-4
2.8 Surrounding Land Uses and Setting ..... 2-4
2.9 Project Description ..... 2-6
2.10 Project Objectives ..... 2-15
2.11 Other Public Agencies Whose Approval is Required ..... 2-15
2.12 Have California Native American Tribes Traditionally and Culturally Affiliated with the Project Area Requested Consultation Pursuant to Public Resources Code Section 21080.3.1? ..... 2-16
3 Environmental Setting ..... 3-1
3.1 Regional Setting ..... 3-1
3.2 Project Site Setting ..... 3-1
3.3 Cumulative Development ..... 3-3
4 Environmental Impact Analysis ..... 4-1
4.1 Aesthetics ..... 4.1-1
4.1.1 Setting ..... 4.1-1

4.1.2 Regulatory Setting ..... 4.1-4
4.1.3 Impact Analysis ..... 4.1-10
4.2 Air Quality ..... 4.2-1
4.2.1 Setting ..... 4.2-1
4.2.2 Regulatory Setting ..... 4.2-4
4.2.3 Impact Analysis ..... 4.2-11
4.3 Biological Resources ..... 4.3-1
4.3.1 Setting ..... 4.3-1
4.3.2 Regulatory Setting ..... 4.3-9
4.3.3 Impact Analysis ..... 4.3-21
4.4 Cultural Resources ..... 4.4-1
4.4.1 Setting ..... 4.4-1
4.4.2 Regulatory Setting ..... 4.4-6
4.4.3 Impact Analysis ..... 4.4-12
4.5 Geology and Soils ..... 4.5-1
4.5.1 Setting ..... 4.5-1
4.5.2 Regulatory Setting ..... 4.5-13
4.5.3 Impact Analysis ..... 4.5-16
4.6 Greenhouse Gas (GHG) Emissions ..... 4.6-1
4.6.1 Setting ..... 4.6-1
4.6.2 Regulatory Setting ..... 4.6-5
4.6.3 Impact Analysis ..... 4.6-12
4.7 Hazards and Hazardous Materials ..... 4.7-1
4.7.1 Setting ..... 4.7-1
4.7.2 Regulatory Setting ..... 4.7-7
4.7.3 Impact Analysis ..... 4.7-13
4.8 Hydrology and Water Quality ..... 4.8-1
4.8.1 Setting ..... 4.8-1
4.8.2 Regulatory Setting ..... 4.8-7
4.8.3 Impact Analysis ..... 4.8-12
4.9 Land Use and Planning ..... 4.9-1
4.9.1 Setting ..... 4.9-1
4.9.2 Regulatory Setting ..... 4.9-2
4.9.3 Impact Analysis ..... 4.9-4
4.10 Noise ..... 4.10-1
4.10.1 Setting ..... 4.10-1
4.10.2 Regulatory Setting ..... 4.10-10
4.10.3 Impact Analysis ..... 4.10-13
4.11 Transportation ..... 4.11-1
4.11.1 Setting ..... 4.11-1

4.11.2 Regulatory Setting ..... 4.11-3
4.11.3 Impact Analysis ..... 4.11-8
4.12 Tribal Cultural Resources ..... 4.12-1
4.12.1 Setting ..... 4.12-1
4.12.2 Regulatory Setting ..... 4.12-2
4.12.3 Impact Analysis ..... 4.12-4
4.13 Utilities and Service Systems ..... 4.13-1
4.13.1 Setting ..... 4.13-1
4.13.2 Regulatory Setting ..... 4.13-4
4.13.3 Impact Analysis ..... 4.13-12
4.14 Wildfire ..... 4.14-1
4.14.1 Setting ..... 4.14-1
4.14.2 Regulatory Setting ..... 4.14-9
4.14.3 Impact Analysis ..... 4.14-14
4.15 Effects Found Not to be Significant ..... 4.15-1
4.15.1 Agriculture and Forestry Resources ..... 4.15-1
4.15.2 Energy ..... 4.15-4
4.15.3 Mineral Resources ..... 4.15-5
4.15.4 Population and Housing ..... 4.15-6
4.15.5 Public Services ..... 4.15-8
4.15.6 Recreation ..... 4.15-12
5 Other CEQA Considerations ..... 5-1
5.1 Growth Inducement ..... 5-1
5.1.1 Population Growth ..... 5-1
5.1.2 Economic Growth ..... 5-1
5.1.3 Removal of Obstacles to Growth ..... 5-2
5.2 Irreversible Environmental Effects ..... 5-2
5.3 Significant and Unavoidable Impacts ..... 5-3
6 Alternatives ..... 6-1
6.1 Alternative 1: No Project/No Annexation Alternative ..... 6-2
6.1.1 Description ..... 6-2
6.1.2 Impact Analysis ..... 6-2
6.2 Alternative 2: Increased Development at the Rose Orchard Court Site ..... 6-2
6.2.1 Description ..... 6-2
6.2.2 Impact Analysis ..... 6-3
6.3 Alternative 3: Industrial Use at the Butterfield Sports Park Expansion Site ..... 6-11
6.3.1 Description ..... 6-11
6.3.2 Impact Analysis ..... 6-12
6.4 Alternative 4: Alternative Park Facilities at the Condit Sports Facilities Expansion Site ..... 6-22
6.4.1 Description ..... 6-22

6.4.2 Impact Analysis ..... 6-22
6.5 Alternative 5: Additional Annexations ..... 6-29
6.5.1 Description ..... 6-29
6.5.2 Impact Analysis ..... 6-32
6.6 Alternatives Considered but Rejected ..... 6-38
6.7 Environmentally Superior Alternative ..... 6-38
7 References ..... 7-1
7.1 Bibliography ..... 7-1
7.2 List of Preparers ..... 7-17

# Tables

Table ES-1 Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts ..... ES-7
Table 1-1 NOP Comments and EIR Response ..... 1-4
Table 2-1 Summary of Development Assumptions ..... 2-9
Table 3-1 Cumulative Projects List ..... 3-4
Table 4.2-1 Federal and State Ambient Air Quality Standards ..... 4.2-5
Table 4.2-2 Ambient Air Quality Data ..... 4.2-6
Table 4.2-3 Bay Area Air District Criteria Air Pollutant Screening Levels ..... 4.2-14
Table 4.2-4 Bay Area Air District Criteria Air Pollutant Significance Thresholds ..... 4.2-14
Table 4.2-5 Bay Area Air District Odor Source Thresholds ..... 4.2-16
Table 4.2-6 Clean Air Plan Control Measures Consistency Analysis ..... 4.2-17
Table 4.2-7 Project Construction Emissions ..... 4.2-20
Table 4.2-8 Project Operational Emissions ..... 4.2-20
Table 4.3-1 Special-status Animals with Potential to Occur in the Annexation Sites ..... 4.3-6
Table 4.5-1 Soil Parameters for the Annexation Sites ..... 4.5-2
Table 4.6-1 Project Consistency with Plan Bay Area 2050 ..... 4.6-17
Table 4.9-1 Project Consistency with Plan Bay Area 2050+ and the Morgan Hill General Plan ..... 4.9-6
Table 4.9-2 LAFCO Policy Consistency ..... 4.9-8
Table 4.10-1 Noise Monitoring Results – Short Term ..... 4.10-5
Table 4.10-2 Noise Monitoring Results – Long Term (LT-1) ..... 4.10-5
Table 4.10-3 Noise Monitoring Results – Long Term (LT-2) ..... 4.10-6
Table 4.10-4 Land Use Compatibility Guidelines for Community Noise Environments (Ldn) ..... 4.10-11
Table 4.10-5 City of Morgan Hill Code of Ordinances Maximum Noise Levels ..... 4.10-12
Table 4.10-6 Vibration Source Levels for Construction Equipment ..... 4.10-14
Table 4.10-7 Criteria for Vibration Damage Potential ..... 4.10-16
Table 4.10-8 Estimated Noise Levels by Construction Phase at Sensitive Receptors - Rose Orchard Court Site ..... 4.10-17
Table 4.10-9 Estimated Noise Levels by Construction Phase at Sensitive Receptors - Condit Sports Facilities Expansion site ..... 4.10-17
Table 4.10-10 Estimated Noise Levels by Construction Phase at Sensitive Receptors - Butterfield Sports Park Expansion Site ..... 4.10-18
Table 4.10-11 Predicted Increases in Traffic Noise Levels - Rose Orchard Court Site ..... 4.10-19

Table 4.10-12 Predicted Increases in Traffic Noise Levels - Condit Sports Facilities Expansion Site ..... 4.10-20
Table 4.10-13 Predicted Increases in Traffic Noise Levels - Butterfield Sports Park Expansion Site ..... 4.10-20
Table 4.13-1 Available Landfill Capacity ..... 4.13-3
Table 4.13-2 City of Morgan Hill Employment Solid Waste Disposal ..... 4.13-3
Table 4.13-3 City of Morgan Hill Projected Water Supply and Demand ..... 4.13-17
Table 6-1 Alternative 2 Construction Emissions ..... 6-4
Table 6-2 Alternative 2 Operational Emissions ..... 6-4
Table 6-3 Alternative 3 Construction Emissions ..... 6-13
Table 6-4 Alternative 3 Operational Emissions ..... 6-13
Table 6-5 Alternative 3 Predicted Increases in Traffic Noise Levels ..... 6-19
Table 6-6 Alternative 5 Additional Annexation Parcels Characteristics ..... 6-31
Table 6-7 Impact Comparison of Alternatives ..... 6-40

## Figures

Figure 1-1 Environmental Review Process ..... 1-7
Figure 2-1 Regional Location ..... 2-2
Figure 2-2 Proposed Annexation/USA Sites Locations ..... 2-3
Figure 2-3 Proposed Rose Orchard Court Annexation/USA Site ..... 2-5
Figure 2-4 Proposed Condit Sports Facilities Expansion Annexation/USA Site ..... 2-7
Figure 2-5 Proposed Butterfield Sports Park Expansion Annexation/USA Site and APN 825-06-022 ..... 2-8
Figure 2-6 Butterfield Sports Park Expansion Conceptual Site Plan ..... 2-11
Figure 2-7 Condit Sports Facilities Expansion Conceptual Site Plan ..... 2-13
Figure 2-8 Rose Orchard Court Site Conceptual Site Plan ..... 2-14
Figure 4.3-1 Vegetation Communities and Land Cover Types – Condit Sports Facilities Expansion Site ..... 4.3-2
Figure 4.3-2 Vegetation Communities and Land Cover Types – Butterfield Sports Park Expansion Site ..... 4.3-3
Figure 4.3-3 Vegetation Communities and Land Cover Types – Rose Orchard Court Site ..... 4.3-4
Figure 4.5-1 Soils Map – Rose Orchard Court Site ..... 4.5-3
Figure 4.5-2 Soils Map – Condit Sports Facilities Expansion Site ..... 4.5-4
Figure 4.5-3 Soils Map – Butterfield Sports Park Expansion Site and APN 825-06-022 ..... 4.5-5
Figure 4.5-4 Geologic Hazards – Rose Orchard Court Site ..... 4.5-7
Figure 4.5-5 Geologic Hazards – Condit Sports Facilities Expansion Site ..... 4.5-8
Figure 4.5-6 Geologic Hazards – Butterfield Sports Park Expansion Site and APN 825 06 022 ..... 4.5-9
Figure 4.5-7 Paleontological Sensitivity Map of City of Morgan Hill ..... 4.5-12
Figure 4.7-1 Hazardous Materials Release Sites and Annexation Sites ..... 4.7-6
Figure 4.8-1 Surface Water in the Vicinity of the Rose Orchard Court Site ..... 4.8-3
Figure 4.8-2 Surface Water in the Vicinity of the Condit Sports Facilities Expansion Site ..... 4.8-4
Figure 4.8-3 Surface Water in the Vicinity of the Butterfield Sports Park Expansion Site ..... 4.8-5
Figure 4.8-4 Butterfield Sports Park Expansion Site Flood Hazard Zones ..... 4.8-6
Figure 4.10-1 Examples of Typical Noise Levels ..... 4.10-2

Figure 4.10-2 Noise Measurement Locations – Condit Sports Facilities Expansion Site ..... 4.10-7
Figure 4.10-3 Noise Measurement Locations – Butterfield Sports Park Expansion Site and APN 825-06-022 ..... 4.10-8
Figure 4.10-4 Approximate Noise Measurement Locations – Rose Orchard Court Site ..... 4.10-9
Figure 4.14-1 Fire Hazard Severity Zones - Rose Orchard Court Site ..... 4.14-6
Figure 4.14-2 Fire Hazard Severity Zones - Condit Sports Facilities Expansion Site ..... 4.14-7
Figure 4.14-3 Fire Hazard Severity Zones - Butterfield Sports Park Expansion Site and APN 825-06-022 ..... 4.14-8
Figure 6-1 Alteranative 5 Additional Annexation Parcels ..... 6-30

## Appendices

Appendix A Notice of Preparation (NOP) and NOP Comments
Appendix B Air Quality and Greenhouse Gas Emissions Modeling Results
Appendix C Butterfield Biological Resources Assessment
Appendix D Rose Orchard Court Biological Resources Assessment
Appendix E Cultural Resources Assessment
Appendix F Environmental Site Assessment Reports
Appendix G Noise Measurement Data and Noise Modeling Results
Appendix H Vehicle Miles Traveled Assessment

# Executive Summary

This document is an Environmental Impact Report (EIR) analyzing the environmental effects of the proposed Morgan Hill Annexations and Urban Service Area Amendments Project (proposed project). This section summarizes the characteristics of the proposed project, alternatives to the proposed project, and the environmental impacts and mitigation measures associated with the proposed project.

## Project Synopsis

### Lead Agency Name, Address, and Contact

City of Morgan Hill
17575 Peak Avenue
Morgan Hill, California 95037

**Contact:** Adam Paszkowski, CPD, Principal Planner, City of Morgan Hill Planning Division
(408) 778-6480, adam.paszkowski@morganhill.ca.gov

### Project Sponsor's Name and Address

The Project Sponsor for the Condit Sports Facilities, Butterfield Sports Park Expansion, and APN 825-06-022 Annexation and USA Amendment is:

City of Morgan Hill
17575 Peak Avenue
Morgan Hill, California 95037

The Project Sponsor for the Rose Orchard Court Annexation and USA Amendment is:

Daniel Auclair
17900 Rose Orchard Court
Morgan Hill, California 9503

### Project Description

This EIR has been prepared to examine the potential environmental effects of the Morgan Hill Annexations and Urban Service Area Amendments Project. The following is a summary of the full project description, which can be found in Section 2, *Project Description*.

#### *Project Location and Setting*

The proposed annexation and urban service area (USA) amendment sites ("annexation sites") are located within unincorporated Santa Clara County, immediately adjacent to the City of Morgan Hill city limits and encompass four different sites: Rose Orchard Court, Butterfield Sports Park Expansion, Condit Sports Facilities Expansion, and APN 825-06-022.

The sites include land use designations under the Santa Clara County General Plan and Santa Clara County zoning designations. Because the annexation sites are within the Sphere of Influence for the City of Morgan Hill, the sites have land use designations under the City of Morgan Hill General Plan.

The annexation sites include:

- **Rose Orchard Court Site:** The site is located on the hillside of El Toro Mountain and ranges in elevation from approximately 455 to 845 feet and includes one single-family residence and an orchard of black walnut trees. Surrounding uses include single-family residences to the northwest and southwest and

undeveloped land to the northeast and southeast. The site is designated Hillside Plan under the Santa Clara County General Plan, has a Santa Clara County zoning designation of Hillside Santa Clara Valley Viewshed, and is designated Residential Estate under the City's General Plan.

- **Condit Sports Facilities Expansion Site.** The site consists of two parcels adjacent to the Morgan Hill Aquatics Center and Outdoor Sports Center. The site is generally level, with one parcel undeveloped and the other containing a single-family residence. Surrounding uses include recreational facilities, undeveloped land, and scattered residential uses. The site is designated Agriculture Medium Scale under the Santa Clara County General Plan, has a Santa Clara County zoning designation of Exclusive Agriculture, and is designated Sports Recreation/Leisure under the City's General Plan.
- **Butterfield Sports Park Expansion Site:** This site lies on flat, vacant land east of Monterey Highway and west of railroad tracks, adjacent to the planned Butterfield Sports Park. Little Llagas Creek, an intermittent stream with a channelized earthen bank, bisects the eastern portion. Surrounding uses include transportation corridors, a mobile home park to the south, and APN 825-06-022. The site is designated Agriculture Medium Scale under the Santa Clara County General Plan, has a Santa Clara County zoning designation of Exclusive Agriculture, and is designated Industrial under the City's General Plan.
- **APN 825-06-022:** The parcel is generally flat with grass and trees and includes one single-family residence. It is bordered by the Butterfield Sports Park Expansion site to the north, a mobile home park to the east and south, and Monterey Road to the west. The site is designated Agriculture Medium Scale under the Santa Clara County General Plan, has a Santa Clara County zoning designation of Exclusive Agriculture, and is designated Residential Attached Low under the City's General Plan.

### *Project Characteristics*

The proposed project would annex four sites within unincorporated Santa Clara County into the City of Morgan Hill, amend the City's USA to include the sites, amend the City's General Plan land use designations for the Condit Sports Park Expansion site and Butterfield Sports Park Expansion site, and apply City zoning to the sites. Upon annexation, the City would apply new General Plan and zoning designations to align with intended uses:

- Butterfield Sports Park Expansion site (19.6 acres) – Designated and zoned Public Facilities (PF) to allow development of park amenities consistent with the City's Park Master Plan.
- Condit Sports Facilities Expansion site (13 acres) – Designated and zoned Public Facilities (PF) to support expansion of the Morgan Hill Outdoor Sports Center and Aquatics Center.
- APN 825-06-022 (2.17 acres) – Designated Residential Attached Low and zoned RAL-3,500, retaining its existing residential use.
- Rose Orchard Court site (20 acres) – Designated and zoned Residential Estate (RE-1) to allow single-family residences on

The proposed City Parks Annexation consists of annexing the Butterfield Sports Park Expansion site and Condit Sports Facilities Expansion sites into city limits in order to expand the Butterfield Sports Park (currently under construction) and the park facilities located on Condit Road (the Morgan Hill Outdoor Sports Center and Morgan Hill Aquatic Center). The City Parks Annexation would include implementing the City's Park Master Plan, which considers three relatively similar options for development of the annexation area with park amenities, such as athletic fields, aquatics attractions, parking lots, shaded picnic areas, a community room with restrooms, and team building with locker rooms, and lighting of both existing and proposed athletic fields.

The proposed Rose Orchard Court annexation was requested by the owner to facilitate future residential development. Upon annexation, the owner proposes to:

- Develop four new residences on approximately one-acre lots near Rose Orchard Court, excluding the existing residence which will remain.

- Conserve approximately 10 acres of upper hillside land through a deed restriction to the City of Morgan Hill in perpetuity or dedication to either the Open Space Authority or the Santa Clara Valley Habitat Agency, as the property is adjacent to designated open space on the flanks of El Toro Mountain.

The proposed project would require City and Santa Clara Local Agency Formation Commission approval of the annexations, pre-zoning, and USA amendments.

# Project Objectives

The objectives for the Proposed Project include:

## Condit Sports Facilities and Butterfield Sports Park Expansion

- Expand regional recreational capacity by developing multi-use sports and community facilities that serve Morgan Hill and surrounding areas.
- Provide new and enhanced large sports facilities, consisting of ball fields, sport fields, volleyball courts, and bicycle pump tracks, with accessory recreational amenities that enhance community health, accessibility, and active use.
- Efficiently cluster new and enhanced large sports facilities near other large existing and planned sports facilities to optimize land use and existing infrastructure efficiency (including roads, utility lines, parking lots, etc.).
- Maximize land use efficiency by co-locating recreational uses near existing infrastructure and complementary facilities.
- Support youth and adult athletic programming through the provision of flexible-use fields and amenities designed for organized sports and informal recreation.
- Design sports facilities that support equitable access, safety, and sustainability.
- Promote equity in access by ensuring facilities are designed for diverse users, including youth leagues, adult recreation, and regional tournaments.
- Enhance recreational equity by providing high-quality sports infrastructure accessible to underserved populations and community groups.
- Strengthen community identity and cohesion by creating a public gathering space that supports events, meetings, and intergenerational activities.
- Diversify recreational offerings by introducing beach volleyball courts and stadium-style fields not currently available in nearby parks.

## Rose Orchard Court

- Provide market-rate housing as envisioned in the City of Morgan Hill General Plan.
- Facilitate low-density housing production in a manner that preserves Morgan Hill's rural character and scenic hillside views.
- Conserve approximately 10 acres of hillside land on El Toro either by a deed restriction or dedication to a conservation agency to increase passive open space and protect the flanks of El Toro from future development.
- Protect ecological and visual resources by permanently conserving hillside land on El Toro.
- Support long-term climate resilience by preserving open space that contributes to habitat connectivity, carbon sequestration, and watershed health on El Toro.

# Alternatives

*CEQA Guidelines* Section 15126.6 requires all EIRs include a comparative evaluation of the proposed project with alternatives to the project that can attain most of the project's basic objectives but would avoid or substantially lessen any of the significant effects of the project. CEQA requires an evaluation of a "range of reasonable" alternatives, including the "no project" alternative. The following provides brief descriptions of the alternatives evaluated in this EIR. See Section 6, *Alternatives*, for full details. Based on the alternatives analysis, Alternative 5 was determined to be the environmentally superior alternative.

- Alternative 1: No Project/No Annexation
- Alternative 2: Increased development at Rose Orchard Court Site
- Alternative 3: Industrial Use at the Butterfield Sports Park Expansion Site
- Alternative 4: Alternative Park Facilities at the Condit Sports Facilities Expansion Site
- Alternative 5: Additional Annexations East and Northeast of the Rose Orchard Court Site

## Alternative 1: No Project/No Annexation

The No Project Alternative assumes that the annexation sites are not annexed into the City of Morgan Hill and the existing Santa Clara County General Plan land use designations and zoning would remain. Although this alternative would not preclude future development of the annexation sites consistent with the Santa Clara County General Plan land use designations and zoning, this alternative assumes that the current uses on the annexation sites would remain. No additional residential development on the Rose Orchard Court site and no new recreational development on the Condit Sports Facilities Expansion site and Butterfield Sports Park Expansion site would occur. This alternative would not accomplish any of the project objectives.

## Alternative 2: Increased Development at Rose Orchard Court Site

Similar to the proposed project, under this alternative the annexation sites would be annexed into the City limits and the City's USA would be amended to include the annexation sites. Like the proposed project, the Condit Sports Facilities Expansion Site and Butterfield Sports Park Expansion site would be developed with park and recreational facilities, and APN 825-06-022 would not be developed. However, development on this site would be consistent with the site's City of Morgan Hill General Plan land use designation of Residential Estate which permits residential development at a density of up to one unit per acre. Therefore, this alternative would involve construction of approximately 10 new single-family residences on 10 acres of the site. Similar to the proposed project, this alternative would include the conservation of 10 acres of upper hillside land outside of the City's Urban Growth Boundary to either a deed restriction on the property or dedication to the Open Space Authority or the Santa Clara Valley Habitat Agency. Alternative 2 would meet the Project Objectives for the Rose Orchard Court site by providing low-density residential development while permanently preserving a portion of the site as open space. In addition, Alternative 2 would be consistent with the City's Housing Element and would provide a greater number of residential units than the proposed project, thereby contributing toward meeting the City's Regional Housing Needs Allocation goals.

## Alternative 3: Industrial Use at the Butterfield Sports Park Expansion Site

Similar to the proposed project, under this alternative, the annexation sites would be annexed into the City limits and the City's USA. Like the proposed project, the Rose Orchard Court site would be developed with four single-family residences; the Condit Sports Facilities Expansion site would be developed with park and recreational facilities; and APN 825-06-022 would not be developed. However, under this alternative, development on the Butterfield Sports Park Expansion site would accommodate industrial uses in the form of warehouses or industrial parks instead of park and recreational facilities. This would be consistent with the pre-designated Morgan Hill General Plan land use designation of Industrial (I). The

Industrial designation permits development at a floor area ratio (FAR) of up to 0.6, which would allow for approximately 500,000 square feet of industrial uses on the 19.6-acre site. This development intensity is generally consistent with the scale and character of industrial development within the city. Alternative 3 could potentially include the use of natural gas. Alternative 3 would not fulfill any Project Objectives since it would not provide recreational or sports facilities or expand regional recreational capacity.

### Alternative 4: Alternative Park Facilities at the Condit Sports Facilities Expansion Site

Similar to the proposed project, under this alternative, the annexation sites would be annexed into the City limits and the City's USA. Like the proposed project, the Rose Orchard Court site would be developed with four single-family residences; the Butterfield Sports Park Expansion site would be developed with park and recreational facilities; and APN 825-06-022 would not be developed. This alternative involves recreational uses at the Condit Sports Facilities Expansion site but with different recreational offerings than the proposed project. Similar to the proposed project, this alternative would also include the development of a 75 yard by 110 yard lighted synthetic turf soccer field with shaded bleachers on one side; a 75 yard by 120 yard stadium lighted synthetic turf football and soccer field with shaded bleachers on both sides; vehicle and bicycle parking; restrooms; a playground; and an outdoor dining structure on the northern parcel of the Condit Sports Facilities Expansion site at APN 817-13-037. However, the 15 beach volleyball courts including shaded spectator areas and a staging area located on the southern parcel at APN 817-13-008 would not be constructed, while the corp yard, overhead parking structure, storage containers and material bins, and BBQ area would remain. The 15 beach volleyball courts would be replaced by a surface parking lot. Alternative 4 would fulfill most Project Objectives since it would provide recreational and sports facilities and expand regional recreational capacity. However, Alternative 4 would only partially satisfy the Project Objective of diversifying recreational offerings, as it would provide stadium-level fields but would not include beach volleyball courts, which are currently unavailable at nearby parks.

### Alternative 5: Additional Annexations East and Northeast of the Rose Orchard Court Site

Similar to the proposed project, under this alternative the annexation sites would be incorporated into the City limits and the City's USA. As with the proposed project, the Rose Orchard Court site would be developed with four single-family residences; the Butterfield Sports Park Expansion site and the Condit Sports Facilities Expansion site would be developed with park and recreational facilities; and APN 825-06-022 would remain undeveloped. However, unlike the proposed project, Alternative 5 would avoid the creation of a "county island" – an area of unincorporated land surrounded by city limits – that would result from the annexation of the Rose Orchard Court site by including the annexation of the surrounding unincorporated "county island" parcels into the City and City's USA as part of the same LAFCo action. This alternative assumes that development of up to an additional 10 residential units on the additional annexation sites could occur. By incorporating the county island parcels, Alternative 5 would achieve greater consistency with LAFCo policies and practices regarding orderly growth and efficient provision of municipal services. At the same time, because the scope and intensity of development on the primary annexation sites would remain identical to the proposed project, Alternative 5 would meet the project objectives.

## Areas of Known Controversy

The EIR scoping process did not identify areas of known controversy for the proposed project. Responses to the Notice of Preparation of a Draft EIR and input received at the EIR scoping meeting held by the City are summarized in Section 1, *Introduction*.

# Issues to be Resolved

No outstanding issues have been identified that would prevent the City from issuing the required approvals.

# Summary of Impacts and Mitigation Measures

Table ES 1 summarizes the environmental impacts of the proposed project, proposed mitigation measures, and residual impacts (the impact after application of mitigation, if required). Impacts are categorized as follows:

- **Significant and Unavoidable.** An impact that cannot be reduced to below the threshold level given reasonably available and feasible mitigation measures. Such an impact requires a Statement of Overriding Considerations to be issued if the project is approved pursuant to CEQA Guidelines Section 15093.
- **Less than Significant with Mitigation Incorporated.** An impact that can be reduced to below the threshold level given reasonably available and feasible mitigation measures. Such an impact requires findings under CEQA Guidelines Section 15091.
- **Less than Significant.** An impact that may be adverse but does not exceed the identified impact threshold levels and does not require mitigation measures.
- **No Impact.** The proposed project would have no effect on environmental conditions or would reduce existing environmental problems or hazards.

**Table ES 1 Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts**

| Impact | Mitigation Measure(s) | Residual Impact |
|---|---|---|
| **Aesthetics** | | |
| **Impact AES-1.** Future development on the annexation sites would not adversely affect scenic vistas. This impact would be less than significant. | None required | Less than significant |
| **Impact AES-2.** There are no designated Scenic Highways in the vicinity of Morgan Hill. Implementation of the proposed project would not damage scenic resources visible from a Scenic Highway. No impact would occur. | None required | No impact |
| **Impact AES-3.** Morgan Hill is considered a non-urbanized area for the purpose of CEQA. The proposed annexations and subsequent future development under the proposed project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. This impact would be less than significant. | None required | Less than significant |
| **Impact AES-4.** Development facilitated by the proposed project would create new sources of light or glare that could adversely affect daytime or nighttime views in the area. However, there are already sources of light and glare throughout the city, and development would not substantially add to existing light and glare that would adversely affect daytime or nighttime views. With compliance with existing city requirements, this impact would be less than significant. | None required | Less than significant |
| **Air Quality** | | |
| **Impact AQ-1.** The project would not conflict with or obstruct implementation of the 2017 Clean Air Plan. Impacts would be less than significant. | None required | Less than significant |
| **Impact AQ-2.** Construction and operation of future development on the annexation sites would not result in a cumulatively considerable net increase of a criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard. This impact would be less than significant | None required | Less than significant |
| **Impact AQ-3.** The project would not increase carbon monoxide concentrations such that it would create carbon monoxide hotspots, and construction of the project would not result in emissions of TACs sufficient to exceed applicable health risk criteria. The project would not result in nearby sensitive receptors being exposed to health risks in excess of Air District thresholds. impacts would be less than significant. | None required | Less than significant |
| **Impact AQ-4.** The project would not generate odors adversely affecting a substantial number of people during construction or operation. Impacts would be less than significant. | None required | Less than significant |
| **Biological Resources** | | |
| **Impact BIO-1.** Development facilitated by the project at the annexation sites could disturb known special-status species or their associated habitat, including through habitat modifications. Development facilitated by the project during the nesting bird season could also directly and/or indirectly affect nesting birds protected under the MBTA and CFDG Section 3503. This impact would be less than significant with mitigation incorporated. | **BIO-1 Worker Environmental Awareness Program (WEAP).** Prior to initiation of construction activities (including staging and mobilization) at the Condit Sports Facilities Expansion site, Butterfield Sports Park Expansion site, and Rose Orchard Court annexation site, all personnel associated with project construction shall attend a Worker Environmental Awareness Program (WEAP) training, conducted by a qualified biologist, to aid workers in recognizing special-status resources that may occur in the construction area. This program shall include identification of the sensitive species and habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction.<br>All employees shall sign a form provided by the qualified biologist to document that they have attended the WEAP and understand the information presented to them. The crew foreman shall be responsible for ensuring crew members adhere to the guidelines and restrictions designed to avoid impacts to special-status species. If new construction personnel are added to the project, the crew foreman shall ensure that the new personnel receive the WEAP training before starting work.<br>**BIO-2 Crotch's Bumble Bee Habitat Assessment and Avoidance.** Prior to vegetation removal, clearing, grading or grubbing at the Condit Sports Facilities Expansion site, Butterfield Sports Park Expansion site, and Rose Orchard Court annexation site, focused surveys for Crotch's bumble bee shall be conducted within the proposed disturbance area by a qualified biologist with expertise in surveying for bumble bees. The focused surveys shall include: (1) a habitat assessment, (2) foraging surveys, and (3) nesting surveys, in accordance with the recommendations described in the Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species, released by the CDFW on June 6, 2023. If more than one year after the completion of focused Crotch's bumble bee surveys (i.e., date of last survey) has passed before ground disturbance has been initiated, the focused surveys shall be repeated. The habitat assessment will be conducted concurrently with the foraging and nesting surveys, and shall at a minimum, include review of historical and current species occurrences; document potential on-site habitat, including foraging, nesting, and/or overwintering resources; and identify which plant species are in bloom during the foraging and nesting surveys, as well as their percent cover. Nesting surveys shall occur during the Queen Flight Season through the Colony Active Period (February 1 through August 31 for Crotch's bumble bee). Potential nesting sites shall be surveyed | Less than significant |

| Impact | Mitigation Measure(s) | Residual Impact |
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| | for active Crotch's bumble bee colonies either through observations of queens searching for nesting sites or by looking for concentrated bumble bee activity entering and exiting a given area. Potential nesting sites investigated by colony finding queens shall be GPS marked if the queen exhibits signs of interest in the potential site (e.g., she doesn't emerge from the site within a few minutes and then continues to nest search). Potential nesting sites identified during the queen nest searching phase shall be evaluated later during the Colony Active Period to determine whether an active colony has been established. Potential nest sites in project areas shall be observed for up to five minutes during the Colony Active Period to monitor for Crotch's bumble bees entering or exiting. If a nest site is confirmed to be occupied by Crotch's bumble bees, the location GPS coordinates shall be recorded. A qualified biologist who is in possession of a valid Memorandum of Understanding with the CDFW (and valid Scientific Collecting Permit, if applicable) shall conduct capture foraging surveys and record nonlethal photo vouchers of all captured bumble bees in accordance with the CDFW Survey Considerations for California Endangered Species Act (CEQA) Candidate Bumble Bee Species document (June 2023). Foraging surveys shall include at least three on-site surveys that are spaced two to four weeks apart. The timing of these surveys shall coincide with the Colony Active Period (April 1 through August 31 for Crotch's bumble bee). Surveys may occur between one hour after sunrise and two hours before sunset. Surveys shall not be conducted during wet conditions (e.g., foggy, raining, or drizzling) and surveyors shall wait at least one hour following rain. Optimal surveys are conducted when there are sunny to partly sunny skies, temperatures are between 65 degrees Fahrenheit and 90 degrees Fahrenheit, and winds are less than 8 miles per hour. Surveys may be conducted outside these weather parameters if other bees or butterflies are observed flying.<br>If Crotch's bumble bee is detected during the focused surveys, an Avoidance Plan to fully avoid impacts to Crotch's bumble bee shall be developed. If impacts to Crotch's bumble bee cannot be fully avoided, an Incidental Take Permit shall be obtained from CDFW.<br>If Crotch's bumble bee is not detected during the focused surveys, or if this species is no longer listed or a Candidate under CESA at the time of construction, no further action or mitigation would be required.<br>**BIO-3 Burrowing Owl Pre-Construction Survey.** Prior to on-site activities at the Condit Sports Facilities Expansion site, Butterfield Sports Park Expansion site, and Rose Orchard Court site, a pre-construction survey shall be conducted within 500 feet of the project disturbance footprint to identify burrows that could be utilized by burrowing owl. Potentially suitable burrows shall be checked by a qualified biologist to see if they are occupied prior to the start of project disturbance activities. If the burrow is unoccupied, the burrow shall be made inaccessible to BUOW, and the project may proceed. If either a nesting or escape burrow is occupied, BUOW shall be relocated pursuant to accepted Wildlife Agency protocols and the passive relocation plan described in Mitigation Measure BIO-4. A burrow is assumed occupied if records indicate that at least one BUOW has been observed occupying a burrow on site during the past three years. Active burrows shall be avoided during the BUOW breeding season (February 1 to August 31) with an appropriate buffer zone as determined by a qualified biologist based on behavior observations and project activities. Hay bales and other potential acoustic and visual buffers may be used to reduce the buffer zone. If occupied burrows cannot be avoided determination of the appropriate method of relocation, such as eviction/passive relocation or active relocation, shall be based on the specific site conditions (e.g., distance to nearest suitable habitat and presence of burrows) and in coordination with CDFW and the City. Passive relocation may only occur in the non-breeding season (September to January) and in accordance with an approved passive relocation plan as required by Mitigation Measure BIO-4.<br>**BIO-4 Burrowing Owl Exclusion.** If occupied burrowing owl burrows cannot be adequately avoided by the project, a burrowing owl relocation plan shall be prepared by a qualified biologist. The relocation plan shall include the methods and timing of burrowing owl relocation consistent with Appendix E of the 2012 CDFW Staff Report on Burrowing Owl Mitigation (CDFW 2012) or most current CDFW guidance document. The plan shall include a map of all known and potential burrows within the project site and 500-foot buffer, as accessible. The plan shall be submitted to the Habitat Agency for review and approval prior to implementation. The plan shall include the following methodology at a minimum:<br>Prior to construction, occupied burrows shall be excluded by a qualified biologist during the non-breeding season (September 1 to January 31).<br>The biologist shall survey and monitor known and potential burrows for at least three days prior to installation of one-way exclusion doors.<br>One-way doors shall be left in place for 48 hours before excavation and monitored twice daily. Following successful exclusion, the burrows shall be excavated using hand tools as feasible, and back-filling to prevent reoccupation.<br>**BIO-5 Pre-Construction Nesting Bird Survey(s).** To avoid disturbance of nesting birds, including special-status species and birds protected by the MBTA and CFGC Section 3503, on-site construction activities at the Condit Sports Facilities Expansion site, Butterfield Sports Park Expansion site, and Rose Orchard Court site, shall occur outside of the breeding season for migratory birds (generally February 1 through August 31), if feasible.<br>If construction must occur within the breeding season, then a pre-construction nesting bird survey shall be conducted. A qualified biologist shall conduct the preconstruction nesting bird survey within seven days of ground disturbance to evaluate the presence/absence, location, and status of any active nests on or adjacent to the project area. The extent of the survey area surrounding the project area shall be determined by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. At a minimum the survey area shall include the project footprint and a 100-foot buffer for passerine species, a 500-foot buffer for raptor species, and a 0.5-mile buffer for Swainson's hawk. If an active nest(s) is discovered, a suitable buffer shall be established around the active nest(s) and construction activity shall not occur within the buffer until the biologist has determined that the nest is no longer active. Buffer size shall consider the species involved and relevant level of tolerance to adjacent activity, the location of the nest relative to proposed activities, and site conditions that naturally buffer the location, such as vegetation screening, topography, etc. The minimum buffer for Swainson's hawk shall be 0.5-mile from an active nest. If construction activities are delayed or paused for more than 14 days during the nesting season, the nest survey shall be re-initiated for areas that still contain potential nesting habitat. | |

| Impact | Mitigation Measure(s) | Residual Impact |
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| **Impact BIO-2.** Development facilitated by the proposed project at the Condit Sports Facilities Expansion Site and Butterfield Sports Park Expansion Site would not result in adverse impacts on riparian habitat or sensitive natural communities. Development facilitated by the proposed project at the Rose Orchard Court annexation site could adversely impact sensitive natural communities. Development only within the proposed development area would ensure sensitive natural communities are not significantly impacted. Impacts would be less than significant without mitigation incorporated. | None required | Less than significant |
| **Impact BIO-3.** No state- or federally protected wetlands are present on the Condit Sports Facilities Expansion Site or Rose Orchard Court site and therefore no impact would occur. Little Llagas Creek is present on the Butterfield Sports Park Expansion site. Development facilitated by the project at this site would have a less than significant impact on state- or federally-protected wetland with compliance with existing regulations. | None required | Less than significant |
| **Impact BIO-4.** Development facilitated by the project on the annexation sites would not substantially impede wildlife movement areas or other native wildlife nursery sites. This impact would be less than significant. | None required | Less than significant |
| **Impact BIO-5.** Development facilitated by the project on the annexation sites would be required to comply with the City's Tree Protection Ordinance. The Condit Sports Facilities Expansion Site and Rose Orchard Court site are not within City designated natural resources and hazard setback areas and therefore no conflict would occur. The Butterfield Sports Park Expansion site is within a stream setback and the 100-year Flood Zone. At that site, impacts would be less than significant with mitigation incorporated. | **BIO-6 Stream Setback Design.** For future development at the Butterfield Sports Park Expansion site, project plans and construction activities shall avoid disturbance within the 35-foot stream setback measured from the top of bank of Little Llagas Creek. The following actions shall be required prior to approval of any grading or building permits and implemented during all phases of work:<br>• The project's final site plan, grading plan, and all construction drawings shall show the 35-foot stream setback as a no-disturbance zone with a clearly labeled limit of work line.<br>• All project components (buildings, grading, utilities, staging, access routes, and material storage) shall be sited outside the setback unless an approved formal exception is obtained from the City and the SCVHA.<br>• The vehicle and pedestrian bridge shall be designed for full clearance span, where feasible so foundations/abutments sit outside the 35-ft setback. If abutments or construction within the setback are unavoidable, the bridge foundations/abutments shall be limited to outside the top of bank of Little Llagas Creek, and SCVHP approval and RWQCB permitting would be required.<br>**BIO-7 Flood Damage Prevention.** All project plans and construction shall comply with Chapter 15.80 of the Morgan Hill Municipal Code. Prior to issuance of any grading or building permit, the applicant shall submit final floodplain and drainage plans, prepared by a licensed civil engineer, demonstrating that finished floor elevations, site grading, and stormwater conveyance meet or exceed the standards in Chapter 15.80. The plans shall include compensatory storage where required, erosion and sediment control measures, and floodproofing or elevation of structures as specified by the City. A FEMA-compliant elevation certificate or floodproofing documentation shall be provided for structures within mapped flood hazard areas. Construction shall adhere to the approved plans, and the applicant shall provide a post-construction certification by the civil engineer confirming as-built elevations, drainage improvements, and installed BMPs meet the Chapter 15.80 requirements. | Less than Significant |
| **Impact BIO-6.** Development facilities by the project at the annexation sites would be required to obtain coverage under the Santa Clara Valley Habitat Conservation Plan and therefore would not conflict with the plan. This impact would be less than significant. | None required | Less than significant |
| **Cultural Resources** | | |
| **Impact CR-1.** The Condit Sports Facilities Expansion contains one historic-age built environment property which was determined ineligible for historical resources eligibility. No qualifying historical resources were identified within the other Annexation Sites. No impacts would occur to historical resources. | None required | No impact |
| **Impact CR-2.** Demolition and excavation for the proposed project may result in damage to or destruction of previously unidentified archaeological resources. However, this impact would be less than significant with mitigation incorporated. | **CR-1 Conduct Cultural Resources Sensitivity Training Prior to Construction.** Prior to project construction, a qualified archaeologist shall be retained to conduct a Worker's Environmental Awareness Program (WEAP) training on archaeological sensitivity. The WEAP shall be conducted for all construction personnel prior to the commencement of any ground-disturbing activities. The training should be conducted by an archaeologist who meets or exceeds the Secretary of Interior's Professional Qualification Standards for archaeology (NPS 1983). Tribal representatives from one of the Consulting Tribes shall be contracted to participate in the WEAP and provide information relevant to Tribal resources. The Tribe shall be given 14 days' notice prior to the training. Archaeological sensitivity training will include a description of the types of cultural material that may be encountered, penalties for violations related to archaeological resources, and the proper protocol for treatment of the materials in the event resources are encountered.<br>**CR-2 Post-Review Discovery of Cultural Resources.** In the event archaeological resources are unexpectedly encountered during ground-disturbing activities, work within 50 feet of the find shall halt and an archaeologist meeting or exceeding the Secretary of the Interior's Professional Qualifications Standards for Archeology (NPS 1983) shall be contacted immediately to evaluate the resource. If the resource is determined by the qualified archaeologist to be precontact, then Mitigation Measure TCR-1 shall be followed and consulting Native American representative(s) shall also be contacted to participate in the evaluation of the resource. All consulting Tribes will be contacted and provided information on the precontact resource and provided an opportunity for a site visit. If the qualified archaeologist and/or Native American representative(s) determines it to be appropriate, | Less than significant |

| Impact | Mitigation Measure(s) | Residual Impact |
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| | archaeological testing for CRHR eligibility shall be completed. If the resource is determined to be eligible for the CRHR and significant impacts to the resource cannot be avoided via project redesign, the qualified archaeologist shall prepare a data recovery plan tailored to the physical nature and characteristics of the resource, per the requirements of CCR Guidelines Section 15126.4(b)(3)(C). The data recovery plan shall identify data recovery excavation methods, measurable objectives, and data thresholds to reduce any potential significant impacts to the resource. The data recovery plan shall identify data recovery excavation methods, measurable objectives, and data thresholds to reduce any significant impacts to cultural resources related to the resource. Pursuant to the data recovery plan, the qualified archaeologist and Native American representative(s), as appropriate, shall recover and document the scientifically consequential information that justifies the resource's significance. The City shall review and approve the treatment plan and archaeological testing, as appropriate, and the resulting documentation shall be submitted to the regional repository of the CHRIS, per CCR Guidelines Section 15126.4(b)(3)(C). | |
| **Impact CR-3.** The proposed project could have impacts on unknown human remains. However, with adherence to State regulations, this impact would be less than significant. | None required | Less than significant |
| **Geology and Soils** | | |
| **Impact GEO-1.** With required adherence to existing regulations, potential future development on the annexation sites would result in less than significant impacts related to ground shaking, liquefaction, landslides, and unstable soils. | None required | Less than significant |
| **Impact GEO-2.** With required adherence to existing regulations, potential future development on the three annexation sites would not result in substantial soil erosion or the loss of topsoil. This impact would be less than significant. | None required | Less than significant |
| **Impact GEO-3.** With required adherence to existing regulations, potential future development on the three annexation sites would result in less than significant impacts on expansive soils. | None required | Less than significant |
| **Impact GEO-4.** Potential future development on the three annexation sites would not include septic tanks or alternative wastewater disposal systems. No impact would occur. | None required | No impact |
| **Impact GEO-5.** Potential development facilitated by the proposed project has the potential to impact paleontological resources. Nonetheless, this impact would be less than significant with mitigation incorporated. | **GEO-1 Paleontological Resources Monitoring and Mitigation Plan.** Prior to excavation on the annexation sites, the project proponent shall retain a Paleontological Principal Investigator, as defined by the Society of Vertebrate Paleontology (SVP 2025) to draft a Paleontological Resources Mitigation and Monitoring Plan, which shall direct all mitigation measures related to paleontological resources and be sent to the City of Morgan Hill for their review and approval. The Paleontological Resources Mitigation and Monitoring Plan should be written according to Society of Vertebrate Paleontology standards and outline actions that will be followed during excavations to ensure the preservation of any discovered paleontological resources. These actions may include, but are not limited to, paleontological sensitivity training, construction monitoring, protocols for paleontological discoveries (i.e., salvage, laboratory preparation, and permanent curation), and final reporting. | Less than significant |
| **Greenhouse Gas Emissions** | | |
| **Impact GHG-1.** The project would be consistent with Air District thresholds after implementation of mitigation measure GHG-1. This impact would be less than significant with mitigation. | **GHG-1 Construction BMPs.** Prior to the issuance of grading permits for future development on the annexation sites, the project proponents shall provide the City of Morgan Hill with documentation (e.g., site plans) demonstrating project construction will include the following construction Best Management Practices (BMPs):<br>• Zero-emission and hybrid-powered equipment shall be used to the greatest extent possible, particularly if emissions are occurring near sensitive receptors or located within an Air District-designated Community Air Risk Evaluation (CARE) area or Assembly Bill 617 community.<br>• Building materials used for project construction shall be sourced locally or from recycled materials, with a goal of at least 10% based on costs for building materials and based on volume for roadway, parking lot, sidewalk and curb materials.<br>• At least 65 percent of construction and demolition waste materials shall be recycled or reused.<br>• All construction contracts shall include language that requires all off-road equipment with a power rating below 19 kilowatts (e.g., plate compactors, pressure washers) using during construction be electrically powered.<br>• Architectural coatings used for project construction shall be "Low-VOC," containing no greater than 50 grams of volatile organic compounds (VOC) per liter of product.<br>• Where grid power is available, project construction shall prohibit portable diesel engines and provide electrical hook ups for electric construction tools, such as saws, drills and compressors, and using electric tools whenever feasible.<br>• Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure [ATCM] Title 13, Section 2485 of California Code of Regulations). Clear signage regarding idling restrictions shall be provided for construction workers at all access points.<br>• All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. | Less than significant |

| Impact | Mitigation Measure(s) | Residual Impact |
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| | • The prime construction contractor shall post a publicly visible sign with their telephone number and contractor to contact. The construction contractor shall take corrective action within 48 hours. The Air District's phone number shall also be identified and visible to ensure compliance with applicable regulations.<br><br>**GHG-2 Electric Vehicle Charging Stations.** Prior to the issuance of building permits for future development on the annexation sites, the project proponents shall demonstrate to the satisfaction of the City (e.g., shown on-site plans), that the proposed parking areas for passenger automobiles and trucks are designed and will be built to accommodate electric vehicle (EV) charging stations. At a minimum, the parking shall be designed to accommodate EV charging stations meeting MHMC Chapter 15.62 and equal to or greater than the Residential and Nonresidential Tier 2 Voluntary Measures of the California Green Building Standards Code, Sections A4.106.8 and A5.106.5.3, respectively. | |
| **Hazards and Hazardous Resources** | | |
| **Impact HAZ-1.** Project implementation would introduce residential and recreational uses that do not involve the routine transport, use, or disposal of hazardous materials. Construction activities may temporarily require limited quantities of fuels, lubricants, and solvents; however, compliance with applicable federal, state, and local hazardous-materials regulations would reduce the potential for releases or exposure. Impacts would be less than significant. | None required | Less than significant |
| **Impact HAZ-2.** No schools are located within 0.25 mile of the Rose Orchard Court site and Condit Sports Facilities Expansion site and no impact would occur in relation to these sites. One school is located within 0.25 mile of the Butterfield Sports Park Expansion site. However, compliance with existing regulations would reduce potential impacts to less than significant levels. | None required | Less than significant |
| **Impact HAZ-3.** The proposed project would accommodate development on or near sites with known or potential contamination. Compliance with applicable regulations and implementation of mitigation measures requiring site characterization, soil management, and cleanup would minimize hazards during construction. Impacts would be less than significant with mitigation incorporated. | **HAZ-1 Soil Management Plan – Rose Orchard Court Site.** The project proponent for the Rose Orchard Court site shall retain a qualified environmental professional (Professional Geologist or Professional Engineer) to prepare a Soil Management Plan (SMP) prior to issuance of grading permits to minimize exposure risk to human health and the environment. The SMP shall include, but is not limited to, the following elements:<br>• Implement water spraying or other dust suppression techniques during grading and earthwork to minimize airborne particulates.<br>• Install best management practices and stormwater controls to prevent runoff from soil stockpiles, including but not limited to:<br>  ○ Placing stockpiles on plastic sheeting to prevent infiltration.<br>  ○ Stabilizing exposed soil areas and access routes with mulch, aggregate base, or other erosion-control materials.<br>  ○ Implementing dust control measures, including water misting, as needed to prevent offsite transport of particulates.<br>• Provide guidance for handling, management, and disposal of contaminated materials, impacted soils, or other impacted wastes (e.g., stained soil, and soil or groundwater with solvent or chemical odors), if encountered, at permitted facilities.<br>• Establish investigation procedures for encountering known and unexpected odorous or visually stained soils, other indications of hydrocarbon piping or equipment, and/or debris during ground-disturbing activities.<br>• Include procedures for regulatory agency notification and documentation, including:<br>  ○ Establishing required notification timeframes for conditions that pose a potential threat to human health or the environment.<br>  ○ Maintaining a written record of agency communications, directives, and approvals within the SMP.<br>  ○ Submitting confirmation of proper soil handling and disposal to the City upon request or as part of the grading permit process.<br>• Prepare an environmental Health and Safety Plan (HASP) for contractors that addresses safety and health hazards for each phase of site construction activities with the requirements and procedures for employee protection, and outlines soil handling procedures and health and safety requirements to minimize construction worker and public exposure to hazardous materials during construction.<br><br>The SMP shall reference the Stormwater Pollution Prevention Plan required for the project under the Statewide Construction General Permit. The SMP and environmental HASP shall be submitted to Santa Clara County Department of Environmental Health for review and approval, and copies of the approved documents shall be provided to the City's Development Services Department prior to issuance of any grading permits. The project proponent shall implement the SMP during grading and construction at the annexation site.<br><br>**HAZ-2 Regulatory Agency Notification – Condit Sports Facilities Site.** Because the Condit Sports Facilities site is listed as a closed Santa Clara County Department of Environmental Health (SCCDEH) Cleanup Program Site (SCCDEH Case #2016-27s), the SCCDEH Case #2016-27s shall continue to be utilized for agency oversight of assessment and remediation of the project site. Prior to commencement of construction and grading activities at the Condit Sports Facilities site, the project proponent for development at the Condit Sports Facilities site shall submit the following documents to the SCCDEH project manager of the closed Cleanup Program Site case:<br>• Current development plan (e.g., architectural drawings and project description) and any modifications to the development plan<br>• All environmental assessment documents completed for the project site, including this EIR<br>• All future environmental documents completed for the project site<br><br>Upon submittal of the listed information, and in accordance with SCCDEH's voluntary oversight agreement, SCCDEH may require additional assessment, remediation, and/or mitigation activities. | Less than significant |

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| | The project proponent shall retain a qualified environmental consultant (PG or PE) to conduct any required subsurface soil, soil vapor, groundwater investigations, or human health risk assessments in accordance with a sampling plan that shall be reviewed and approved by SCCDEH. In the event SCCDEH identifies the need for installation of soil vapor or groundwater monitoring wells to reduce potential hazards to the public or the environment, the project proponent shall identify soil vapor or groundwater monitoring wells on the final project plans for review and approval by SCCDEH. In the event the regulatory agency identifies the need for soil excavation and off-site disposal to reduce potential hazards to the public or the environment, the City of Morgan Hill shall designate soil excavation and off-site disposal on final grading plans prior to issuing grading permits. If required workplans, investigations, or other remediation or mitigation actions require regulatory agency approval, such documents shall be submitted to and reviewed by SCCDEH prior to issuing construction/grading permits.<br>**HAZ-3 Soil Management Plan – Condit Sports Facilities Site.** The project proponent for development at the Condit Sports Facilities site shall retain a qualified environmental professional (Professional Geologist or Professional Engineer) to prepare a Soil Management Plan (SMP) prior to issuance of any grading permits to minimize exposure risk to human health and the environment, including potential risks associated with petroleum hydrocarbons and organochlorine pesticides in soil identified during Phase II and subsequent sampling. The SMP shall include, but is not limited to, the following elements:<br>• Implement water spraying or other dust suppression techniques during grading and earthwork to minimize airborne particulates.<br>• Install best management practices to prevent runoff from soil stockpiles, including but not limited to:<br>  ○ Placing stockpiles on plastic sheeting to prevent infiltration.<br>  ○ Stabilizing exposed soil areas and access routes with mulch, aggregate base, or other erosion-control materials.<br>  ○ Implementing dust control measures, including water misting, as needed to prevent offsite transport of particulates.<br>• Provide guidance for handling, management, and disposal of contaminated materials, impacted soils, or other impacted wastes (e.g., stained soil, and soil or groundwater with solvent or chemical odors), if encountered, at permitted facilities.<br>• Establish investigation procedures for encountering known and unexpected odorous or visually stained soils, other indications of hydrocarbon piping or equipment, and/or debris during ground-disturbing activities.<br>• Include procedures for regulatory agency notification and documentation, including:<br>  ○ Establishing required notification timeframes for conditions that pose a potential threat to human health or the environment.<br>  ○ Maintaining a written record of agency communications, directives, and approvals within the SMP.<br>  ○ Submitting confirmation of proper soil handling and disposal to the City upon request or as part of the grading permit process.<br>• Prepare an environmental Health and Safety Plan (HASP) for contractors that addresses safety and health hazards for each phase of site construction activities with the requirements and procedures for employee protection, and outlines soil handling procedures and health and safety requirements to minimize construction worker and public exposure to hazardous materials during construction.<br>The SMP shall reference the Stormwater Pollution Prevention Plan required for the project under the Statewide Construction General Permit. The SMP and environmental HASP shall be submitted to Santa Clara County Department of Environmental Health for review and approval, and copies of the approved documents shall be provided to the City's Development Services Department prior to issuance of any grading permits. The project proponent shall implement the SMP during grading and construction at the annexation site.<br>**HAZ-4 Soil Management Plan – Butterfield Sports Park Expansion Site.** The project proponent for Butterfield Sports Park Expansion site shall retain a qualified environmental professional (Professional Geologist or Professional Engineer) to prepare a SMP prior to issuance of any grading permits to minimize exposure risk to human health and the environment, including potential risks associated with nickel-impacted soil identified during Phase II sampling. The SMP shall include, but is not limited to, the following elements:<br>• Implement water spraying or other dust suppression techniques during grading and earthwork to minimize airborne particulates.<br>• Install best management practices (BMPs) and stormwater controls to prevent runoff from soil stockpiles, including but not limited to:<br>  ○ Placing stockpiles on plastic sheeting to prevent infiltration.<br>  ○ Stabilizing exposed soil areas and access routes with mulch, aggregate base, or other erosion-control materials.<br>  ○ Implementing dust control measures, including water misting, as needed to prevent offsite transport of particulates.<br>• Provide guidance for handling, management, and disposal of contaminated materials, impacted soils, or other impacted wastes (e.g., stained soil, and soil or groundwater with solvent or chemical odors), if encountered, at permitted facilities.<br>• Establish investigation procedures for encountering known and unexpected odorous or visually stained soils, other indications of hydrocarbon piping or equipment, and/or debris during ground-disturbing activities.<br>• Include procedures for regulatory agency notification and documentation, including:<br>  ○ Establishing required notification timeframes for conditions that pose a potential threat to human health or the environment.<br>  ○ Maintaining a written record of agency communications, directives, and approvals within the SMP.<br>  ○ Submitting confirmation of proper soil handling and disposal to the City upon request or as part of the grading permit process. | |

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| | • Prepare an environmental HASP for contractors that addresses safety and health hazards for each phase of site construction activities with the requirements and procedures for employee protection, and outlines soil handling procedures and health and safety requirements to minimize construction worker and public exposure to hazardous materials during construction.<br>The SMP shall reference the Stormwater Pollution Prevention Plan required for the project under the Statewide Construction General Permit. The SMP and environmental HASP shall be submitted to Santa Clara County Department of Environmental Health for review and approval, and copies of the approved documents shall be provided to the City's Development Services Department prior to issuance of any grading permits. The project proponent shall implement the SMP during grading and construction at the annexation site. | |
| **Impact HAZ-4.** There are no airports within two miles of the annexation sites. No impact would occur. | None required | No impact |
| **Impact HAZ-5.** The construction and operation of the annexation sites would be subject to the requirements of the Morgan Hill General Plan and the other City requirements. With compliance with existing requirements and due to the nature and size of future development on the annexation sites, no impact would occur. | None required | No impact |
| **Impact HAZ-6.** The Condit Sports Facilities Expansion site and the Butterfield Sports Park Expansion site are not located in areas with wildland fire hazards; no impact would occur for these sites. The Rose Orchard Court site is located in an area subject to wildland fire risk, and future development could expose people or structures to potential fire-related hazards. Compliance with existing state and local regulations would reduce impacts to be less than significant. | None required | Less than significant |
| **Hydrology and Water Quality** | | |
| **Impact HYD-1.** Future development of the annexation sites would not violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. This impact would be less than significant. | None required | Less than significant |
| **Impact HYD-2.** Future development of the annexation sites would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. This impact would be less than significant. | None required | Less than significant |
| **Impact HYD-3.** Future development of the annexation sites would not substantially alter existing drainage patterns in a way that would cause erosion or siltation, increase runoff to the extent that flooding occurs, exceed the capacity of stormwater systems or create significant sources of polluted runoff, or impede or redirect flood flows. With implementation of required construction and operational measures, these impacts would be less than significant. | None required | Less than significant |
| **Impact HYD-4.** The project would not risk release of pollutants due to project inundation from flooding, tsunami, or seiche. Impacts would be less than significant. | None required | Less than significant |
| **Impact HYD-5.** The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Impacts would be less than significant. | None required | Less than significant |
| **Land Use and Planning** | | |
| **Impact LU-1.** Future development on the annexation sites would not physically divide an established community. No impact would occur. | None required | No impact |
| **Impact LU-2.** The proposed project would not result in a significant environmental impact due to a conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, this impact would be less than significant. | None required | Less than significant |
| **Impact LU-3.** The project would be consistent with Santa Clara LAFCO policies and standards related to annexations and USA amendments. Therefore, this impact would be less than significant. | None required | Less than significant |

| Impact | Mitigation Measure(s) | Residual Impact |
|---|---|---|
| **Noise** | | |
| **Impact NOI-1.** Construction and operation of future development on the Rose Orchard Court site, Condit Sports Facilities Expansion site, and the Butterfield Sports Park Expansion site would not generate a substantial permanent increase in ambient noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. This impact would be less than significant. | None required | Less than significant |
| **Impact NOI-2.** Project construction at the Rose Orchard Court site, Condit Sports Facilities Expansion site, and the Butterfield Sports Park Expansion site would not generate excessive groundborne vibration or groundborne noise levels. Substantial vibration would not be generated during project operation. This impact would be less than significant. | None required | Less than significant |
| **Impact NOI-3.** The Rose Orchard Court Site, Condit Sports Facilities Expansion Site or the Butterfield Sports Park Expansion Site would not expose people residing or working in the project area to excessive noise levels related to airstrip/airport operation. No impact would occur. | None required | No impact |
| **Transportation** | | |
| **Impact TRA-1.** The proposed project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, and bicycle and pedestrian facilities. This impact would be less than significant. | None required | Less than significant |
| **Impact TRA-2.** The proposed project would not conflict or be inconsistent with *CEQA Guidelines* Section 15064.3, Subdivision (b). This impact would be less than significant. | None required | Less than significant |
| **Impact TRA-3.** The project has the potential to result in transportation hazards. However, operational impacts would be less than significant, and potential construction phase impacts can be reduced to a less than significant level with adherence to the City's Standard Condition of Approval requiring a Construction Logistics Plan. | None required | Less than significant |
| **Impact TRA-4.** The proposed project would not result in inadequate emergency access. This impact would be less than significant. | None required | Less than significant |
| **Tribal Cultural Resources** | | |
| **Impact TCR-1.** Grading and excavation required for the proposed project would have the potential to adversely impact tribal cultural resources. Impacts would be less than significant with mitigation. | **TCR-1 Native American Monitoring.** The project proponent shall retain a Tribal representative to monitor initial project-related ground-disturbing activities. The project proponent shall contact the consulting Tribes for this project requesting monitoring services. If more than one consulting Tribe will provide monitoring services, Tribes will be scheduled using a rotating schedule so that no more than one tribal representative is required on site unless multiple work areas are active. Monitors shall have the authority to halt and redirect work, should any tribal/archaeological resources be identified during monitoring. If tribal/archaeological resources are encountered during ground-disturbing activities, work in the immediate area shall halt and Mitigation Measure CR-2 and TCR-2, as appropriate shall be implemented. Native American monitoring may be reduced or halted at the discretion of the monitor, in consultation with the lead agency, as warranted by conditions such as encountering bedrock, sediments being excavated are fill, or negative findings during the first 50 percent of ground disturbance. If monitoring is reduced to spot-checking, spot-checking shall occur when ground disturbance moves to a new location within the annexation site and when ground disturbance will extend to depths not previously reached (unless those depths are within bedrock). The monitor shall submit a report to the City to document compliance within 30 days of completion of all ground-disturbing activities.<br>**TCR-2 Post-Review Discovery of Tribal Cultural Resources.** In the event that archaeological resources of Native American origin are identified during implementation of the proposed project, ground-disturbing activities within 50 feet of the find shall be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find as a cultural resource. Once the resource has been confirmed as being Native American in origin, the consulting Tribes for this project will be informed and tribal representatives will be provided the opportunity to complete a site visit and initiate consultation for the treatment of any identified precontact resources. If the City, in consultation with traditionally and culturally affiliated Native American group(s), determines the resource is a tribal cultural resource and thus significant under CEQA, and the resource cannot be avoided, a Treatment and Mitigation Plan (Plan) shall be prepared and implemented in consultation with the consulting tribes for this project. The plan shall include measures to ensure the find is treated in a manner that respectfully retains, to the degree feasible, the qualities that render the resource of significance to the local Native American group(s). The Plan will be developed consistent with requirements in PRC Section 21083.2 and Section 15126.4(b) of the CEQA Guidelines. The Plan will include a research design, field and laboratory methods, and the level of effort of data recovery excavations and mitigation measures required to mitigate projects impacts on the resource. The Plan will further document the final disposition of any Native American materials. Examples of appropriate mitigation for tribal cultural resources include, but are not limited to, avoidance, protecting the cultural character and integrity of the resource, protecting traditional use of the resource, protecting the confidentiality of the resource, or heritage recovery. | Less than significant |

| Impact | Mitigation Measure(s) | Residual Impact |
|---|---|---|
| **Utilities and Service Systems** | | |
| **Impact UTIL-1.** The proposed project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects. This impact would be less than significant. | None required | Less than significant |
| **Impact UTIL-2.** Sufficient water supplies are available to serve potential future development on the annexation sites during normal, dry and multiple-dry years. This impact would be less than significant. | None required | Less than significant |
| **Impact UTIL-3.** The proposed project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. This impact would be less than significant. | None required | Less than significant |
| **Impact UTIL-4.** The proposed project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. This impact would be less than significant. | None required | Less than significant |
| **Impact UTIL-5.** The proposed project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste, and potential impacts would be less than significant. | None required | Less than significant |
| **Wildfire** | | |
| **Impact W-1.** The Condit Sports Facilities Expansion site and the Butterfield Sports Park Expansion site are not located within, or near, an SRA or lands classified as Very High FHSZ; Therefore, no impact would occur. The Rose Orchard Court site is within a High FHSZ and SRA and near a Very High FHSZ. Future development at the Rose Orchard Court site would be subject to the requirements of the California Fire Code, Morgan Hill General Plan and the City's Fire Prevention Division Standard Details and Specifications. With compliance with existing regulations, this impact would be less than significant. | None required | Less than significant |
| **Impact W-2.** The Condit Sports Facilities Expansion site and the Butterfield Sports Park Expansion Site are not located within, or near, an SRA or lands classified as Very High FHSZ; therefore, no impact would occur. The Rose Orchard Court site is within a High FHSZ and SRA and near a Very High FHSZ. Future development of the Rose Orchard Court site would occur on a slope, but with adherence to existing regulatory requirements future development would not exacerbate wildfire risks, in and of itself, such that occupants would be exposed to pollutant concentrations from wildfire or uncontrolled spread of wildfire. This impact would be less than significant. | None required | Less than significant |
| **Impact W-3.** The Condit Sports Facilities Expansion site and the Butterfield Sports Park Expansion site are not located within, or near, an SRA or lands classified as Very High FHSZ; therefore, no impact would occur. The Rose Orchard Court site is within a High FHSZ and SRA and near a Very High FHSZ. Future development of the Rose Orchard Court Site would not necessitate the construction or maintenance of roadways or utility infrastructure that may exacerbate fire risk. This impact would be less than significant. | None required | Less than significant |
| **Impact W-4.** The Condit Sports Facilities Expansion site and the Butterfield Sports Park Expansion site are not located within, or near, an SRA or lands classified as Very High FHSZ; therefore, no impact would occur. The Rose Orchard Court site is within a High FHSZ and SRA and near a Very High FHSZ. Future development on the Rose Orchard Court Site could be at risk of downslope landslides as a result of post fire instability. However, compliance with existing state and local regulations would reduce this impact to less than significant level. | None required | Less than significant |

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# 1 Introduction

This Environmental Impact Report (EIR) evaluates the potential environmental impacts associated with the City of Morgan Hill's ("City") proposed Annexations and Urban Service Area Amendments Project (hereafter referred to as the "proposed project" or "project"). The project would include the annexation of four sites within unincorporated Santa Clara County into City limits and expand the City's Urban Service Area (USA) to include the sites to allow for City utilities and public services to serve the sites. The annexation would require General Plan and zoning amendments and would facilitate residential development on one annexation site and the expansion of recreational and park facilities on two annexation sites. The fourth annexation site is developed with a single-family residence and no change or additional development is anticipated.

This document is a Program EIR. This chapter discusses: (1) the purpose of this EIR; (2) the purpose and legal basis for preparing an EIR; (3) the type of environmental document prepared; (4) documents incorporated by reference; (5) future streamlining and tiering opportunities; (6) the public review and participation process; (7) EIR content; (8) the scope of the Program EIR; (9) the lead, responsible, and trustee agencies pursuant to the California Environmental Quality Act (CEQA); and (10) an overview of the environmental review process required under CEQA.

The proposed project is described in detail in Chapter 2, *Project Description.*

## 1.1 Statement of Purpose

This Program EIR has been prepared in compliance with the CEQA Statutes and Guidelines (see *CEQA Guidelines* Section 15121[a]). In general, the purpose of an EIR is to:

1. Analyze the environmental effects of the adoption and implementation of the project;
2. Inform decision-makers, responsible and trustee agencies, and members of the public as to the range of the potential environmental impacts of the project;
3. Recommend a set of measures to mitigate significant adverse impacts; and
4. Analyze a range of reasonable alternatives to the proposed project.

As the lead agency for preparing this Program EIR, the City of Morgan Hill will rely on the EIR analysis of environmental effects in its review and consideration of the proposed project prior to its approval.

## 1.2 Purpose and Legal Authority

The proposed project requires discretionary approval of the Morgan Hill City Council; therefore, the project is subject to the environmental review requirements of CEQA. The annexations and USA amendments also require Santa Clara Local Agency Formation Commission (LAFCO) approval. This EIR has been prepared in accordance with CEQA and the *CEQA Guidelines*. In accordance with *CEQA Guidelines* Section 15121(a) (California Code of Regulations, Title 14, Division 6, Chapter 3), the purpose of an EIR is to:

> Inform public agency decision-makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.

This EIR fulfills the requirements for a Program EIR. Although the legally required contents of a Program EIR are the same as a Project EIR, Program EIRs are by necessity more conceptual and may contain a more general discussion of impacts, alternatives, and mitigation measures than a Project EIR. As

provided in *CEQA Guidelines* Section 15168, a Program EIR may be prepared on a series of actions that may be characterized as one large project. Use of a Program EIR provides the City (as Lead Agency) with the opportunity to consider broad policy alternatives and program-wide mitigation measures and provides the City with greater flexibility to address environmental issues and/or cumulative impacts on a comprehensive basis. Agencies generally prepare Program EIRs for programs or a series of related actions that are linked geographically, are logical parts of a chain of contemplated events, rules, regulations, or plans that govern the conduct of a continuing program, or are individual activities carried out under the same authority and having generally similar environmental effects that can be mitigated in similar ways. By its nature, a Program EIR considers the broad effects associated with implementing a program (such as an annexation and associated General Plan and zoning changes) and does not, and is not intended to, examine the specific environmental effects associated with future projects that may be accommodated by the annexation.

Once a Program EIR has been prepared, subsequent activities within the program must be evaluated to determine what, if any, additional CEQA documentation needs to be prepared. If the Program EIR addresses the program's effects as specifically and comprehensively as possible, many subsequent activities could be found to be within the Program EIR scope and additional environmental documentation may not be required (*CEQA Guidelines* Section 15168(c)). When a Lead agency relies on a Program EIR for a subsequent activity, it must incorporate applicable mitigation measures and alternatives developed in the Program EIR into the subsequent activities (*CEQA Guidelines* Section 15168(c)(3)). If a subsequent activity would have effects not contemplated or not within the scope of the Program EIR, the Lead Agency must prepare a new Initial Study leading to a Negative Declaration, Mitigated Negative Declaration, or a project level EIR. In this case, the Program EIR still serves a valuable purpose as the first-tier environmental analysis. *CEQA Guidelines* Section 15168(b) encourage the use of Program EIRs, citing five advantages:

- Provide a more exhaustive consideration of impacts and alternatives than would be practical in an individual EIR.
- Focus on cumulative impacts that might be slighted in a case-by-case analysis.
- Avoid continual reconsideration of recurring policy issues.
- Consider broad policy alternatives and programmatic mitigation measures at an early stage when the agency has greater flexibility to deal with them.
- Reduce paperwork by encouraging the reuse of data (through tiering).

As a wide-ranging environmental document, the Program EIR uses expansive thresholds as compared to the project-level thresholds that might be used for an EIR on a specific development project. It should not be assumed that impacts determined not to be significant at a program level would not be significant at a project level. In other words, determination that implementation of the project as a program would not have a significant environmental effect does not necessarily mean that an individual project would not have significant effects based on project-level CEQA thresholds, even if the future development is consistent with the project.

This EIR has been prepared to analyze potentially significant environmental impacts associated with future development resulting from implementation of the project, and provides appropriate and feasible mitigation measures or project alternatives that would minimize or eliminate these impacts. Additionally, this EIR provides the primary source of environmental information for the City of Morgan Hill, which is the Lead Agency, to use when considering approval and implementation of the project.

This EIR is intended to provide decision-makers and the public with information that enables intelligent consideration of the environmental consequences of the project. This EIR identifies significant or potentially significant environmental effects, as well as ways in which those impacts could be reduced to less-than-significant levels, whether through the imposition of mitigation measures or through the implementation of specific alternatives to the project. In a practical sense, this document functions as a

tool for fact-finding, allowing concerned citizens and agency staff an opportunity to collectively review and evaluate baseline conditions and project impacts through a process of full disclosure.

## 1.3 Streamlining and Tiering Opportunities

The intent of this Program EIR is to enable development facilitated by the project to use streamlining and tiering opportunities set forth in the *CEQA Guidelines* Section 15183.3 for future CEQA compliance.

The lead agency may use this Program EIR for the purposes of allowed CEQA tiering (California Public Resources Code [PRC] Sections 21068.5, 21093-21094, *CEQA Guidelines* 15152, 15163, 15164, 15168, and 15385). Tiering is the process by which general matters and environmental effects in an EIR prepared for a policy, plan, program, or ordinance are relied upon by a narrower second-tier or site-specific EIR or other CEQA document (PRC Section 21068.5). Moreover, by tiering from this Program EIR (once certified by the City Council), a later tiered EIR would not be required to examine effects that (1) were mitigated or avoided in this EIR, (2) were examined at a sufficient level of detail in this Program EIR to enable those effects to be mitigated or avoided by site specific revisions, the imposition of conditions, or by other means in connection with the approval of the later project (PRC Section 21094).

*CEQA Guidelines* Section 15183 allows a streamlined environmental review process for projects that are consistent with the densities established by zoning, community plan or general plan policies for which an EIR was certified. For these projects, the project-level environmental review is only required to analyze effects on the environment that are specific to the project or to the project site and were not addressed as significant effects in a prior planning-level or programmatic EIR unless new information shows the effects will be more significant than described in the prior EIR. Moreover, the project-level environmental review is not required to consider potentially significant environmental effects of the project that may be reduced to a less-than-significant level by applying uniformly applicable development policies or standards adopted by the city, county, or the lead agency.

## 1.4 Public Review and Participation Process

The City of Morgan Hill distributed a Notice of Preparation (NOP) of the Program EIR for a 30-day agency and public review period that started on October 24, 2025, and ended on November 24, 2025. The City received letters from two public agencies and two members of the public during the NOP comment period. The NOP is presented in Appendix A of this EIR along with the NOP responses received. Table 1-1 summarizes the content of the letters and where the issues raised are addressed in the EIR.

**Table 1-1 NOP Comments and EIR Response**

| Commenter | Comment/Request | How and Where Comments Were Considered |
|---|---|---|
| **Agency Comments** | | |
| Valley Water | Requests analysis of potential impacts on groundwater recharge due to pervious surfaces in the Llagas Subbasin. | Impacts related to groundwater, flooding, and stormwater are discussed in Section 4.8, *Hydrology and Water Quality*. |
| | Requests evaluation of flood hazards for parcels in FEMA Zone AE, consideration of ongoing flood protection projects, and implementation of runoff mitigation measures. | |
| | Requests evaluation of Madrone Channel's capacity and mitigation measures to ensure post-project runoff does not exceed pre-project conditions. | |
| | Requests an estimate of future water use and a water supply assessment for annexed lands, including conservation measures and demand impacts under varying rainfall conditions. | Estimated water use and water availability is discussed in Section 4.13, *Utilities and Service Systems*. |
| Native American Heritage Commission (NAHC) | States that the proposed project is subject to the requirements and provisions under Assembly Bill (AB 52) for tribal cultural resources. | Consultation required by AB 52 and SB 18 was carried out by the City of Morgan Hill. Subsequent issues are discussed in Section 4.12, *Tribal Cultural Resources*, of this EIR and a Cultural Resources Assessment is provided as Appendix C. |
| **Public Comments** | | |
| Hydrology and Water Quality | The construction of additional homes on the hillside property of the Rose Orchard Court site would worsen flooding and mudflow impacts on property based on past runoff issues during heavy rainfall. | Impacts related to flooding and stormwater management are discussed in Section 4.8, *Hydrology and Water Quality*. |
| | Significant flooding in previous years lasted several weeks, which attribute to stormwater being collected and discharged from the Rose Orchard Court site. The resident requests to assess flooding impacts and identify drainage improvements to prevent future damage. | |

# 1.5 Scope and Content

This EIR addresses impacts identified to be potentially significant. The following issues were found to include potentially significant impacts and have been studied in the EIR:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

In preparing the EIR, use was made of pertinent City policies and guidelines, certified EIRs and adopted CEQA documents, and other background documents. A full reference list is contained in Chapter 7, *References*.

The alternatives chapter of the EIR (Chapter 6) was prepared in accordance with *CEQA Guidelines* Section 15126.6 and focuses on alternatives that are capable of eliminating or reducing significant adverse effects associated with the project while feasibly attaining most of the basic project objectives. In addition, the alternatives chapter identifies the "environmentally superior" alternative among the alternatives assessed. The alternatives evaluated include the CEQA-required "No Project" alternative and three alternative development scenarios, one for each annexation site.

The level of detail contained throughout this EIR is consistent with the requirements of CEQA and applicable court decisions. *CEQA Guidelines* Section 15151 provides the standard of adequacy on which this document is based. The *CEQA Guidelines* state:

> An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of the proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good faith effort at full disclosure.

## 1.6 Issues Not Studied in Detail in the EIR

*CEQA Guidelines* Section 15128 requires an EIR to briefly describe any possible effects that were determined not to be significant and were therefore not discussed in detail in the EIR. The resource areas below, included in the environmental checklist listed in Appendix G of the *CEQA Guidelines,* were determined to have less than significant environmental impacts and are analyzed in Section 4.15, *Effects Found Not to be Significant*:

- Agricultural and Forestry Resources
- Energy
- Mineral Resources
- Population and Housing
- Public Services
- Recreation

## 1.7 Lead, Responsible, and Trustee Agencies

The *CEQA Guidelines* define lead, responsible, and trustee agencies. The City of Morgan Hill is the lead agency for the project because it holds principal responsibility for approving the project.

A responsible agency refers to a public agency other than the lead agency that has discretionary approval over the project. The Santa Clara LAFCO is a responsible agency with discretionary approval over the project.

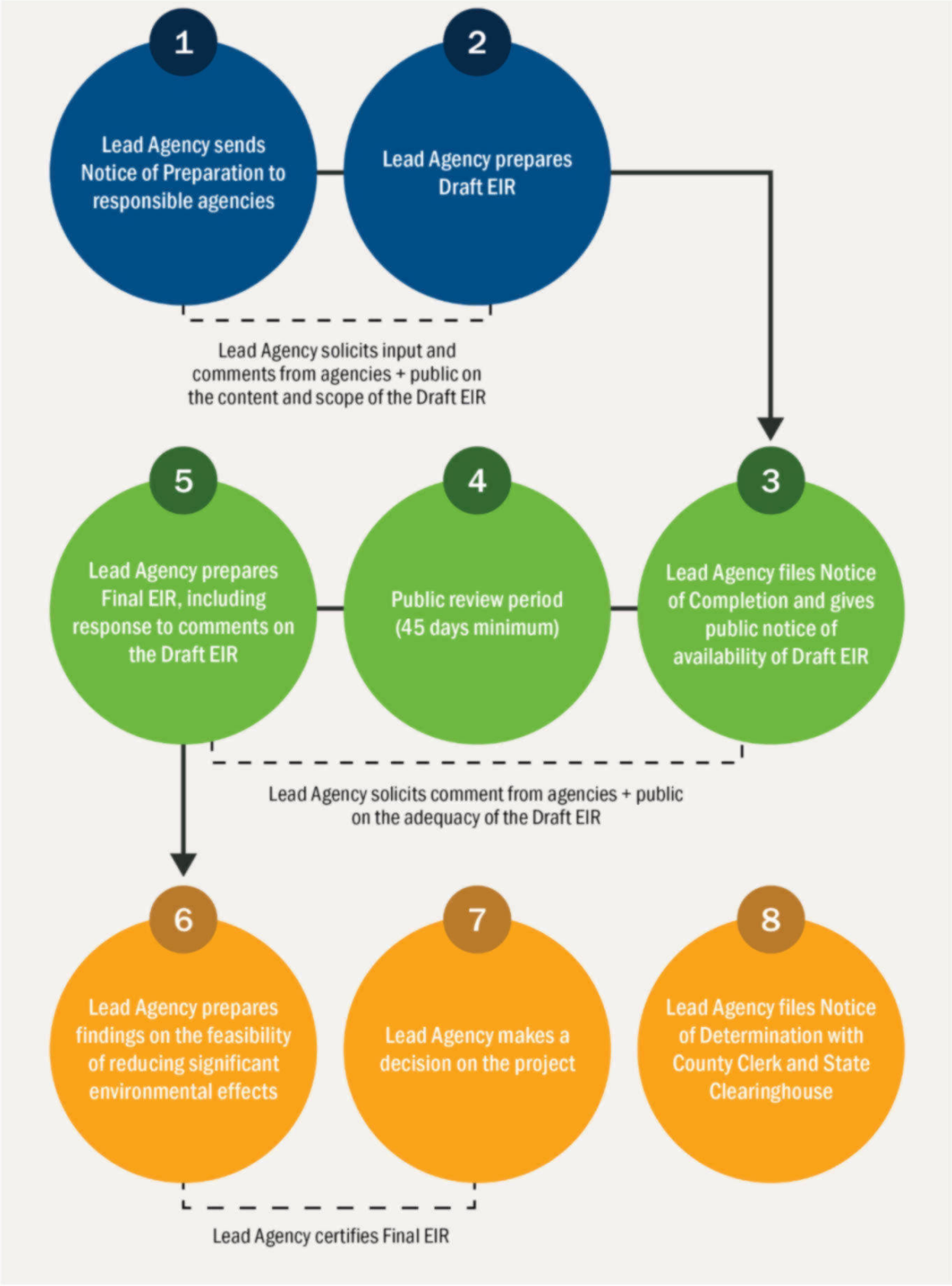
A trustee agency refers to a state agency having jurisdiction by law over natural resources affected by a project. Trustee agencies include the California Department of Fish and Wildlife, which has jurisdiction over fish and wildlife of the state.

## 1.8 Environmental Review Process

The environmental impact review process, as required under CEQA, is summarized below and illustrated in Figure 1-1. The steps are presented in sequential order.

1. **Notice of Preparation (NOP) and Initial Study.** After deciding that an EIR is required, the lead agency (City of Morgan Hill) must file a NOP soliciting input on the EIR scope to the State Clearinghouse, other concerned agencies, and parties previously requesting notice in writing (*CEQA Guidelines* Section 15082; PRC Section 21092.2). The NOP must be posted in the County Clerk's office for 30 days.
2. **Draft EIR Prepared.** The Draft EIR must contain: a) table of contents or index; b) summary; c) project description; d) environmental setting; e) discussion of significant impacts (direct, indirect, cumulative, growth-inducing and unavoidable impacts); f) a discussion of alternatives; g) mitigation measures; and h) discussion of irreversible changes.
3. **Public Notice and Review.** A lead agency must prepare a Public Notice of Availability (NOA) of an EIR. The NOA must be placed in the County Clerk's office for 30 days (PRC Section 21092) and sent to anyone requesting it. Additionally, public notice of Draft EIR availability must be given through at least one of the following procedures: a) publication in a newspaper of general circulation; b) posting on and off the project site; and c) direct mailing to owners and occupants of contiguous properties. The lead agency must consult with and request comments on the Draft EIR from responsible and trustee agencies, and adjacent cities and counties. When a Draft EIR is sent to the State Clearinghouse for review, the public review period must be 45 days, unless a shorter period is approved by the Clearinghouse (PRC 21091). Distribution of the Draft EIR may be required through the State Clearinghouse. This EIR will be circulated for a 45-day public review and will be sent to the State Clearinghouse.
4. **Notice of Completion.** A lead agency must file a Notice of Completion (NOC) with the State Clearinghouse as soon as it completes a Draft EIR.
5. **Final EIR.** A Final EIR must include: a) the Draft EIR; b) copies of comments received during public review; c) list of persons and entities commenting; and d) responses to comments.
6. **Certification of Final EIR.** Prior to making a decision on a proposed project, the lead agency must certify that: a) the Final EIR has been completed in compliance with CEQA; b) the Final EIR was presented to the decision-making body of the lead agency; and c) the decision making body reviewed and considered the information in the Final EIR prior to approving a project (*CEQA Guidelines* Section 15090).
7. **Lead Agency Project Decision.** The lead agency may a) disapprove the project because of its significant environmental effects; b) require changes to the project to reduce or avoid significant environmental effects; or c) approve the project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted (*CEQA Guidelines* Sections 15042 and 15043).
8. **Findings/Statement of Overriding Considerations.** For each significant impact of the project identified in the EIR, the lead agency must find, based on substantial evidence, that either: a) the project has been changed to avoid or substantially reduce the magnitude of the impact; b) changes to the project are within another agency's jurisdiction and such changes have or should be adopted; or c) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible (*CEQA Guidelines* Section 15091). If an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations that sets forth the specific social, economic, or other reasons supporting the agency's decision.
9. **Mitigation Monitoring Reporting Program.** When the lead agency makes findings on significant effects identified in the EIR, it must adopt a reporting or monitoring program for mitigation measures that were adopted or made conditions of project approval to mitigate significant effects.
10. **Notice of Determination (NOD).** The lead agency must file a NOD after deciding to approve a project for which an EIR is prepared (*CEQA Guidelines* Section 15094). A local agency must file the NOD with the County Clerk. The NOD must be posted for 30 days and sent to anyone previously requesting notice. Posting of the NOD starts a 30-day statute of limitations on CEQA legal challenges (PRC Section 21167[c]).

**Figure 1-1 Environmental Review Process**



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# 2 Project Description

## 2.1 Project Title

Morgan Hill Annexations and Urban Service Area Amendments Project

## 2.2 Lead Agency Name and Address

City of Morgan Hill
17575 Peak Avenue
Morgan Hill, California 95037

## 2.3 Contact Person and Phone Number

Adam Paszkowski, CPD, Principal Planner
City of Morgan Hill Planning Division
(408) 778-6480
adam.paszkowski@morganhill.ca.gov

## 2.4 Project Location

The proposed annexation and Urban Service Area (USA) amendment sites ("annexation sites") are located within unincorporated Santa Clara County just outside of the City of Morgan Hill city limits and encompass four different sites:

- Rose Orchard Court annexation and USA amendment area ("Rose Orchard Court site"): Assessor's Parcel Number [APN] 773-32-015 and 773-32-016
- Butterfield Sports Park Expansion annexation and USA amendment area ("Butterfield Sports Park Expansion site"): APN 817-06-001
- Condit Sports Facilities Expansion annexation and USA amendment area ("Condit Sports Facilities Expansion site"): APNs 817-13-008 and 817-13-037
- APN 825-06-022 annexation and USA amendment parcel ("APN 825-06-022")

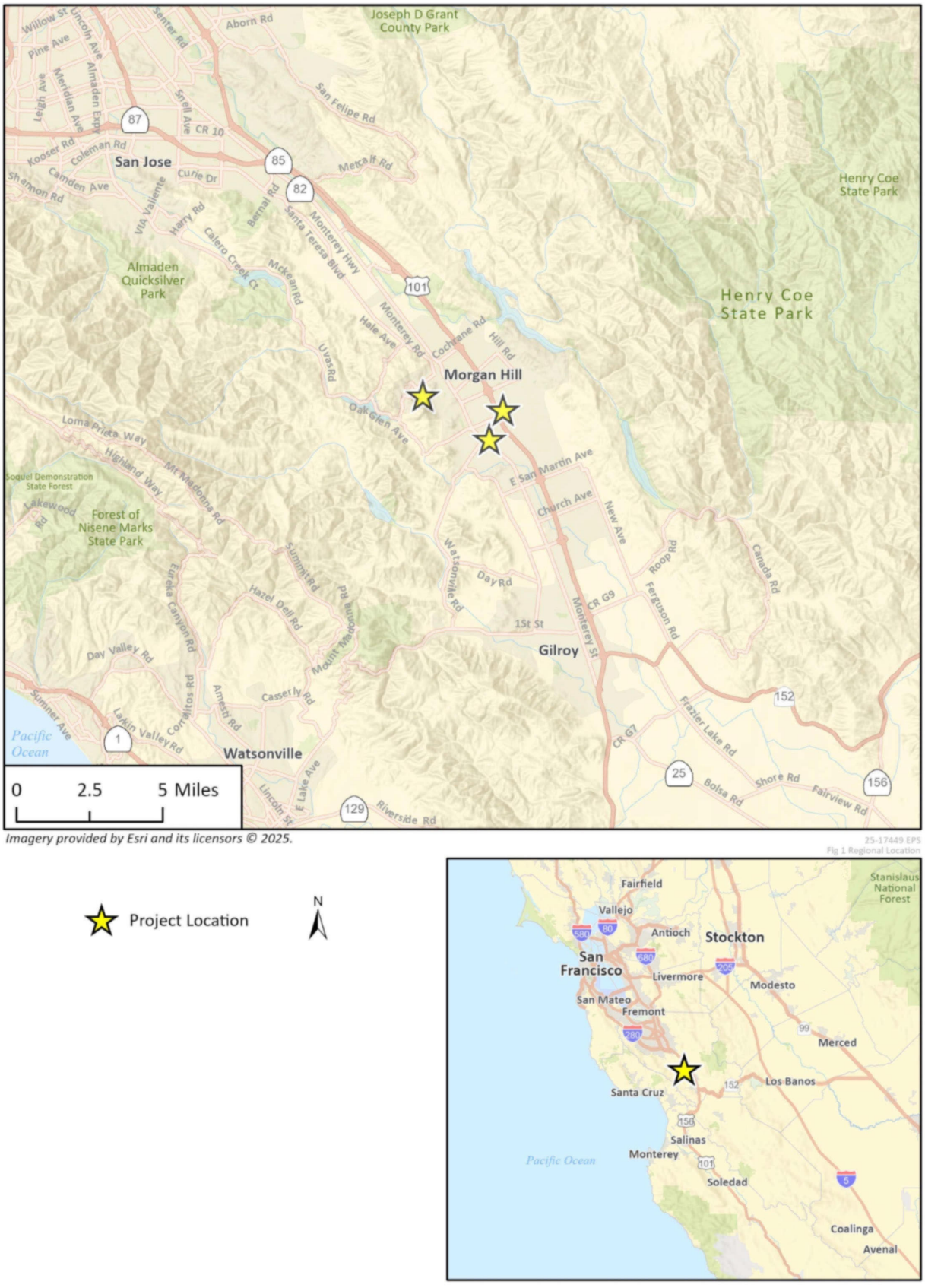
Figure 2-1 shows the locations of the annexation sites in the region. Figure 2-2 shows the locations of the four annexation sites and the City limits.

## 2.5 Project Sponsor's Name and Address

The Project Sponsor for the Condit Sports Facilities, Butterfield Sports Park Expansion, and APN 825-06-022 Annexation and USA Amendment is the City of Morgan Hill, 17575 Peak Avenue, Morgan Hill, California 95037.

The Project Sponsor for the Rose Orchard Court Annexation and USA Amendment is Daniel Auclair, 17900 Rose Orchard Court, Morgan Hill, California 95037.

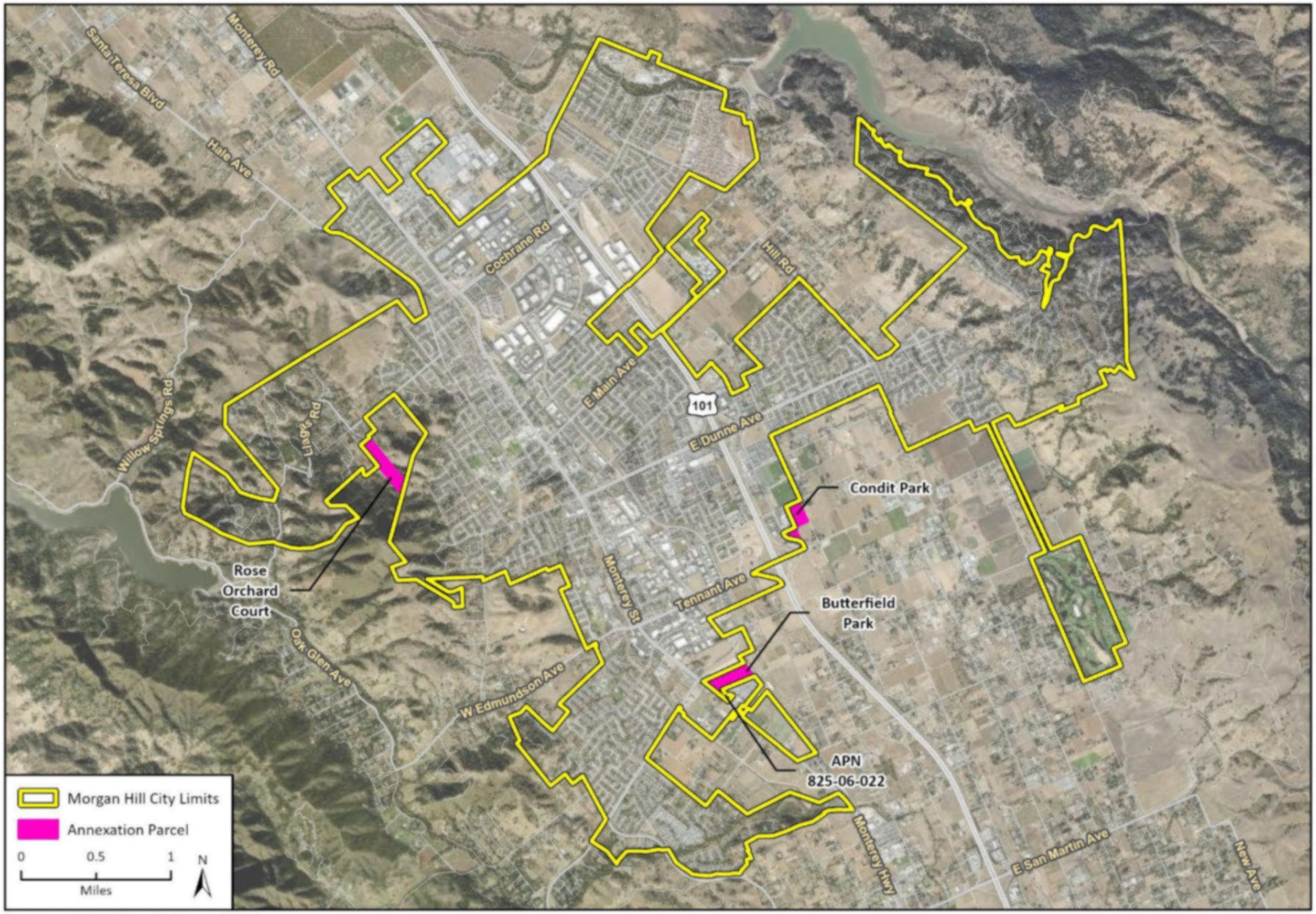
## Figure 2-1 Regional Location




*Imagery provided by Esri and its licensors © 2025.*

25-17449 EPS
Fig 1 Regional Location

**Figure 2-2 Proposed Annexation/USA Sites Locations**



# 2.6 General Plan Designation

The Santa Clara County General Plan (Santa Clara County 1994) land use designations for the annexation sites are:

- Rose Orchard Court site: Hillside Plan
- Butterfield Sports Park Expansion site: Agriculture Medium Scale
- Condit Sports Facilities Expansion site: Agriculture Medium Scale
- APN 825-06-022: Agriculture Medium Scale

Because the annexation sites are within the Sphere of Influence for the City of Morgan Hill, the sites have land use designations under the City of Morgan Hill General Plan. According to the General Plan Land Use Map (City of Morgan Hill 2021) the land use designations are:

- Rose Orchard Court site: Residential Estate
- Butterfield Sports Park Expansion site: Industrial
- Condit Sports Facilities Expansion site: Sports Recreation/Leisure
- APN 825-06-022: Residential Attached Low

# 2.7 Zoning

The Santa Clara County zoning designations (Santa Clara County 2025) for the annexation sites are:

- Rose Orchard Court site: Hillside Santa Clara Valley Viewshed
- Butterfield Sports Park Expansion site: Exclusive Agriculture
- Condit Sports Facilities Expansion site: Exclusive Agriculture
- APN 825-06-022: Exclusive Agriculture

The annexation sites do not have zoning designations for the City of Morgan Hill.

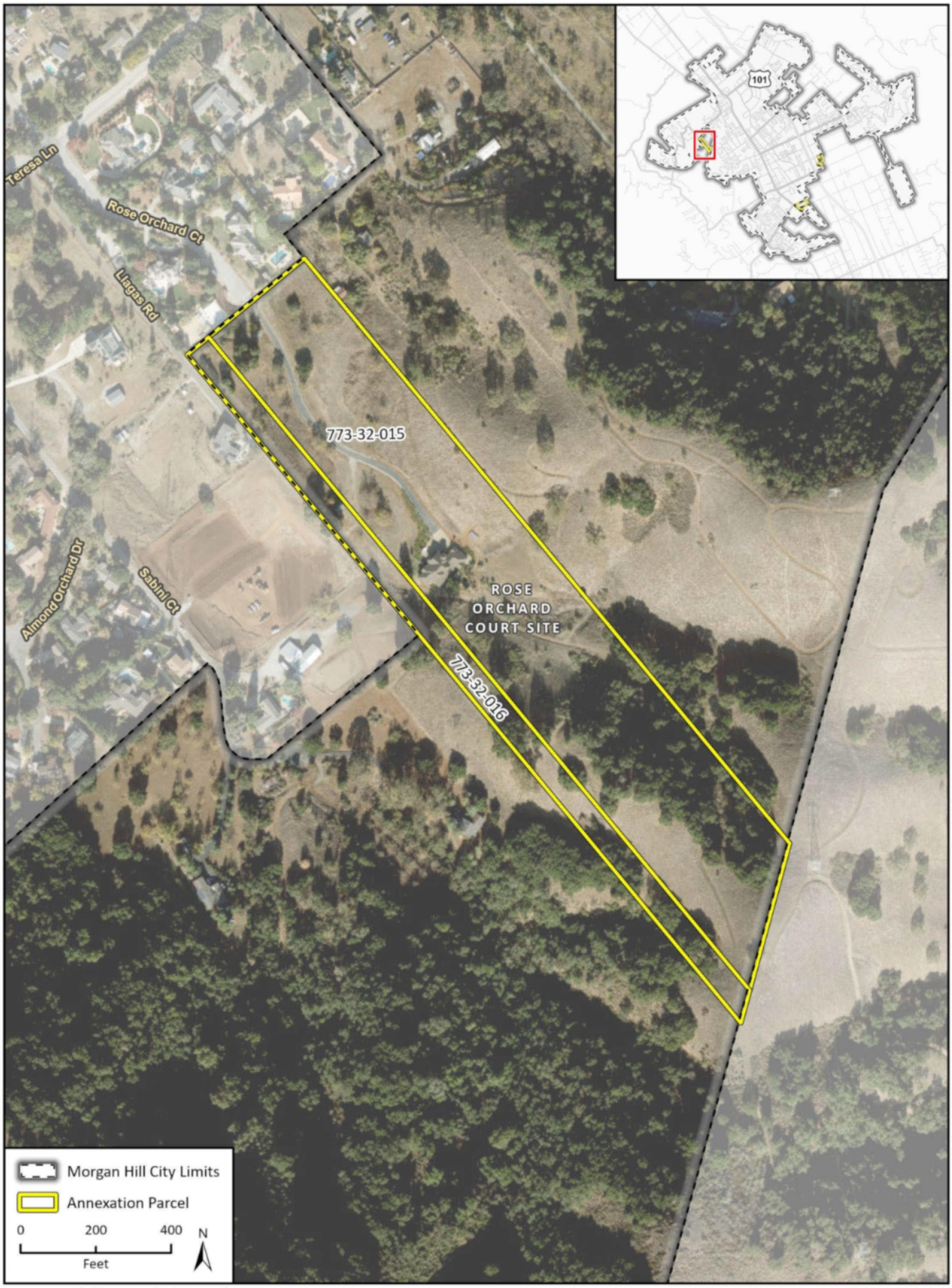
# 2.8 Surrounding Land Uses and Setting

### Rose Orchard Court Annexation/USA Amendment Site

Figure 2-3 shows the boundary for the Rose Orchard Court site. The site is bordered by single-family residences to the northwest, undeveloped land and vegetation to the northeast and southeast, and undeveloped land and single-family residences to the southwest.

The site is a sloped site with an elevation ranging from approximately 455 feet at its northern end to approximately 845 feet at its southern end. The site is partially bisected by Rose Orchard Court Road and currently includes one single-family residence. The area north of the single-family residence is mostly undeveloped and includes scattered trees and grasses. The area south of the single-family residence is also undeveloped land with denser tree stands and is adjacent to land designated as open space on the flanks of El Toro Mountain, a prominent hill on the western side of the City.

**Figure 2-3 Proposed Rose Orchard Court Annexation/USA Site**



### Condit Sports Facilities Expansion Annexation/USA Amendment Site

Figure 2-4 shows the boundaries for the two parcels that make up the Condit Sports Facilities Expansion site. APN 817-13-037 is rectangular in shape and bordered by Barrett Avenue to the north, Murphy Avenue to the east, undeveloped land to the south, and the Morgan Hill Aquatics Center to the west. Across Barrett Avenue to the north is the Morgan Hill Outdoor Sports Center and across Murphy Avenue to the east is undeveloped land and a single-family residence. APN 817-13-008 is triangular in shape and bordered by the Morgan Hill Aquatics Center to the north, undeveloped land to the east, and Condit Road to the southwest. A hotel (Hampton Inn Morgan Hill) and a single-family residence are located across Condit Road. The Condit Sports Facilities Expansion site is generally level. APN 817-13-008 is undeveloped and APN 817-13-037 contains a single-family residence. The proposed project also includes annexation of the portion of Murphy Avenue adjacent to the eastern boundary of APN 817-13-037 into the City limits.

### Butterfield Sports Park Expansion Annexation/USA Amendment Site

Figure 2-5 shows the boundary for the Butterfield Sports Park Expansion site. The site is bordered by land planned for Butterfield Sports Park to the north, railroad tracks to the east, Monterey Road to the west, and APN 825-06-022 and a mobile home park to the south. The Butterfield Sports Park Expansion site is generally flat and vacant with grass and shrubs. The eastern side of the site is bisected by Little Llagas Creek which is an intermittent stream with a channelized earthen bank.

### APN 825-06-022 Annexation/USA Amendment Site

Figure 2-5 also shows the boundary for APN 825-06-022. The parcel is bordered by the Butterfield Sports Park Expansion site to the north, a mobile home park to the east and south, and Monterey Road to the west. APN 825-06-022 is generally flat with grass and trees and includes one single-family residence.

## 2.9 Project Description

The proposed project would consist of annexations and USA amendments in which the sites described above would be grouped, referred to as the City Parks Annexations and the Rose Orchard Court Annexation. Each is described below. A project summary is provided in Table 2-1.

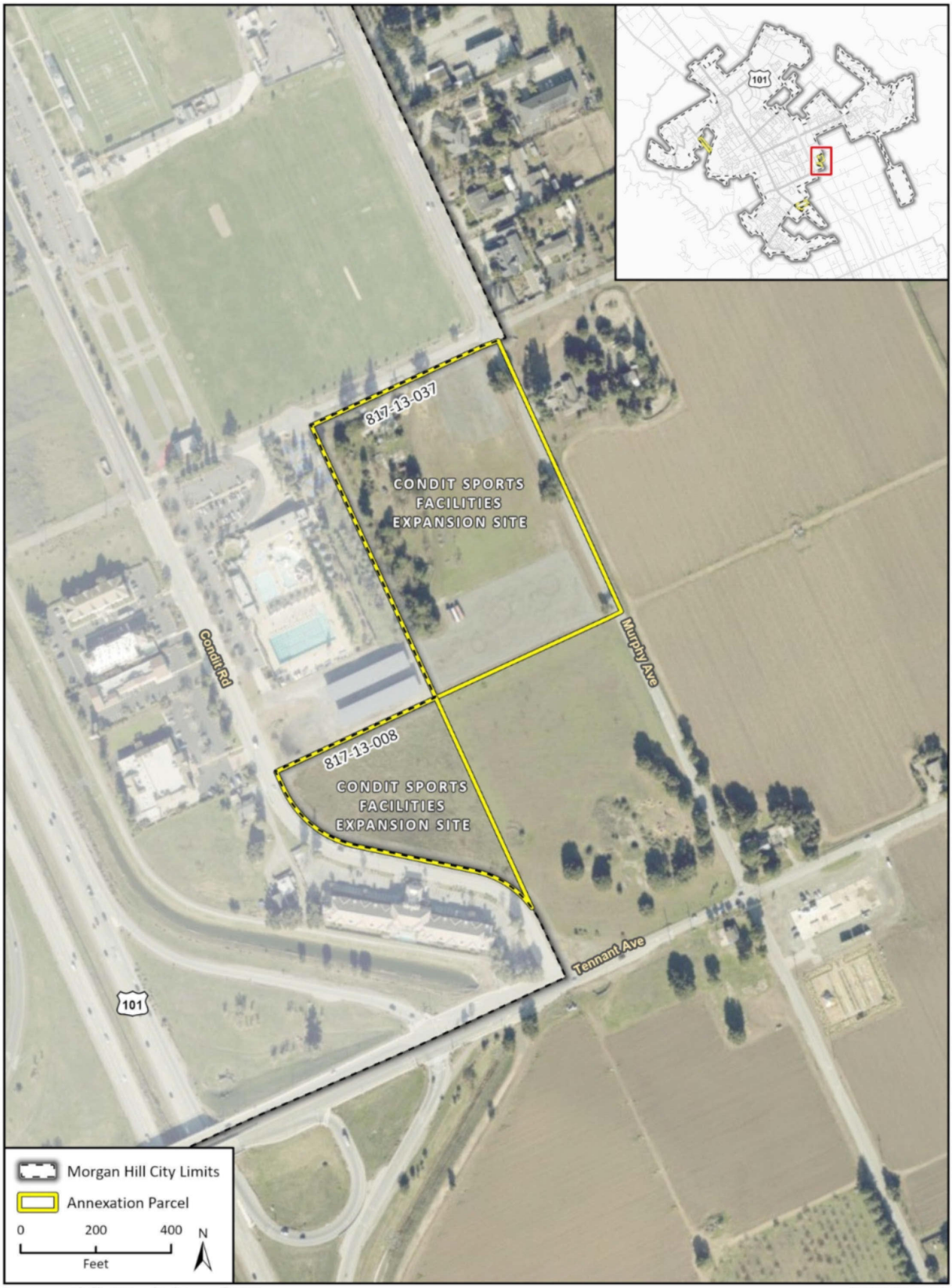
### City Parks Annexation

The proposed City Parks Annexation consists of bringing land that is currently adjacent to City parks but in unincorporated Santa Clara County into the city limits in order to expand the Butterfield Sports Park (currently under construction) and the park facilities located on Condit Road (the Morgan Hill Outdoor Sports Center and Morgan Hill Aquatic Center). The parcels included in this annexation are described above as the Butterfield Sports Park Expansion site (APN 817-06-001), Condit Sports Facilities Expansion site (APNs 817-13-008 and 817-13-037), APN 825-06-022, as well as the portion of Murphy Avenue that adjacent to APN 817-13-037.

The proposed project also includes General Plan amendments for the Butterfield Sports Park and Condit Sports Facilities Expansion sites. With the annexation, USA amendments, and General Plan amendments, the Condit Sports Facilities Expansion site would have a General Plan land use designation of Public Facilities and a zoning designation of Public Facilities (PF) and the Butterfield Sports Park Expansion site would have a General Plan land use designation of Public Facilities and a zoning designation of Public Facilities (PF).

With the annexation and USA amendment for APN 825-06-022, this parcel would continue to have a Morgan Hill General Plan land use designation of Residential Attached Low and would have a zoning designation of Residential Attached Low Density (RAL-3,500).

**Figure 2-4 Proposed Condit Sports Facilities Expansion Annexation/USA Site**



## Figure 2-5 Proposed Butterfield Sports Park Expansion Annexation/USA Site and APN 825-06-022

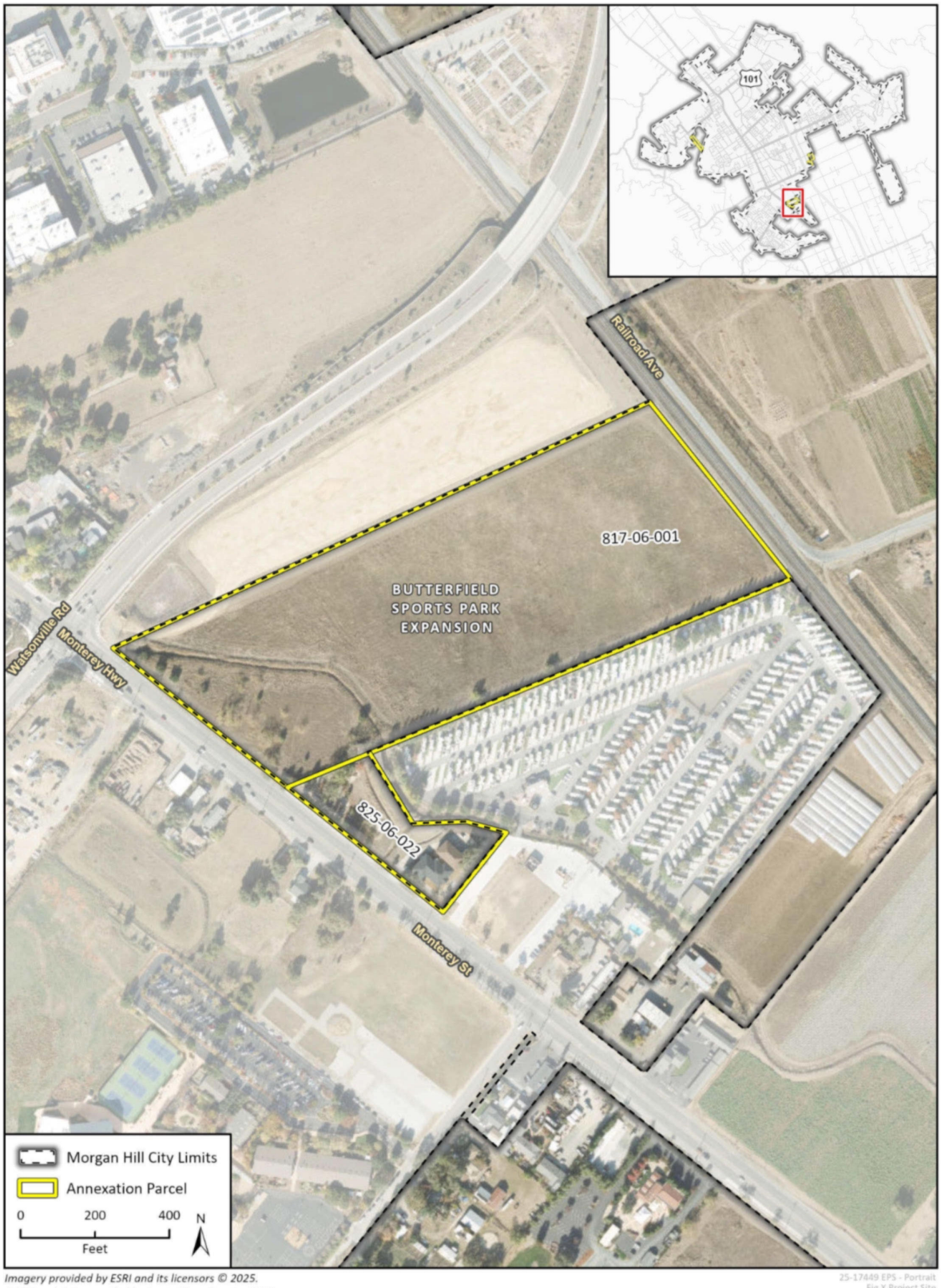


**Table 2-1 Summary of Development Assumptions**

| Annexation/ Expansion Site | Parcel Numbers | Size (acres) | Maximum Building Area (square feet) | Existing Use | Existing Santa Clara General Plan Land Use Designation/Zoning[1] | Existing Morgan Hill General Plan Land Use Designation[2] | Proposed Use | Proposed Morgan Hill General Plan Land Use/Zoning[3] |
|---|---|---|---|---|---|---|---|---|
| Condit Sports Facilities Expansion | 817-13-008<br>817-13-037 | 13.03 | 15,060 | Single-Family Residence | Agriculture Medium Scale/ Exclusive Agriculture | Sports Recreation/ Leisure | Sports Park | Public Facilities/ Public Facilities |
| Butterfield Sports Park Expansion | 817-06-001 | 19.61 | 1,900 | Undeveloped | Agriculture Medium Scale/ Exclusive Agriculture | Industrial | Sports Park | Public Facilities/ Public Facilities |
| Rose Orchard Court | 773-32-015<br>773-32-016 | 20.05 | N/A | Single-Family Residence | Hillside Plan/ Hillside Santa Clara Valley Viewshed | Residential Estate | Five Single-Family Residences and Open Space | Residential Estate/ Residential Estate |
| APN 825-06-022 | 825-06-022 | 2.17 | 0 | Single-Family Residence | Agriculture Medium Scale/ Exclusive Agriculture | Residential Attached Low | Single-Family Residence | Residential Attached Low/ Residential Attached Low Density |

[1] Santa Clara County General Plan Land Use Designation and Zoning without the Proposed Project

[2] Morgan Hill General Plan Land Use Designation without the Proposed Project. Note that because the annexations are not currently within the City limits, they do not have City of Morgan Hill zoning designations.

[2] Morgan Hill General Plan Land Use Designation and Zoning with the Proposed Project

sf = square feet, ac = acres

Specifically:

- APNs 817-13-008 and 817-13-037 (Condit Sports Facilities Expansion site) would be annexed and incorporated into the Outdoor Sports Center and Aquatics Center.
- The portion of Murphy Avenue adjacent to APN 817-13-037 would be annexed into the City limits to be controlled by the City of Morgan Hill and improved to City standards.
- APN 817-06-001 (Butterfield Sports Park Expansion site) would be annexed to become part of the Butterfield Sports Park (currently under construction).
- APN 825-06-022 annexation parcel, located adjacent to Butterfield Sports Park, would also be annexed; however, it would not be incorporated into the park and would retain its existing residential use.

The City Parks Annexation would include implementing the City's Park Master Plan, which considers three relatively similar options for development of the annexation area with park amenities, such as athletic fields, aquatics attractions, parking lots, shaded picnic areas, a community room with restrooms, and team building with locker rooms, and lighting of both existing and proposed athletic fields.

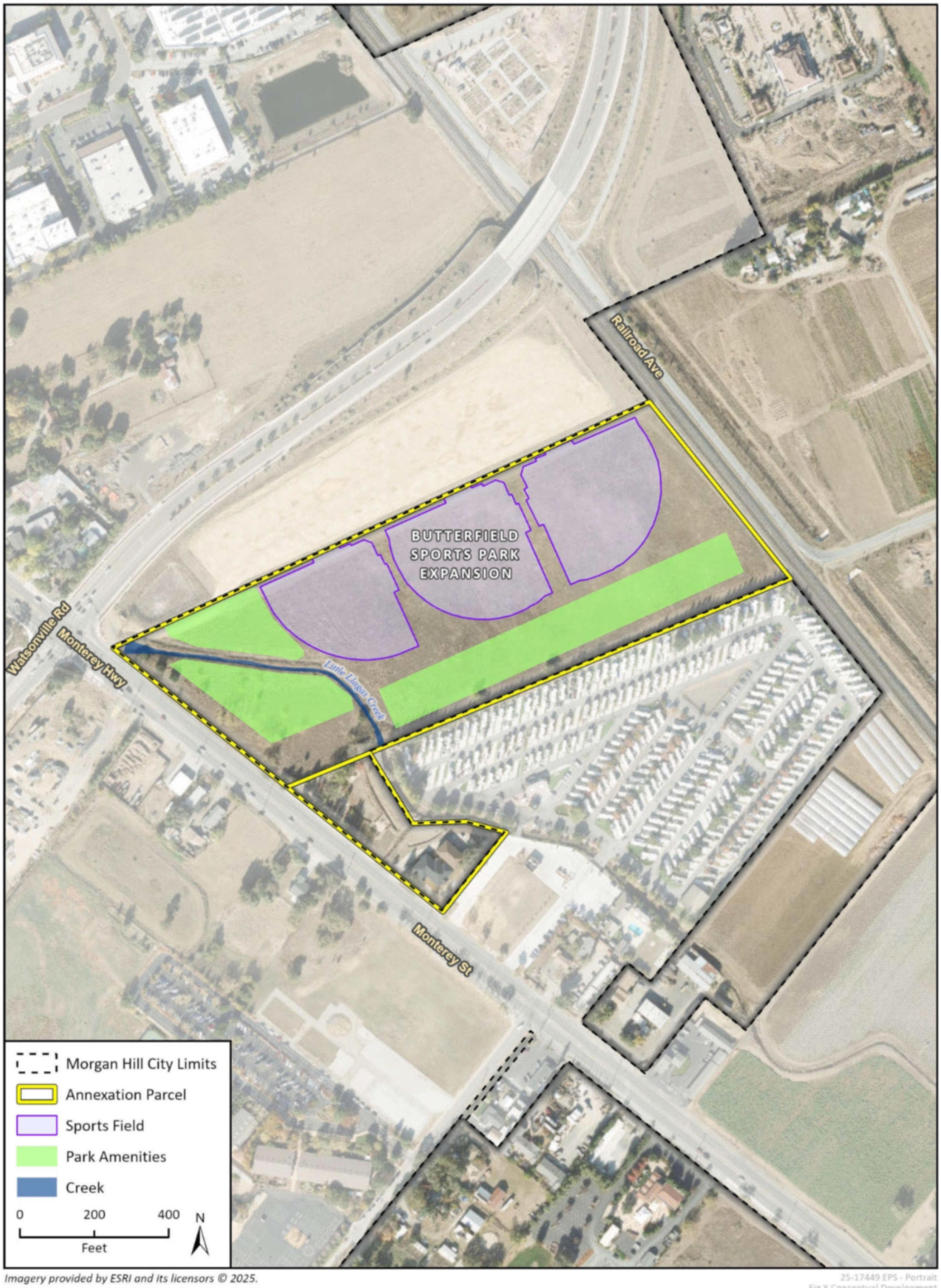
Future development of parks amenities on both the Condit Sports Facilities Expansion site and Butterfield Sports Park Expansion site would require connections to City-provided utilities including water, wastewater, and stormwater infrastructure. Future development would be all-electric and natural gas connections would not be required or provided.

Figure 2-6 shows the conceptual site plan for the Butterfield Sports Park Expansion site. Conceptual development of the site includes:

- Three ball/multi-use fields;
- Parking;
- Walking paths and exercise equipment;
- General park amenities (e.g., picnic areas, play features);
- Public meeting room; and
- A public bicycle pump track.

The bicycle pump track area would feature two tracks designed for beginners and intermediate riders. A small storage building would be located adjacent to the pump track. Picnic tables surrounded by shade trees would be installed adjacent to the pump track area and the restroom/concessions building. The one-story public meeting building would be approximately 1,900 square feet and would include a meeting room, concessions, restrooms, field equipment storage, meeting room storage, a utility room, and a janitor's room. Two grass turf fields would be situated between the parking lot and the baseball field, which would be surfaced with synthetic turf and would include protective netting in both right and left fields. Field lighting would allow for use from 8:00 a.m. through 10:00 p.m., while site safety lighting would remain on throughout nighttime hours. An eight-foot-wide paved walking path would be constructed around the perimeter of the site to support pedestrian circulation and recreational use. A vehicle and pedestrian bridge would be constructed over Little Llagas Creek for the walking path and to connect to proposed parking areas along the southern portion of the site. Butterfield Sports Park would require one to three staff during regular days and three to 10 staff during major sporting events.

**Figure 2-6 Butterfield Sports Park Expansion Conceptual Site Plan**




*Imagery provided by ESRI and its licensors © 2025.*
*Additional data provided by Santa Clara County, 2025.*

25-17449 EPS - Portrait
Fig X Conceptual Development

Figure 2-7 shows the conceptual site plan for the Condit Sports Facilities Expansion site, which includes:

- A 75 yard by 110 yard lighted synthetic turf soccer field with shaded bleachers on one side
- A 75 yard by 120 yard stadium lighted synthetic turf football and soccer field with shaded bleachers on both sides
- Vehicle and bicycle parking
- Restrooms
- A playground
- Outdoor dining structure
- 15 beach volleyball courts including shaded spectator areas and a staging area

The Morgan Hill Outdoor Sports Center north of the Condit Sports Facilities Expansion site currently includes 11 football and soccer fields. The addition of two fields associated with the Condit Sports Facilities Expansion would increase use by approximately 22 percent. On normal weekdays, the Outdoor Sports Center has approximately a few hundred users. For 20 to 24 weekends out of the year, regional sports tourism and other events attracts 2,500 to 6,500 attendees, while other remaining weekends include local sporting events that attracts 1,000 to 2,000 attendees. The expansion would require three employees during regular days and up to 30 employees during major sporting events.

No new development is proposed for APN 825-06-022, and existing residential uses would continue unchanged.

## Rose Orchard Court Annexation

The proposed Rose Orchard Court site includes APNs 773-32-015 (16A) and 773-32-016 (4A). The property owner has requested annexation and a USA amendment into the City to facilitate future residential development. The Rose Orchard Court site would have a General Plan land use designation of Residential Estate and a zoning designation of Residential Estate (RE-1).

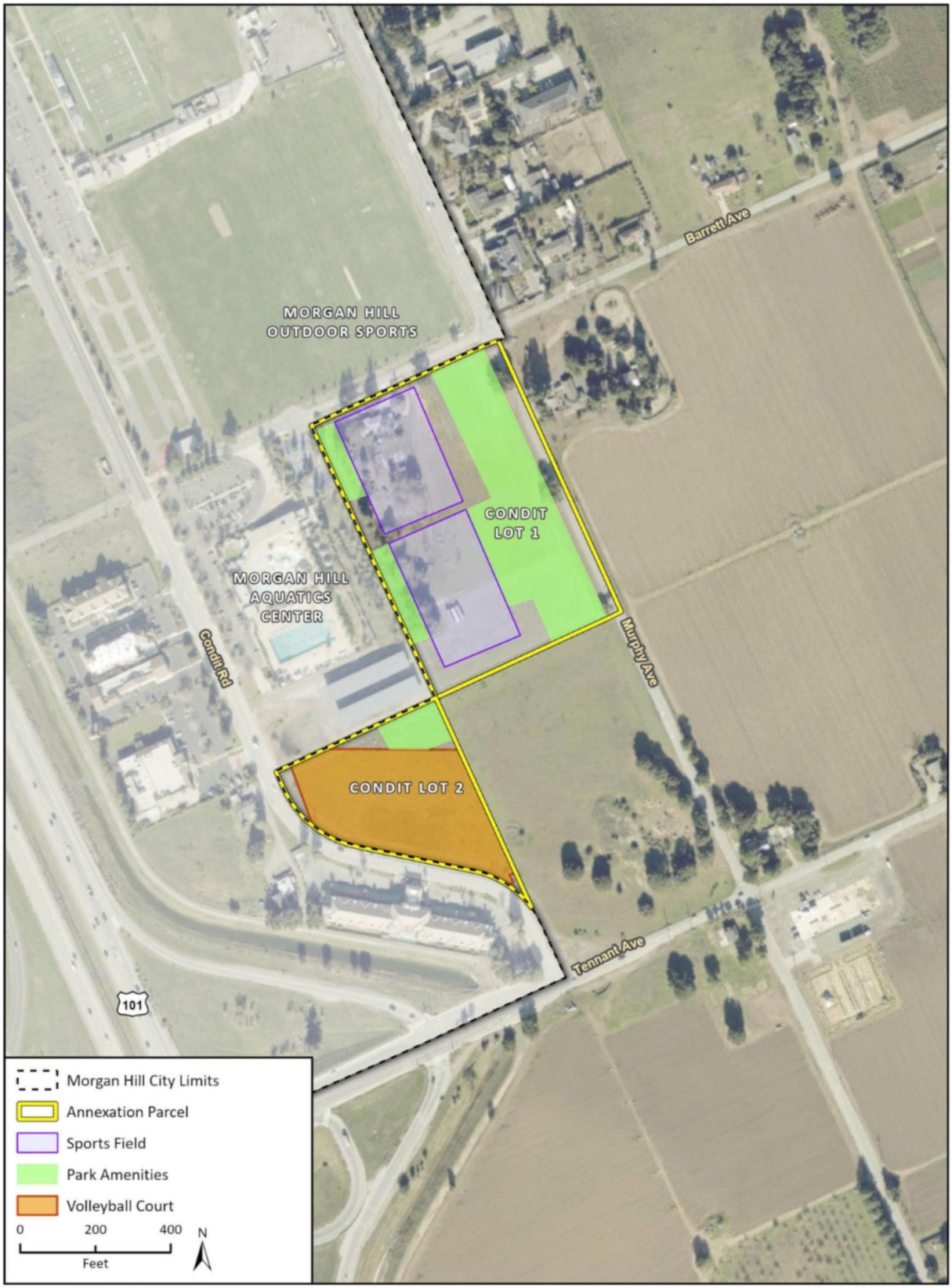
Upon annexation, the owner proposes to:

- Develop four new residences on approximately one-acre lots near Rose Orchard Court, excluding the existing residence which will remain.
- Conserve approximately 10 acres of upper hillside land either by a deed restriction or dedication to the Open Space Authority or the Santa Clara Valley Habitat Agency, as the property is adjacent to designated open space on the flanks of El Toro Mountain.

Figure 2-8 shows the area proposed for future development of four new residences, the location of the existing residence, and the portion of the site to be open space.

Future development on the Rose Orchard Court site would require connections to City-provided utilities including water, wastewater, and stormwater infrastructure. Future development would be all-electric and natural gas connections would not be required or provided.

**Figure 2-7 Condit Sports Facilities Expansion Conceptual Site Plan**



## Figure 2-8 Rose Orchard Court Site Conceptual Site Plan



# 2.10 Project Objectives

The objectives for the Proposed Project include:

### Condit Sports Facilities and Butterfield Sports Park Expansion

- Expand regional recreational capacity by developing multi-use sports and community facilities that serve Morgan Hill and surrounding areas.
- Provide new and enhanced large sports facilities, consisting of ball fields, sport fields, volleyball courts, and bicycle pump tracks, with accessory recreational amenities that enhance community health, accessibility, and active use.
- Efficiently cluster new and enhanced large sports facilities near other large existing and planned sports facilities to optimize land use and existing infrastructure efficiency (including roads, utility lines, parking lots, etc.).
- Maximize land use efficiency by co-locating recreational uses near existing infrastructure and complementary facilities.
- Support youth and adult athletic programming through the provision of flexible-use fields and amenities designed for organized sports and informal recreation.
- Design sports facilities that support equitable access, safety, and sustainability.
- Promote equity in access by ensuring facilities are designed for diverse users, including youth leagues, adult recreation, and regional tournaments.
- Enhance recreational equity by providing high-quality sports infrastructure accessible to underserved populations and community groups.
- Strengthen community identity and cohesion by creating a public gathering space that supports events, meetings, and intergenerational activities.
- Diversify recreational offerings by introducing beach volleyball courts and stadium-style fields not currently available in nearby parks.

### Rose Orchard Court

- Provide market-rate housing as envisioned in the City of Morgan Hill General Plan.
- Facilitate low-density housing production in a manner that preserves Morgan Hill's rural character and scenic hillside views.
- Conserve approximately 10 acres of hillside land on El Toro either by a deed restriction or dedication to a conservation agency to increase passive open space and protect the flanks of El Toro from future development.
- Protect ecological and visual resources by permanently conserving hillside land on El Toro.
- Support long-term climate resilience by preserving open space that contributes to habitat connectivity, carbon sequestration, and watershed health on El Toro.

# 2.11 Other Public Agencies Whose Approval is Required

The City of Morgan Hill is the lead agency with responsibility for approving the proposed project. Discretionary approval of the annexation and application of City zoning designations (pre-zones) is also required by the Santa Clara Local Agency Formation Commission (LAFCO), a Responsible Agency for this project. The following approvals would be required by for the project:

- Approval of the Urban Service Area amendment, annexation, and pre-zoning application by the City of Morgan Hill City Council

- Approval of the General Plan Land Use Map changes by the City of Morgan Hill City Council
- After approval by City Council, approval of the Urban Service Area amendment and annexation by the Santa Clara LAFCO

In addition, the City of Morgan Hill would have discretionary authority to approve permits for the proposed residential and park development. Approvals necessary for development of the annexation sites would include site design and architectural review approval, demolition and grading permits, tree removal permits, and building permits. The project would also require a National Pollution Discharge Elimination System (NPDES) permit from the Central Coast Regional Water Quality Control Board. Finally, encroachment permits for any improvements within the public right-of-way, including sidewalk and roadway changes, would be required from both the City of Morgan Hill and County of Santa Clara.

## 2.12 Have California Native American Tribes Traditionally and Culturally Affiliated with the Project Area Requested Consultation Pursuant to Public Resources Code Section 21080.3.1?

The City has received three consultation requests from California Native American tribes pursuant to Public Resources Code Section 21080.3.1. Additional information regarding consultation is provided in Section 4.12, *Tribal Cultural Resources.*

# 3 Environmental Setting

This chapter provides a general overview of the environmental setting for the proposed project. More detailed descriptions of the environmental setting for each environmental issue area can be found in Chapter 4, *Environmental Impact Analysis*.

## 3.1 Regional Setting

Morgan Hill covers approximately 13 square miles in the South Bay region of the San Francisco Bay Area and is located approximately 20 miles south of downtown San Jose and 13 miles north of the City of Gilroy. The city is surrounded by unincorporated lands of Santa Clara County, as shown in Figure 2-1 in Chapter 2, *Project Description.*

U.S. Highway 101 is a major north-south freeway that runs through the eastern portion of the city and connects the City to San Jose and Gilroy. State Route 85 intersects with U.S. 101 north of the city, offering additional connections to the Greater San Francisco Bay Area. The Santa Clara Valley Transportation Authority operates local bus routes that service Morgan Hill and links to destinations throughout Santa Clara County. Caltrain provides commuter rail service from Morgan Hill station on Depot Street, with routes north to San Jose and San Francisco and south to Gilroy. Monterey-Salinas Transit offers regional bus service between the Morgan Hill Caltrain Station and the Monterey Transit Plaza.

Morgan Hill lies within the Santa Clara Valley, a broad alluvial plan formed by sediments deposited by streams and rivers. The city's landscape is generally flat, with rolling hills and the Diablo Range rising to the east and the Santa Cruz Mountains to the west. Local drainage flows toward Llagas Creek and its tributaries, which run through Morgan Hill and ultimately discharge into the Pajaro River watershed (City of Morgan Hill 2016).

Morgan Hill has a Mediterranean climate characterized by warm, dry summers and mild, wet winters. Most precipitation occurs between November and March, with rainfall concentrated in the winter months. Average temperatures remain moderate year-round due to coastal influences from the Pacific Ocean, located approximately 15 miles west of the city.

## 3.2 Project Site Setting

The proposed annexation and Urban Service area (USA) amendment sites ("annexation sites") are located within unincorporated Santa Clara County just outside of the City of Morgan Hill city limits and encompass four different sites:

- Rose Orchard Court annexation and USA amendment area ("Rose Orchard Court site"): Assessor's Parcel Number [APN] 773-32-015 and 773-32-016
- Butterfield Sports Park Expansion annexation and USA amendment area ("Butterfield Sports Park Expansion site"): APN 817-06-001
- Condit Sports Facilities Expansion annexation and USA amendment area ("Condit Sports Facilities Expansion site"): APNs 817-13-008 and 817-13-037
- APN 825-06-022 annexation and USA amendment parcel ("APN 825-06-022")

Figure 2-2 in Chapter 2, *Project Description*, shows the locations of the sites. More detailed aerial images of the locations of the sites are shown on Figure 2-3, Figure 2-4, Figure 2-5, and Figure 2-6.

The location, size, existing conditions, and surrounding uses for each of the annexation sites are described below.

## Rose Orchard Court Site

The Rose Orchard Court site consists of approximately 20 acres across two parcels (773-32-015 and 773-32-016) located on a sloped hillside in the western portion of Morgan Hill's Sphere of Influence (SOI). Approximately 10 acres of the southeastern half of the site is outside of the City's Urban Growth Boundary (UGB). Elevations range from approximately 455 feet at the northwestern end to 845 feet at the southeastern end. The site is bisected by Rose Orchard Court and currently includes one single-family residence with associated landscaping and driveway. North of the residence is a remnant orchard with mature walnut trees, while the southeastern portion consists of vacant land with oak woodlands and grassland adjacent to land designated as Open Space in the City of Morgan Hill General Plan on the flanks of El Toro Mountain, a prominent hill west of the city. Surrounding uses include single-family residences to the northwest, undeveloped hillside land to the southeast, and rural residential properties to the southwest. The site is designated Hillside under the Santa Clara County General Plan.

## Condit Sports Facilities Expansion Site

The Condit Sports Facilities Expansion site includes two parcels (APN 817-13-008 and 817-13-037) totaling approximately 13 acres and the portion of Murphy Avenue adjacent to the eastern boundary of APN 817-13-037. The site is within the City's SOI and UGB, is generally level, and is located east of Morgan Hill city limits. APN 817-13-037 is rectangular and bordered by Barrett Avenue to the north, Murphy Avenue to the east, undeveloped land to the south, and the Morgan Hill Aquatics Center to the west. Across Barrett Avenue is the Morgan Hill Outdoor Sports Center, and across Murphy Avenue is undeveloped land and a single-family residence. APN 817-13-008 is triangular and bordered by the Aquatics Center to the north, undeveloped land to the east, and Condit Road to the southwest. Across Condit Road is a hotel, Hampton Inn Morgan Hill, and a single-family residence. APN 817-13-008 is undeveloped with ground cover consisting of grasses, weeds, and scattered shrubs and APN 817-13-037 contains a single-family residence, a paved surface parking lot, and mature trees.

## Butterfield Sports Park Expansion Site

The Butterfield Sports Park Expansion site consists of one parcel (APN 817-06-001) totaling approximately 20 acres within the City's SOI and UGB. The site is located east of Monterey Road and west of the Union Pacific Railroad tracks. The site is generally flat and vacant, with ground cover consisting of grasses, weeds, and scattered shrubs. The eastern portion of the site is bisected by Little Llagas Creek, an intermittent stream with a channelized earthen bank. The site is bordered by land planned for Butterfield Sports Park to the north, the railroad tracks to the east, Monterey Road to the west, and APN 825-06-022 and a mobile home park to the south. Surrounding uses include transportation corridors (Monterey Road and railroad), planned parkland, and residential uses to the south.

## APN 825-06-022 Site

APN 825-06-022 is approximately 2.7 acres and is located immediately south of the Butterfield Sports Park Expansion site. The site is generally flat and developed with a single-family residence and associated landscaping, including ornamental trees and shrubs near the home and ruderal vegetation in the undeveloped portions. Surrounding uses include the mobile home park to the south and east, vacant land to the north, and Monterey Road to the west.

# 3.3 Cumulative Development

In addition to the specific impacts of individual projects, CEQA requires EIRs to consider potential cumulative impacts of the proposed project. CEQA defines “cumulative impacts” as two or more individual impacts that, when considered together, are substantial or will compound other environmental impacts. Cumulative impacts are the combined changes in the environment that result from the incremental impact of development of the proposed project and other nearby projects. For example, traffic impacts of two nearby projects may be less than significant when analyzed separately but could have a significant impact when analyzed together. Cumulative impact analysis allows the EIR to provide a reasonable forecast of future environmental conditions and can more accurately gauge the effects of a series of projects.

CEQA requires cumulative impact analysis in EIRs to consider either a list of planned and pending projects that may contribute to cumulative effects or a summary of projections contained in an adopted planning document such as a general plan.

For this EIR, cumulative impacts for some issue areas such as air quality, greenhouse gas emissions, and transportation rely on larger geographic areas such as the Bay Area region. For issue areas that may have regional cumulative impact implications, the cumulative impact analyses for this EIR are based on Plan Bay Area 2050, the Bay Area’s most recent Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). Based on the forecasts in Plan Bay Area 2050 (which are by growth geographies and not by city), South Santa Clara County, which includes the cities of Morgan Hill, San Martin, Gilroy, and part of San Jose, is estimated to have 43,000 housing units by 2050 compared to the baseline housing for this area of 35,000 units (a 24 percent increase) (ABAG and MTC 2021).

For analyses that may have more localized or neighborhood implications (e.g., cultural resources, noise, public services, and utilities and service systems), the cumulative impact analysis is based on a list of planned and pending projects. Currently planned and pending projects within one mile of the annexation sites are listed in Table 3-1. These projects are considered in the cumulative analyses in Chapter 4, *Environmental Impact Analysis*.

The analysis included in each cumulative impact section analyzes whether, after implementation of mitigation that minimize environmental effects, the residual impacts of the proposed project would cause a cumulatively significant impact or would contribute considerably to existing or anticipated cumulatively significant effects. Where the proposed project would so contribute, additional mitigation is recommended where feasible.

## Table 3-1 Cumulative Projects List

| Project No. | Project Location | Land Use | Project Description | Status |
|---|---|---|---|---|
| **Rose Orchard Court Annexation** | | | | |
| 1 | West side of Barnell Avenue | Residential | 6-unit multi-family residential units consisting of 4 multi-family units and 2 accessory dwelling units (ADUs) | Processing building permits |
| 2 | 17965 Monterey Road | Residential | 66 Rental units | Processing building permits |
| 3 | 17090 Peak Avenue | Residential | Residential care facility with 48 unites | Processing building permits |
| **Condit Sports Facilities Expansion** | | | | |
| 4 | 730 and 760 Diana Avenue | Residential | 23 two-story single-family residential unit | Entitlements approved |
| 5 | 375 Diana Avenue | Residential | 93 attached residential units | Entitlements approved |
| 6 | 15570 Monterey Road | Residential | 319 Residential condominium units comprised of 79 Single-family, 120 townhomes, and 120 condominiums | Processing entitlements |
| 7 | Northeast quadrant of Hill Road and Barrett Avenue | Residential | 120 multi-family units | Processing building permits |
| 8 | Northeast corner of Butterfield Blvd and Tennant Avenue | Residential | 106 attached townhome style condominiums | Processing entitlements |
| 9 | Southeast corner of Butterfield Blvd. and Tennant Ave | Residential | 259 multi-family attached units | Under construction |
| 10 | Tennant Avenue, between Church Street and Vineyard Blvd | Residential | 16 multi-family units | Entitlements approved |
| 11 | Intersection of Diana Avenue and Walnut Grove Drive | Residential | 9 market-rate units | Processing Building Permits |
| 12 | Southeast corner of Juan Hernandez Drive and Barrett Avenue | Commercial | 124,500 square foot medical/commercial development | Processing entitlements |
| 13 | 16175 Jackqueline Court | Industrial | 35,384 square foot manufacturing/research building | Processing building permits |
| **Butterfield Sports Park Expansion** | | | | |
| 14 | West of Edes Court and Monterey Road | Condominiums | 21 units, comprising of 3 townhome-style attached condominiums | Processing building permits |
| 15 | 220 West Edmundson Avenue | Residential | Subdivision of project site into 8 two-story single-family residences | Entitlements approved |
| 16 | 15570 Monterey Road | Residential | 319 Residential condominium units comprised of 79 Single-family, 120 townhomes, and 120 condominiums | Processing entitlements |

| Project No. | Project Location | Land Use | Project Description | Status |
|---|---|---|---|---|
| 17 | Northeast quadrant of Hill Road and Barrett Avenue | Residential | 120 multi-family units | Under construction |
| 18 | Northeast corner of Butterfield Blvd and Tennant Avenue | Residential | 106 attached townhome style condominiums | Processing entitlements |
| 19 | Southeast corner of Butterfield Blvd. and Tennant Ave | Residential | 259 multi-family attached units | Under construction |
| 20 | Tennant Avenue, between Church Street and Vineyard Blvd | Residential | 16 multi-family units | Entitlements approved |
| 21 | Southeast corner of Juan Hernandez Drive and Barrett Avenue | Commercial | 124,500 square foot medical/commercial development | Processing entitlements |
| 22 | 16175 Jackqueline Court | Industrial | 35,384 square foot manufacturing/research building | Processing building permits |

Source: Morgan Hill 2025

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# 4 Environmental Impact Analysis

This chapter discusses the possible environmental effects of the proposed project for the specific issue areas that were identified through the scoping process as having the potential to experience significant effects. A "significant effect" as defined by the *CEQA Guidelines* Section 15382 is:

> a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.

The following issue areas are evaluated in this chapter:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

The issues areas of Agricultural and Forestry Resources, Energy, Mineral Resources, Population and Housing, Public Services, and Recreation were found to have no impact and are discussed in Section 4.15, *Effects Found Not to be Significant,* of this EIR.

The assessment of each issue area begins with a discussion of the environmental setting related to the issue, which is followed by the impact analysis. In the impact analysis, the first subsection identifies the methodologies used and the "significance thresholds," which are those criteria adopted by the City and other agencies, universally recognized, or developed specifically for this analysis to determine whether potential effects are significant. The next subsection describes each impact of the proposed project, mitigation measures for significant impacts, and the level of significance after mitigation. Where appropriate, the impact analysis is divided into three sections for each of the annexation sites: Rose Orchard Court, Butterfield Sports Park Expansion, and Condit Sports Park Expansion. Each effect under consideration for an issue area is separately listed in bold text with the discussion of the effect and its significance. Each bolded impact statement also contains a statement of the significance determination for the environmental impact as follows:

- **Significant and Unavoidable.** An impact that cannot be reduced to below the threshold level given reasonably available and feasible mitigation measures. Such an impact requires a Statement of Overriding Considerations to be issued if the project is approved per *CEQA Guidelines* Section 15093.
- **Less than Significant with Mitigation Incorporated.** An impact that can be reduced to below the threshold level given reasonably available and feasible mitigation measures. Such an impact requires findings under *CEQA Guidelines* Section 15091.
- **Less than Significant.** An impact that may be adverse but does not exceed the threshold levels and does not require mitigation measures. However, mitigation measures that could further lessen the environmental effect may be suggested if readily available and easily achievable.
- **No Impact.** The proposed project would have no effect on environmental conditions or would reduce existing environmental problems or hazards.

Following each environmental impact discussion is a list of mitigation measures (if required) and the residual effects or level of significance remaining after implementation of the measure(s). In cases where the mitigation measure for an impact could have a significant environmental impact in another issue area, this impact is discussed and evaluated as a secondary impact. The impact analysis concludes with a discussion of cumulative effects, which evaluates the impacts associated with the proposed project in conjunction with other planned and pending developments in the area listed in Chapter 3, *Environmental Setting*.

The Executive Summary of this EIR summarizes all impacts and mitigation measures that apply to the proposed project.

# 4.1 Aesthetics

This section analyzes the potential impacts of development facilitated by the proposed project related to aesthetics, including scenic resources, visual character and quality, and light and glare.

## 4.1.1 Setting

### Scenic Views and Scenic Resources

*City of Morgan Hill*

The Morgan Hill 2035 General Plan does not designate official scenic views or vistas; however, it states that maintaining views of the hillsides from public rights of way, as well as preserving their important resources, are City priorities. The hillsides bordering Morgan Hill to the east and west contribute to the visual character of the city, providing a scenic backdrop for the community and access to trails and open spaces. The General Plan also identifies designated Greenbelt areas at the perimeter of city and sphere of influence (SOI) boundaries and includes goals and policies encouraging the City to work with Santa Clara County to minimize off-site visual impacts of new development in the Greenbelts. The Greenbelts are intended to identify areas where a targeted program of acquisition of open space easements or fee title to land may occur.

There are a number of vistas within Morgan Hill that could be considered scenic. El Toro Mountain, rising over the city just west of Downtown, is one of the most prominent visual landmarks and is visible from many vantage points, particularly from Highway 101, along Monterey Road, and along wider east-west roadways like Cochrane Avenue, Main Avenue, Dunne Avenue, and Tennant Avenue. Broader views of the Diablo Range to the east and the Santa Cruz Mountains to the west are visible from Highway 101 and many points within the city and the SOI. Within the low-lying portions of the city and SOI these ranges provide a backdrop to the city, and views of these hillsides and ridgelines in many areas are partially or fully blocked by existing buildings and trees.

Eastward and westward scenic views are also available in areas of the city and SOI that are undeveloped, such as in parks, agricultural areas, and other open spaces. In the higher elevations in the western and eastern portions of the city and SOI, roadways wind among these hillsides and offer closer views of hillside landscapes and vegetation, as well as intermittent views across the valley. Within the rural residential and agricultural areas in the city and SOI, hillside views are more expansive and nearfield open spaces, including agricultural lands, allow broader vistas. Five creeks traverse Morgan Hill. The natural streamside and riparian areas serve as scenic resources, with creeks in the hills remaining generally natural. In the low-lying and more urbanized portion of the city and SOI, the aesthetic value of the creeks varies as most creeks have been straightened and channelized to prevent flooding (City of Morgan Hill 2016).

*Rose Orchard Court Site*

The Rose Orchard Court site is located on the flanks of El Toro Mountain, which, as described previously, is a visual landmark in Morgan Hill. The site traverses the backslope of El Toro Mountain within a larger hilly area located at the western periphery of the city. Because the site is on the western periphery of the city on the western side of El Toro Mountain and is separated from the main part of Morgan Hill, including the Downtown area, the annexation site is shielded from most vantage points throughout the city by the mountain.

*Butterfield Sports Park Expansion Site, Condit Sports Facilities Expansion Site, and APN 825-06-022*

These annexation sites are generally level and do not contain scenic resources. The sites are not located within the vicinity of a designated Greenbelt or hillside area such that development at the would obstruct prominent views. Existing views are largely limited to the adjacent surrounded development and public roadways, which are similar in scale to the future development planned at the sites.

## Scenic Highways

There are no officially designated State Scenic Highways within the City of Morgan Hill or within the vicinity of the SOI. The nearest officially designated State Scenic Highways are Route 9 located approximately 18 miles northwest of the City in Santa Clara County and Route 152 located approximately 20 miles east of the City bordering the San Luis Reservoir (California Department of Transportation [Caltrans] 2025). None of the annexation sites are visible from these scenic highways due to the distance and the presence of intervening topography which obscure any possible views.

## Visual Character

### *City of Morgan Hill*

As discussed in the City's General Plan, Morgan Hill's visual character is tied to its natural setting. A large portion of Morgan Hill is within the Santa Clara Valley, which is surrounded by the Santa Cruz Mountains to the west and the Diablo Range to the east, and extends from the San Francisco Bay shoreline to the northern boundary of San Benito County. The majority of Morgan Hill can be characterized by relatively level topography along the valley floor, which transitions to steep slopes along the western and eastern foothills. The city's location along the valley floor, with views of grassy and wooded hillsides to the east and west, are the primary contributor to the city's visual character. The slopes that flank Morgan Hill play a major role in shaping the visual character of the city. Agricultural lands also contribute to the city's rural visual character, separating it from larger urbanized areas such as San Jose to the north and San Martin to the south.

Within the city itself, the predominant land use is established suburban neighborhoods with tree-lined streets and single-family residences. These neighborhoods are oriented around a historic Downtown lined with one- and two-story commercial buildings in a mix of ages and architectural styles. Throughout the community, vacant parcels, some retaining vestiges of historic agricultural use, are interspersed with urbanized development.

The strong connections between Morgan Hill's developed neighborhoods, natural setting, and agricultural surroundings establish the feeling of a traditional small town that is distinct from, though easily accessible to, the denser Silicon Valley communities to the north (City of Morgan Hill 2016).

### *Rose Orchard Court Site*

The Rose Orchard Court site is characterized by its hillside topography and undeveloped areas with mature trees and vegetation. The site is located on the northwestern flank of El Toro Mountain, a prominent hill on the western side of Morgan Hill. The site is bordered by single-family residences to the northwest, undeveloped hillside land, trees, and vegetation to the northeast and southeast, and undeveloped land and single-family residences to the southwest. The site is sloped, with an elevation ranging from approximately 455 feet at its northern end to approximately 845 feet at its southern end. The site is partially bisected by Rose Orchard Court Road and currently includes one single-family residence roughly in its center. The area north of the single-family residence is open hillside area with scattered trees. The area south of the single-family residence is also comprised of open hillside area with a denser stand of trees relative to the northern portion.

The southeastern portion of the site overlaps a designated Greenbelt according to Figure NRE-1, Greenbelts, of the City's General Plan Natural Resources and Environment Element. According to the General Plan, Greenbelts are intended to physically define the city and separate it from San Jose and San Marin (City of Morgan Hill 2016).

### *Butterfield Sports Park Expansion Site*

The Butterfield Sports Park Expansion site is characterized by its flat, undeveloped nature and sparse vegetation including nonnative grasses and shrubs. The eastern side of the site is bisected by Little Llagas Creek which is an intermittent stream with a channelized earthen bank. The site is bordered by land planned for Butterfield Sports Park to the north, railroad tracks to the east, Monterey Highway to the west, and APN 825-06-022 and a mobile home park to the south.

### *Condit Sports Facilities Expansion Site*

The Condit Sports Facilities Expansion site is comprised of two parcels that are generally level. APN 817-13-037 is rectangular in shape and bordered by Barrett Avenue to the north, Murphy Avenue to the east, undeveloped land to the south, and the Morgan Hill Aquatics Center to the west. This parcel is developed with a single-family residence and is generally characterized by the mature trees throughout the site. APN 817-13-008 is triangular in shape and bordered by the Morgan Hill Aquatics Center to the north, undeveloped land to the east, and Condit Road to the southwest. This parcel is characterized by its undeveloped nature and sparce vegetation including grasses and shrubs. A hotel (Hampton Inn Morgan Hill) and a single-family road are located across Condit Road. Across Barrett Avenue to the north is the Morgan Hill Outdoor Sports Center and across Murphy Avenue to the east is undeveloped land and a single-family residence.

### *APN 825-06-022*

APN 825-06-022 is bordered by the Butterfield Sports Park Expansion site to the north and is primarily characterized by an existing single-family residence and landscaping trees around the site boundary. The parcel is otherwise surrounded by a mobile home park to the east and south, and Monterey Road to the west.

## Light and Glare

Light pollution refers to all forms of unwanted light in the night sky, including glare, light trespass, sky glow, and over-lighting. Views of the night sky are an important part of the natural environment. Excessive light and glare can be visually disruptive to humans and nocturnal animal species. Light pollution in Morgan Hill is restricted primarily to street lighting along local streets, and to night-time illumination of shopping centers. Light spillage from residential developments is mostly screened by trees.

The Lick Observatory is located approximately 12 miles north of Morgan Hill on Mount Hamilton and is an astronomical research facility serving eight University of California campuses. Illumination of the night sky by electric lights throughout the Santa Clara Valley can interfere with observation activities at the Lick Observatory. The observatory recommends using low-pressure sodium lights for streets and parking lots, lighting controls such as timers and dimmers, and the minimum amount of lighting needed for the intended purpose. The observatory also recommends proper shielding and placement of lighting fixtures to direct light toward the ground rather than the Sky (City of Morgan Hill 2016).

### *Rose Orchard Court Site*

The Rose Orchard Court site is primarily comprised of open space, trees, and vegetation and contains one existing single-family residence. Existing sources of light and glare on the site are limited and attributed to lighting and reflective materials associated with the existing residence. Sources of light and glare in the site area are minimal and are associated with adjacent residences to the northwest and southwest. There are no major roadways or other substantial sources of light or glare in the vicinity of the site.

*Butterfield Sports Park Expansion Site*

There are no sources of light or glare on the Butterfield Sports Park Expansion site as it is undeveloped. Sources of light and glare in the vicinity of the site include those associated with the adjacent Maple Leaf RV Park and headlights and reflective materials on cars associated with adjacent roadways and the Union Pacific Railroad tracks.

*Condit Sports Facilities Expansion Site*

The Condit Sports Facilities Expansion site is mostly undeveloped but contains one existing single-family residence and a surface parking lot. Existing sources of light and glare are limited and attributed to lighting and reflective materials associated with the existing residence and parking lot. Sources of light and glare in the vicinity of the of the site include those associated with the adjacent Morgan Hill Outdoor Sports Center, including overhead lighting for sports fields, the Morgan Hill Aquatics Center, other residential and commercial uses in the vicinity, and headlights and reflective materials on cars on adjacent roadways.

*APN 825-06-022*

Similar to the adjacent Butterfield Sports Park Expansion site, APN 825-06-022 lies adjacent to the Maple Leaf RV Park and the major thoroughfare of Monterey Road. The site is subject to light and glare associated with these uses, including but not limited to roadway lighting and glare from metallic RVs and other reflective materials. The site also contains a single-family residence which acts as a minimal source of light and glare related to lighting used in and around the residence and glare from windows or other reflective materials.

## 4.1.2 Regulatory Setting

This section summarizes state and local regulations and programs related to aesthetics in the project area. There are no federal regulations pertaining to aesthetics that apply to the proposed project.

### a. State Regulations

### California Scenic Highway Program

The California Scenic Highway Program, maintained by the Caltrans, protects scenic state highway corridors from changes which would diminish the aesthetic value of lands adjacent to the highways. Caltrans has not designated any scenic highways in Morgan Hill or its SOI (Caltrans 2018).

### California Building Standards Code

Title 24 in the California Code of Regulations is the California Building Standards Code.

Part 2 of Title 24 is the California Building Code, which is based on the International Building Code and combines three types of building standards from three different origins:

- Building standards that have been adopted by state agencies without change from building standards contained in the International Building Code.
- Building standards that have been adopted from the International Building Code to meet California conditions.
- Building standards, authorized by the California legislature, that constitute extensive additions not covered by the International Building Code that have been adopted to address particular California concerns.

Part 6 of Title 24 is the California Energy Code. It includes standards for lighting that are intended to improve energy efficiency, and that reduce light pollution and glare by regulating light power and brightness and sensor controls.

## b. Local Regulations

### Morgan Hill 2035 General Plan

The 2035 General Plan is the guiding policy document for the City of Morgan Hill. The City and Neighborhood Form Element discusses growth management, land use, and urban design. It contains goals and policies regulating urban form to ensure that Morgan Hill retains its rural character. The Natural Resources and Environment Element sets forth a number of goals and policies intended to preserve open space, agricultural uses, hillsides, riparian areas, wildlife habitat, and other natural features. The General Plan specifically designates the hillsides throughout the City as valuable scenic resources and seeks to preserve views of the hillsides from public rights of way, in addition to preserving other important resources. Specific policies aim to establish a Greenbelt around the City, preserve El Toro, conserve resources and protect the City's cultural heritage, in order to help Morgan Hill retain its rural atmosphere as it continues to grow (City of Morgan Hill 2016). Specific relevant goals, policies, and actions related to the scenic and visual quality in Morgan Hill include:

**GOAL CNF-8 A visually attractive urban environment.**

**Policy CNF-8.1 High Quality Design.** Require all development to feature high quality design that enhances the visual character of Morgan Hill.

**Policy CNF-8.7 Design Sensitivity.** Ensure that new development is sensitive to the character of adjacent structures and the immediate neighborhood.

**Policy CNF-8.11 Pedestrian Spaces.** Encourage the design of attractive outdoor pedestrian spaces that encourage impromptu public gathering places with features such as plazas, interior walkways and paseos, ornamental gates, trellises, lighting, trees and landscaping, seating and fountains.

**Policy CNF-8.20 Nighttime Lighting.** Require nighttime lighting to be designed to minimize light spillage to adjacent properties.

**Policy CNF-8.21 Nighttime Lighting Technology.** Require nighttime lighting to use current lighting technology to minimize lighting intensity and downshielded to reduce light pollution.

**GOAL NRE-1 Preservation of open space areas and natural features.**

**Policy NRE-1.1 Natural Features.** Preserve outstanding natural features, such as the skyline of a prominent hill and rock outcroppings.

**Policy NRE-1.2 Large Open Space Areas.** Work with the County, the Open Space Authority, appropriate conservancy organizations and land trusts, and property owners to preserve large open space areas, such as agricultural lands and outdoor recreation areas, to conserve natural resources and retain the City's unique identity.

**Policy NRE-1.3 Designated Open Space.** Maintain land designated as "Open Space" on the Morgan Hill General Plan Land Use Map (Figure CNF-3).

**Policy NRE-1.6 Open Space Preservation Tools.** Use a variety of open space preservation tools to protect open space, including public acquisition, land use regulation, urban development policy, economic incentives to landowners, open space easements, transfer of development rights, planned cluster development, assessment districts, and dedication of additional lands upon development. (South County Joint Area Plan 16.17)

**Policy NRE-1.7 Priority Areas for Preservation.** The South County includes a variety of open space areas, including the valley floor, stream corridors, lands around reservoirs, foothills, inter-mountain

valleys, and mountain areas beyond the foothills. Of these geographic areas, stream corridors, lands around the reservoirs, lands which provide greenbelts, and significant hillside features should receive highest priority for preservation as open space and future regional park location. (South County Joint Area Plan 16.01 & 16.02)

**Policy NRE-1.8 County Parks and Open Space Programs.** Support County programs to: a) acquire and develop regional parks in the South County, providing just compensation for the taking of private lands; b) protect open space resources by prohibiting the introduction of uses incompatible with open space resource preservation, and preserve open space through planning, regulation, acquisition and/or development rights transfer programs;

**Action NRE-1.B Open Space Acquisition and Maintenance.** Formulate a program for open space acquisition and maintenance that could involve a variety of funding sources and stewardship agencies.

**GOAL NRE-2 Preservation of hillside areas as open space and scenic features.**

**Policy NRE-2.1 Hillside and Ridgeline Views.** Protect views of hillsides, ridgelines, and prominent natural features surrounding the City. These features help define the City's historic rural character, sense of place, image and identity.

**Policy NRE-2.2 El Toro Mountain as Landmark Feature.** Retain the City's unique identity by preserving its landmark natural feature, El Toro Mountain.

**Policy NRE-2.3 Scenic Hillside Preservation.** Preserve scenic hillsides around the City in an undeveloped state, wherever feasible. Provide for retention of hillside areas as open space through the dedication and/or purchase of scenic easements and/or open space easements, transfer of development rights and other appropriate measures.

**Policy NRE-2.4 Building Distance below Ridgelines.** Limit all building pads located within the hillside areas to an elevation at or below the 80-foot vertical drop from the ridgeline.

**Action NRE-2.A Rural Hillsides.** Limit the hillside/mountain areas to the east and west to low-intensity rural uses compatible with open space in order to maintain their integrity as the South County's major scenic and natural resources. (South County Joint Area Plan 16.08)

**Action NRE-2.B El Toro Mountain Preservation.** Preserve El Toro Mountain in open space above the 500-foot contour line on all sides, with the exception of the Llagas and Paradise Valleys (where all land above the 600-foot contour elevation should be preserved).

**Action NRE-2.D El Toro Mountain and Santa Clara County Parks.** Work with Santa Clara County Parks and Recreation Department and/or the Open Space Authority of Santa Clara Valley (OSA) to incorporate a portion of El Toro Mountain into the County park system or into the OSA managed system of open space.

**Action NRE-2.E Hillside Ordinance.** All hillside areas with an average slope of 10 percent or greater shall be regulated by the Hillside Ordinance.

**GOAL NRE-3 A stable, long-term City boundary reinforced by a greenbelt.**

**Policy NRE-3.1 Greenbelt as a Community Separator.** Maintain a greenbelt to separate the northern and southern boundaries of the City from surrounding rural lands and the urbanized areas of San Jose and San Martin.

**Policy NRE-3.3 Greenbelt Easements.** Acquire easements on properties using an approach that would maintain some appropriate development potential, maximize the use of available funds for greenbelt and open space protection, and minimize land management and maintenance costs.

**Policy NRE-3.4 Land in Fee Title for Greenbelts.** Acquire land in fee title when the City's objectives include allowing public access to the site for recreational or related activities.

**Policy NRE-3.6 No Commercial/Industrial Uses within Greenbelts.** Support County policies prohibiting commercial and industrial uses (excluding agricultural industry) in the unincorporated and greenbelt areas surrounding the City.

**Policy NRE-3.7 Appropriate Greenbelt Land Uses.** Encourage land uses appropriate within a greenbelt, which might include: a) low-density residential development on lots 10 acres or more in size; b) public parks and recreational areas; c) privately operated recreation areas (e.g., golf courses and riding stables); and, d) agriculture. (South County Joint Area Plan 16.16)

**Policy NRE-3.8 Appropriate Greenbelt Land Uses.** Require appropriate uses within Greenbelt areas such as parks and other designated open spaces, scenic/open space easements, golf courses, low intensity public facilities involving minimal permanent improvements and agricultural activities are appropriate uses. Existing residential may remain and new residential uses should be located and designed to have minimal visual and other environmental impacts.

**Policy NRE-3.9 Greenbelt Areas on Private Land.** Greenbelt areas which are privately owned are not intended for public recreational use.

**Action NRE-3.G Greenbelt Priority Areas.** The highest priority areas for Greenbelt preservation include the east side of El Toro, the Edmundson/DeWitt/Sunset area, and the foothills on the eastern side of the valley north of Dunne Ave.

**Action NRE-3.K Land Uses that Supports Greenbelts.** Support the County maintaining low densities and large minimum lot size requirements for undeveloped areas not planned for urbanization and lands identified as Greenbelt.

**Action NRE-3.M Low Impact Development in Hillside Greenbelt Areas.** Subject new development within City hillside Greenbelt areas to a site and design review process that encourages minimizing environmental impacts including minimizing the amount of grading and encouraging location of structures in areas where they are least visible from the valley floor.

**Action NRE-3.N Visibility of Structures within Greenbelts.** Encourage the evaluation and update of the basic Santa Clara County development review process to achieve greater restriction on visibility, from the valley floor and major transportation corridors, of structures in the hillside Greenbelt areas. This updated review process should result in a minimal review process for structures that are not visible from the valley floor and major transportation corridors, and an extensive review process for structures that are visible.

## City of Morgan Hill Municipal Code

The Morgan Hill Municipal Code (MHMC) regulates development in the city. The following provisions from the MHMC pertain to the visual effects of development:

**Section 18.76.060, Glare**, establishes a regulation that no direct or sky-reflected glare may emanate from any establishment or use, so as to be visible at a distance of five hundred feet from such establishment or use.

**Chapter 15.40, Building Security**, contains provisions, including lighting requirements, to protect the public by providing safeguards to protect property from unlawful trespass. Section 15.40.310 requires that open parking lots for nonresidential uses must be illuminated with an intensity of at least 2 footcandles. Section 15.40.400 requires that open parking lots and carports for hotels and multi-family residential uses must be illuminated with an intensity of at least 2 footcandles. Section 15.40.420 requires that aisles and passageways within the building complex must be illuminated with an intensity of at least twenty-five one-hundredths (0.25) footcandles.

**Title 18, Zoning**, contains site development standards for each zoning district, such as minimum lot area, maximum building coverage, maximum floor area ratio (FAR), minimum setbacks, maximum height, and yard size.

**Chapter 18.108.040, Design Permit**, establishes the City's design permit process for the following types of projects: residential projects with three or more dwelling units; significant nonresidential development; development on sensitive sites; relocation, significant expansion, or significant modifications to the exteriors of existing buildings; significant grading; accessory structures; and significant City projects. Single-family homes are exempt from the design permit process. City design standards and guidelines are summarized in the Architectural Review Handbook; projects subject to design review must adhere to these standards and guidelines. The City's Planning Division staff reviews projects for consistency with the Architectural Review Handbook and routes projects to the Design Review Committee for review. Most design review approval is granted by the Community Development Director, although in some instances projects are referred to the Planning Commission or City Council. In granting a Design Review permit, the City must make the following findings:

- The proposed construction/alterations are in substantial conformance with the General Plan, zoning ordinance, and any applicable plans adopted by the City.
- The proposed construction/alteration is in substantial conformance with all applicable design standards and guidelines, as contained in the Design Review Handbook.
- The construction/alteration will not have significant adverse effects on the public health, safety, and welfare.

## Morgan Hill Architectural Review Handbook

The City maintains an Architectural Review Handbook that sets minimum standards for architecture, site planning, and landscaping. Projects that are subject to design review under MHMC Chapter 18.74 are reviewed against the design standards and guidelines in the Architectural Review Handbook. These standards are applied to new development or improvements to existing development, and include specific standards for single-family residential; multi-family residential; commercial, industrial, and public facilities; and properties that face onto gateway areas, which include seven key areas that are the primary entrances to Morgan Hill (City of Morgan Hill 2008a, 2008b, 2008c).

The Architectural Review Handbook contains the following standards related to lighting. These standards are intended to encourage appropriate lighting to minimize glare while improving safety. Standards for lighting in the Architectural Review Handbook include, but are not limited to, the following:

- Lighting should be shielded to minimize glare upon neighboring properties and public rights of way.
- Projects should use the latest lighting technology to minimize lighting intensity and lighting levels should not be so intense as to draw attention to the glow or glare of the site. Different areas of properties are subject to different lighting intensity guidelines. For instance, aisles and passageways in commercial, industrial, public, and multi-family residential uses should be illuminated with an intensity of at least 0.25 footcandles and building entrances should be illuminated with an intensity of at least 5 footcandles. Public and private parks and walkways should be illuminated with an intensity of at least 1 footcandle.
- The height of lamp poles should be appropriate in scale for the building and surrounding area. Pedestrian light poles along sidewalks and pathways should be 12 to 15 feet high. In commercial, industrial, and public facility projects, the maximum pole height should be 20 feet, and in multi-family residential projects the maximum pole height should be 15 feet.
- Lighting in parking areas of commercial, industrial, public, and multi-family residential uses should be in scale with the height and use of the on-site structures. Lighting fixtures in commercial, industrial, public, and multi-family residential uses should not project above the fascia or roofline of the building.
- Projects should incorporate timers and sensors to avoid unnecessary lighting.
- Up-lighting of landscaping and building elements should be installed to reduce unnecessary glare by utilizing shrouded fixtures or glare-reducing devices.

The Architectural Review Handbook contains the following standards related to glare from sources other than lighting:

- Canopy trees in single-family development areas should be strategically used in park and open space areas to reduce glare.
- Canopy trees in multi-family, commercial, and industrial development should be strategically used in parking areas to reduce glare.

## City of Morgan Hill Residential Development Design and Development Standards

The Residential Development Design and Development Standards articulate project design requirements for all residential and mixed-use developments. These standards detail the City of Morgan Hill's objectives for high quality, residential projects that are aesthetically pleasing, livable, sustainable, well-connected to neighborhood services.

The Residential Development Design and Development Standards are consistent with the City's Zoning Code, and are intended to complement the development standards within the Zoning Code but not replace standard zoning district requirements. The Residential Development Design and Development Standards shall apply to all residential development projects proposed in the City (unless exempt). The following standards would be applicable to the proposed project:

**Agricultural Buffer:** If the project is located adjacent to an active agricultural use, an open space easement has been provided to buffer between the active agricultural use that are adjacent to the proposed project and new development. The size and configuration of the buffer is a minimum of 100 feet between the active agricultural use and the nearest new structure as measured from the property line.

**Landscaping Plan:** The Project is required to provide detailed landscape plans in compliance with Section 18.64.040 (Landscape Plan required) of the Morgan Hill Municipal Code. Landscape plans must demonstrate compliance with Section 18.64.060 (General landscape requirements) of the Morgan Hill Municipal Code. Pursuant to Morgan Hill Municipal Code section 18.64.050:

a. All required front and street side setback areas, excluding areas required for access to the property, shall be landscaped and maintained.
b. Landscaping may consist of any combination of living plants, such as trees, shrubs and grass or related natural features, such as rock, stone, or mulch. Decorative hardscape featuring pervious materials is permitted within required landscaping areas.
c. For projects with a proposed stormwater treatment facility(ies), the Landscaping Plan includes appropriate landscaping for all bioretention and other vegetated stormwater treatment facility(ies).

For projects adjacent to streams, the Landscaping Plan shows the use of locally native plants for all landscaping and revegetation adjacent to a stream and within a riparian area to comply with the City's adopted Santa Clara Valley Water Resource Protection Collaborative's "Guidelines and Standards for Land Use Near Streams."

**Trees:** The project shall submit an arborist report for the project site, when trees are present on or directly adjacent to the site. The project has identified all trees to be removed on the project landscape plan and/or grading plan, has proposed a two-to-one ratio of replacement trees, and has applied for the required Tree Removal Permit in accordance with Chapter 12.32 (Restrictions on Removal of Significant Trees) of the Morgan Hill Municipal Code. All replacement trees must comply with the City's Master Street Tree Plan adopted by City Council on March 6, 2019.

**Glazing:** Mirrored glass is prohibited in order to minimize off-site glare and maximize transparency.

**Exterior Lighting and Illumination:** Wall-mounted lights or bollards shall be provided for security purposes. Lights shall be directed down and shielded to avoid glare impacts. The project has demonstrated compliance by submittal of a photometric plan and fixture details.

### City of Morgan Hill Standard Conditions of Approval

The City of Morgan Hill outlines specific approval requirements and special conditions to be applied through the development approval process, a number of which related to the visual and aesthetic resources present throughout the City. The City of Morgan Hill applies the following Standard Conditions of Approval related to aesthetics to development projects:

**Building Mounted Lighting**: Lighting fixtures shall not project above the facia or roofline of the building. Any ground mounted lighting projecting onto the building or site shall be subject to the review and approval of the Development Services Director. Adjustment to the lighting intensity may be required after the commencement of the use. (MHARH p. 67, 109)

**Architectural Elements:**

1. All vents, gutters, downspouts, flashing, electrical conduits, etc. shall be painted to match the color of the adjacent surface or otherwise designed in harmony with the building exterior.
2. Soffits and other architectural elements visible from view but not detailed on the plans shall be finished in a material in harmony with the exterior of the building.

**Lighting:** Walkways and pedestrian pathways in landscaped areas or common areas not considered building entrances or a part of parking lot areas shall be illuminated with a minimum of one (1) foot-candle to ensure safe nighttime conditions. (MHARH p.30, 67, 108). A final photometric plan shall be provided for review and approval to the Development Services Director prior to issuance of a building permit.

## 4.1.3 Impact Analysis

### a. Methodology and Thresholds of Significance

To determine whether a project would result in a significant impact related to aesthetics, Appendix G of the *CEQA Guidelines* requires consideration of whether a project would:

1. Have a substantial adverse effect on a scenic vista;
2. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;
3. In non-urbanized areas, substantially degrade existing visual character or quality of public views of the site and its surroundings/If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality; and/or
4. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

Aesthetics impact assessments involve qualitative analysis that is subjective but informed by the basic guidelines provided above. Reactions to the same aesthetic conditions vary according to viewer taste and interests. The proposed project is a programmatic, and not a specific development, project proposal. This analysis focuses, therefore, on a general discussion of the aesthetic impacts associates with potential future development of the annexation sites, in terms of the arrangement of built space to open space, the proposed type and intensity of development, and how new development visually fits with the existing landscape characteristic of the area.

### Project Impacts and Mitigation Measures

The proposed project does not include changes to or development on the APN 825-06-022 site. Accordingly, the analyses below focus exclusively on the Rose Orchard Court site, the Butterfield Sports Park Expansion site, and the Condit Sports Facilities Expansion site.

**Threshold 1:** Would the project have a substantial adverse effect on a scenic vista?

**Impact AES-1 FUTURE DEVELOPMENT ON THE ANNEXATION SITES WOULD NOT ADVERSELY AFFECT SCENIC VISTAS. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.**

*Rose Orchard Court Site*

As described in Section 4.1.1 above, the City's General Plan does not designate official scenic view corridors or vistas. Nonetheless, the General Plan recognizes the scenic value of the hillside areas present throughout the city and includes several goals and policies for the protection of hillside areas as scenic features, including Goal NRE-2, Policy NRE-2.1, Policy NRE-2.2, Policy NRE-2.3, and Policy NRE-2.4 as detailed in Section 4.1.2. Policies NRE-2.1 and NRE-2.2 aim to protect views of hillsides, ridgelines, and prominent natural features surrounding the city, especially its landmark natural feature, El Toro Mountain. Policy NRE-2.3 provides for retention of hillside areas as open space through the dedication and/or purchase of scenic easements and/or open space easements, transfer of development rights and other appropriate measures. Policy NRE-2.4 limits building within the hillside areas to an elevation at or below the 80-foot vertical drop from the ridgeline.

Potential future development at the Rose Orchard Court site would involve introducing four new residences on approximately one-acre lots on undeveloped land at the lower elevation (northern) end of the site. Consistent with General Plan Policy NRE-2.4, proposed development would occur more than 500 feet in elevation below the peak of El Toro Mountain, the tallest point within the hillside area. Public views through the Rose Orchard Court site are generally limited to the terminus of Rose Orchard Court, which receives no through-traffic (vehicular or otherwise) and where the view currently includes other residential development. As discussed below, the higher elevations areas beyond would be preserved. From other public viewpoints, the portion of the site that would be developed with residences is largely blocked by intervening development and trees.

The southern portion of the Rose Orchard Court Site, which spans higher elevation areas, would be conserved. The existing designated Greenbelt area within the site would be conserved, preserving the high priority Greenbelt area adjacent to El Toro Mountain as open space available for public recreation in accordance with General Plan policies. Dedication of these 10 acres as open space land would act to preserve public views of El Toro Mountain and the surrounding hillside area.

In summary, future development facilitated by the proposed project would not substantially degrade existing views of El Toro Mountain and the surrounding hillside area as available from public viewpoints. This impact would be less than significant.

*Condit Sports Facilities Expansion Site*

The Condit Sports Facilities Expansion site is generally level and is only visible from surrounding roadways and from surrounding existing recreational and residential uses. The site itself does not constitute a scenic resource. Some views of distant hillsides are currently visible through the site from adjacent public roadways. Development of the park and recreational facilities associated with the proposed Condit Sports Facilities Expansion would involve mostly open fields and recreational amenities. With the exception of some field lighting, proposed development would not exceed the general height of surrounding structures. Lighting poles that might exceed the general height of the surrounding context would not completely obstruct available views. Additionally, public views of surrounding hillsides would be available from the new park and recreation facilities. The potential development of recreational buildings and amenities would not substantially obstruct scenic vistas. This impact would be less than significant.

*Butterfield Sports Park Expansion Site*

The Butterfield Sports Park Expansion site is similarly generally level and is primarily visible from adjacent roadways. The site does not constitute a scenic resource. While Little Llagas Creek existing at the western edge of the site could be seen as a visual resource, it is only visible from within the site and from

the adjacent intersection of Monterey Road and Butterfield Boulevard due to existing topography. Future development at the Butterfield Sports Park Expansion site would include open fields, walking paths, and park and recreational amenities. The existing creek would remain intact. Public views of Little Llagas Creek and distant surrounding hillsides would be available from the new recreation facilities. Although conceptual plans include future recreational development, no scenic vistas would be obstructed. Therefore, the project would not have a substantial adverse effect on a scenic vista. This impact would be less than significant.

## Mitigation Measures

No mitigation is required.

| | |
|---|---|
| **Threshold 2:** | Would the project substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? |

**Impact AES-2 THERE ARE NO DESIGNATED SCENIC HIGHWAYS IN THE VICINITY OF MORGAN HILL. IMPLEMENTATION OF THE PROPOSED PROJECT WOULD NOT DAMAGE SCENIC RESOURCES VISIBLE FROM A SCENIC HIGHWAY. NO IMPACT WOULD OCCUR.**

*All Three Annexation Sites*

As identified above in Section 4.1.1, there are no designated State Scenic Highways within or in the vicinity of Morgan Hill. The nearest designated State Scenic Highways are State Route 9, located approximately 18 miles northwest of the City of Morgan Hill and Route 152 located approximately 20 miles east of the City bordering the San Luis Reservoir (California Department of Transportation [Caltrans] 2025). Distance and intervening topography obscure any potential views. Therefore, none of the annexation sites contain scenic resources such as historic buildings or rock outcroppings, as visible from a State Scenic Highway. There would be no impact.

## Mitigation Measures

This impact is less than significant without mitigation. No mitigation is required.

| | |
|---|---|
| **Threshold 3:** | Would the project, in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). |

**Impact AES-3 MORGAN HILL IS CONSIDERED A NON-URBANIZED AREA FOR THE PURPOSE OF CEQA. THE PROPOSED ANNEXATIONS AND SUBSEQUENT FUTURE DEVELOPMENT UNDER THE PROPOSED PROJECT WOULD NOT SUBSTANTIALLY DEGRADE THE EXISTING VISUAL CHARACTER OR QUALITY OF PUBLIC VIEWS OF THE SITE AND ITS SURROUNDINGS. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.**

*CEQA Guidelines* Section 21071 defines an urbanized area as an incorporated city that meets either of the following criteria:

1. A population of at least 100,000 persons.
2. A population of less than 100,000 persons if the population of that city and not more than two contiguous incorporated cities combined equals at least 100,000 persons.

The City of Morgan Hill does not have a population of at least 100,000 persons and is mostly surrounded by unincorporated Santa Clara County. Therefore, it does not meet the definition of an “urbanized area” pursuant to *CEQA Guidelines* Section 21071 (US Census Bureau 2024).

*Rose Orchard Court Site*

The Rose Orchard Court site is located adjacent to existing residential uses and undeveloped hillsides within Morgan Hill, as well as unincorporated open space areas. The southeastern portion of the Rose Orchard Court site parcel is within a designated Greenbelt area, as discussed above in Sections 4.1.1 and 4.1.2.

Potential future development at the Rose Orchard Court site would change the visual character on the northern portion of the site from open land to residential development. Although this change from the current undeveloped condition could be seen as adverse, the density and location for the new residences would be an extension of, and visually consistent with, the existing residential character of Orchard Road Court leading to the site. In addition, most of the site would retain its visual character. Finally, the terminus of Orchard Road Court gets very little traffic (vehicular or otherwise) and is not a through street.

The southern portion of the site would be preserved through either a deed restriction or dedication to a conservation agency and would maintain its existing visual character. The land dedication would encompass the portion of the site overlapping the designated Greenbelt area, retaining the existing open space uses within the Greenbelt, consistent with General Plan policies NRE-3.7 and NRE-3.8. In addition, this land conservation would preserve the hillside area and adjacent to El Toro Mountain, thus preserving the Greenbelt Priority Area identified in General Plan Policy NRE-3.G. Conservation of this open space area would also be consistent with General Plan policies NRE-1.7 and NRE-2.1 through NRE-2.3, which seek to preserve scenic hillside areas and El Toro Mountain.

In summary, the project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. This impact would be less than significant.

*Condit Sports Facilities Expansion Site*

The Condit Sports Facilities Expansion site is generally level and includes one undeveloped parcel and one single-family residence. The site is not located in the vicinity of hillside areas or other identified scenic views. Public views of the site are limited to views from surrounding public roadways. Surrounding uses include sports facilities, hotel uses, and low-density residential development. While the proposed recreational use would change the visual character of the site from undeveloped to developed with recreational facilities and sports fields, the use would be consistent with the surrounding context. Overall, development would not degrade the visual character of the site or quality of public views of the site and its surroundings. This impact would be less than significant.

*Butterfield Sports Park Expansion Site*

The Butterfield Sports Park Expansion site is flat and currently vacant, bordered by planned parkland, a mobile home park, and transportation corridors. The site is not located in the vicinity of any hillside areas. Public views of the site are limited to views from surrounding public roadways. While the proposed recreational use would change the visual character of the site from undeveloped to developed with recreational facilities and sports fields, the use would be consistent with the surrounding context. Little Llagas creek would be retained and incorporated into the park area and the visual character of the creek would remain intact. Overall, development would not degrade the visual character of the site or quality of public views of the site and its surroundings. This impact would be less than significant.

## Mitigation Measures

This impact is less than significant without mitigation. No mitigation is required.

| **Threshold 4:** | Would the project create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area? |
|---|---|

**Impact AES-4** **DEVELOPMENT FACILITATED BY THE PROPOSED PROJECT WOULD CREATE NEW SOURCES OF LIGHT OR GLARE THAT COULD ADVERSELY AFFECT DAYTIME OR NIGHTTIME VIEWS IN THE AREA. HOWEVER, THERE ARE ALREADY SOURCES OF LIGHT AND GLARE THROUGHOUT THE CITY, AND DEVELOPMENT WOULD NOT SUBSTANTIALLY ADD TO EXISTING LIGHT AND GLARE THAT WOULD ADVERSELY AFFECT DAYTIME OR NIGHTTIME VIEWS. WITH COMPLIANCE WITH EXISTING CITY REQUIREMENTS, THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.**

### *Rose Orchard Court Site*

Future development following the proposed annexation of the Rose Orchard Court site would introduce new sources of light and glare. New lighting associated with the potential new residential uses could include exterior lighting. Light could also be emitted from interior sources through windows, doors, and skylights of residences. The main source of glare would likely be from the sun shining on windows and reflective or light-colored building materials or from cars parked outside.

While development on this site would result in new light sources, these sources would be congruous with the existing light sources from the existing residence on the site and associated with the residences located north and south of the site. Additionally, as development facilitated by the proposed project would be residential units, light from interior sources, such as windows, would be mostly filtered or obscured by window coverings, furniture, shades and other furnishings. Light spillover from exterior residential lighting is typically blocked by adjacent structures or trees. Furthermore, new sources of light or glare associated with future residential development would be subject to applicable City requirements, including General Plan Policy CNF-8.20 which requires nighttime lighting to be designed to minimize light spillage to adjacent properties, Policy CNF-8.21 which requires nighttime lighting to use current lighting technology to minimize lighting intensity and to be downshielded to reduce light pollution, and MHMC Section 18.76.060 which states no use or activity may produce direct or sky-reflected glare that is visible at a distance of five hundred feet from the use or activity. Additionally, in accordance with the City of Morgan Hill Standard Conditions of Approval and Residential Development Design Standards, a final photometric plan and proposed fixture details would be provided for review and approval and mirrored windows would not occur throughout site design.

Given the limited scale of development and compliance with applicable standards, development facilitated by the proposed project at the Rose Orchard Court site would not create new sources of substantial light or glare that would adversely affect daytime or nighttime views in the area. This impact would be less than significant.

### *Condit Sports Facilities Expansion Site*

The proposed Condit Sports Facilities Expansion would introduce new sources of glare and nighttime lighting associated with parked cars, safety lighting, and sports fields lighting. Field lighting would primarily be used during evening practices and events, resulting in increased nighttime illumination compared to existing conditions. The site is adjacent to the Morgan Hill Outdoor Sports Center, which includes 11 lighted fields. Therefore, additional lighting would occur adjacent to established sports complex and would be generally consistent with surrounding existing conditions.

Although potential future development at the site would add additional field lighting that could affect nighttime views, new sources of light and glare would be required to comply with applicable City regulations. These include General Plan Urban Form Policy CNF-8.20 which requires nighttime lighting to be designed to minimize light spillage to adjacent properties, Policy CNF-8.21 which requires nighttime lighting to use current lighting technology to minimize lighting intensity and to be downshielded to reduce light pollution, and MHMC Section 18.76.060 which states no use or activity may produce direct or sky-reflected glare that is visible at a distance of five hundred feet from the use or activity. Additionally, the City of Morgan Hill Architectural Review Handbook and Standard Conditions of Approval, for which

compliance is assessed during standard design review, act to further regulate on-site lighting features to provide for safety and to limit potential off-site impacts related to light and glare. As such, a final photometric plan would be provided for review and approval. Given compliance with applicable standards and the surrounding context, the project would not create substantial light or glare that adversely affects daytime or nighttime views. This impact would be less than significant.

*Butterfield Sports Park Expansion Site*

Annexation of the Butterfield Sports Park Expansion site would facilitate future development, expanding and augmenting the existing Butterfield Sports Park. Future development would include new sources of glare and nighttime lighting associated with parked cars, safety lighting, and field lighting for evening use. Similar to the discussion above for the Condit Sports Facilities Expansion site, although potential future development at the site would add additional field lighting that could affect nighttime views, new sources of light and glare would be required to comply with applicable City regulations. With compliance with existing requirements, nighttime lighting would be designed to minimize light spillage to adjacent properties, would use current lighting technology to minimize lighting intensity, and would be downshielded to reduce light pollution. Given compliance with these standards, future development on the Butterfield Sports Park Expansion site would not create substantial light or glare that adversely affects daytime or nighttime views. This impact would be less than significant.

## Mitigation Measures

This impact is less than significant without mitigation. No mitigation is required.

## Cumulative Impacts

The geographic scope used to assess cumulative aesthetic impacts is the City of Morgan Hill. Reasonably foreseeable future development may demolish existing buildings, construct tall buildings, remove trees, create light and glare, and possibly affect views of the scenic hillsides around the City, such as El Toro Mountain and the foothills to the east and west, and other scenic resources. As discussed previously, the project would not affect scenic views or scenic resources. Additionally, all reasonable foreseeable future development would be subject to City review, which would ensure reasonable measures are taken to avoid and/or reduce significant aesthetic impacts. For these reasons, the proposed annexations and subsequent development together with existing and reasonably foreseeable development in the project area would not affect scenic vistas, substantially degrade the visual character or quality of the site and surroundings, or create a new substantial source of light or glare that would adversely affect daytime or nighttime views in the project area. Cumulative impacts would be less than significant.

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# 4.2 Air Quality

This section analyzes the potential air quality impacts associated with the development facilitated by the proposed project, including from conflicts with applicable air quality plans, exceedance of air quality standards from criteria pollutant emissions, exposure of sensitive receptors to substantial pollutant concentrations, and odor emissions. Impacts related to greenhouse gas (GHG) emissions and climate change are discussed in Section 4.6, *Greenhouse Gas Emissions.*

## 4.2.1 Setting

### Local Climate and Meteorology

Air quality is affected by the rate and location of pollutant emissions and by climatic conditions that influence the movement and dispersion of pollutants. Atmospheric conditions, such as wind speed, wind direction, and air temperature gradients, along with local and regional topography, influence the relationship between air pollutant emissions and air quality.

California is divided geographically into 15 air basins for managing the air resources of the state on a regional basis. Areas within each air basin are considered to share the same air masses and, therefore, are expected to have similar ambient air quality.

The proposed project is in the San Francisco Bay Area Air Basin (SFBAAB), which is comprised of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, southwestern Solano, and southern Sonoma Counties. SFBAAB covers approximately 5,540 square miles of complex terrain, consisting of coastal mountain ranges, inland valleys, and the San Francisco Bay. The SFBAAB is generally bounded on the west by the Pacific Ocean, on the north by the Coast Ranges, and on the east and south by the Diablo Range.

The climate within the SFBAAB is dominated by a strong, semi-permanent, subtropical high-pressure cell over the northeastern Pacific Ocean. Climate is also affected by the adjacent oceanic heat reservoir's moderating effects. Mild summers and winters, moderate rainfall and humidity, and daytime onshore breezes characterize regional climatic conditions in the San Francisco Bay Area (Bay Area). In summer, when the high-pressure cell is strongest and farthest north, fog forms in the morning and temperatures are mild. In winter, when the high-pressure cell is weakest and farthest south, occasional rainstorms occur.

Winter daytime temperatures in the SFBAAB typically average in the mid-50s, with nighttime temperatures averaging in the low 40s. Summer daytime temperatures typically average in the 70s, with nighttime temperatures averaging in the 50s. Precipitation varies in the region, but in general, annual rainfall is lowest in the coastal plain and inland valley, higher in the foothills, and highest in the mountains.

### Air Pollutants of Concern

#### *Criteria Air Pollutants*

The U.S. Environmental Protection Agency (USEPA) has identified criteria air pollutants that are a threat to public health and welfare. These pollutants are called "criteria" air pollutants because standards have been established for each of them to meet specific public health and welfare standards. Criteria pollutants that are a concern in the SJVAB are described below.

##### Ozone

Ozone is a highly oxidative unstable gas produced by a photochemical reaction (triggered by sunlight) between nitrogen oxides ($NO_X$) and reactive organic compounds (ROC)/reactive organic gases

(ROG)/volatile organic compounds (VOC).0F[1] ROG/ROC is composed of non-methane hydrocarbons (with specific exclusions), and $NO_X$ is composed of different chemical combinations of nitrogen and oxygen, mainly nitric oxide and nitrogen dioxide ($NO_2$). $NO_X$ is formed during the combustion of fuels, while ROC is formed during the combustion and evaporation of organic solvents. As a highly reactive molecule, ozone readily combines with many different atmosphere components. Consequently, high ozone levels tend to exist only while high ROC and $NO_X$ levels are present to sustain the ozone formation process. Once the precursors have been depleted, ozone levels rapidly decline. Because these reactions occur on a regional rather than local scale, ozone is considered a regional pollutant. In addition, because ozone requires sunlight to form, it mainly occurs in concentrations considered serious between April and October. Groups most sensitive to ozone include children, the elderly, people with respiratory disorders, and people who exercise strenuously outdoors (USEPA 2025a). Depending on the level of exposure, ozone can cause coughing and a sore or scratchy throat; make it more difficult to breathe deeply and vigorously and cause pain when taking a deep breath; inflame and damage the airways; make the lungs more susceptible to infection; and aggravate lung diseases such as asthma, emphysema, and chronic bronchitis.

### Nitrogen Dioxide

Nitrogen dioxide ($NO_2$) is a by-product of fuel combustion. The primary sources are motor vehicles and industrial boilers, and furnaces. The principal form of $NO_X$ produced by combustion is nitric oxide (NO), but NO reacts rapidly to form $NO_2$, creating the mixture of NO and $NO_2$, commonly called $NO_x$. $NO_2$ is a reactive, oxidizing gas and an acute irritant capable of damaging cell linings in the respiratory tract. Breathing air with a high concentration of $NO_2$ can irritate airways in the human respiratory system. Such exposures over short periods can aggravate respiratory diseases leading to respiratory symptoms (such as coughing, wheezing, or difficulty breathing), hospital admissions, and visits to emergency rooms. Longer exposures to elevated concentrations of $NO_2$ may contribute to the development of asthma and potentially increase susceptibility to respiratory infections. People with asthma and children and the elderly are generally at greater risk for the health effects of $NO_2$ (USEPA 2025a). $NO_2$ absorbs blue light and causes a reddish-brown cast to the atmosphere and reduced visibility. It can also contribute to the formation of ozone/smog and acid rain.

### Sulfur Dioxide

Sulfur dioxide ($SO_2$) is included in a group of highly reactive gasses known as “oxides of sulfur.” The largest sources of $SO_2$ emissions are from fossil fuel combustion at power plants (73 percent) and other industrial facilities (20 percent). Smaller sources of $SO_2$ emissions include industrial processes such as extracting metal from ore and burning fuels with a high sulfur content by locomotives, large ships, and off-road equipment. Short-term exposures to $SO_2$ can harm the human respiratory system and make breathing difficult. People with asthma, particularly children, are sensitive to these effects of $SO_2$ (USEPA 2025a).

### Carbon Monoxide

Carbon monoxide (CO) is a localized pollutant found in high concentrations only near its source. The primary source of CO, a colorless, odorless, poisonous gas, is automobile traffic's incomplete combustion of petroleum fuels. Therefore, elevated concentrations are usually only found near areas of high traffic volumes. Other sources of CO include the incomplete combustion of petroleum fuels at power plants and fuel combustion from wood stoves and fireplaces during the winter. When CO levels are elevated outdoors, they can be of particular concern for people with some types of heart disease. These people already have a reduced ability to get oxygenated blood to their hearts in situations where they need more oxygen than usual. As a result, they are especially vulnerable to the effects of CO when exercising or

[1] The California Air Resources Board defines VOC and ROG/ROC similarly as, “any compound of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate,” (40 Code of Federal Regulations 51.100) with the exception that VOC are compounds that participate in atmospheric photochemical reactions. For the purposes of this analysis, ROG/ROC and VOC are considered comparable in terms of mass emissions, and the term ROC is used in this document.

under increased stress. In these situations, short-term exposure to elevated CO may result in reduced oxygen to the heart accompanied by chest pain, also known as angina (USEPA 2025a).

Particulate Matter

Particulates less than 10 microns in diameter ($PM_{10}$) and less than 2.5 microns in diameter ($PM_{2.5}$) are comprised of finely divided solids and liquids such as dust, soot, aerosols, fumes, and mists. Both $PM_{10}$ and $PM_{2.5}$ are emitted into the atmosphere as by-products of fuel combustion and wind erosion of soil and unpaved roads. The atmosphere, through chemical reactions, can form particulate matter. The characteristics, sources, and potential health effects of $PM_{10}$ and $PM_{2.5}$ can be very different. $PM_{10}$ is generally associated with dust mobilized by wind and vehicles. In contrast, $PM_{2.5}$ is generally associated with combustion processes and formation in the atmosphere as a secondary pollutant through chemical reactions. $PM_{10}$ can cause increased respiratory disease, lung damage, cancer, premature death, reduced visibility, and surface soiling. For $PM_{2.5}$, short-term exposures (up to 24-hours duration) have been associated with premature mortality, increased hospital admissions for heart or lung causes, acute and chronic bronchitis, asthma attacks, emergency room visits, respiratory symptoms, and restricted activity days. These adverse health effects have been reported primarily in infants, children, and older adults with preexisting heart or lung diseases (California Air Resources Board [CARB] 2025a).

Lead

Lead (Pb) is a metal found naturally in the environment, as well as in manufacturing products. The major sources of Pb emissions historically have been mobile and industrial. However, due to the USEPA's regulatory efforts to remove lead from gasoline, atmospheric Pb concentrations have declined substantially over the past several decades. The most dramatic reductions in Pb emissions occurred before 1990 due to the removal of Pb from gasoline sold for most highway vehicles. Pb emissions were further reduced substantially between 1990 and 2008, with reductions occurring in the metals industries at least partly due to national emissions standards for hazardous air pollutants (USEPA 2014). As a result of phasing out leaded gasoline, metal processing is currently the primary source of Pb emissions. The highest Pb level in the air is generally found near Pb smelters. Other stationary sources include waste incinerators, utilities, and Pb-acid battery manufacturers. Pb can adversely affect the nervous system, kidney function, immune system, reproductive and developmental systems, and cardiovascular system depending on exposure. Pb exposure also affects the oxygen-carrying capacity of the blood. The Pb effects most likely encountered in current populations are neurological in children. Infants and young children are susceptible to Pb exposures, contributing to behavioral problems, learning deficits, and lowered intelligence quotient (USEPA 2025a).

## Toxic Air Contaminants

In addition to the criteria pollutants discussed above, Toxic Air Contaminants (TAC) are a diverse group of airborne substances that may cause or contribute to an increase in deaths or serious illness, or that may pose a present or potential hazard to human health. TACs include both organic and inorganic chemical substances that may be emitted from a variety of common sources, including gasoline stations, motor vehicles, dry cleaners, industrial operations, painting operations, and research and teaching facilities. One of the main sources of TACs in California is diesel engine exhaust that contains solid material known as diesel particulate matter (DPM). More than 90 percent of DPM is less than one micron in diameter (about 1/70th the diameter of a human hair) and thus is a subset of $PM_{2.5}$. Because of their extremely small size, these particles can be inhaled and eventually trapped in the bronchial and alveolar regions of the lungs (CARB 2025b). TACs are different than criteria pollutants because ambient air quality standards have not been established for TACs. TACs occurring at extremely low levels may still cause health effects and it is typically difficult to identify levels of exposure that do not produce adverse health effects. TAC impacts are described by carcinogenic risk and by chronic (i.e., long duration) and acute (i.e., severe but of short duration) adverse effects on human health. People exposed to TACs at sufficient concentrations and durations may have an increased chance of getting cancer or experiencing other

serious health effects. These health effects can include asthma, respiratory symptoms, and decreased lung function (CARB 2025b).

### Sensitive Receptors

Sensitive receptors are facilities or land uses that include members of the population who are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. According to the Bay Area Air District (Air District), sensitive receptors are defined as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples include schools, hospitals and residential areas (Bay Area Air District 2017). Sensitive receptors nearest to the Rose Orchard Court site include single-family residences to the northwest and southwest. Sensitive receptors nearest to the Condit Sports Facilities Expansion site include a single-family residence to the east. At the Butterfield Sports Park Annexation site, nearby sensitive receptors include a mobile home park to the south, in addition to the single-family residence on APN 825-06-022 to the south.

## 4.2.2 Regulatory Setting

### a. Federal and State Regulations

### Federal and California Clean Air Acts

The federal and State governments have established ambient air quality standards for the protection of public health. The U.S. EPA is the federal agency designated to administer air quality regulation, while the CARB is the State equivalent within the California Environmental Protection Agency (CalEPA). Regional-level air quality management districts provide local management of air quality. CARB has established State-level air quality standards and is responsible for the control of mobile emission sources, while the local air districts are responsible for enforcing standards and regulating stationary sources. CARB has established 15 air basins statewide, including the SFBAAB.

The U.S. EPA has set primary national ambient air quality standards (NAAQS) for ozone, CO, $NO_2$, $SO_2$, $PM_{10}$, $PM_{2.5}$, and lead. Primary standards are those levels of air quality deemed necessary, with an adequate margin of safety, to protect public health. In addition, California has established health-based ambient air quality standards (known as the California ambient air quality standards [CAAQS]) for these and other pollutants, some of which are more stringent than the federal standards. Table 4.2-1 lists the current federal and State standards for regulated pollutants.

Areas within each air basin are considered to share the same air masses and, therefore, are expected to have similar ambient air quality. Depending on whether the standards are met or exceeded, the local air basin is classified as in “attainment” or “non-attainment.” Once a nonattainment area has achieved the air quality standards for a particular pollutant, it may be redesignated to an attainment area for that pollutant. To be redesignated, the area must meet air quality standards and have a 10-year plan for continuing to meet and maintain air quality standards, as well as satisfy other requirements of the federal CAA. Areas that have been redesignated to attainment are called maintenance areas. Some areas are unclassified, which means insufficient monitoring data are available; unclassified areas are considered to be in attainment. Table 4.2-1 presents the attainment status of the SFBAAB for each of the CAAQS and NAAQS.[2] As shown therein, the SFBAAB is designated nonattainment for the federal standards for ozone and $PM_{2.5}$ and in nonattainment for the state standard for ozone, $PM_{2.5}$, and $PM_{10}$. The SFBAAB is designated unclassifiable or in attainment for all other federal and state standards.

[2] The Bay Area Air District is the primary agency responsible for assuring that the National and California Ambient Air Quality Standards (NAAQS and CAAQS, respectively) are attained and maintained in the Bay Area. The analysis in this report uses the Air District thresholds of significance and therefore considers CAAQS and NAAQS in its analysis. For additional information about the Air District Guidelines, please refer to Air Quality Guidelines Appendix A: Thresholds of Significance Justification (Bay Area Air District 2022a)

**Table 4.2-1 Federal and State Ambient Air Quality Standards**

| Pollutant | Averaging Time | California Ambient Air Quality Standards | | National Ambient Air Quality Standards | |
|---|---|---|---|---|---|
| | | Concentration | Attainment Status | Concentration | Attainment Status |
| Ozone | 8-Hour | 0.070 ppm | N | 0.070 ppm | N |
| | 1-Hour | 0.09 ppm | N | – | – |
| Carbon Monoxide | 8-Hour | 9.0 ppm | A | 9 ppm | A |
| | 1-Hour | 20 ppm | A | 35 ppm | A |
| Nitrogen Dioxide | 1-Hour | 0.18 ppm | A | 0.100 ppm | U/A |
| | Annual Arithmetic Mean | 0.030 ppm | – | 0.053 ppm | A |
| Sulfur Dioxide | 24-Hour | 0.04 ppm | A | 0.14 ppm | A |
| | 1-Hour | 0.25 ppm | A | 0.075 ppm | A |
| | Annual Arithmetic Mean | – | – | 0.030 ppm | A |
| Particulate Matter – Small ($PM_{10}$) | Annual Arithmetic Mean | 20 µg/m³ | N | – | – |
| | 24-Hour | 50 µg/m³ | N | 150 µg/m³ | N |
| Particulate Matter – Fine ($PM_{2.5}$) | Annual Arithmetic Mean | 12 µg/m³ | N | 9 µg/m³ | U/A |
| | 24-Hour | – | – | 35 µg/m³ | N |
| Sulfates | 24-Hour | 25 µg/m³ | A | – | – |
| Lead | Rolling 3-Month Average | – | – | 0.15 µg/m³ | A |
| | 30-Day Average | 1.5 µg/m³ | A | – | – |
| Hydrogen Sulfide | 1-Hour | 0.03 ppm (42 µg/m³) | U | – | – |
| Vinyl Chloride (Chloroethene) | 24-Hour | 0.010 ppm (26 µg/m³) | No information available | – | – |
| Visibility Reducing Particles | 8-Hour (10:00 to 18:00 PST) | – | U | – | – |

A = attainment; N = nonattainment; U = unclassified; ppm=parts per million; µg/m³=micrograms per cubic meter; PST = Pacific Standard Time

Sources: Bay Area Air District 2017; CARB 2025c; U.S. EPA 2025b

## Current Ambient Air Quality

The Air District is responsible for achieving and maintaining the state and federal AAQS within its jurisdiction. The Air District operates a network of air quality monitoring stations throughout the SFBAAB. The monitoring stations aim to measure ambient concentrations of pollutants and determine whether ambient air quality meets the state and federal standards. The monitoring station closest to the annexation sites is the San Martin – Murphy Avenue Station, approximately three miles south of Morgan Hill. This station measures 8-hour $O_3$ and hourly $O_3$. The San Jose – Jackson Street Station is the closest air monitoring station to the plan area that measures $PM_{10}$, $PM_{2.5}$, and $NO_X$. This station is approximately 19 miles north of Morgan Hill. Table 4.2-2 indicates the number of days each federal and state standard was exceeded at the San Martin – Murphy Avenue and San Jose – Jackson Street air monitoring stations. As shown in Table 4.2-2, 8-hour $O_3$ measurements exceeded federal and State standards in 2022 and 2023. Hourly $O_3$ measurements exceeded the State standard in 2022. $PM_{2.5}$ measurements exceeded

federal $PM_{2.5}$ standards in 2022 and 2023. No other state or federal standards were exceeded at these air monitoring stations.

### Table 4.2-2 Ambient Air Quality Data

| Pollutant | 2022 | 2023 | 2024 |
|---|---|---|---|
| 8 Hour Ozone (ppm), 8-Hour Average[1] | **0.076** | **0.079** | 0.041 |
| Number of Days of state exceedances (>0.070 ppm) | 2 | 3 | 0 |
| Number of days of federal exceedances (>0.070 ppm) | 2 | 3 | 0 |
| Ozone (ppm), Worst Hour[1] | **0.122** | 0.09 | 0.046 |
| Number of days of state exceedances (>0.09 ppm) | 1 | 0 | 0 |
| Carbon Monoxide (ppm), Worst-Hour | * | * | * |
| Number of days of state exceedances (>20.0 ppm) | * | * | * |
| Nitrogen Dioxide (ppm) - Worst Hour[2] | 0.047 | 0.059 | 0.038 |
| Number of days of state exceedances (>0.18 ppm) | 0 | 0 | 0 |
| Number of days of federal exceedances (>0.10 ppm) | 0 | 0 | 0 |
| Particulate Matter 10 microns, μg/m³, Worst 24 Hours[2] | 41.1 | * | * |
| Number of days of state exceedances (>50 μg/m³) | 0 | * | * |
| Number of days above federal standard (>150 μg/m³) | 0 | * | * |
| Particulate Matter <2.5 microns, μg/m³, Worst 24 Hours[2] | **36.2** | **49.0** | 35.4 |
| Number of days above federal standard (>35 μg/m³) | 2 | 1 | 0 |

[1] Measurements were taken from the San Martin – Murphy Avenue Station.

[2] Measurements taken from the San Jose – Jackson Street Station.

*Insufficient data available to determine the value.

Bold lettering indicates an exceedance of applicable AAQS.

Source: CARB 2025c

## State Implementation Plan

The State Implementation Plan (SIP) is a collection of documents that set forth the State's strategies for achieving the NAAQS. In California, the SIP is a compilation of new and previously submitted plans, programs (such as monitoring, modeling, and permitting), district rules, State regulations, and federal controls. CARB is the lead agency for all purposes related to the SIP under State law. Local air quality management districts and other agencies, such as the California Department of Pesticide Regulation and the California Bureau of Automotive Repair, prepare SIP elements and submit them to CARB for review and approval. CARB then forwards the SIP revisions to the U.S. EPA for approval and publication in the Federal Register. The items included in the California SIP are listed in 40 CFR 52.220.

As the regional air quality management district, the Bay Area Air District is responsible for preparing and implementing the portion of the SIP applicable to the portion of the SFBAAB within its jurisdiction. The air quality management district for each region adopts rules, regulations, and programs to attain federal and State air quality standards and appropriates money (including permit fees) to achieve these standards. In addition, the following CCR sections would be applicable to the project:

- **Engine Idling.** In accordance with Section 2485 of CCR Title 13, the idling of all diesel-fueled commercial vehicles (weighing over 10,000 pounds) during construction shall be limited to five minutes at any location.
- **Emission Standards.** In accordance with Section 93115 of CCR Title 17, operation of any stationary, diesel-fueled, compression-ignition engines shall meet specified fuel and fuel additive requirements and emission standards.

## California Airborne Toxics Control Measure for Asbestos

CARB has adopted Airborne Toxics Control Measures for sources that emit a particular TAC. If there is a safe threshold for a substance at which there is no toxic effect, the control measure must reduce exposure below that threshold. If there is no safe threshold, the measure must incorporate Best Available Control Technology to minimize emissions. In July 2001, CARB approved an Air Toxic Control Measure for construction, grading, quarrying and surface mining operations to minimize emissions of naturally occurring asbestos. The regulation requires application of best management practices (BMPs) to control fugitive dust in areas known to have naturally occurring asbestos and requires notification to the local air district prior to commencement of ground-disturbing activities. The measure establishes specific testing, notification and engineering controls prior to grading, quarrying, or surface mining in construction zones where naturally occurring asbestos is located on projects of any size. There are additional notification and engineering controls at work sites larger than one acre in size. These projects require the submittal of a "Dust Mitigation Plan" and approval by the air district prior to the start of a project.

Construction sometimes requires the demolition of existing buildings. Buildings often include materials containing asbestos. Asbestos is also found in a natural state, known as naturally occurring asbestos. Exposure and disturbance of rock and soil that naturally contain asbestos can result in the release of fibers into the air and consequent exposure to the public. Asbestos most commonly occurs in ultramafic rock that has undergone partial or complete alteration to serpentine rock (serpentinite) and often contains chrysotile asbestos. In addition, another form of asbestos, tremolite, can be found associated with ultramafic rock, particularly near faults. Sources of asbestos emissions include unpaved roads or driveways surfaced with ultramafic rock, construction activities in ultramafic rock deposits, or rock quarrying activities where ultramafic rock is present. The project site is not located in an area likely to contain naturally occurring asbestos.

## Verified Diesel Emission Control Strategies

U.S. EPA and CARB tiered off-road emission standards only apply to new engines and off-road equipment can last several years. CARB has developed Verified Diesel Emission Control Strategies (VDECS), which are devices, systems, or strategies used to achieve the highest level of pollution control from existing off-road vehicles, to help reduce emissions from existing engines. VDECS are designed primarily for the reduction of diesel PM emissions and have been verified by CARB. There are three levels of VDECS, the most effective of which is the Level 3 VDECS. Tier 4 engines are not required to install VDECS because they already meet the emissions standards for lower tiered equipment with installed controls.

## Tanner Air Toxics Act and Air Toxics Hot Spots Information and Assessment Act

TACs in California are primarily regulated through the Tanner Air Toxics Act (Assembly Bill [AB] 1807) and the Air Toxics Hot Spots Information and Assessment Act of 1987 (AB 2588), also known as the Hot Spots Act. To date, CARB has identified more than 21 TACs and has adopted the U.S. EPA list of hazardous air pollutants (HAPs) as TACs.

# a. Regional and Local Regulations

## Bay Area Air District

The Bay Area Air District is responsible for assuring that the federal and state ambient air quality standards are attained and maintained in the Bay Area. The Air District is also responsible for adopting and enforcing rules and regulations concerning air pollutant sources, issuing permits for stationary sources of air pollutants, inspecting stationary sources of air pollutants, responding to citizen complaints, monitoring ambient air quality and meteorological conditions, awarding grants to reduce motor vehicle emissions, conducting public education campaigns, as well as many other activities.

The Air District adopted the *Bay Area Clean Air Plan: Spare the Air, Cool the Climate (Bay Area Clean Air Plan)* on April 19, 2017 as an update to the 2010 Clean Air Plan. The Air District prepared the 2017 Clean Air Plan in cooperation with the Metropolitan Transportation Commission (MTC) and ABAG. The goals of the 2017 Clean Air Plan are to reduce regional air pollutants and climate pollutants to improve the health of Bay Area residents for the next decades. The 2017 Clean Air Plan aims to lead the region into a post-carbon economy, continue progress toward attaining all State and federal air quality standards, and eliminate health risk disparities from air pollution exposure in Bay Area communities. The 2017 Clean Air Plan defines an integrated, multi-pollutant control strategy that includes 85 distinct feasible control measures to reduce emissions for four categories: ground-level ozone and its precursors, ROG and $NO_X$; PM (primarily $PM_{2.5}$, and precursors to secondary $PM_{2.5}$); TACs, and greenhouse gas emissions. The control measures are categorized based on the economic sector framework and include stationary sources, transportation, energy, buildings, agriculture, natural and working lands, waste management, and water. To protect public health, the control strategy will decrease population exposure to PM and TACs in communities that are most impacted by air pollution with the goal of eliminating disparities in exposure to air pollution between communities. The control strategy will also protect the climate by reducing greenhouse gas emissions and developing a long-range vision of how the Bay Area could look and function in a year 2050 post-carbon economy.

The focus of control measures includes aggressively targeting the largest source of GHG, ozone pollutants, and PM emissions: transportation. This includes more incentives for electric vehicle infrastructure, off-road electrification projects such as Caltrain and shore power at ports, and reducing emissions from trucks, school buses, marine vessels, locomotives, and off-road equipment. Additionally, the Air District will continue to work with regional and local governments to reduce Vehicle Miles Traveled (VMT) through the further funding of rideshare, bike and shuttle programs.

## Bay Area Air District Regulations

### *Regulation 2, Rule 1 (Permits–General Requirements)*

The Air District regulates new sources of air pollution and the modification and operation of existing sources through the issuances of authorities to construct and permits to operate. Regulation 2, Rule 1 provides an orderly procedure which the project would be required to comply with to receive authorities to construct or permits to operate from the Air District for new sources of air pollutants, as applicable.

### *Regulation 2, Rule 5 (New Source Review Permitting)*

The Air District regulates backup emergency generators, fire pumps, and other sources of TACs through its New Source Review (Regulation 2, Rule 5) permitting process. Although emergency generators are intended to be used only during periods of power outages, monthly testing of each generator is required. The Air District limits testing to no more than 50 hours per year. Each emergency generator installed is assumed to meet a minimum of Tier 2 emission standards (before control measures). As part of the permitting process, the Air District limits the excess cancer risk from any facility to no more than 10 per 1-million-population for any permits that are applied for within a 2-year period, and would require any source that would result in an excess cancer risk greater than 1 per 1 million to install Best Available Control Technology for Toxics.

### *Regulation 6, Rule 1 (Particulate Matter–General Requirements)*

The Air District regulates PM emissions through Regulation 6 by means of establishing limitations on emission rates, emissions concentrations, and emission visibility and opacity. Regulation 6, Rule 1 provides existing standards for PM emissions that could result during project construction or operation that the project would be required to comply with, as applicable, such as the prohibition of emissions from any source for a period or aggregate periods of more than 3 minutes in any hour which are equal to or greater than 20 percent opacity.

*Regulation 6, Rule 6 (Particulate Matter–Prohibition of Trackout)*

One rule by which the Air District regulates PM includes Regulation 6, Rule 6, which prohibits PM trackout during project construction and operation. Regulation 6, Rule 6 requires the prevention or timely cleanup of trackout of solid materials onto paved public roads outside the boundaries of large bulk material sites, large construction sites, and large disturbed surface sides such as landfills.

*Regulation 8, Rule 3 (Architectural Coatings)*

This rule governs the manufacture, distribution, and sale of architectural coatings and limits the reactive organic gases content in paints and paint solvents. Although this rule does not directly apply to the project, it does dictate the ROG content of paint available for use during the construction.

*Regulation 8, Rule 15 (Emulsified and Liquid Asphalts)*

Although this rule does not directly apply to the project, it does dictate the reactive organic gases content of asphalt available for use during construction by regulating the sale and use of asphalt and limiting the ROG content in asphalt.

*Regulation 1, Rule 301 (Odorous Emissions)*

The Air District enforces odor control by helping the public to document a public nuisance. Upon receipt of a complaint, the Air District sends an investigator to interview the complainant and to locate the odor source if possible. The Air District typically brings a public nuisance court action when there are a substantial number of confirmed odor events within a 24-hour period. An odor source with five or more confirmed complaints per year averaged over 3 years is considered to have a substantial effect on receptors. Several Air District regulations and rules apply to odorous emissions. Regulation 1, Rule 301 is the nuisance provision that states that sources cannot emit air contaminants that cause nuisance to a number of persons. Regulation 7 specifies limits for the discharge of odorous substances where the Air District receives complaints from 10 or more complainants within a 90-day period. Regulation 7 also precludes discharge of an odorous substance that causes the ambient air at or beyond the property line to be odorous after dilution with 4 parts of odor-free air, and specifies maximum limits on the emission of certain odorous compounds.

*Regulation 11, Rule 2 (Hazardous Pollutants–Asbestos Demolition, Renovation, and Manufacturing)*

Under Regulation 11, Rule 2, the Air District regulates emissions of asbestos to the atmosphere during demolition, renovation, milling, and manufacturing and establishes appropriate waste disposal procedures. Any of these activities which pose the potential to generate emissions of airborne asbestos are required to comply with the appropriate provisions of this regulation.

## Plan Bay Area

On October 2021, the Metropolitan Transportation Commission (MTC) approved Plan Bay Area 2050. Plan Bay Area includes integrated land use and transportation strategies for the region and was developed through OneBayArea, a joint initiative between ABAG, the Bay Area Air District, MTC, and the San Francisco Bay Conservation and Development Commission. Plan Bay Area is also considered the ABAG/MTC Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). In accordance with SB 743, Plan Bay Area included elements designed to encourage the type of land-use development to meet three primary objectives. First, Roadway Level of Service (LOS) could not be considered an environmental impact under the California Environmental Quality Act (CEQA). Second, it introduced changes to VMT per capita as a determinant of environmental impact. Third, the use of VMT as an environmental impact in CEQA is considered a mechanism for achieving State and regional GHG reduction goals. As a regional land use plan, Plan Bay Area aims to reduce per-capita GHG emissions

through the promotion of more compact, mixed-use residential and commercial neighborhoods located near transit (ABAG; MTC 2021).

## City of Morgan Hill General Plan

The City of Morgan Hill 2035 General Plan, adopted in July 2016 and last updated in 2017, lists several air quality goals, policies, and actions as part of the Natural Resources and Environment Element. The following goals, policies, and actions are applicable to the proposed project (City of Morgan Hill 2017):

**Goal NRE-10: Reduced air pollution emissions.**

> **Policy NRE-10.3: Automobile Emissions.** Encourage the use of and infrastructure for alternative fuel, hybrid, and electric vehicles. Encourage new and existing public and private development to include electric vehicle charging stations.
>
> **Policy NRE-10.3: Reduced Automobile Use.** To reduce air pollution the frequency and length of automobile trips and the amount of traffic congestion by controlling sprawl, promoting infill development, and encouraging mixed uses and higher density development near transit. Support the expansion and improvement of alternative modes of transportation. Encourage development project designs that protect and improve air quality and minimize direct and indirect air pollutant emissions by including components that reduce vehicle trips.

**Goal NRE-11: Minimized exposure of people to toxic air contaminants such as ozone, carbon monoxide, lead, and particulate matter.**

> **Policy NRE-11.1: TACs and Proposed Sensitive Uses.** Require modeling for sensitive land uses, such as residential development, proposed near sources of pollution such as freeways and industrial uses. Require new residential development and projects categorized as sensitive receptors to incorporate effective mitigation measures into project designs or be located adequate distances from sources of toxic air contaminants (TACs) to avoid significant risk to health and safety.

**Goal NRE-12: Minimized air pollutant emissions from demolition and construction activities.**

> **Policy NRE-12.1: Best Practices.** Requirement that development projects implement best management practices to reduce air pollutant emissions associated with construction and operation of the project.
>
> **Policy NRE 12.2: Conditions of Approvals.** Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At a minimum, conditions shall conform to construction mitigation measures recommended in the current Bay Area Air Quality Management District CEQA Guidelines.

## City of Morgan Hill Standard Conditions of Approval

The City of Morgan Hill applies the following Standard Conditions of Approval related to air quality to development projects:

**Basic Construction Mitigation Measure Related to Dust Suppression**: Projects involving construction activities shall implement the following measures:

1. All exposed surfaces (e.g. parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.

5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
7. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
8. Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.
9. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's General Air Pollution Complaints phone number shall also be visible to ensure compliance with applicable regulations.

**Enhanced Best Management Practices for Construction-Related Fugitive Dust Emissions:** These enhanced measures are especially important when there are schools, residential areas, or other sensitive land uses located near the construction site:

1. Limit the simultaneous occurrence of excavation, grading, and ground-disturbing construction activities.
2. Install wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.
3. Plant vegetative ground cover (e.g., fast-germinating native grass seed) in disturbed areas as soon as possible and watered appropriately until vegetation is established.
4. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.
5. Minimize the amount of excavated material or waste materials stored at the site.
6. Hydroseed or apply non-toxic soil stabilizers to construction areas, including previously graded areas, that are inactive for at least 10 calendar days.

## 4.2.3 Impact Analysis

### a. Methodology and Thresholds of Significance

The project's construction and operational emissions were estimated using the California Emissions Estimator Model (CalEEMod), version 2022.1.0. CalEEMod uses project-specific information, including the project's land uses, square footages for different uses, and location, to estimate a project's construction and operational emissions. For the purposes of this analysis, modeling includes combined emissions from construction and operation of the Rose Orchard Court site, the Butterfield Sports Park Expansion site, and the Condit Sports Facilities Expansion site as described in Chapter 2, *Project Description*. Although the proposed project consists of annexing several parcels into the City limits and development of three sites is reasonably foreseeable, development of the annexation sites is considered to be a single discretionary action for the purpose of analyzing air quality impacts consistent with the 2022 Air District *CEQA Air Quality Guidelines*. Therefore, this analysis evaluates their combined overall emissions in accordance with Air District thresholds and guidelines. Although the timing, duration, and intensity of construction activities would vary for each annexation site, this analysis conservatively assumes simultaneous construction activities occurring at all three sites. This analysis represents a conservative estimate of air pollutant emissions because it is unlikely that all three sites would be developed at once. Detailed modeling assumptions and modeling outputs are included in Appendix B. No new development is anticipated or proposed for APN 825-06-022, and therefore this site was not included in modeling.

## Construction Methodology

Construction emissions modeled include emissions generated by construction equipment used on the annexation sites and emissions generated by vehicle trips associated with construction, such as worker and truck delivery trips. CalEEMod estimates construction emissions by multiplying the amount of time equipment is in operation by emission factors. Construction of the annexation sites was conservatively assumed to occur simultaneously. Construction was assumed to begin in January 2026. Although it is possible that construction begins at a later date, this represents a conservative scenario because emissions in later years are generally lower due to increasingly stringent emissions standards and technological advancements as compared to earlier years. Construction is anticipated to occur Monday through Friday, with equipment operating up to eight hours per day. CalEEMod defaults for horsepower and load factors were used.

Project construction is assumed to involve demolition and material export of the existing approximately 4,500 square-foot residence at the Condit Sports Facilities Expansion site. Cut and fill material is anticipated to be balanced for all three annexation sites, therefore no soil import or export would be required for site preparation and grading on the sites. Construction phasing, duration, and grading acreages were estimated in CalEEMod based on the acreages and maximum building areas identified in Chapter 2, *Project Description* for each land use. This analysis assumes that the project would comply with all applicable regulatory standards. In particular, the project would comply with Bay Area Air District Regulation 8 Rule 3 for architectural coatings.

## Operation Methodology

In CalEEMod, operational sources of criteria pollutant emissions include energy, area, and mobile sources. The Butterfield Sports Park Expansion site and Condit Sports Facilities Expansion site were attributed to the “City Park” land use subtype using the acreages and maximum building areas identified in Chapter 2, *Project Description*. The Rose Orchard Court site was modeled as four units of “Single Family Housing” using CalEEMod default building square footage based on the quantity of units. Acreage for buildout of the Rose Orchard Court site was assumed to exclude ten acres of the parcel to be preserved as open space.

### *Energy Sources*

Emissions from energy use typically include electricity and natural gas use. As discussed in Chapter 2, *Project Description,* future development on the annexation sites would be 100 percent electric and would not include natural gas connections. Therefore, emissions associated with natural gas are excluded from this analysis. Electricity emissions only apply to GHG emissions (as the energy is generated off-site and therefore may not be relevant for local and regional air quality conditions).

### *Area Sources*

Emissions associated with area sources, including consumer products, landscape maintenance, and architectural coating were calculated in CalEEMod and standard emission rates were utilized from CARB, USEPA, and emission factor values provided by the local air district (CAPCOA 2022).

### *Mobile Sources*

Mobile emissions are estimated by multiplying the project trip rate, average trip length, and the vehicle emission factors. The traffic consultant, Hexagon Transportation Consultants, Inc., provided project-specific trip generations based on the Institute of Transportation Engineers (ITE) rates for the proposed land use types (Appendix H). The daily trip rate for the Rose Orchard Court site was estimated to be 36 daily trips. The Condit Sports Facility Expansion would generate 315 total daily trips, and the Butterfield Sports Park expansion would generate 513 total daily trips (Hexagon Transportation Consultants, Inc. 2026). In total, implementation of the proposed project and future development on the annexation sites is

estimated to generate approximately 864 daily vehicle trips. The project-specific trip generation rates provided are included in the CalEEMod outputs in Appendix B.

## Thresholds of Significance

To determine whether a project would result in a significant impact related to air quality, Appendix G of the *CEQA Guidelines* requires consideration of whether a project would:

1. Conflict with or obstruct implementation of the applicable air quality plan;
2. 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;
3. Expose sensitive receptors to substantial pollutant concentrations; and/or
4. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

This analysis uses the Bay Area Air District's 2022 *CEQA Air Quality Guidelines* to evaluate air quality. The project-level thresholds specified in the 2022 Air District *CEQA Air Quality Guidelines* were used to determine whether the proposed project impacts exceed the thresholds identified in *CEQA Guidelines* Appendix G. As discussed in Section 4.2.3.a, *Methodology*, the proposed project is considered to be a single discretionary action for the purpose of analyzing air quality impacts consistent with the 2022 Air District *CEQA Air Quality Guidelines.* Given the cumulative nature of regional air pollution, regional air quality impacts from all three annexation sites are assessed collectively. Where appropriate, localized emissions are discussed individually for each annexation site.

### *Consistency with Air Quality Plan*

Under Air District's methodology, a determination of consistency with *CEQA Guidelines* thresholds should demonstrate that a project:

1. Supports the primary goals of the 2017 Clean Air Plan.
2. Includes applicable control measures from the 2017 Clean Air Plan.
3. Does not disrupt or hinder implementation of any 2017 Clean Air Plan control measures.

### *Criteria Pollutants*

The Air District's 2022 *CEQA Air Quality Guidelines* include project-level screening and emissions thresholds for temporary construction-related emissions of air pollutants. These thresholds represent the levels at which a project's individual emissions of criteria air pollutants or precursors would result in a cumulatively considerable contribution to the SFBAAB's existing air quality conditions and are discussed in detail below (Bay Area Air District 2023).

The Air District developed screening criteria in the 2022 CEQA Air Quality Guidelines to provide lead agencies and project applicants with a conservative indication of whether a project could result in potentially significant air quality impacts. The screening criteria for applicable residential and recreational land uses are shown in Table 4.2-3.

### Table 4.2-3 Bay Area Air District Criteria Air Pollutant Screening Levels

| Land Use Type (Unit) | Operational Criteria Pollutant Screening Size | Construction Criteria Pollutant Screening Size |
|---|---|---|
| Single Family Housing (du) | 421 | 254 |
| Apartments (du) | 638 | 416 |
| Condo-Townhouse (du) | 637 | 416 |
| City Park (acres) | 175 | 10 |
| Recreational Swimming Pool (ksf) | 376 | 452 |

du = dwelling unit; ksf = thousand square feet

Source: Bay Area Air District 2022

In addition to the screening levels above, several additional factors are outlined in the 2022 CEQA Air Quality Guidelines that construction activities must satisfy for a project to meet the construction screening criteria:

- All best management practices from the 2022 *CEQA Guidelines* must be included in project design and implemented during construction,
- Construction-related activities would not overlap with operational activities,
- Construction-related activities would not include any of the following:
  - Demolition
  - Simultaneous occurrence of more than two construction phases (e.g., paving and building construction occurring simultaneously)
  - Extensive site preparation (e.g., grading, cut and fill, or earth movement),
  - Extensive material transport (e.g., soil import and export requiring a considerable amount of haul truck activity), or
  - Stationary sources (e.g., backup generators) subject to Air District rules and regulations.
  - If a project meets the screening criteria, then the lead agency or applicant would not need to perform a detailed air quality assessment of their project's air pollutant emissions. These screening levels are generally representative of new development on greenfield sites without any form of mitigation measures taken into consideration (Bay Area Air District 2023).

For projects that do not meet the screening criteria above, the Air District construction significance thresholds for criteria air pollutants, shown in Table 4.2-4, are used to evaluate a project's potential air quality impacts.

### Table 4.2-4 Bay Area Air District Criteria Air Pollutant Significance Thresholds

| Pollutant | Construction Thresholds Average Daily Emissions (lbs/day) | Operational Threshold Average Daily Emissions (lbs/day) | Operational Threshold Maximum Annual Emissions (tons/year) |
|---|---|---|---|
| ROG | 54 | 54 | 10 |
| $NO_X$ | 54 | 54 | 10 |
| $PM_{10}$ | 82 (exhaust) | 82 | 15 |
| $PM_{2.5}$ | 54 (exhaust) | 54 | 10 |
| Fugitive Dust | Best Management Practices | Not Applicable | Not Applicable |

lbs = pounds; NOX = oxides of nitrogen; ROG = reactive organic gases; PM2.5 = particulate matter with an aerodynamic diameter equal to or less than 2.5 microns

Source: Bay Area Air District 2023

For all projects in the SFBAAB, the Air District 2022 CEQA Air Quality Guidelines recommends implementation of the Basic Best Management Practices for Construction-Related Fugitive Dust Emissions listed in Table 5-2 of the Guidelines (Bay Area Air District 2023). For projects that exceed the thresholds in Table 4.2-4, the Air District 2022 CEQA Air Quality Guidelines recommends implementation of the Additional Construction Mitigation Measures listed in Table 8-3 of the Guidelines (Bay Area Air District 2023).

For project-level operational thresholds, the screening criteria for operational emissions are shown in Table 4.2-3. For projects that do not meet the screening criteria, the Air District operational significance thresholds for criteria air pollutants, shown in Table 4.2-4, are used to evaluate a project's potential air quality impacts.

### Carbon Monoxide Hotspots

Air District provides a preliminary screening methodology to conservatively determine whether a proposed project would exceed CO thresholds. If the following criteria are met, the individual project would result in a less than significant impact related to local CO concentrations:

1. The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans;
2. Project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour; and
3. Project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

### Toxic Air Contaminants

For health risks associated with TAC and $PM_{2.5}$ emissions, the Air District 2022 CEQA Air Quality Guidelines state a project would result in a significant impact if the any of the following thresholds are exceeded (Bay Area Air District 2023):

- Non-compliance with Qualified Community Risk Reduction Plan;
- Increased cancer risk of > 10.0 in a million;
- Increased non-cancer risk of > 1.0 Hazard Index (Chronic or Acute); or
- Ambient $PM_{2.5}$ increase of > 0.3 µg/$m^3$ annual average

### Lead

Projects would be required to comply with Bay Area Air District Regulation 11, Rule 1 (Lead), which is intended to control the emission of lead to the atmosphere. This rule sets standards and limits for emissions of lead and provides procedures for monitoring emissions.

### Asbestos

Demolition of buildings would be subject to Bay Area Air District Regulation 11, Rule 2 (Asbestos Demolition, Renovation, and Manufacturing). Bay Area Air District Regulation 11, Rule 2 is intended to limit asbestos emissions from demolition and the associated disturbance of asbestos-containing waste material generated or handled during these activities. This rule requires notification of Air District of any regulated demolition activity, and contains specific requirements for surveying, notification, removal, and disposal of material containing asbestos. Impacts related to asbestos emissions from projects that comply with Regulation 11, Rule 2 are considered to be less than significant since the regulation would ensure the proper and safe disposal of asbestos containing material.

Odors

The Bay Area Air District provides minimum distances for siting of new odor sources, shown in Table 4.2-5. A significant impact would occur if the project would result in other emissions (such as odors) affecting substantial numbers of people or would site a new odor source as shown in Table 4.2-5 within the specified distances of existing receptors.

**Table 4.2-5 Bay Area Air District Odor Source Thresholds**

| Odor Source | Minimum Distance for Less than Significant Odor Impacts (in miles) |
|---|---|
| Wastewater Treatment Plant | 2 |
| Wastewater Pumping Facilities | 1 |
| Sanitary Landfill | 2 |
| Transfer Station | 1 |
| Composting Facility | 1 |
| Petroleum Refinery | 2 |
| Asphalt Batch Plant | 2 |
| Chemical Manufacturing | 2 |
| Fiberglass Manufacturing | 1 |
| Painting/Coating Operations | 1 |
| Rendering Plant | 2 |
| Coffee Roaster | 1 |
| Food Processing Facility | 1 |
| Confined Animal Facility/Feed Lot/Dairy | 1 |
| Green Waste and Recycling Operations | 1 |
| Metal Smelting Plants | 2 |

Source: Bay Area Air District 2023b

## a. Project Impacts and Mitigation Measures

The proposed project does not include changes to or development on the APN 825-06-022 site. Accordingly, the analyses below focus exclusively on the Rose Orchard Court site, the Butterfield Sports Park Expansion site, and the Condit Sports Facilities Expansion site.

**Threshold 1:** Would the project conflict with or obstruct implementation of the applicable air quality plan?

**Impact AQ-1 The project would not conflict with or obstruct implementation of the 2017 Clean Air Plan. Impacts would be less than significant.**

*All Three Annexation Sites*

The California CAA requires that air districts create a Clean Air Plan that describes how the jurisdiction will meet air quality standards. The most recently adopted air quality plan is the Air District's 2017 Plan (2017 Plan). The 2017 Plan builds upon and enhances the Air District's efforts to reduce emissions of fine particulate matter and TACs. The 2017 Plan does not include control measures that apply directly to individual development projects. Instead, the control strategy includes control measures related to stationary sources, transportation, energy, buildings, agriculture, natural and working lands, waste management, water, and super-GHG pollutants.

The 2017 Plan focuses on two paramount goals, both consistent with the mission of the Air District:

- Protect air quality and health at the regional and local scale by attaining all national and state air quality standards and eliminating disparities among Bay Area communities in cancer health risk from TACs
- Protect the climate by reducing Bay Area GHG emissions to 40 percent below 1990 levels by 2030, and 80 percent below 1990 levels by 2050

Under the Air District's methodology, a determination of consistency with the 2017 Plan should demonstrate that a project:

- Supports the primary goals of the air quality plan
- Includes applicable control measures from the air quality plan
- Does not disrupt or hinder implementation of any air quality plan control measures

The following includes a discussion of consistency with these criteria for the project. The 2017 Clean Air Plan contains 85 control measures aimed at reducing air pollution and protecting the climate in the Bay Area to support the primary goals of the air quality plan. For consistency with climate planning efforts at the State level, the control strategies in the 2017 Clean Air Plan are based on the same economic sector framework used by CARB, which encompass stationary sources, transportation, energy, buildings, agriculture, natural and working lands, waste management, water, and super-GHG pollutants (such as methane and hydrofluorocarbons). Table 4.2-6 identifies applicable control measures and discusses project consistency with the 2017 Clean Air Plan.

### Table 4.2-6 Clean Air Plan Control Measures Consistency Analysis

| Control Measures | Consistency |
|---|---|
| **Stationary Sources** | |
| **SS18: Basin-Wide Combustion Strategy.** Stabilize and then reduce emissions of GHGs, criteria air pollutant and toxic emissions from stationary combustion sources throughout the Air District by first establishing carbon intensity caps on major GHG sources, and then adopting new rules to (1) reduce fuel use on a source-type by source-type basis, and (2) evaluate alternatives to decarbonize abatement devices.<br>**SS21: New Source Review for Air Toxics.** Propose revisions to Air District Rule 2-5, New Source Review of Toxic Air Contaminants, based on OEHHA's 2015 Health Risk Assessment Guidelines and CARB/ CAPCOA's 2015 Risk Management Guidance. Revise the Air District's health risk assessment trigger levels for each toxic air contaminant using the 2015 Guidelines and most recent health effects values. | **Consistent.** Stationary sources are regulated directly by the Air District, which routinely adopts/revises rules or regulations to implement the Stationary Source control measures to reduce stationary source emissions. Therefore, any new stationary sources associated with development facilitated by the project would be required to comply with Air District regulations. |
| **Transportation** | |
| **TR9: Bicycle and Pedestrian Access and Facilities**. Encourage planning for bicycle and pedestrian facilities in local plans, e.g., general and specific plans, fund bike lanes, routes, paths and bicycle parking facilities. | **Consistent:** The proposed project itself does not include off-site bicycle or pedestrian improvements but also would not include project components that would conflict with bicycle or pedestrian access or facilities. Future development on the Rose Orchard Court site would be subject to and required to implement 2035 General Plan policies as well as City guidelines, standards, and specifications applicable to the circulation system including transit, roadway, bicycle, and pedestrian facilities. Specifically, future development on this site would be required to comply |

| Control Measures | Consistency |
|---|---|
| | with 2035 General Plan Policy TR-8.7, which would require property owners to designate private roads as part of the bikeways plan if there is an agreement with the City; Policy TR-9.1, which would ensure sufficient pedestrian access in all new developments; Policy TR-9.2, which would encourage walking; and Policy TR-9.10, which would require installation of new sidewalks where they currently do not exist to improve sidewalk connectivity.<br>Development of the Condit Sports Facilities Expansion site and Butterfield Sports Park Expansion Site would be subject to and required to implement the same 2035 General Plan policies and City guidelines, standards, and specifications applicable to the circulation system including transit, roadway, bicycle, and pedestrian facilities. The proposed project would also align with the goals of the Bikeways, Trails, Parks, and Recreation Master Plan to provide regional recreation destinations that support economic growth and ensure equitable access to programs and facilities. Therefore, the project would be consistent with this control measure. |
| **TR13: Parking Policies**. Encourage parking policies and programs in local plans, e.g., reduce minimum parking requirements; limit the supply of off-street parking in transit-oriented areas; unbundle the price of parking spaces; support implementation of demand-based pricing (such as "SF Park") in high-traffic areas. | **Consistent**: Development facilitated by the project would be required to comply with existing City parking standards and standards regarding EV parking in compliance with the latest CALGreen standards. |
| **Energy** | |
| **EN1: Decarbonize Electricity Production**. Engage with PG&E, municipal electric utilities and CCEs to maximize the amount of renewable energy contributing to the production of electricity within the Bay Area as well as electricity imported into the region. Work with local governments to implement local renewable energy programs. Engage with stakeholders including dairy farms, forest managers, water treatment facilities, food processors, public works agencies and waste management to increase use of biomass in electricity production.<br>**EN2: Decrease Electricity Demand**. Work with local governments to adopt additional energy-efficiency policies and programs. Support local government energy efficiency program via best practices, model ordinances, and technical support. Work with partners to develop messaging to decrease electricity demand during peak times. | **Consistent.** Measures EN1 and EN2 are intended to decrease energy use as a means of reducing adverse air quality emissions. Development facilitated by the project would be 100 percent electric would comply with 2025 Building Energy Efficiency Standards (or most recent version of the California Building Code) requirements that residential development under three stories include rooftop photovoltaic panels. In addition, 2035 General Plan policies listed in Section 4.15, *Effects Found to be Less than Significant*, under Section 4.15.2, *Energy,* would encourage energy efficiency and reduction. |
| **Buildings** | |
| **BL1: Green Buildings**. Collaborate with partners such as KyotoUSA to identify energy-related improvements and opportunities for on-site renewable energy systems in school districts; investigate funding strategies to implement upgrades. Identify barriers to effective local implementation of the CALGreen (Title 24) statewide building energy code; develop solutions to improve implementation/enforcement. Work with ABAG's | **Consistent**: Measures BL1 and BL2 focus on working with local governments to adopt the best GHG emissions control practices and policies. As discussed above for the Energy and Climate control measures, development facilitated by the project would be 100 percent electric and would comply with 2025 Building Energy Efficiency Standards' (or most recent version of the California Building Code) requirements that |

| Control Measures | Consistency |
|---|---|
| BayREN program to make additional funding available for energy-related projects in the buildings sector. Engage with additional partners to target reducing emissions from specific types of buildings.<br>**BL2: Decarbonize Buildings.** Explore potential Air District rulemaking options regarding the sale of fossil fuel-based space and water heating systems for both residential and commercial use. Explore incentives for property owners to replace their furnace, water heater or natural-gas powered appliances with zero-carbon alternatives. Update Air District guidance documents to recommend that commercial and multi-family developments install ground source heat pumps and solar hot water heaters. | residential development under three stories include rooftop photovoltaic panels. In addition, 2035 General Plan policies listed in Section 4.15, *Effects Found to be Less than Significant*, under Section 4.15.2, *Energy,* would encourage energy efficiency and reduction. |
| **Waste Management Control Measures** | |
| **WA4: Recycling and Waste Reduction.** Develop or identify and promote model ordinances on community-wide zero waste goals and recycling of construction and demolition materials in commercial and public construction projects. | **Consistent.** Measure WA4 includes strategies to increase waste diversion rates through efforts to reduce, reuse, and recycle. Development facilitated by the project would comply with Assembly Bill (AB) 341, which requires mandatory recycling for public entities and businesses that generate four cubic yards or more of commercial solid waste per week. For further discussion of waste diversion, please refer to Section 4.13, *Utilities and Service Systems.* |

The Air District has identified examples of how a project or plan may disrupt or delay local government implementation of these control measures, such as a project that may preclude an extension of a transit line or bike path, or that propose excessive parking beyond parking requirements. Development on the annexation sites would not disrupt or delay local government implementation of control measures. Overall, the project would be consistent with the three criteria for evaluating consistency with the 2017 Clean Air Plan. As such, the project would not conflict with or obstruct implementation of the applicable air quality plan, and this impact would be less than significant.

## Mitigation Measures

Impacts from future development on the annexation sites would be less than significant without mitigation. No mitigation measures are required.

| | |
|---|---|
| **Threshold 2** | Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard? |

**Impact AQ-2 Construction and operation of future development on the annexation sites would not result in a cumulatively considerable net increase of a criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard. This impact would be less than significant.**

*All Three Annexation Sites*

## Construction Emissions

Construction activities associated with future development on the annexation sites would temporarily generate emissions associated with diesel-powered construction equipment and fugitive dust. As discussed in Section 4.2.3, *Impact Analysis* under *Methodology*, total project emissions were compared to the Air District's project-level thresholds.

Construction emissions modeled include emissions generated by construction equipment used onsite and emissions generated by vehicle trips associated with construction, such as worker, hauling, and vendor trips. Table 4.2-7 summarizes the estimated maximum daily average emissions of ROG, $NO_X$, CO, $PM_{10}$ exhaust, $PM_{2.5}$ exhaust, and sulfur oxide ($SO_x$) for construction associated with future development of the annexation sites. As shown in Table 4.2-7, project construction emissions for all criteria pollutants would be below the Air District's average daily thresholds and therefore would be less than significant. Additionally, new development would be required to comply with City of Morgan Hill Standard Conditions of Approval for new construction, which require projects to implement the Air District's Basic and Enhanced Best Management Practices for construction-related fugitive dust emissions.

### Table 4.2-7 Project Construction Emissions

| | Average Daily Emissions (lbs/day) | | | | | |
|---|---|---|---|---|---|---|
| **Construction Year** | **ROG** | **$NO_X$** | **CO** | **$SO_X$** | **$PM_{10}$ (exhaust)** | **$PM_{2.5}$ (exhaust)** |
| 2026 | 1.8 | 13.7 | 14.6 | <0.1 | 0.6 | 0.5 |
| 2027 | 0.9 | 6.7 | 9.3 | <0.1 | 0.2 | 0.2 |
| 2028 | 0.9 | 6.4 | 9.3 | <0.1 | 0.2 | 0.2 |
| 2029 | 1.3 | 3.8 | 5.8 | <0.1 | 0.1 | 0.1 |
| Maximum Daily Emissions | 1.8 | 13.7 | 14.6 | <0.1 | 0.6 | 0.5 |
| Bay Area Air District Thresholds (average daily emissions) | 54 | 54 | N/A | N/A | 82 | 54 |
| **Threshold Exceeded?** | **No** | **No** | **N/A** | **N/A** | **No** | **No** |

Source: See CalEEMod worksheets in Appendix B. Numbers may not add up due to rounding.
N/A = not applicable (no Air District threshold for CO or $SO_X$)

## Operational Emissions

Operation of the future residential and recreational development on the annexation sites would generate criteria air pollutant emissions associated with area sources (e.g., architectural coatings, consumer products, and landscaping equipment) and mobile sources (i.e., vehicle trips to and from the annexation sites). Long-term emissions associated with operation of potential future uses are shown in Table 4.2-8. Emissions would not exceed Air District thresholds for a criteria pollutant. Since project emissions would not exceed Air District thresholds for construction or operation, the project would not violate an air quality standard or result in a cumulatively considerable net increase in criteria pollutants and impacts would be less than significant.

### Table 4.2-8 Project Operational Emissions

| | Average Daily Emissions (lbs/day) | | | | | |
|---|---|---|---|---|---|---|
| **Sources** | **ROG** | **$NO_X$** | **CO** | **$SO_X$** | **$PM_{10}$** | **$PM_{2.5}$** |
| Mobile | 2.3 | 1.4 | 14.8 | <0.1 | 3.6 | 1.0 |
| Area | 1.0 | <0.1 | 0.1 | <0.1 | <0.1 | <0.1 |
| Energy | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Total Project Emissions | 3.3 | 1.5 | 14.8 | <0.1 | 3.6 | 1.0 |
| Bay Area Air District Thresholds | 54 | 54 | N/A | N/A | 82 | 54 |
| **Threshold Exceeded?** | **No** | **No** | **N/A** | **N/A** | **No** | **No** |

Source: See CalEEMod worksheets in Appendix B. Numbers may not add up due to rounding.
N/A = not applicable (no Air District threshold for CO or $SO_X$)

## Mitigation Measures

Impacts from development on the three annexation sites would be less than significant without mitigation. No mitigation measures are required.

| **Threshold 3** | Would the project expose sensitive receptors to substantial pollutant concentrations? |
|---|---|

**Impact AQ-3 The project would not increase carbon monoxide concentrations such that it would create carbon monoxide hotspots, and construction of the project would not result in emissions of TACs sufficient to exceed applicable health risk criteria. The project would not result in nearby sensitive receptors being exposed to health risks in excess of Air District thresholds. impacts would be less than significant.**

## Carbon Monoxide Hotspots

A CO hotspot is a localized concentration of CO that is above a CO ambient air quality standard. Localized CO hotspots can occur at intersections with heavy peak hour traffic. Specifically, hotspots can be created at intersections where traffic levels are sufficiently high such that the local CO concentration exceeds the federal one-hour standard of 35.0 parts per million (ppm) or the federal and state eight-hour standard of 9.0 ppm (CARB 2016).

The Air District recommends comparing project's attributes with the following screening criteria as a first step to evaluating whether the project would result in the generation of CO concentrations that would substantially contribute to an exceedance of the *Thresholds of Significance*. The project would result in a less than significant impact to localized CO concentrations if:

1. The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads of highway, the regional transportation plans, and local congestion management agency plans.
2. Project-generated traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour.
3. Project-generated traffic would not increase traffic volumes at the affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass).

### *Rose Orchard Court Site*

Development of the Rose Orchard Court site is anticipated to involve four additional residences which would result in approximately 36 daily vehicle trips based on the project-specific VMT assessment (Hexagon Transportation Consultants, Inc. 2026, Appendix H). The average daily traffic at the nearest intersection with available data, Llagas Road at the intersection of Rhodi Lane, is 1,836 vehicles per day (City of Morgan Hill 2024). Llagas Road at the intersection of Rhodi Lane is not considered a roadway where vertical and/or horizontal mixing would be substantially limited as it is not a tunnel, parking garage, or bridge underpass.

Future development of future residences on this annexation site would not increase vehicle traffic at this intersection to 44,000 vehicles per hour or 24,000 vehicles per hour where vertical and/or horizontal mixing is limited. In addition, the SFBAAB has been designated attainment under both the national and California AAQS for CO. Therefore, future development of the Rose Orchard Court site would not have the potential to increase CO hotspots at nearby affected intersections.

### *Condit Sports Facilities Expansion Site*

Development of the Condit Sports Facilities Expansion Site would result in approximately 315 daily trips based on the project-specific VMT assessment. The average daily traffic at the nearest intersection to the Condit Sports Facilities Expansion Site with available data, Condit Road at the intersection of Barrett

Avenue, is 4,968 vehicles per day (City of Morgan Hill 2024). This roadway is not considered a roadway where vertical and/or horizontal mixing would be substantially limited as it does not include tunnels, parking garages, or bridge underpasses.

The project would not increase vehicle traffic at this intersection to 44,000 vehicles per hour or 24,000 vehicles per hour where vertical and/or horizontal mixing is limited. In addition, the SFBAAB has been designated attainment under both the national and California AAQS for CO. Therefore, the Condit Sports Facilities Expansion site development would not have the potential to increase CO hotspots at nearby affected intersections.

### *Butterfield Sports Park Expansion Site*

Development of the Butterfield Sports Park Expansion site would result in approximately 513 daily trips. The average daily traffic at the nearest intersection to the Butterfield Sports Park Expansion site with available data, Butterfield Boulevard at the intersection of Tennant Ave, is 16,818 vehicles per day (City of Morgan Hill 2024). This roadway is not considered a roadway where vertical and/or horizontal mixing would be substantially limited as it does not include tunnels, parking garages, or bridge underpasses.

The project would not increase vehicle traffic at this intersection to 44,000 vehicles per hour or 24,000 vehicles per hour where vertical and/or horizontal mixing is limited. In addition, the SFBAAB has been designated attainment under both the national and California AAQS for CO. Therefore, the Butterfield Sports Park Expansion site development would not have the potential to increase CO hotspots at nearby affected intersections.

## Toxic Air Contaminants

### *Construction Impacts*

Construction-related activities for future development on the annexation sites would result in temporary project-generated emissions of DPM exhaust emissions from off-road, heavy-duty diesel equipment for demolition, site preparation, grading, building construction, paving, and other construction activities. DPM was identified as a toxic air contaminant (TAC) by CARB in 1998 (CARB 2025b).

Generation of DPM from construction projects typically occurs in a single area for a short period of time. Based on the CalEEMod default construction duration and assuming simultaneous construction of all three sites, construction activities would occur over approximately 46 months. The dose to which the receptors are exposed is the primary factor used to determine health risk. Dose is a function of the concentration of a substance or substances in the environment and the extent of exposure that person has with the substance. Dose is positively correlated with time, meaning that a longer exposure period would result in a higher exposure level for the Maximally Exposed Individual (MEI). The risks estimated for a MEI are higher if a fixed exposure occurs over a longer period of time. According to the California Office of Environmental Health Hazard Assessment (OEHHA), health risk assessments, which determine the exposure of sensitive receptors to toxic emissions, should be based on a 70 year exposure period; however, such assessments should be limited to the period/duration of activities associated with the project. Thus, the duration of proposed construction activities (i.e., 46 months) is approximately 13 percent of the total exposure period used for 30-year health risk calculations.

The maximum daily $PM_{10}$ emissions would range from less than 0.3 to 1.2 lbs/day of exhaust (DPM), with the maximum emissions occurring during demolition, grading, and site preparation phases. Based on CalEEMod default construction phasing, these activities would occur for approximately seven months, with project construction occurring for a total of 46 months. PM emissions would decrease for the remaining construction period because other construction activities such as building construction and paving would generate fewer emissions of DPM. Additionally, new development would be required to comply with applicable Air District dust control measures and City of Morgan Hill Standard Conditions of Approval for new construction. Therefore, project construction would not expose sensitive receptors to substantial TAC concentrations, and impacts would be less than significant.

*Operational Impacts*

Rose Orchard Court Site

Development at the Rose Orchard Court site would construct four dwelling units, which is below the recommended operational screening level of 638 dwelling units. Therefore, project operation would not expose sensitive receptors to substantial concentrations of TACs, and impacts would be less than significant.

Condit Sports Facilities Expansion Site

Development at the Condit Sports Facilities Expansion site would include approximately 13 acres of recreational uses, which is below the recommended operational screening level of 175 acres for City Park land uses. Further, operational activities would not include stationary engines (e.g., backup generators) or industrial sources subject to Air District rules and regulations. Therefore, project operation would not expose sensitive receptors to substantial concentrations of TACs, and impacts would be less than significant.

Butterfield Sports Park Expansion Site

Development at the Butterfield Sports Park Expansion site would include approximately 20 acres of recreational playing fields and other recreational uses, which is below the recommended operational screening level of 175 acres for City Park land uses. In addition, operational activities would not include stationary engines (e.g., backup generators) or industrial sources subject to Air District rules and regulations. Therefore, project operation would not expose sensitive receptors to substantial concentrations of TACs, and impacts would be less than significant.

## Mitigation Measures

Impacts from development on all three annexation sites would be less than significant without mitigation. No mitigation measures are required.

| | |
|---|---|
| **Threshold 4** | Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? |

**Impact AQ-4 The project would not generate odors adversely affecting a substantial number of people during construction or operation. Impacts would be less than significant.**

Construction of future recreational and residential uses on the annexation sites would generate oil and diesel fuel odors during construction from equipment use. The odors would be limited to the construction period and would be temporary. Therefore, construction activities would not generate odors adversely affecting a substantial number of people.

With respect to operation, the Air District's *CEQA Air Quality Guidelines* (2023) identifies land uses associated with odor complaints which are shown on Table 4.2-5 and include, but are not limited to, wastewater treatment plants, landfills, confined animal facilities, composting stations, food manufacturing plants, refineries, and chemical plants. Residential and recreational uses are not identified on this list shown in Table 4.2-5. Therefore, the proposed residential and recreational uses on the annexation sites would not generate objectionable odors affecting a substantial number of people. This impact would be less than significant.

## Mitigation Measures

Impacts from development on all three annexation sites would be less than significant without mitigation. No mitigation measures are required.

## a. Cumulative Impacts

The geographic scope of the cumulative air quality analysis is the regional air basin, specifically the SFBAAB. The SFBAAB is in non-attainment for federal standards of ozone and $PM_{2.5}$ and in non-attainment for the State standard for ozone, $PM_{2.5}$, and $PM_{10}$. The SFBAAB is in attainment of all other federal and State standards. Development facilitated by the project would generate particulate matter and the ozone precursors (ROG and $NO_X$) in the area during construction and operation.

As described under Impact AQ-1, the project would be consistent with the overall goal of the 2017 Clean Air Plan as development facilitated by the project would comply with the latest Title 24 regulations and would be 100 percent electric. Development facilitated by the project does not contain elements that would disrupt or hinder implementation of any 2017 Clean Air Plan control measures. Discussion of these impacts considers the cumulative nature of criteria pollutants in the region. Therefore, the project would not result in a cumulatively considerable contribution to a conflict with or obstruction of implementation of the applicable air quality plan.

As described under Impact AQ-2, construction facilitated by the project would not exceed Air District thresholds. Discussion of these impacts considers the cumulative nature of criteria pollutants in the region; therefore, the project would not result in a cumulatively impacts with regard to criteria pollutant emissions.

As identified under Impact AQ-3, development facilitated by the project would not have a significant impact from CO hotspots or TACs. Discussion of these impacts considers the cumulative nature of the pollutants in the region. In other words, the cancer risk and non-cancer risk thresholds have been set per existing cancer risks in the area and exceeding those thresholds would be considered a cumulative impact. As implementation of the project would not exceed those thresholds, it would not expose sensitive receptors to a cumulatively considerable amount of substantial pollutant concentrations from CO hotspots or TACs. Therefore, the cumulative impact related to toxic air contaminants would be less than significant.

As identified under Impact AQ-4, development facilitated by the project would not have a significant impact from odor emissions. Construction emissions would disperse rapidly with distance, and therefore construction projects near one another would not result in combined odors above those analyzed. In addition, development would not contain uses known to result in objectionable odors and therefore cumulative odor impacts from multiple development would not result in a cumulatively considerable increase in odors. Therefore, the cumulative impact related to odors would be less than significant.

# 4.3 Biological Resources

This section describes the existing conditions within the annexation sites and evaluates potential effects to biological resources associated with potential future development on the annexation sites. This section is based in part on two Biological Resources Assessments (BRA) prepared by Rincon Consultants, Inc. in 2025: the Butterfield Sports Park BRA (Appendix C) and the Rose Orchard Court Annexation Site BRA (Appendix D).

## 4.3.1 Setting

### Vegetation Communities and Land Cover Types

Habitat characterizations were based generally on the classification systems presented in *A Manual of California Vegetation Online Edition* (California Native Plant Society [CNPS] 2025a) and Preliminary Description of Terrestrial Natural Communities of California (Holland 1986) but have been modified slightly to reflect existing site conditions accurately.

- As shown on Figure 4.3-1, on the Condit Sports Facilities Expansion site, one vegetation community (Annual Grassland) and one land cover type (Developed) are present.
- As shown on Figure 4.3-2, on the Butterfield Sports Park Expansion site, one vegetation community (Annual Grassland) and two land cover types (Developed and Water) are present (Appendix C).
- As shown on Figure 4.3-3, on the Rose Orchard Court annexation site, four vegetation communities (Annual Grassland, Coast Live Oak Woodland, Coyote Brush Scrub, Valley Oak Woodland) and one land cover type (Developed) are present (Appendix D).

Additional information on the Annual Grassland vegetation community and Developed land cover type are provided below and additional information on the other observed vegetation communities is provided in the “Sensitive Natural Communities” section.

#### *Annual Grassland*

This community most closely resembles the *Avena* spp. - *Bromus* spp. Herbaceous Semi-Natural Alliance (CNPS 2025a). Species composition and height in this community is highly variable; however, non-native grasses are dominant, including wild oats (*Avena* sp.) and Harding grass (*Phalaris aquatica*).

Some weedy species were also observed in this community, including yellow starthistle (*Centaurea solstitialis*), English plantain (*Plantago lanceolata*), chicory (*Cichorium intybus*), and stinkwort (*Dittrichia graveolens*). Some native species were also observed in this area including narrowleaf milkweed (*Asclepias fascicularis*). In addition, several remnant walnut orchard trees (California black walnut [*Juglans hindsii*]) were also observed along the southern edge of this community, along Condit Road.

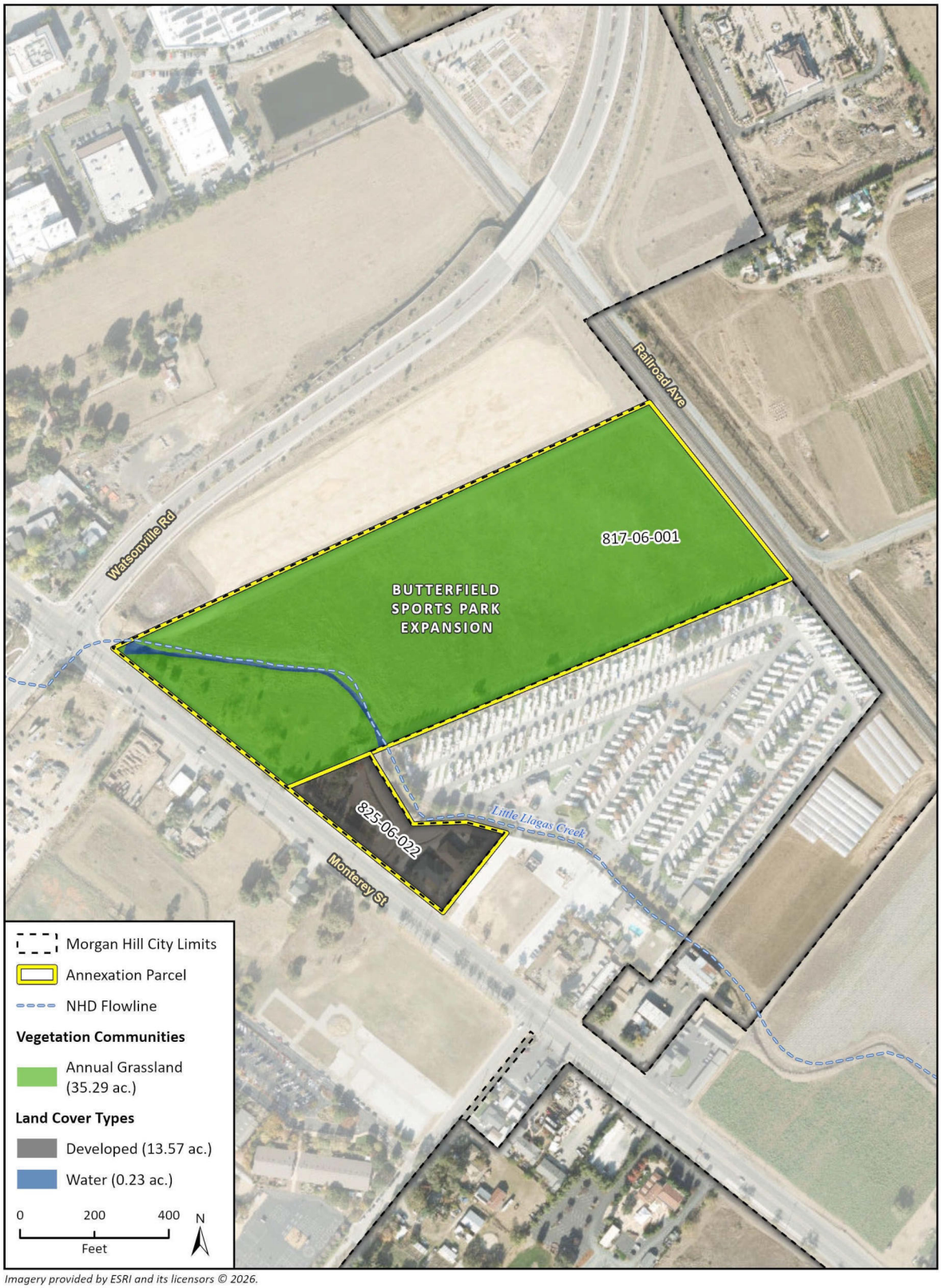
This community is disturbed by mowing and by dominance of non-natives throughout. California ground squirrel (*Otospermophilus beecheyi*) burrows were observed in this area, providing suitable habitat for some wildlife species.

## Figure 4.3-1 Vegetation Communities and Land Cover Types – Condit Sports Facilities Expansion Site




*Imagery provided by ESRI and its licensors © 2026.*
*Additional data provided by Santa Clara County, 2025; National Hydrography Dataset, USGS, 2025.*

**Figure 4.3-2 Vegetation Communities and Land Cover Types – Butterfield Sports Park Expansion Site**




*Imagery provided by ESRI and its licensors © 2026.*
*Additional data provided by Santa Clara County, 2025; National Hydrography Dataset, USGS, 2025.*

## Figure 4.3-3 Vegetation Communities and Land Cover Types – Rose Orchard Court Site




*Imagery provided by ESRI and its licensors © 2026.*
*Additional data provided by Santa Clara County, 2025; National Hydrography Dataset, USGS, 2025.*

*Developed*

This land cover type is not described in *A Manual of California Vegetation Online Edition*; it consists of paved driveways, existing residences, gravel parking lot, and landscaped areas.

## Special-status Species

Special-status species are those plants and animals listed, proposed for listing, or candidates for listing as threatened or endangered by the United States Fish and Wildlife Service (USFWS), under the federal Endangered Species Act (ESA); those listed or candidates for listing as rare, threatened, or endangered by the California Department of Fish and Wildlife (CDFW) under the California Endangered Species Act (CESA); animals designated as "Species of Special Concern" by CDFW; and CDFW Special Plants, specifically those with a California Rare Plant Rank of 1A, 1B, and 2, as assigned by the CNPS online Inventory of Rare and Endangered Plants of California (CNPS 2025b).

### *Special-status Plant Species*

Special-status plant species typically have specialized habitat requirements, including plant community types, soils, and/or elevational ranges. Based on the lack of generally required habitat types or features in the annexation sites, such as coniferous forest, chaparral, rocky outcrops, serpentine soils, mountainous elevation ranges, and other species-specific habitat requirements, special-status plant species occurring within these habitats were excluded from further evaluation.

- Of the 36 special-status plant species evaluated for the Condit Sports Facilities Expansion site, all could be excluded from further evaluation based on the disturbed and developed nature of the project site (Appendix C).
- Within the Butterfield Sports Park Expansion site one species was determined to have a low potential to occur within the project site: smooth lessingia (*Lessingia micradenia* var. *glabrata*, 1B.2, SCVHP covered) (Appendix C)
- Within the Rose Orchard Court annexation site three species were determined to have a low potential to occur within the project site: bent-flowered fiddleneck (*Amsinckia lunaris*, 1B.2), smooth lessingia (*Lessingia micradenia* var. *glabrata*, 1B.2, SCVHP covered), and most beautiful jewelflower (*Streptanthus albidus* ssp. *peramoenus*, 1B.2, SCVHP covered) (Appendix C).

### *Special-status Wildlife Species*

Special-status wildlife species often require specific habitat elements such as particular vegetation structure (e.g., coastal dune, coastal scrub, serpentine vegetation communities, or coniferous forest), aquatic features, roosting or denning sites, seasonal wetlands, riparian corridors, or rocky outcrops. Because the annexation sites lack the key features and conditions typically required by these taxa, species dependent on those elements were excluded from further evaluation. Where only marginal or highly disturbed conditions exist, potential occurrences are considered unexpected or limited to transient individuals and therefore were not carried forward for detailed analysis.

Table 4.3-1 shows the special status wildlife species with the potential to occur on the annexation sites. Of the 28 special-status wildlife species evaluated for the Condit Sports Facilities Expansion site, three were determined to have a low potential to occur based on the disturbed and developed nature of the site: Crotch's bumble bee, burrowing owl, and Swainson's hawk.

## Table 4.3-1 Special-status Animals with Potential to Occur in the Annexation Sites

| Common Name | Scientific Name | Status | Suitable Habitat in the Annexation Sites | Potential To Occur | | |
|---|---|---|---|---|---|---|
| | | | | Condit Sports Facilities Expansion Site | Butterfield Sports Park Expansion Site | Rose Orchard Court Annexation Site |
| California tiger salamander – central California DPS | *Ambystoma californiense* Pop. 1 | FT, ST, SCVHP | Annual grassland with small mammal burrows provides upland habitat. | Not Expected | Low | High |
| Crotch's bumble bee | *Bombus crotchii* | SCE | Small mammal burrows provide refugia, and annual grassland and oak woodlands provide floral resources. | Low | Moderate | High |
| burrowing owl | *Athene cunicularia* | SSC, SCVHP | Suitable foraging habitat is present in annual grassland, where small mammal burrows are present. | Low | Moderate | Moderate |
| loggerhead shrike | *Lanius ludovicianus* | SSC | Dense shrubs and trees may provide suitable nest sites. However, the site is disturbed by residential use and human presence. | Not Expected | Not Expected | Moderate |
| San Francisco dusky-footed woodrat | *Neotoma fuscipes annectens* | SSC | Suitable oak woodlands are present. | Not Expected | Not Expected | Moderate |
| grasshopper sparrow | *Ammodramus savannarum* | SSC | Marginally suitable annual grasslands are present; however, the site is disturbed by residential use and human presence. | Not Expected | Not Expected | Low |
| Swainson's hawk | *Buteo swainsoni* | ST | Large trees on the project site or vicinity may provide suitable nest sites, and the species may forage within annexation sites. | Low | Low | Low |
| white-tailed kite | *Elanus leucurus* | FP | Large oak trees may provide suitable nest sites. However, the site is disturbed by residential use and human presence. | Not Expected | Not Expected | Low |
| mountain lion, Central Coast evolutionarily significant unit | *Felis concolor* | SC | Suitable foraging habitat in annual grasslands is present; however, the site is disturbed by residential use and human presence. | Not Expected | Not Expected | Low |
| pallid bat | *Antrozous pallidus* | SSC | Large oak trees may provide suitable roost sites; however, the site is disturbed by residential use and human presence. | Not Expected | Not Expected | Low |

| Common Name | Scientific Name | Status | Suitable Habitat in the Annexation Sites | Potential To Occur | | |
|---|---|---|---|---|---|---|
| | | | | Condit Sports Facilities Expansion Site | Butterfield Sports Park Expansion Site | Rose Orchard Court Annexation Site |
| American badger | *Taxidea taxus* | SSC | Suitable foraging habitat in annual grasslands is present; however the site is disturbed by residential use and human presence, and no large dens were observed. | Not Expected | Not Expected | Low |

FT = Federal Proposed Threatened
ST = State Threatened
SCE = State Candidate Endangered
SC = State Candidate
SSC = CDFW Species Of Special Concern
FP = State Fully Protected
SCVHP = SCVHP Covered Species

- Within the Butterfield Sports Park Expansion site two species were found to have a moderate potential to occur (Crotch's bumble bee and burrowing owl), and two species have a low potential to occur (California tiger salamander and Swainson's hawk) (Appendix C).
- Within the Rose Orchard Court annexation site two species were determined to have a high potential to occur (California tiger salamander and Crotch's bumble bee), three species were found to have a moderate potential to occur (burrowing owl, loggerhead shrike, and San Francisco dusky-footed woodrat), and six species have a low potential to occur (Appendix D).

## Sensitive Natural Communities

Plant communities are considered sensitive biological resources if they have limited distributions, have high wildlife value, include sensitive species, or are particularly susceptible to disturbance. CDFW ranks sensitive communities as "threatened" or "very threatened". Currently, CDFW publishes the California Natural Community List online (CDFW 2025a). Vegetation rarity ranking in that list is based on a rank calculator developed by NatureServe. According to CDFW Vegetation Program, alliances with state ranks of S1 to S3, as well as certain additional associations specifically noted as sensitive in the list, are considered imperiled, and thus, potentially of special concern.

There are no sensitive natural communities within the Butterfield Sports Park Expansion site or Condit Sports Facilities Expansion site.

Within the Rose Orchard Court annexation site, Valley oak (*Quercus lobata* / grass) and valley oak and coast live oak (*Quercus lobata* / *Quercus agrifolia* / grass) vegetation alliances (S3) are considered sensitive by CDFW. This community is dominated by valley Oak (*Quercus lobata*) and coast live oak (*Quercus agrifolia*). This community consists of an open canopy with annual grassland in the understory, occurs on steep slopes above the existing residence on the property (Appendix D).

## Jurisdictional Waters and Wetlands

Waters and wetlands are subject to overlapping federal and state jurisdiction. At the federal level, the Unites States Army Corps of Engineers (USACE) regulates the discharge of dredged or fill material into "waters of the United States" under Section 404 of the Clean Water Act and oversees navigable waters under the Rivers and Harbors Act. At the state level, the Regional Water Quality Control Board (RWQCB) administers the Porter-Cologne Water Quality Control Act and issues permits under Section 401 of the Clean Water Act to ensure that discharges comply with water quality standards. In addition, CDFW has jurisdiction over lakes, streams, and riparian habitats under Section 1600 et seq. of the California Fish and Game Code (CFGC), requiring agreements for activities that may alter streambeds or affect fish and wildlife resources.

There are no potentially jurisdictional waters or wetlands within the Rose Orchard Court annexation site or Condit Sports Facilities Expansion site.

The Butterfield Sports Park Expansion site is bisected by Little Llagas Creek, an intermittent stream, with a channelized earthen bank. Little Llagas Creek flows into West Little Llagas Creek approximately 0.3 mile to the west of the annexation site through a concrete box culvert at the northwest corner of the site. There is no riparian vegetation along the banks of Little Llagas Creek within the project site, including APNs: 817-06-001 and 825-06-022 (Appendix C). Little Llagas Creek is an intermittent stream with a traceable hydrologic connection to Monterey Bay, a traditional navigable water via the Pajaro River. Therefore, this creek is likely a relatively permanent water and a non-wetland water of the United States that would be regulated by USACE and RWQCB under Sections 404 and 401, respectively, of the Clean Water Act (CWA). In addition, this creek meets the definition of a CDFW streambed jurisdictional feature and non-wetland water of the State and therefore, likely falls under CDFW jurisdiction pursuant to Section 1600 et seq. of the CFGC and RWQCB under the Porter-Cologne Act, respectively.

### Wildlife Movement

Wildlife movement corridors, or habitat linkages, are generally defined as connections between habitat patches that allow for physical and genetic exchange between otherwise isolated animal populations. Such linkages may serve a local purpose, such as providing a linkage between foraging and denning areas, or they may be regional in nature. Some habitat linkages may serve as migration corridors, wherein animals periodically move away from an area and then subsequently return. Other corridors may be important as dispersal corridors for young animals. A group of habitat linkages in an area can form a wildlife corridor network.

Habitat within a habitat linkage does not necessarily need to be identical to that habitat being linked. Rather, the linkage needs only to contain sufficient cover and forage to allow temporary utilization by species moving between core habitat areas. Habitat linkages are typically contiguous strips of natural areas, though dense plantings of landscape vegetation can be used by certain disturbance-tolerant species. Some species may require specific physical resources (such as rock outcroppings, vernal pools, or oak trees) within the habitat link for the linkage to serve as an effective movement corridor, while other more mobile or aerial species may only require discontinuous patches of suitable habitat to permit effective dispersal and/or migration. Wildlife movement corridors may occur at either large or small scales. The mountainous regions of the County may support wildlife movement on a regional scale, while riparian corridors and waterways may provide local small-scale dispersal corridors for wildlife movement among habitat patches throughout the County.

The annexation sites and most of the City of Morgan Hill are mapped as “Essential Connectivity Areas” which link “Natural Landscape Blocks” between the Santa Cruz Mountains and the Diablo Range (CDFW 2025c, Spencer et al. 2010). The Coyote Valley between Morgan Hill and San Jose has also been identified as an important corridor for wildlife movement by the Santa Clara Valley Habitat Agency (SCVHA), and several studies have been conducted to identify potential corridors and barriers for wildlife movement. The main barriers for movement within Coyote Valley are transportation related, including Interstate Highway 101, Monterey Road, the Union Pacific Railroad, and the future High Speed Rail alignment (Jodi McGraw Consulting 2024).

- The Condit Sports Facilities Expansion site may function as a local corridor for small scale movement as an open parcel on the south side. However, Interstate Highway 101, located immediately west of the project site, functions as a substantial barrier to wildlife movement. As a result, the site does not provide a significant corridor for wildlife connectivity.
- The Butterfield Sports Park Expansion site is surrounded by rural residential, agricultural, and urban development, and Little Llagas Creek does not provide a riparian corridor for movement or habitat for fish (City of Morgan Hill 2016). The project site is also isolated by paved roads, curbs, and railroad tracks, that are barriers for California tiger salamander movement. Therefore, the project site does not contain corridors for wildlife movement (Appendix C).
- The ridgetop and slope at the southeast end of the Rose Orchard Court annexation site may serve as small corridors for local movement within the project site, between undeveloped areas around El Toro and County parks and open space to the west. However, given the project site’s surrounding residential use and proximity to urban development, it does not constitute a significant corridor for wildlife movement (Appendix D).

## 4.3.2 Regulatory Setting

Regulated or sensitive resources studied and analyzed herein include special status plant and animal species, nesting birds and raptors, sensitive plant communities, jurisdictional waters and wetlands, wildlife movement, and locally protected resources, such as protected trees. Regulatory authority over biological resources is shared by Federal, State, and local authorities. Primary authority for regulation of general biological resources lies within the land use control and planning authority of local jurisdictions.

For the purposes of this report, special status species include:

- Species listed as threatened or endangered under the ESA; including proposed and candidate species
- Species listed as candidate, threatened, or endangered under the CESA
- Species designated as Fully Protected by the CFGC, and Species of Special Concern or Watch List by the CDFW
- Native Plant Protection Act (NPPA) – State Rare (SR)
- CNPS California Rare Plant Ranks 1A, 1B, 2A and 2B
- Species designated as sensitive by the Unites States Forest Service or Bureau of Land Management, if the project would affect lands administered by these agencies
- Species designated as locally important by the Local Agency and/or otherwise protected through ordinance, local policy, or Habitat Conservation Plan/ Natural Community Conservation Plan

## a. Federal Regulations

### Clean Water Act Section 404

Congress enacted the CWA "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters." Section 404 of the CWA authorizes the Secretary of the Army, acting through USACE, to issue permits regulating the discharge of dredged or fill materials into the "navigable waters at specified disposal sites."

Section 502 of the CWA further defines "navigable waters" as "waters of the United States, including the territorial seas." "Waters of the United States" are broadly defined at 33 Code of Federal Regulations (CFR) Part 328.3 to include navigable, tidal, and interstate waters and certain impoundments, tributaries, and wetlands. The most recent regulatory definition of the term was promulgated by USACE and United States Environmental Protection Agency (USEPA) in January 2023, following failed attempts in prior years that had been frustrated by legal challenges. However, in May 2023, the U.S. Supreme Court issued its ruling in *Sackett v. Environmental Protection Agency*, which invalidated portions of the updated regulations. To address this ruling, the agencies issued a "conforming rule" in September 2023 (88 Federal Register 61964-61969), modifying their definition of "waters of the United States" to comport with the Court's ruling. This definition is described in detail below.

Current USACE and USEPA regulations, reflecting the January 2023 definition as modified by the September 2023 Conforming Rule, define "waters of the United States" as follows (33 CFR 328.3):

1. Waters which are: Currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; territorial seas; or Interstate waters;
2. Impoundments of waters otherwise defined as waters of the United States under this definition, other than impoundments of waters identified under provision (5) of this section;
3. Tributaries of waters identified in provisions (1) or (2) of this section that are relatively permanent, standing or continuously flowing bodies of water;
4. Wetlands adjacent to the following waters:
    a) Waters identified in provision (1) of this section; or
    b) Relatively permanent, standing or continuously flowing bodies of water identified in provisions (2) or (3) of this section and with a continuous surface connection to those waters.
5. Intrastate lakes and ponds, not identified in provisions (1) through (4) of this section that are relatively permanent, standing or continuously flowing bodies of water with a continuous surface connection to the waters identified in provisions (1) or (3) of this section.

The definition specifies the following features are not "waters of the United States" even where they otherwise meet the terms of provisions (2) through (5) above:

1. Waste treatment systems, including treatment ponds or lagoons, designed to meet the requirements of the CWA;
2. Prior converted cropland designated by the Secretary of Agriculture. The exclusion would cease upon a change of use, which means that the area is no longer available for the production of agricultural commodities. Notwithstanding the determination of an area's status as prior converted cropland by any other Federal agency, for the purposes of the CWA, the final authority regarding CWA jurisdiction remains with USEPA;
3. Ditches (including roadside ditches) excavated wholly in and draining only dry land and that do not carry a relatively permanent flow of water (i.e., flowing for more than three months out of the year);
4. Artificially irrigated areas that would revert to dry land if the irrigation ceased;
5. Artificial lakes or ponds created by excavating or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing;
6. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating or diking dry land to retain water for primarily aesthetic reasons;
7. Waterfilled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States; and
8. Swales and erosional features (e.g., gullies, small washes) characterized by low volume, infrequent, or short duration flow.

The lateral limits of USACE jurisdiction in non-tidal waters are defined by the "ordinary high-water mark" (OHWM) unless adjacent wetlands are present. The OHWM is a line on the shore or edge of a channel established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed upon the bank, shelving, changes in the character of soil, destruction of vegetation, or the presence of debris (33 CFR 328.3(c)(1)). As such, waters are recognized in the field by the presence of a defined watercourse with appropriate physical and topographic features. If wetlands occur within, or adjacent to, waters of the United States, the lateral limits of USACE jurisdiction extend beyond the OHWM to the outer edge of the wetlands (33 CFR 328.4[c]). The upstream limit of jurisdiction in the absence of adjacent wetlands is the point beyond which the OHWM is no longer perceptible (33 CFR 328.4; see also 51 Federal Register 41217).

### *Hydrophytic Vegetation*

Hydrophytic vegetation dominates areas where frequency and duration of inundation or soil saturation exerts a controlling influence on the plant species present. Plant species are assigned wetland indicator status according to the probability of their occurring in wetlands. More than fifty percent of the dominant plant species must have a wetland indicator status to meet the hydrophytic vegetation criterion. USACE published the National Wetland Plant List[1] which separates vascular plants into the following four basic categories based on plant species frequency of occurrence in wetlands:

- **Obligate Wetland (OBL).** Almost always occur in wetlands
- **Facultative Wetland (FACW).** Usually occur in wetlands, but occasionally found in non-wetlands
- **Facultative (FAC).** Occur in wetlands or non-wetlands
- **Facultative Upland (FACU).** Usually occur in non-wetlands, but may occur in wetlands
- **Obligate Upland (UPL).** Almost never occur in wetlands

USACE considers OBL, FACW and FAC species to be indicators of wetlands. An area is considered to have hydrophytic vegetation when greater than 50 percent of the dominant species in each vegetative

[1] United States Army Corps of Engineers. 2022. National Wetland Plant List. Available: https://nwpl.sec.usace.army.mil/download/. (accessed October 2025)

stratum (tree, shrub, and herb) fall within these categories. Any species not appearing on the USACE's list is assumed to be an upland species, almost never occurring in wetlands. In addition, an area needs to contain at least 5 percent vegetative cover to be considered as a vegetated wetland.

### *Hydric Soils*

Hydric soils are saturated or inundated for a sufficient duration during the growing season to develop anaerobic or reducing conditions that favor the growth and regeneration of hydrophytic vegetation. Field indicators of wetland soils include observations of ponding, inundation, saturation, dark (low chroma) soil colors, bright mottles (concentrations of oxidized minerals such as iron), gleying (indicates reducing conditions by a blue-grey color), or accumulation of organic material. Additional supporting information includes documentation of soil as hydric or reference to wet conditions in the local soils survey, both of which must be verified in the field.

### *Wetland Hydrology*

Wetland hydrology is inundation or soil saturation with a frequency and duration long enough to cause the development of hydric soils and plant communities dominated by hydrophytic vegetation. If direct observation of wetland hydrology is not possible (as in seasonal wetlands), or records of wetland hydrology are not available (such as stream gauges), assessment of wetland hydrology is frequently supported by field indicators, such as water marks, drift lines, sediment deposits, or drainage patterns in wetlands.

## Limitations on Jurisdiction based on Sackett v. USEPA Supreme Court Decision

On May 25, 2023, the Supreme Court issued its decision on the petition from the Sacketts, a family in Idaho that was subject to a compliance order from the USEPA for backfilling their lot near Priest Lake, which the USEPA claimed contained federally-regulated wetlands. The wetlands in question were adjacent to a ditch that fed a creek that ultimately drained into Priest Lake, a navigable water body. The USEPA asserted the Sacketts had violated the law by filling the wetlands on their property without a permit. The Court's decision addressed controversy over whether, and under what conditions, the CWA reaches navigable waters' tributaries or adjacent wetlands. The Supreme Court's decision in *Sackett* provides definitive guidance to the agencies in determining the limits of their CWA authority. Major tenets of the decision have been incorporated into the agencies' current regulations through the September 2023 Conforming Rule.

The Court decided:

- "Adjacent wetlands" are waters of the United States only if there is a continuous surface connection between the wetland and a navigable or relatively permanent water body, such that it is difficult to determine the boundary between the wetland and the water body. The opinion notes "temporary interruptions to surface connection may sometimes occur because of phenomena like low tides or dry spells." The agencies addressed this element by defining the term "adjacent" to mean "having a continuous surface connection" in the Conforming Rule.
- The Significant Nexus Standard, introduced by the Court in prior decisions, is not mentioned in the CWA and should not be used. The Court determined the standard applies ecological factors whose use in determining jurisdiction is not supported by the statute. The Conforming Rule removed significant nexus considerations from the definition.

Although jurisdiction over tributaries was not addressed by the Court, the decision stated "…the [Clean Water Act's] use of "waters" encompasses only those relatively permanent, standing or continuously flowing bodies of water forming geographical features that are described in ordinary parlance as streams, oceans, rivers, and lakes." The Conforming Rule makes clear that only relatively permanent tributaries qualify as "waters of the United States."

## Rivers and Harbors Act Section 10

Section 10 of the Rivers and Harbors Act of 1899 requires authorization from USACE for the construction of any structure in or over any navigable water of the United States. Structures or work outside the limits defined for navigable waters of the United States require a Section 10 permit if the structure or work affects the course, location, or condition of the water body. The law applies to any dredging or disposal of dredged materials, excavation, filling, re-channelization, or any other modification of a navigable water of the United States and applies to all structures and work. It further includes, without limitation, any wharf, dolphin, weir, boom breakwater, jetty, groin, bank protection (e.g., riprap, revetment, bulkhead), mooring structures such as pilings, aerial or subaqueous power transmission lines, intake or outfall pipes, permanently moored floating vessel, tunnel, artificial canal, boat ramp, aids to navigation, and any other permanent, or semi-permanent obstacle or obstruction. It is important to note Section 10 applies only to navigable waters and thus does not apply to work in non-navigable wetlands or tributaries. In some cases, Section 10 authorization is issued by USACE concurrently with CWA Section 404 authorization, such as when certain Nationwide Permits are used.

## Clean Water Act Section 401

Section 401 of the CWA requires an applicant requesting a federal license or permit for an activity that may result in any discharge into navigable waters (such as a CWA Section 404 Permit) to provide state certification that the proposed activity will not violate state and federal water quality standards. In California, CWA Section 401 Water Quality Certification (Section 401 Certification) is issued by the RWQCBs and by the SWRCB for multi-region projects. The process begins when an applicant requests a pre-application meeting with the RWQCB, waits no less than 30 days, and then submits an application to the RWQCB and informs USACE (or the applicable agency from which a license or permit was requested) that an application has been submitted. USACE will then determine a “reasonable period of time” for the RWQCB to act on the application; this is typically 60 days for routine projects and longer for complex projects but may not exceed one year. Under current regulations, once initiated, the reasonable period of time cannot be stopped or paused. When the period has elapsed, if the RWQCB has not either issued a Section 401 Certification or denied the application, USACE may determine that Certification has been waived and issue the requested permit. If a Section 401 Certification is issued, it may include binding conditions, imposed either through the Certification itself or through the requested federal license or permit.

## Endangered Species Act

The USFWS and NMFS share responsibility for implementing the ESA. Generally, the USFWS implements the federal ESA for terrestrial and freshwater species, while the NMFS implements the federal ESA for marine and anadromous species. Projects that would result in “take” of any threatened or endangered animal species, or a threatened or endangered plant species if occurring on federal land, are required to obtain permits from the USFWS or NMFS through either Section 7 (interagency consultation with a federal nexus) or Section 10 (Habitat Conservation Plan) of the ESA, depending on the involvement by the federal government in funding, authorizing, or carrying out the project. The permitting process is used to determine if a project would jeopardize the continued existence of a listed species and what measures would be required to avoid jeopardizing the species. “Take” under federal definition means to harass, harm (which includes habitat modification), pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Proposed or candidate species do not have the full protection of the ESA; however, the USFWS and NMFS advise project applicants that they could be elevated to listed status at any time.

## Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) of 1918 implements four international conservation treaties that the United States entered into with Canada in 1916, Mexico in 1936, Japan in 1972, and Russia in 1976. It is intended to ensure the sustainability of populations of all protected migratory bird species. The law has

been amended with the signing of each treaty, as well as when any of the treaties were amended, such as with Mexico in 1976 and Canada in 1995. The MBTA prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the USFWS.

The list of migratory bird species protected by the law, in regulations at 50 CFR Part 10.13, is primarily based on bird families and species included in the four international treaties. A migratory bird species is included on the list if it meets one or more of the following criteria:

- It occurs in the United States or United States territories as the result of natural biological or ecological processes and is currently, or was previously listed as, a species or part of a family protected by one of the four international treaties or their amendments.
- Revised taxonomy results in it being newly split from a species that was previously on the list, and the new species occurs in the United States or United States territories as the result of natural biological or ecological processes.
- New evidence exists for its natural occurrence in the United States or United States territories resulting from natural distributional changes and the species occurs in a protected family.

In 2004, the Migratory Bird Treaty Reform Act (MBTRA) limited the scope of the MBTA by stating the MBTA applies only to migratory bird species that are native to the United States or United States territories, and that a native migratory bird species is one that is present as a result of natural biological or ecological processes. The MBTRA requires the USFWS to publish a list of all nonnative, human-introduced bird species to which the MBTA does not apply, and an updated list was published in 2020. The 2020 update identifies species belonging to biological families referred to in treaties the MBTA implements but are not protected because their presence in the United States or United States territories is solely the result of intentional or unintentional human-assisted introductions.

### Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act prohibits anyone, without a permit issued by the USFWS, from "taking" bald or golden eagles, including their parts (including feathers), nests, or eggs. The Act provides criminal penalties for persons who "take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof." The Act defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb."

"Disturb" means “to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

In addition to immediate impacts, this definition also covers impacts that result from human-induced alterations initiated around a previously used nest site during a time when eagles are not present, if, upon the eagle's return, such alterations agitate or bother an eagle to a degree that interferes with or interrupts normal breeding, feeding, or sheltering habits, and causes injury, death or nest abandonment.

## b. State Regulations

### Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act (Porter-Cologne Act) is the principal law governing water quality regulation in California. It establishes a comprehensive program to protect water quality and the beneficial uses of water. The Porter-Cologne Act applies to surface waters, wetlands, and groundwater and to both point and nonpoint sources of pollution. Pursuant to the Porter-Cologne Act (California Water Code section 13000 et seq.), the policy of the State is as follows:

- The quality of all the waters of the State shall be protected

- All activities and factors affecting the quality of water shall be regulated to attain the highest water quality within reason
- The State must be prepared to exercise its full power and jurisdiction to protect the quality of water in the State from degradation

The Porter-Cologne Act established nine RWQCBs (based on watershed boundaries) and the SWRCB, which are charged with implementing its provisions and which have primary responsibility for protecting water quality in California. The SWRCB provides program guidance and oversight, allocates funds, and reviews RWQCB decisions. In addition, the SWRCB allocates rights to the use of surface water. The RWQCBs have primary responsibility for individual permitting, inspection, and enforcement actions within each of nine hydrologic regions. The SWRCB and RWQCBs have numerous nonpoint-source-related responsibilities, including monitoring and assessment, planning, financial assistance, and management.

Section 13260 of the Porter-Cologne Act requires any person discharging or proposing to discharge waste that could affect the quality of waters of the State to file a Report of Waste Discharge with the appropriate RWQCB. The RWQCB may then authorize the discharge, subject to conditions, by issuing Waste Discharge Requirements (WDRs). While this requirement was historically applied primarily to outfalls and similar point source discharges, the SWRCB's (2019) *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State*, effective May 2020, make it clear the agency will apply the Porter-Cologne Act's requirements to discharges of dredge and fill material as well. The *Procedures* state they are to be used in issuing CWA Section 401 Certifications and WDRs and largely mirror the existing review requirements for CWA Section 404 Permits and Section 401 Certifications, incorporating most elements of the USEPA's *Section 404(b)(1) Guidelines*. Following issuance of the *Procedures*, SWRCB produced a consolidated application form for dredge/fill discharges that can be used to obtain a CWA Section 401 Water Quality Certification, WDRs, or both.

The SWRCB and RWQCBs have not currently established regulations for field determinations of waters of the State except for wetlands. In many cases, the RWQCBs interpret the limits of waters of the State to be bounded by the OHWM unless isolated conditions or ephemeral waters are present. However, in the absence of statewide guidance, each RWQCB may interpret jurisdictional boundaries within their region, and the SWRCB has encouraged applicants to confirm jurisdictional limits with their RWQCB before submitting applications. As determined by the RWQCB, waters of the State may include riparian areas or other locations outside the OHWM, leading to a larger jurisdictional area over a given water body compared to USACE.

Procedures for defining wetland waters of the State pursuant to the SWRCB's (2019) *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State* went into effect May 28, 2020. The SWRCB defines an area as a wetland if, under normal circumstances:

a. the area has continuous or recurrent saturation of the upper substrate caused by groundwater, or shallow surface water, or both;
b. the duration of such saturation is sufficient to cause anaerobic conditions in the upper substrate; and
c. the area's vegetation is dominated by hydrophytes or the area lacks vegetation.

The SWRCB's Implementation Guidance for the Wetland Definition and Procedures for Discharges of Dredge and Fill Material to Waters of the State (2019, states waters of the United States and waters of the State should be delineated using the standard USACE delineation procedures, taking into consideration that the methods shall be modified only to allow for the fact that a lack of vegetation does not preclude an area from meeting the definition of a wetland.

## California Endangered Species Act

The CESA (CFGC Section 2050 et seq.) prohibits take of state listed threatened or endangered. Take under CESA is defined as "Hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill" (CFGC Section 86). This definition does not prohibit indirect harm by way of habitat modification,

except where such harm is the proximate cause of death of a listed species. Where incidental take would occur during construction or other lawful activities, CESA allows the CDFW to issue an Incidental Take Permit upon finding, among other requirements, that impacts to the species have been minimized and fully mitigated. Unlike the federal ESA, CESA's protections extend to candidate species during the period (typically one year) while the California Fish and Game Commission decides whether the species warrants CESA listing.

### Native Plant Protection Act

The CDFW also has authority to administer the Native Plant Protection Act (NPPA) (CFGC Section 1900 et seq.). The NPPA requires the CDFW to establish criteria for determining if a species, subspecies, or variety of native plant is endangered or rare, and prohibits the take of listed plant species. Effective in 2015, CDFW promulgated regulations (14 California Code of Regulations 786.9) under the authority of the NPPA, establishing that the CESA's permitting procedures would be applied to plants listed under the NPPA as "Rare." With this change, there is little practical difference for the regulated public between plants listed under CESA and those listed under the NPPA.

### Sections 4700, 5050, and 5515 of the California Fish and Game Code

The CDFW enforces Sections 3511, 4700, 5050, and 5515 of the CFGC, which prohibit take of species designated as Fully Protected. The CDFW is not allowed to issue an Incidental Take Permit for Fully Protected species; therefore, impacts to these species must be avoided. The exception is situations where a Natural Community Conservation Plan is in place that authorizes take of the fully protected species.

### Sections 3503, 3503.5, and 3513 of the California Fish and Game Code

CFGC Sections 3503, 3503.5, and 3513 describe unlawful take, possession, or destruction of native birds, nests, and eggs. Section 3503.5 protects all birds-of-prey and their eggs and nests against take, possession, or destruction of nests or eggs. Section 3513 makes it a state-level offense to take any bird in violation of the MBTA.

## c. Regional and Local Regulations

### Santa Clara Valley Habitat Plan

The Santa Clara Valley Habitat Plan (SCVHP) is a Habitat Conservation Plan and a Natural Community Conservation Plan. The SCVHA is responsible for implementation of the SCVHP. The SCVHP includes the requirements and criteria for covered activities. Annexation of a parcel alone may not be considered a covered activity under the SCVHP as it does not cause ground disturbance, however any development proposed within the annexed parcels would require coverage. The SCVHA is preparing an amendment to the SCVHP, and is expected to include coverage of seven new special-status species and updated conditions. However, the amendment is still in draft form and is not expected to be finalized until the second quarter of 2026. As described in Chapter 2 of the SCVHP *Private Development Subject to the Plan*, private development activities that require ground disturbance are subject to the SCVHP if the activity meets the following criteria:

1. The activity is subject to either ministerial or discretionary approval by the County or one of the cities;
2. The activity is described in Section 2.3.2, *Urban Development*, or in Section 2.3.7, *Rural Development*; and
3. The activity is located in an area identified as "Private Development is Covered (Figure 2-58 of the SCVHP)," OR

4. The activity is equal to or greater than 2 acres AND the project is located in an area identified as "Rural Development Equal to or Greater than 2 Acres is "Covered," or "Urban Development Equal to or Greater than 2 Acres is Covered" OR
5. The activity is located in an area identified as "Rural Development is not Covered" but, based on land cover verification of the development area (for rural development projects), the project is found to impact serpentine, wetland, stream, riparian, or pond land cover types; or the project is located in occupied or occupied nesting habitat for western burrowing owl.

The SCVHP permit application process includes:

1. Complete and submit the Habitat Plan Coverage Screening Form (to the planning or building office with the planning application (such as use permit, subdivision, etc.).
2. Complete and submit the Habitat Plan Fees and Conditions Worksheet, including verification of land cover on the project site (to the planning or building office and receive confirmation of applicable fees).
3. Prepare and submit the Habitat Plan Application Package with all supporting materials (online form).
4. Pay Habitat Plan fees, agree to conditions of approval, and obtain permits.

The SCVHP includes permit conditions for avoidance and minimization of impacts to covered species. These conditions are applied based on certain criteria, including project specific location and impacts. The BSA is located within Fee Zone A (Ranchlands and Natural Lands) Fee Zone B (Agricultural and Valley Floor Lands). Under the SCVHP, the proposed project is considered a rural development project. Applicable general avoidance and minimization measures and permit conditions for rural development projects include, but are not limited to:

*Avoidance and Minimization Measures*

- Personnel shall prevent the accidental release of chemicals, fuels, lubricants, and non-storm drainage water into channels.
- Spill prevention kits shall always be in close proximity when using hazardous materials (e.g., crew trucks and other logical locations)
- Maintenance of natural stream characteristics, such as riffle-pool sequences, riparian canopy, sinuosity, floodplain, and a natural channel bed, will be incorporated into the project design.
- The project or activity must be designed to avoid the removal of riparian vegetation, if feasible. If the removal of riparian vegetation is necessary, the amount shall be minimized to the amount necessary to accomplish the required activity and comply with public health and safety directives.
- Minimize ground disturbance to the smallest area feasible.
- Use existing roads for access and disturbed areas for staging as site constraints allow. Off-road travel will avoid sensitive communities such as wetlands and known occurrences of covered plants.
- Prepare and implement sediment erosion control plan
- Equipment storage, fueling and staging areas will be sited on disturbed areas or non-sensitive habitat outside of a stream channel.
- Avoid wet season construction
- Seed mixtures applied for erosion control will not contain invasive nonnative species and will be composed of native species or sterile nonnative species. If sterile nonnative species are used for temporary erosion control, native seed mixtures must be used in subsequent treatments to provide long-term erosion control and slow colonization by invasive nonnatives.
- Vehicles operated within and adjacent to streams will be checked and maintained daily to prevent leaks of materials that, if introduced to the water, could be deleterious to aquatic life.

- To prevent the spread of exotic species and reduce the loss of native species, aquatic species will be netted at the drain outlet when draining reservoirs or ponds to surface waters. Captured native fish, native amphibians, and western pond turtles will be relocated if ecologically appropriate. Exotic species will be dispatched.
- To minimize the spread of pathogens all staff working in aquatic systems (i.e., streams, ponds, and wetlands)— including site monitors, construction crews, and surveyors—will adhere to the most current guidance for equipment decontamination provided by the Wildlife Agencies at the time of activity implementation. Guidance may require that all materials that come in contact with water or potentially contaminated sediments, including boot and tire treads, be cleaned of all organic matter and scrubbed with an appropriate cleansing solution, and that disposable gloves be worn and changed between handling equipment or animals. Care should be taken so that all traces of the disinfectant are removed before entering the next aquatic habitat.
- To prevent inadvertent entrapment of animals during excavation, all excavated, steep-walled holes or trenches more than 2-feet deep will be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks.
- Pumps and generators shall be maintained and operated in a manner that minimizes impacts to water quality and aquatic species.
- All construction pipes, culverts, or similar structures with a diameter of 4 inches or greater that are stored at a construction site for one or more overnight periods will be thoroughly inspected for wildlife by properly trained construction personnel before the pipe is subsequently buried, capped, or otherwise used or moved in anyway.

### *Condition 1: Avoid Direct Impacts on Legally Protected Plant and Wildlife Species*

This permit condition applies to all covered activities and requires avoidance of Contra Costa goldfields (*Lasthenia conjugens*), a federally endangered species not included for coverage under the Habitat Conservation Plan; and species that are fully protected by CFGC (Sections 3511 and 4700), the MBTA, and Bald and Golden Eagle Protection Act.

### *Condition 3: Maintain Hydrologic Conditions and Protect Water Quality*

This condition applies to all covered activities and requires compliance with regulations under National Pollutant Discharge Elimination System (NPDES) permit requirements. The Central Coast Regional Water Quality Control Board administers the NPDES program for the Pajaro Watershed, which includes the Llagas Creek subbasin.

### *Condition 7: Rural Development Design and Construction Requirements*

This condition addresses rural development projects outside the urban service area. Condition 7 requires low impact design and construction best management practices (limiting disturbance footprint, stream setbacks and buffers, invasive species avoidance, etc.) to avoid and minimize impacts to sensitive communities (including wetlands and hydrology) and covered species.

### *Condition 14: Valley Oak and Blue Oak Woodland Avoidance and Minimization*

This condition applies to all covered activities and requires avoidance and minimization measures for stands of valley oak and blue oak, including protection of root zones and pruning under the direction of a certified arborist.

## Morgan Hill 2035 General Plan

The City of Morgan Hill General Plan's Natural Resources and Environment element's goals and policies include the following for managing biological resources:

**GOAL NRE-5 Preservation and reclamation of streams and riparian areas as open space.**

**Policy NRE-5.1** Reclamation of Streams and Riparian Areas. Encourage reclamation of degraded streams and riparian areas.

**Policy NRE-5.2 Other Agencies and Environmental Review.** Coordinate with jurisdictional agencies, as required, as part of the environmental review process for development projects.

**Policy NRE-5.3 Natural State of Streamside and Riparian Areas**. Retain natural streamside and riparian areas in their natural state in order to preserve their value as percolation and recharge areas, natural habitat, scenic resources, and recreation corridors, and to stabilize banks. (South County Joint Area Plan 15.08)

**Policy NRE-5.4 Development Impacts in Riparian Areas**. Consider development impacts upon wildlife in riparian areas and mitigate those environmental impacts.

**Policy NRE-5.6** *Stream Channel Protection*. Protect existing stream channels and riparian vegetation by requiring buffering or landscaped setbacks and storm runoff interception consistent with the Santa Clara Valley Habitat Plan (as specified in Table NRE-1).

**Policy NRE-5.7 Creek Visibility**. Require creek areas in new developments to be visible from the public rightof-way to ensure safety, maintenance, access, and integration into the neighborhood.

**Policy NRE-5.8 Creeks Access**. Access to creeks should be of sufficient width to accommodate trails, flood control access, and protection of riparian habitat. (South County Joint Area Plan 16.11)

**Action NRE-5.A West Little Llagas Creek**. A proposed streamside park along West Little Llagas Creek should be actively implemented and connected to the County trail system. (South County Joint Area Plan 16.10 & 16.12)

**Action NRE-5.B Design Guidelines for Riparian Features**. Develop Design Guidelines for preserving, reclaiming and incorporating riparian features into development.

**Action NRE-5.C Riparian Preservation and Reclamation Programs.** Develop programs for the preservation and reclamation of degraded riparian areas.

**GOAL NRE-6 Protection of native plants, animals, and sensitive habitats.**

**Policy NRE-6.1 Natural State of Habitat**. Preserve all fish and wildlife habitats in their natural state whenever possible. Consider development impacts upon wildlife and utilize actions to mitigate those environmental impacts.

**Policy NRE-6.2 Habitat Conservation Plan**. Support the implementation of the Santa Clara Valley Habitat Plan to protect wildlife, rare and endangered plants and animals, and sensitive habitats from loss and destruction.

**Policy NRE-6.3 Urban Expansion Impacts**. Minimize impacts upon wildlife when considering annexations, urban service area extensions, and other governmental actions that permit urban development of previously undeveloped property.

**Policy NRE-6.4 Tree Preservation and Protection**. Preserve and protect mature, healthy trees whenever feasible, particularly native trees, historically significant trees, and other trees which are of significant size or of significant aesthetic value to the immediate vicinity or to the community as a whole.

**Policy NRE-6.5 Soil and Erosion**. Require development to be designed to conserve soil and avoid erosion. (South County Joint Area Plan 13.06)

**Policy NRE-6.6 Use of Native Plants**. Encourage use of native plants, especially drought-resistant species, in landscaping.

**Policy NRE-6.7 Habitat Protection and Enhancement**. Encourage the protection, restoration, and enhancement of remaining native grasslands, oak woodlands, marshlands, and riparian habitat.

**Action NRE-6.A Standard Measures for Construction Activities**. Develop a set of standard measures requiring construction activities to avoid disturbance to natural features to the extent feasible.

## City of Morgan Hill Municipal Code

### *Protected Trees*

The City of Morgan Hill Municipal Code (MHMC) Section 12.32 - Protected and Significant Trees requires a tree removal permit for the removal of protected trees. Protected trees are defined as:

- any live woody plant rising above the ground with a single stem or trunk a diameter at breast height (DBH) of thirteen inches or more for nonnative tree species and a DBH of six inches or more for native tree species,
- trees of certain species or historical significance as designated by the City,
- any tree designated for protecting during review and approval of a development project, public or street trees, and otherwise designated as significant status.

Removal or pruning of such trees requires a tree removal permit issued by the City. To apply for a tree removal permit, the permit application must include an arborist report, site plan, and justification for removal. The approval process involves review by City staff or the Planning Commission, depending on the scope and impact. If removal is approved, applicants must comply with replacement requirements, typically involving a 1:1 or greater replacement ratio based on trunk diameter, species, and site conditions, as approved by the City. Alternatively, the City may allow payment of an in-lieu fee to support urban forestry efforts when on-site replacement is not feasible. Protected trees of sufficient size are present within the BSA.

### *Natural Resource and Hazard Setbacks*

The MHMC Section 18.92.110 (Natural resource and hazard setbacks) also includes the requirement for a minimum setback from Category 1 and Category 2 streams as defined, and consistent within the SCVHP. This section also includes a minimum development setback of 80 feet from ridgelines, and requires development be situated outside of the 100-year floodplain. No Category 1 or Category 2 streams are present in the BSA, or within 150 feet of the BSA, and the BSA is not located within the 100-year floodplain. The south end of the BSA includes a ridgeline below El Toro.

### *Habitat Conservation*

Chapter 18.132 of the MHMC implements the Santa Clara SCVHP and the associated implementing agreement in order to provide a regulatory framework for promoting the protection and recovery of natural resources, including covered species, while streamlining the permitting process for both publicly funded and privately funded planned development in the City of Morgan Hill.

## City of Morgan Hill Standard Conditions of Approval

The City of Morgan Hill applies Standard Conditions of Approval to development projects, including:

**Tree Protection:** Unless tree removal has been previously approved, all trees located within 25 feet of any site disturbance shall be protected using the following minimum protection measures (these guidelines shall be included with all site development plans):

1. Mark all trees to be saved with a survey flag or ribbon. Do not nail or staple directly to the tree.

2. Erect a temporary fence enclosing an area equal to at least the dripline of the tree (or as far from the trunk as possible). This tree protection zone shall not be used for parking, storage of building materials, or other equipment or the placement of temporary or permanent fill. Signs should be posted identifying the restriction of uses in the tree protection zone.
3. Locate structures, grade changes, and other ground or surface disturbances (e.g. concrete pours) as far as feasible from the "dripline" area of the tree.
4. Avoid root damage through grading, trenching, and compaction, at least within an area 1.5 times the dripline area of the tree. Where root damage cannot be avoided, roots encountered over 1 inch in diameter should be exposed approximately 12 inches beyond the area to be disturbed (towards the tree stem), by hand excavation, or with specialized hydraulic or pneumatic equipment, cut cleanly with hand pruners or power saw and immediately back-filled with soil. Avoid tearing or otherwise disturbing that portion of the roots to remain.
5. The addition of plant or other landscaping materials shall remain outside of the dripline of all trees.
6. All trees proposed to be removed from the project site shall be replaced at a 1:1 ratio. Replacement trees shall be consistent with the City of Morgan Hill Master Street Tree. All replacement trees shall be a minimum of 15-gallons in size. All mitigation/replacement trees shall be shown on the landscape plans and approved by the Development Services Director prior to the issuance of the building/grading permit.
7. Any tree subject to Chapter 12.32 Restrictions On Removal Of Significant Trees of the Morgan Hill Municipal Code requires approval from the Planning Division. The applicant shall request approval prior to removing any significant trees.

**Habitat Plan**

A. **Fees:** The approved project is covered pursuant to the Santa Clara Valley Habitat Plan (Habitat Plan) and subject to fees and conditions contained in the Habitat Plan.
B. **Application Package**: Prior to issuance of a grading permit, the project shall complete and submit a Habitat Plan Application Package. All fees shall be paid prior to issuance of a grading permit. **(MHMC 18.132)**
C. **Conditions:** Any additional conditions or mitigations required by the Habitat Plan shall be clearly stated on all plans that involve any ground disturbing activity (i.e. grading plans, improvement plans, paving plans, demolition plans or other plans for site clearing or temporary stockpile of dirt). **(MHMC 18.132)**

## 4.3.3 Impact Analysis

### a. Methodology and Thresholds of Significance

### Methodology

A Rincon Consultants biologist conducted field reconnaissance surveys on September 30, 2025, in support of the proposed Rose Orchard Court annexation site (Assessor Parcel Numbers [APNs]: 773-32-015 (16A) and 773-32-016 (4A) [the Auclair property]), Butterfield Sports Park Expansion site (APNs: 817-06-001 and 825-06-022), and Condit Sports Facilities Expansion site (APNs 817-13-008 and 817-13-037) (hereafter referred to as the annexation sites). As discussed in Chapter 2, *Project Description*, no changes are proposed for APN 825-06-022 and existing residential uses would continue unchanged. This parcel is incorporated into the Butterfield Sports Park Expansion site description of existing conditions, but is not part of the potential project impacts.

Separate BRAs were prepared for the proposed Rose Orchard Court annexation site and the Butterfield Sports Park Expansion site. The BRAs documented existing biological conditions within the annexation sites (i.e., plant and wildlife species, vegetation communities, jurisdictional waters, wildlife movement areas and other sensitive habitats) and assessed the potential for significant impacts to biological

resources as a result of project implementation. The BRAs were completed by Rincon Consultants, Inc. in October 2025, and are included as Appendix C and Appendix D. A summary of the results of the BRAs is presented in this section, and the impacts analysis presented in this section is based on the findings of the BRAs. The annexation sites are located within the SCVHP boundary and may be eligible for coverage under the SCVHP and subject to its requirements.

Due to the developed nature of the Condit Sports Facilities Expansion site, a separate BRA was not prepared; the results of the literature and database review and reconnaissance survey are included in this section of the EIR. Rincon conducted a literature review to characterize the nature and extent of biological resources on and adjacent to the annexation sites. The literature review included an evaluation of current and historical aerial photographs of the site, regional and site-specific topographic maps, climatic data, and queries of the following biological resources databases:

- CDFW California Natural Diversity Database (CDFW 2025a). For the Condit Sports Facilities Expansion site this included queries of the *Gilroy*, *California* USGS 7.5-minute topographic quadrangle and the surrounding eight quadrangles (*Morgan Hill, Mt. Madonna*, *Gilroy*, *Mt. Sizer*, *Chittenden, Watsonville East, Gilroy Hot Springs, San Felipe, and Mississippi Creek*). The results of the literature and database review are compiled in Appendix C.
- CNPS Inventory of Rare and Endangered Plants of California (CNPS 2025b). For the Condit Sports Facilities Expansion site, this included the above nine-quad search area.
- USFWS Information for Planning and Consultation system (IPaC) (USFWS 2025a)
- United States Department of Agriculture Natural Resources Conservation Service (NRCS) Web Soil Survey (NRCS 2024)
- USFWS Critical Habitat Portal (USFWS 2025b)
- CDFW Natural communities list (CDFW 2025a)
- CDFW Biogeographic Information and Observation System (CDFW 2025c)
- SCVHA Geobrowser (2025)
- eBird (2025)
- Bumble Bee Watch (The Xerces Society 2025)

The project's impacts related to special-status species, sensitive natural communities, potential jurisdictional areas and other protected biological resources are evaluated based on the project's adherence to local, state, and federal requirements; current conditions and level of existing development, construction activities, the change in land use and proposed operational activities; and the nature of proposed development and its potential to effect sensitive biological resources. The assessment of biological resources in this analysis is based on a desktop review of aerial imagery, existing background documents, and agency database queries, including the California Natural Diversity Database (CDFW 2025b), IPaC (USFWS 2025a), and the Inventory of Rare and Endangered Plants of California (CNPS 2025b), as well as the BRAs with site visits, prepared for the Rose Orchard Court annexation site (Appendix D) and Butterfield Sports Park Expansion site (Appendix C).

## Significance Thresholds

To determine whether a project would result in a significant impact related to biological resources, Appendix G of the *CEQA Guidelines* requires consideration of whether a project would:

1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;
2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;

3. Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
4. 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;
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; and/or
6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan.

## b. Impact Analysis and Mitigation Measures

The proposed project does not include changes to or development on the APN 825-06-022 site. Accordingly, the analyses below focus exclusively on the Rose Orchard Court site, the Butterfield Sports Park Expansion site, and the Condit Sports Facilities Expansion site.

| | |
|---|---|
| **Threshold 1:** | Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? |

**Impact BIO-1** **DEVELOPMENT FACILITATED BY THE PROJECT AT THE ANNEXATION SITES COULD DISTURB KNOWN SPECIAL-STATUS SPECIES OR THEIR ASSOCIATED HABITAT, INCLUDING THROUGH HABITAT MODIFICATIONS. DEVELOPMENT FACILITATED BY THE PROJECT DURING THE NESTING BIRD SEASON COULD ALSO DIRECTLY AND/OR INDIRECTLY AFFECT NESTING BIRDS PROTECTED UNDER THE MBTA AND CFDG SECTION 3503. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED.**

*Condit Sports Facilities Expansion Site*

No state- or federally listed plant species are expected to occur within the project site. All special-status plant species are considered have a low potential or are not expected to occur within the project site due to the lack of species-specific habitat requirements and lack of known occurrences in the vicinity.

As shown on Table 4.3-1, three special-status wildlife species have the potential to occur within the Condit project site, including Crotch's bumble bee, burrowing owl, Swainson's hawk. Native nesting birds also have potential to occur within the annexation sites. These species are discussed below.

Crotch's bumble bee

Crotch's bumble bee has a low potential to occur. Impacts to Crotch's bumble bee could occur if bumble bee nests are present in the construction work area during initial ground disturbance, clearing, and grubbing. This impact would be potentially significant.

Development would also result in some loss of marginal foraging habitat, but higher quality foraging habitat occurs to the east and west, within open space along the east foothills of the Santa Cruz Mountains and Diablo Range, which provide large contiguous areas of suitable habitat. Therefore, impacts due to loss of marginal habitat would be less than significant. Habitat fragmentation and edge effects can occur if large, contiguous habitat areas are broken into smaller, isolated patches as a result of development. Within habitat along these new boundaries of development, light, temperature, moisture, and wind conditions may be altered, as well as increased human activity, noise, and opportunities for predation. Collectively, these effects could degrade habitat quality, favor invasive species, and reduce the suitability of remaining habitat for native wildlife, particularly sensitive or special-status species. The project site is located within the developed valley floor and would not significantly contribute to habitat fragmentation or edge effects due to the level of existing development. Therefore, impacts due to loss of

marginal habitat would be less than significant. Crotch's bumble bee is proposed for coverage under the SCVHP but is not a covered species yet.

Nonetheless, because there is a potential to impact Crotch's bumble bee if present on the site, the potential impact to bumble bee nests is potentially significant and Mitigation Measure BIO-1 and Mitigation Measure BIO-2 are required.

Burrowing owl

Burrowing owl has a low potential to occur. Suitable foraging habitat for burrowing owl occurs in annual grassland, and California ground squirrel burrows were observed, primarily along the southern edge of the site at Condit Road. No burrows with sign of owls were observed during the survey; however, impacts could occur if individuals are present in the work area during construction due to direct mortality or disturbance. This impact would be potentially significant.

Development would also result in some loss of marginal foraging habitat; however higher quality foraging habitat occurs within open space to the east and west in the foothills of the Santa Cruz Mountains and Diablo Range, which provide large contiguous areas of suitable habitat. Additionally, the project site is located within the developed valley floor and would not significantly contribute to habitat fragmentation or edge effects to large contiguous habitat patches within the foothills and mountains. Therefore, impacts due to loss of marginal habitat would be less than significant.

Burrowing owl is a covered species under the SCVHP; Condition 1 *Avoid Direct Impacts to Legally Protected Wildlife Species* requires protection of migratory birds under the MBTA, including burrowing owl, but does not prescribe specific, enforceable methods for avoiding take.[2] Therefore even with implementation of the SCVHP measures, impacts on burrowing owl would remain potentially significant. Therefore, mitigation measures BIO-1, BIO-3, and BIO-4 are required.

Swainson's Hawk and Nesting Birds

Marginally suitable foraging habitat for Swainson's hawk occurs in annual grasslands, which are common at this site. Large trees may also provide suitable nest trees for raptors in the project vicinity; however, the site is heavily disturbed by residential use, parking, and human presence, so sensitive bird species are less likely to nest in the vicinity.

Impacts to nesting birds could occur if active nests occur within the project site or vicinity during construction. Construction could result in direct mortality if active nests are present in the work area during ground disturbance and vegetation removal. Nest abandonment could also occur if active nests of passerines or raptors are present in the vicinity due to construction noise and vibration. This impact would be potentially significant.

Development would also result in some loss of marginal nesting and foraging habitat; however higher quality habitat occurs in the foothills to the east and west of the valley floor. Therefore, impacts due to loss of marginal habitat would be less than significant. Additionally, the area proposed for development would be located along the existing edge of a residential area and would not significantly contribute to habitat fragmentation or edge effects.

Swainson's hawk is not a covered species under the SCVHP; however, Condition 1 *Avoid Direct Impacts to Legally Protected Wildlife Species* requires protection of migratory birds under the MBTA, but as stated above the SCVHP does not include project-level measures to avoid take of nesting birds. Swainson's hawk are proposed for coverage under the SCVHP but are not a covered species yet. Therefore, impacts to Swainson's hawk and native nesting birds would be potentially significant and Mitigation Measure BIO-1 and Mitigation Measure BIO-5 are required. Preconstruction Nesting Bird Survey(s) would be

[2] Note: the SCVHP administers fees for burrowing owl impacts; however, the project site is not within the burrowing owl fee zone, so additional mitigation measures are required, as described below.

implemented to reduce impacts on nesting birds to less than significant levels by conducting preconstruction nesting bird surveys and non-disturbance buffers.

### *Butterfield Sports Park Expansion Site*

No state- or federally listed plant species are expected to occur within the project site. All special-status plant species are considered have a low potential or are not expected to occur within the project site due to the lack of species-specific habitat requirements and lack of known occurrences in the vicinity. Smooth lessingia is a covered species under the SCVHP; however, the site is not located within a SCVHP plant survey area and species-specific habitat (serpentine bunchgrass grassland) is not present. Additionally, there are no known occurrences of covered plant species within 0.25 mile. Therefore, impacts to special-status plant species would be less than significant.

As shown on Table 4.3-1, several special-status wildlife species have the potential to occur within the Butterfield site. These species are discussed below.

#### California Tiger Salamander

California tiger salamander has a low potential to occur within the project area. Suitable upland habitat with small mammal burrows is present in annual grasslands within the project site. However, the site is largely surrounded by residential and agricultural development, roads, and railroad tracks which are barriers for movement. Suitable vernal pool or ephemeral pond breeding habitat is not present within Llagas Creek.

Impacts to California tiger salamander during construction could occur if individuals are present in the work area during construction and may include direct mortality during ground disturbance and vegetation removal. Impacts may also occur if individuals move into the work area after initial clearing and grubbing. This impact would be potentially significant.

Development would also result in some loss of marginal upland habitat. Higher quality breeding and upland habitat occurs to the east, within open space along the east foothills of the Santa Cruz Mountains, which provide large contiguous areas of suitable habitat. Additionally, the project site is located within the developed valley floor and would not significantly contribute to habitat fragmentation or edge effects. Therefore, impacts due to loss of marginal habitat would be less than significant.

Impacts to California tiger salamander individuals would be potentially significant; however, the project would be required to comply with the SCVHP conditions, including Condition 1 *Avoid Direct Impacts to Legally Protected Wildlife Species*. Potential "Take" of California tiger salamander would be approved under the SCVHP. With implementation of SCVHP Conditions, Avoidance and Minimization Measures (AMMs), and payment of the SCVHP impact fees, which fund the SCVHA's conservation strategy, impacts to California tiger salamander would be less than significant.

#### Crotch's bumble bee

Crotch's bumble bee has a moderate potential to occur in the project site. Similar to the Condit Sports Facilities Expansion site, impacts to Crotch's bumble bee could occur if bumble bee nests are present in the work area during initial ground disturbance, clearing, and grubbing. This impact would be potentially significant and Mitigation Measures BIO-1 is required.

Development would also result in some loss of marginal foraging habitat, but as described above, higher quality foraging habitat is present in the foothills to the east and west of the valley floor. The project site is also located within the developed valley floor and would not significantly contribute to habitat fragmentation or edge effects. Therefore, impacts due to loss of marginal habitat would be less than significant.

Burrowing owl

Burrowing owl has a moderate potential to occur. Similar to the Condit Sports Facilities Expansion site, suitable foraging habitat for burrowing owl occurs in annual grassland, and California ground squirrel burrows were observed. No burrows with sign of owls were observed during the survey; however, impacts could occur if individuals are present in the work area during construction. This impact would be potentially significant.

Development would also result in some loss of marginal foraging habitat, but as described above, higher quality foraging habitat is present in the foothills to the east and west of the valley floor. The project site is also located within the developed valley floor and would not significantly contribute to habitat fragmentation or edge effects. Therefore, impacts due to loss of marginal habitat would be less than significant. Burrowing owl is a covered species under the SCVHP; Condition 1 *Avoid Direct Impacts to Legally Protected Wildlife Species* requires protection of migratory birds under the MBTA, including burrowing owl.[3] Even with implementation of these measures, impacts on burrowing owl would remain potentially significant. Therefore, mitigation measures BIO-1, BIO-3, and BIO-4 are required.

Swainson's Hawk and Nesting Birds

Swainson's hawk has a low potential to occur within the project area. Similar to the Condit Sports Facilities Expansion site, suitable foraging habitat for Swainson's hawk occurs in annual grasslands within the project site. Suitably large nest trees are absent, and the site is surrounded by development, but suitable nest trees may occur within 0.25-mile of the project site. Impacts to nesting birds could occur if active nests occur within the project site or vicinity during construction. This impact would be potentially significant.

Development would also result in some loss of marginal nesting and foraging habitat; however higher quality habitat occurs in the foothills to the east and west of the valley floor. Therefore, impacts due to loss of marginal habitat would be less than significant. Additionally, the area proposed for development would be located along the existing edge of a residential area and would not significantly contribute to habitat fragmentation or edge effects. Impacts to Swainson's hawk and native nesting birds would be potentially significant. Therefore, mitigation measures BIO-1 and BIO-5 are required.

*Rose Orchard Court Annexation Site*

No state- or federally listed plant species are expected to occur within the project site. All special-status plant species considered have a low potential or are not expected to occur within the project site due to the lack of species-specific habitat requirements and lack of known occurrences in the vicinity. Additionally, the project proposes to develop approximately four acres of the lower north end near Rose Orchard Court, in areas previously developed as a walnut orchard, and conserve 10 acres of higher quality less disturbed habitat on the upper slope. Smooth lessingia and most beautiful jewelflower are covered species under the SCVHP; however, the site is not located within a SCVHP plant survey area and species-specific habitat (serpentine bunchgrass grassland) is not present. Additionally, there are no known occurrences of covered plant species within 0.25 mile. Therefore, impacts to special-status plant species would be less than significant.

As shown on Table 4.3-1, several special-status wildlife species have the potential to occur within the project site. These species are discussed below.

California Tiger Salamander

California tiger salamander has a high potential to occur within the project area. Suitable upland habitat with small mammal burrows is present in annual grasslands within the project site, including the lower portion proposed for development. Impacts to California tiger salamander could occur if individuals are

[3] Note: the SCVHP administers fees for burrowing owl impacts; however, the project site is not within the burrowing owl fee zone, thus additional mitigation measures are required, as described below.

present in the work area during construction. Impacts may also occur if individuals move into the work area after initial clearing and grubbing. This impact would be potentially significant.

Development would also result in some loss of marginal upland habitat; however higher quality upland habitat occurs along the slope above the existing residence and the flanks of El Toro provide large contiguous areas of suitable habitat. Therefore, impacts due to loss of marginal habitat would be less than significant. Additionally, the area proposed for development would be located along the existing edge of a residential area and would not significantly contribute to habitat fragmentation or edge effects.

Impacts to California tiger salamander individuals would be potentially significant; however, the project would be required to comply with the SCVHP conditions, including: Condition 1 *Avoid Direct Impacts to Legally Protected Wildlife Species*. Potential "Take" of California tiger salamander would be approved under the SCVHP. With implementation of SCVHP Conditions, AMMs, and payment of the SCVHP impact fees, which fund the SCVHA's conservation strategy, impacts to California tiger salamander would be less than significant.

Crotch's bumble bee

Crotch's bumble bee has a moderate potential to occur in the projects site. Impacts to Crotch's bumble bee could occur if bumble bee nests are present in the work area during initial ground disturbance, clearing, and grubbing. This impact would be potentially significant.

Development would also result in some loss of marginal foraging habitat; however higher quality foraging habitat occurs along the slope above the residence, and the flanks of El Toro provide large contiguous areas of suitable habitat. Therefore, impacts due to loss of marginal habitat would be less than significant. Additionally, the area proposed for development would be located along the existing edge of a residential area and would not significantly contribute to habitat fragmentation or edge effects. Crotch's bumble bee is proposed for coverage under the SCVHP but is not a covered species yet. Therefore, Mitigation Measures BIO-1 is required.

Burrowing owl

Burrowing owl has a moderate potential to occur. Suitable foraging habitat for burrowing owl occurs in annual grassland and California ground squirrel burrows were observed, primarily in the lower portion proposed for development. No burrows with sign of owls were observed during the survey; however, impacts could occur if individuals are present in the work area during construction due to direct mortality or disturbance. This impact would be potentially significant.

Development would also result in some loss of marginal foraging habitat; however higher quality foraging habitat occurs along the slope above the residence, and the flanks of El Toro provide large contiguous areas of suitable habitat. Therefore, impacts due to loss of marginal habitat would be less than significant. Additionally, the area proposed for development would be located along the existing edge of a residential area and would not significantly contribute to habitat fragmentation or edge effects.

Burrowing owl is a covered species under the SCVHP; Condition 1 *Avoid Direct Impacts to Legally Protected Wildlife Species* requires protection of migratory birds under the MBTA, including burrowing owl.[4] Even with implementation of these measures, impacts on burrowing owl would remain potentially significant. Therefore, mitigation measures BIO-1, BIO-3, and BIO-4 are required.

Loggerhead Shrike, Grasshopper Sparrow, Swainson's Hawk, White Tailed Kite, and Nesting Birds

Loggerhead shrike has a moderate potential to nest in dense shrubs or trees within the project site or immediate vicinity, including areas proposed for development. Marginally suitable nesting habitat occurs in tall grass for grasshopper sparrow. Suitable foraging habitat for grasshopper sparrow, Swainson's hawk, and white-tailed kite occurs in annual grasslands, and oak woodland margins. Large coast live oak

[4] Note: the SCVHP administers fees for burrowing owl impacts; however, the project site is not within the burrowing owl fee zone, thus additional mitigation measures are required, as described below.

and valley oak trees may also provide suitable nest trees for raptors; however, the site is heavily disturbed by residential use and human presence, therefore sensitive bird species are less likely to nest in the vicinity. Impacts to nesting birds could occur if active nests occur within the project site or vicinity during construction and could result in direct mortality if loggerhead shrike or grasshopper sparrow nests are present in the work area during ground disturbance and vegetation removal, or nest abandonment due to disturbance if active nests of passerines or raptors are present in the vicinity of construction noise and vibration. This impact would be potentially significant.

Development would also result in some loss of marginal nesting and foraging habitat; however higher quality habitat occurs along the slope above the residence, and the flanks of El Toro provide large contiguous areas of suitable habitat. Therefore, impacts due to loss of marginal habitat would be less than significant. Additionally, the area proposed for development would be located along the existing edge of a residential area, and would not significantly contribute to habitat fragmentation or edge effects.

None of these species are covered species under the SCVHP; however, Condition 1 *Avoid Direct Impacts to Legally Protected Wildlife Species* requires protection of migratory birds under the MBTA. Loggerhead shrike and Swainson's hawk are proposed for coverage under the SCVHP but are not covered species yet. Therefore, impacts to loggerhead shrike, grasshopper sparrow, Swainson's hawk, white tailed kite, and native nesting birds would be potentially significant. Mitigation measures BIO-1 and BIO-5 are required.

### San Francisco dusky-footed woodrat

Suitable habitat for San Francisco dusky-footed woodrat occurs within oak woodlands on the slope above the residence, where there is a shrubby understory, and this species has a moderate potential to occur. However, because no suitable habitat occurs within the area proposed for development, no impacts to this species are expected. San Francisco dusky-footed woodrat is not a SCVHP covered species.

### Mountain Lion

Suitable foraging habitat is present, and prey species (deer) were observed in the project site. However, the level of disturbance due to human presence is high in residential areas, and this species is typically wary of human interactions and is more likely to utilize the upper slope and ridge top nocturnally, outside areas proposed for development. Therefore, no impacts to this species are expected. Mountain lion (Central Coast Distinct Population Segment) is proposed for coverage under the SCVHP but is not a covered species yet.

### Pallid Bat

Suitable day roosting sites may occur within large oak trees in the project site, primarily around and above the residence on the slope and ridge top. Impacts could occur through disturbance if bats are roosting in trees during tree removal. Oak woodlands on the slope above the residence within the project site also provide habitat, and would not be developed however, and surrounding woodlands along the flanks of El Toro provide large contiguous areas of suitable habitat. Additionally, the area proposed for development would be located along the existing edge of a residential area and would not significantly contribute to habitat fragmentation or edge effects. Therefore, since there is a low potential, no suitable habitat for breeding colonies is present, and there are large areas of suitable habitat in and adjacent to the project site that would not be developed. These impacts would be less than significant. Pallid bat is not a SCVHP covered species.

### American badger

While foraging habitat for American badger is present, this species is nocturnal, highly mobile, and generally shy of human activity. This species may occur incidentally while foraging at night, primarily on the slopes above the residence. It is not expected to occur in the area proposed for development during construction, and impacts to this species are unlikely. Project implementation would not adversely affect the species, and any impacts would be less than significant. Additionally, the area proposed for

development would be located along the existing edge of a residential area and would not significantly contribute to habitat fragmentation or edge effects. American badger is proposed for coverage under the SCVHP but is not a covered species yet.

Additionally, the project site is not located within any SCVHP Wildlife Survey Areas (SCVHA 2024).

## Mitigation Measures

The following mitigation measures are required:

### *BIO-1 Worker Environmental Awareness Program (WEAP)*

Prior to initiation of construction activities (including staging and mobilization) at the Condit Sports Facilities Expansion site, Butterfield Sports Park Expansion site, and Rose Orchard Court annexation site, all personnel associated with project construction shall attend a Worker Environmental Awareness Program (WEAP) training, conducted by a qualified biologist, to aid workers in recognizing special-status resources that may occur in the construction area. This program shall include identification of the sensitive species and habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction.

All employees shall sign a form provided by the qualified biologist to document that they have attended the WEAP and understand the information presented to them. The crew foreman shall be responsible for ensuring crew members adhere to the guidelines and restrictions designed to avoid impacts to special-status species. If new construction personnel are added to the project, the crew foreman shall ensure that the new personnel receive the WEAP training before starting work.

### *BIO-2 Crotch's Bumble Bee Habitat Assessment and Avoidance*

Prior to vegetation removal, clearing, grading or grubbing at the Condit Sports Facilities Expansion site, Butterfield Sports Park Expansion site, and Rose Orchard Court annexation site, focused surveys for Crotch's bumble bee shall be conducted within the proposed disturbance area by a qualified biologist with expertise in surveying for bumble bees. The focused surveys shall include: (1) a habitat assessment, (2) foraging surveys, and (3) nesting surveys, in accordance with the recommendations described in the Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species, released by the CDFW on June 6, 2023. If more than one year after the completion of focused Crotch's bumble bee surveys (i.e., date of last survey) has passed before ground disturbance has been initiated, the focused surveys shall be repeated. The habitat assessment will be conducted concurrently with the foraging and nesting surveys, and shall at a minimum, include review of historical and current species occurrences; document potential on-site habitat, including foraging, nesting, and/or overwintering resources; and identify which plant species are in bloom during the foraging and nesting surveys, as well as their percent cover. Nesting surveys shall occur during the Queen Flight Season through the Colony Active Period (February 1 through August 31 for Crotch's bumble bee). Potential nesting sites shall be surveyed for active Crotch's bumble bee colonies either through observations of queens searching for nesting sites or by looking for concentrated bumble bee activity entering and exiting a given area. Potential nesting sites investigated by colony finding queens shall be GPS marked if the queen exhibits signs of interest in the potential site (e.g., she doesn't emerge from the site within a few minutes and then continues to nest search). Potential nesting sites identified during the queen nest searching phase shall be evaluated later during the Colony Active Period to determine whether an active colony has been established. Potential nest sites in project areas shall be observed for up to five minutes during the Colony Active Period to monitor for Crotch's bumble bees entering or exiting. If a nest site is confirmed to be occupied by Crotch's bumble bees, the location GPS coordinates shall be recorded. A qualified biologist who is in possession of a valid Memorandum of Understanding with the CDFW (and valid Scientific Collecting Permit, if applicable) shall conduct capture foraging surveys and record nonlethal

photo vouchers of all captured bumble bees in accordance with the CDFW Survey Considerations for California Endangered Species Act (CEQA) Candidate Bumble Bee Species document (June 2023). Foraging surveys shall include at least three on-site surveys that are spaced two to four weeks apart. The timing of these surveys shall coincide with the Colony Active Period (April 1 through August 31 for Crotch's bumble bee). Surveys may occur between one hour after sunrise and two hours before sunset. Surveys shall not be conducted during wet conditions (e.g., foggy, raining, or drizzling) and surveyors shall wait at least one hour following rain. Optimal surveys are conducted when there are sunny to partly sunny skies, temperatures are between 65 degrees Fahrenheit and 90 degrees Fahrenheit, and winds are less than 8 miles per hour. Surveys may be conducted outside these weather parameters if other bees or butterflies are observed flying.

If Crotch's bumble bee is detected during the focused surveys, an Avoidance Plan to fully avoid impacts to Crotch's bumble bee shall be developed. If impacts to Crotch's bumble bee cannot be fully avoided, an Incidental Take Permit shall be obtained from CDFW.

If Crotch's bumble bee is not detected during the focused surveys, or if this species is no longer listed or a Candidate under CESA at the time of construction, no further action or mitigation would be required.

### *BIO-3 Burrowing Owl Pre-Construction Survey*

Prior to on-site activities at the Condit Sports Facilities Expansion site, Butterfield Sports Park Expansion site, and Rose Orchard Court site, a pre-construction survey shall be conducted within 500 feet of the project disturbance footprint to identify burrows that could be utilized by burrowing owl. Potentially suitable burrows shall be checked by a qualified biologist to see if they are occupied prior to the start of project disturbance activities. If the burrow is unoccupied, the burrow shall be made inaccessible to BUOW, and the project may proceed. If either a nesting or escape burrow is occupied, BUOW shall be relocated pursuant to accepted Wildlife Agency protocols and the passive relocation plan described in Mitigation Measure BIO-4. A burrow is assumed occupied if records indicate that at least one BUOW has been observed occupying a burrow on site during the past three years. Active burrows shall be avoided during the BUOW breeding season (February 1 to August 31) with an appropriate buffer zone as determined by a qualified biologist based on behavior observations and project activities. Hay bales and other potential acoustic and visual buffers may be used to reduce the buffer zone. If occupied burrows cannot be avoided determination of the appropriate method of relocation, such as eviction/passive relocation or active relocation, shall be based on the specific site conditions (e.g., distance to nearest suitable habitat and presence of burrows) and in coordination with CDFW and the City. Passive relocation may only occur in the non-breeding season (September to January) and in accordance with an approved passive relocation plan as required by Mitigation Measure BIO-4.

### *BIO-4 Burrowing Owl Exclusion*

If occupied burrowing owl burrows cannot be adequately avoided by the project, a burrowing owl relocation plan shall be prepared by a qualified biologist. The relocation plan shall include the methods and timing of burrowing owl relocation consistent with Appendix E of the 2012 CDFW Staff Report on Burrowing Owl Mitigation (CDFW 2012) or most current CDFW guidance document. The plan shall include a map of all known and potential burrows within the project site and 500-foot buffer, as accessible. The plan shall be submitted to the Habitat Agency for review and approval prior to implementation. The plan shall include the following methodology at a minimum:

- Prior to construction, occupied burrows shall be excluded by a qualified biologist during the non-breeding season (September 1 to January 31).
- The biologist shall survey and monitor known and potential burrows for at least three days prior to installation of one-way exclusion doors.
- One-way doors shall be left in place for 48 hours before excavation and monitored twice daily. Following successful exclusion, the burrows shall be excavated using hand tools as feasible, and back-filling to prevent reoccupation.

*BIO-5 Pre-construction Nesting Bird Survey(s)*

To avoid disturbance of nesting birds, including special-status species and birds protected by the MBTA and CFGC Section 3503, on-site construction activities at the Condit Sports Facilities Expansion site, Butterfield Sports Park Expansion site, and Rose Orchard Court site, shall occur outside of the breeding season for migratory birds (generally February 1 through August 31), if feasible.

If construction must occur within the breeding season, then a pre-construction nesting bird survey shall be conducted. A qualified biologist shall conduct the preconstruction nesting bird survey within seven days of ground disturbance to evaluate the presence/absence, location, and status of any active nests on or adjacent to the project area. The extent of the survey area surrounding the project area shall be determined by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. At a minimum the survey area shall include the project footprint and a 100-foot buffer for passerine species, a 500-foot buffer for raptor species, and a 0.5-mile buffer for Swainson's hawk. If an active nest(s) is discovered, a suitable buffer shall be established around the active nest(s) and construction activity shall not occur within the buffer until the biologist has determined that the nest is no longer active. Buffer size shall consider the species involved and relevant level of tolerance to adjacent activity, the location of the nest relative to proposed activities, and site conditions that naturally buffer the location, such as vegetation screening, topography, etc. The minimum buffer for Swainson's hawk shall be 0.5-mile from an active nest. If construction activities are delayed or paused for more than 14 days during the nesting season, the nest survey shall be re-initiated for areas that still contain potential nesting habitat.

## Significance After Mitigation

Impacts to special-status species as a result of development at the Condit Sports Facilities Expansion site, Butterfield Sports Park Expansion site, and Rose Orchard Court site would be less than significant with implementation of mitigation measures BIO-1 through BIO-5, which would require a Worker Environmental Awareness Program, Crotch's Bumble Bee Habitat Assessment and Avoidance, a Burrowing Owl Pre-Construction Survey, Burrowing Owl Exclusion, and Preconstruction Nesting Bird Survey(s). Impacts associated with future development on the annexation sites would be less than significant with mitigation.

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| **Threshold 2:** | Would the project 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 Wildlife or U.S. Fish and Wildlife Service? |

**Impact BIO-2 DEVELOPMENT FACILITATED BY THE PROPOSED PROJECT AT THE CONDIT SPORTS FACILITIES EXPANSION SITE AND BUTTERFIELD SPORTS PARK EXPANSION SITE WOULD NOT RESULT IN ADVERSE IMPACTS ON RIPARIAN HABITAT OR SENSITIVE NATURAL COMMUNITIES. DEVELOPMENT FACILITATED BY THE PROPOSED PROJECT AT THE ROSE ORCHARD COURT ANNEXATION SITE COULD ADVERSELY IMPACT SENSITIVE NATURAL COMMUNITIES. DEVELOPMENT ONLY WITHIN THE PROPOSED DEVELOPMENT AREA WOULD ENSURE SENSITIVE NATURAL COMMUNITIES ARE NOT SIGNIFICANTLY IMPACTED. IMPACTS WOULD BE LESS THAN SIGNIFICANT WITHOUT MITIGATION INCORPORATED.**

*Condit Sports Facilities Expansion Site and Butterfield Sports Park Expansion Site*

No sensitive natural communities or riparian corridors occur within the Condit Sports Facilities Expansion site and Butterfield Sports Park Expansion site. Therefore, there would be no impact.

*Rose Orchard Court annexation Site*

Sensitive valley oak and coast live oak alliances are present in the project site on the slope above the residence. However, no sensitive communities occur within the area proposed for future residential development. The project applicant proposes to conserve most of the areas containing valley oak and

coast live oak. Therefore, impacts to sensitive natural communities would be less than significant, and result in a net increase in conservation.

## Mitigation Measures

No impacts to sensitive natural communities would occur at the Condit Sports Facilities Expansion site or Butterfield Sports Park Expansion site. Impacts from development at the Rose Orchard Court annexation site would be less than significant without mitigation. No mitigation measures are required.

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| **Threshold 3:** | Would the project have a substantial adverse effect on state or federally protected wetlands (including but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? |

**Impact BIO-3 NO STATE- OR FEDERALLY PROTECTED WETLANDS ARE PRESENT ON THE CONDIT SPORTS FACILITIES EXPANSION SITE OR ROSE ORCHARD COURT SITE AND THEREFORE NO IMPACT WOULD OCCUR. LITTLE LLAGAS CREEK IS PRESENT ON THE BUTTERFIELD SPORTS PARK EXPANSION SITE. DEVELOPMENT FACILITATED BY THE PROJECT AT THIS SITE WOULD HAVE A LESS THAN SIGNIFICANT IMPACT ON STATE- OR FEDERALLY-PROTECTED WETLAND WITH COMPLIANCE WITH EXISTING REGULATIONS.**

### *Condit Sports Facilities Expansion site and Rose Orchard Court Annexation Site*

No jurisdictional waters or wetlands occur within the Condit Sports Facilities Expansion site or Rose Orchard Court annexation site (Appendix C; Appendix D). Therefore, no impact would occur.

### *Butterfield Sports Park Expansion Site*

A vehicle and pedestrian bridge would be constructed over Little Llagas Creek. Impacts to aquatic habitat could occur through alteration and disturbance to the stream channel, or temporary increases in turbidity and sedimentation. No riparian vegetation is present along this reach of the Creek, therefore impacts would be limited to the active channel. Impacts could also occur if construction equipment, workers, debris, or spills inadvertently enter the creek banks.

The SCVHP requires AMMs and conditions to avoid and minimize impacts to jurisdictional waters, Condition 3, *Maintain Hydrologic Conditions and Protect Water Quality*, and Condition 12, *Wetland and Pond Avoidance and Minimization*, as well as a minimum riparian setback of 35-feet from Category 2 streams, and potential wetland mitigation fees. With implementation of SCVHP Conditions, AMMs, and payment of the SCVHP wetland mitigation fees, which ensure no net loss of wetlands, impacts to state or federally protected wetlands due to bridge construction would be less than significant.

CDFW and USACE are signatories of the SCVHP and permitting for impacts to state or federally protected wetlands would be facilitated through the plan, however the RWQCB is not and the plan does not include certifications under Section 401 or Waste Discharge Requirements (WDR) under the Porter-Cologne Water Quality Control Act. The RWQCB would require a WDR and/or Section 401 Certification depending upon whether or not the feature falls under federal jurisdiction. USACE is likely to assert its jurisdiction over Little Llagas Creek within the BSA, therefore a Section 401 Certification would likely be required. The RWQC permit, if necessary, is expected to require compensatory mitigation to offset and permanent loss of wetlands, waters, or riparian habitat.

Depending on the size of proposed development at the Butterfield Sports Park Expansion, the project would be required by the following to treat any contaminants created by the development:

- The SCVHP requires AMMs and conditions to avoid and minimize impacts to jurisdictional waters, Condition 3, *Maintain Hydrologic Conditions and Protect Water Quality*, and Condition 12, *Wetland and Pond Avoidance and Minimization*.

- The project is also subject to the NPDES General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity (General Permit) and Municipal Separate Storm Sewer System (MS4) Permit, issued by the RWQCB, pursuant to NPDES regulations.
- The Central Coast Regional Water Quality Control Board's Resolution R3-2013-0032 as well as the Stormwater Management Guidance Manual for Low Impact Development & Post Construction Requirements, June 2015, City of Gilroy, City of Morgan Hill and County of Santa Clara describe levels of Post-Construction Requirements based upon the amount of impervious area created/replaced.

Methods to treat runoff may include bio-retention to pre-treat runoff and/or underground storage to contribute to groundwater recharge and minimize surface runoff. With implementation of these conditions, impacts to Little Llagas Creek would be less-than-significant.

## Mitigation Measures

No impacts to wetlands or waters would occur at the Condit Sports Facilities Expansion site or Rose Orchard Court annexation site. Impacts from development at the Butterfield Sports Park Expansion site would be less than significant without mitigation. No mitigation measures are required.

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| **Threshold 4:** | Would the project 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? |

**Impact BIO-4** **DEVELOPMENT FACILITATED BY THE PROJECT ON THE ANNEXATION SITES WOULD NOT SUBSTANTIALLY IMPEDE WILDLIFE MOVEMENT AREAS OR OTHER NATIVE WILDLIFE NURSERY SITES. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.**

Although Coyote Valley has been identified as an important corridor for wildlife movement, the project sites are located largely within existing residential development, and along the margins of the urban center of the City, therefore, would only function as small local opportunities for wildlife movement. Additionally, the proposed project would limit development to the lower northern end of the Rose Orchard Court annexation site, while approximately 10 acres of open hills and ridgetop at the southern end are proposed for conservation, either through deed restriction or dedication to a conservation agency, preserving local opportunities for movement. Therefore, impacts to wildlife movement would be less than significant.

## Mitigation Measures

Impacts to wildlife movement from development on all three proposed project sites would be less than significant without mitigation. No mitigation measures are required.

| **Threshold 5:** | Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? |
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**Impact BIO-5** **DEVELOPMENT FACILITATED BY THE PROJECT ON THE ANNEXATION SITES WOULD BE REQUIRED TO COMPLY WITH THE CITY'S TREE PROTECTION ORDINANCE. THE CONDIT SPORTS FACILITIES EXPANSION SITE AND ROSE ORCHARD COURT SITE ARE NOT WITHIN CITY DESIGNATED NATURAL RESOURCES AND HAZARD SETBACK AREAS AND THEREFORE NO CONFLICT WOULD OCCUR. THE BUTTERFIELD SPORTS PARK EXPANSION SITE IS WITHIN A STREAM SETBACK AND THE 100-YEAR FLOOD ZONE. AT THAT SITE, IMPACTS WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED.**

*Protected Trees*

All Three Annexation Sites

Protected trees under the City of Morgan Hill Municipal Code Section 12.32 are present within the three annexation sites and potential future development of the sites could require tree removal. Trees species include coast live oak, silktree (*Albizia julibrissin*), silkoak (*Grevillea robusta*), Northern California black walnut, English walnut, olive (*Olea europaea*), Canary Island date palm (*Phoenix canariensis*), and Peruvian pepper tree (*Schinus molle*). For site disturbance within 25 feet of trees that are not proposed to be removed, future development on the annexation sites would be required to protect these trees as stated in the City's Standard Condition of Approval for Tree Protection. For trees proposed to be removed, the project applicant would be required to comply with the City's Municipal Code. A tree removal permit application would be required and would include:

A. The diameter and height of the tree;
B. The species of each tree;
C. A site plan or accurate sketch of location and trees proposed to be cut down, pruned, removed, or destroyed (showing other significant trees, shrubs, buildings or proposed buildings; photographs may be used to show the area);
D. Method for marking the tree proposed to be cut down, pruned, removed, or destroyed;
E. Description of methods to be used in cutting down, pruning, removing, or destroying the tree;
F. Description of tree planting or replacement program;
G. Reasons for proposing to cut down, prune, remove, or destroy the tree;
H. Address where tree is located;
I. Percentage of tree canopy to be removed or pruned;
J. Arborist report indicating general health of tree to be cut down, pruned, removed, or destroyed; and
K. Other information or materials which the development services director may require.
L. Payment of fees shall be due upon submittal of a tree removal application as designated on the current fee schedule. The date of submittal shall be designated by receipt of payment.

Pending approval of the development services director or their designee, removed trees must be replaced at a 1:1 ratio with a similar native tree species of at least minimum fifteen-gallon in size. In the case of nonnative trees to be removed, the replacement tree shall be a native species and at least minimum fifteen-gallon in size. The development services director may require additional replacement trees as necessary to mitigate the impact from the loss of tree canopy. Through approval of the tree removal permit and corresponding tree mitigation requirements, the project would not conflict with local policies or ordinances protecting trees and this impact would be less than significant.

*Natural Resource and Hazard Setbacks*

Condit Sports Facilities Expansion site and Rose Orchard Court Annexation SITE

No streams protected under Municipal Code Section 18.92.110 occur within 150 feet of the Condit Sports Facilities Expansion Site and Rose Orchard Court Annexation Site and the project sites are not located within the 100-year floodplain (FEMA 2025). Additionally, the area proposed for development is not within 80-ft of the ridgeline at the south end of the project site. Therefore, there would be no conflict with this ordinance.

Butterfield Sports Park Expansion site

Little Llagas Creek within the Butterfield Sports Park Expansion Site is a Category 2 stream protected under MHMC Section 18.92.110 and development is proposed adjacent to the creek. The specific project design has not been prepared; however, should the project propose development within 35-feet of the stream it would conflict with the City's municipal code. This impact would be potentially significant and Mitigation Measure BIO-6 is required.

In addition, the Butterfield Sports Park Expansion Site is located within the 100-year floodplain (FEMA 2025). Development within the 100-year floodplain is allowed with specific development standards contained in Chapter 15.80, including a floodplain development permit, which includes an engineering analysis to document flood risk and effects of the proposed development. If the project would create a flood hazard or not be designed to withstand flood conditions, it would conflict with the City's municipal code. Therefore, this impact would be potentially significant and Mitigation Measure BIO-7 is required.

## Mitigation Measures

The following mitigation measures are required:

### *BIO-6 Stream Setback Design*

For future development at the Butterfield Sports Park Expansion site, project plans and construction activities shall avoid disturbance within the 35-foot stream setback measured from the top of bank of Little Llagas Creek. The following actions shall be required prior to approval of any grading or building permits and implemented during all phases of work:

- The project's final site plan, grading plan, and all construction drawings shall show the 35-foot stream setback as a no-disturbance zone with a clearly labeled limit of work line.
- All project components (buildings, grading, utilities, staging, access routes, and material storage) shall be sited outside the setback unless an approved formal exception is obtained from the City and the SCVHA.
- The vehicle and pedestrian bridge shall be designed for full clearance span, where feasible so foundations/abutments sit outside the 35-ft setback. If abutments or construction within the setback are unavoidable, the bridge foundations/abutments shall be limited to outside the top of bank of Little Llagas Creek, and SCVHP approval and RWQCB permitting would be required.

### *BIO-7 Flood Damage Prevention*

All project plans and construction shall comply with Chapter 15.80 of the Morgan Hill Municipal Code. Prior to issuance of any grading or building permit, the applicant shall submit final floodplain and drainage plans, prepared by a licensed civil engineer, demonstrating that finished floor elevations, site grading, and stormwater conveyance meet or exceed the standards in Chapter 15.80. The plans shall include compensatory storage where required, erosion and sediment control measures, and floodproofing or elevation of structures as specified by the City. A FEMA-compliant elevation certificate or floodproofing documentation shall be provided for structures within mapped flood hazard areas. Construction shall adhere to the approved plans, and the applicant shall provide a post-construction

certification by the civil engineer confirming as-built elevations, drainage improvements, and installed BMPs meet the Chapter 15.80 requirements.

## Significance After Mitigation

There would be no conflicts with the City's tree protection requirements due to development facilitated by the project at the three annexation sites. Development at the Butterfield Sports Park Expansion site could conflict with the City's Natural Resource and Hazard Setbacks requirements. These impacts would be less than significant with implementation of Mitigation Measures BIO-6 and BIO-7, which would design the project footprint to avoid the stream setback, and design the project to avoid creating flood hazards. Therefore, no impacts would occur at the Condit Sports Facilities Expansion Site and Rose Orchard Court Annexation site, and impacts associated with the Butterfield Sports Park Expansion site would be less than significant with mitigation.

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| **Threshold 6:** | Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? |

**Impact BIO-6 DEVELOPMENT FACILITIES BY THE PROJECT AT THE ANNEXATION SITES WOULD BE REQUIRED TO OBTAIN COVERAGE UNDER THE SANTA CLARA VALLEY HABITAT CONSERVATION PLAN AND THEREFORE WOULD NOT CONFLICT WITH THE PLAN. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.**

*All Three Annexation Sites*

The annexation sites are within the SCVHP covered area and the project would be required to obtain coverage under the plan. As such, the project would follow all applicable Avoidance and Minimization Measures and conform to the permit conditions, including avoiding and minimizing impacts to listed species. SCVHP conditions required for the proposed project include conditions 1 *Avoid Direct Impacts on Legally Protected Plant and Wildlife Species*, 3 *Maintain Hydrologic Conditions and Protect Water Quality*, 7 *Rural Development Design and Construction Requirements*, 11 *Stream and Riparian Setbacks*, 12 *Wetland and Pond Avoidance and Minimization*, and 14 *Valley Oak and Blue Oak Woodland Avoidance and Minimization*. In accordance with the MHMC Chapter 18.132 and the City's "Habitat Plan" Standard Condition of Approval. future development on the annexation sites would be required to complete and submit a Habitat Plan Application Package, pay all required fees prior to the issuance of a grading permit, comply with the applicable SCVHP conditions, and state conditions required by the SCVHP on all plans that involve any ground disturbing activity. With compliance with these requirements, no conflicts with state, regional, or local habitat conservation plans would occur.

## Mitigation Measures

Development facilitated by the proposed project on the three annexation sites would be required to comply with the SCVHP and the MHMC. Therefore, impacts would be less than significant without mitigation. No mitigation measures are required.

## c. Cumulative Impacts

The geographic scope for cumulative biological impacts is the Coyote Valley, encompassing the City of Morgan Hill and adjacent unincorporated areas. This geographic scope is appropriate based on the known geographic distribution of special-status species and sensitive biological resources in the region. Cumulative buildout in this region, including projects listed in Table 3-1, would have the potential to adversely impact biological resources.

Cumulative development, including both individual projects and plan-level buildout, would have limited, site-specific impacts to biological resources throughout the Coyote Valley. Most of the projects listed in Table 3-1 would not result in substantial impacts to special-status species given that proposed

development locations are within already developed areas. Individual cumulative projects would undergo design review for compliance with applicable state and federal laws, the MHMC, the SCVHP, and may also undergo environmental review to mitigate impacts to the extent feasible. In addition to the SCVHP fees for impacts to covered species and permit conditions, the project would include mitigation measures to require a Worker Environmental Awareness Program, Crotch's Bumble Bee Habitat Assessment and Avoidance, a Burrowing Owl Pre-Construction Survey, Burrowing Owl Exclusion, and Preconstruction Nesting Bird Survey(s). Therefore, cumulative impacts to special-status species (Threshold 1) would be less than significant.

Cumulative development could adversely impact sensitive natural communities if development would result in the introduction of invasive weedy species, removal of protected trees, or result in loss of high-quality habitat. Cumulative development would be required to comply with the City and SCVHP requirements, which limit development in sensitive habitats. The proposed projects do not include development within a sensitive natural community. Cumulative development would not result in a significant cumulative impact related to sensitive communities (Threshold 2).

Cumulative development could adversely impact jurisdictional waters and wetlands on individual sites where such features are present. Such cumulative development may require regulatory permitting through USACE, RWQCB, and/or CDFW. However, the state's strict mitigation requirements aim to ensure no-net-loss of wetlands, which would be enforced by the permitting agencies. No development is proposed within jurisdictional areas of Little Llagas Creek. Pursuant to compliance with these existing permitting requirements, cumulative impacts related to waters or wetlands would be less-than-significant (Threshold 3).

Cumulative development has the potential to interfere substantially with the movement of native resident or migratory fish or wildlife species. However, as described under Impact BIO-4, the project sites do not contain significant corridors for wildlife movement. Regional corridors occur within the Coyote Valley; however, these corridors largely occur north or south on the developed city lands. Cumulative development would not significantly change the level of existing barriers for wildlife movement in the region, so cumulative impacts related to wildlife movement (Threshold 4) would be less than significant.

Cumulative development would be required to adhere to applicable MHMC tree removal and replacement requirements, and Natural Resource and Hazard Setback requirements. The proposed project would be required to comply with the MHMC requirements and includes mitigation measures to design the project footprint to avoid the stream setback and to avoid creating flood hazards. Therefore, the project has no potential to contribute to cumulative impacts related to conflicts with the city's municipal code (Threshold 5).

As described under Impact BIO-6, the project area is located within the SCVHP area, so the project would be required to obtain coverage and comply with the SCVHP permit conditions. Future development within the SCVHP area would also be required to comply with these conditions. Accordingly, no cumulative impact would occur and the project would not contribute to cumulative impacts related to conflicts with approved conservation plans (Threshold 6).

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# 4.4 Cultural Resources

This section assesses potential impacts on cultural resources related to implementation of the proposed project. The information presented in this section is informed by a Cultural Resources Technical Report prepared by Rincon Consultants in May 2026 and included in Appendix E.

## 4.4.1 Setting

This section provides background information pertaining to the cultural context of the annexation sites and includes an overview of the regional indigenous history and post-contact history. An overview of the ethnographic context is provided in Section 4.12, *Tribal Cultural Resources*.

### Indigenous History

The annexation sites are located in the San Francisco Bay Area archaeological region, which has been subject to numerous chronological frameworks (e.g. Groza et al. 2011, Milliken et al. 2007, Moratto 1984); however, the most recent and specific sequence for the region continues to use the Early, Middle, and Late Period separation with transitional sequences between each. The following summary is organized by geologic time segments based on Milliken et al. (2007) and Groza et al. (2011), including the Terminal Pleistocene (11,700 before common era [BCE]), Early Holocene (8000 to 3500 BCE), Early Period (3500 to 500 BCE), Lower Middle Period (500 BCE to 430 common era [CE]), the Upper Middle Period (430 to 1050 CE), and the Late Period (1050 CE to contact).

#### *Terminal Pleistocene (11,700 BCE to 8000 BCE)*

While rare, archaeological deposits and artifacts dated to the Terminal Pleistocene have been documented within and in the vicinity of the Santa Clara Valley, including at the Scotts Valley Site (CA-SCR-177), and the Metcalf Site (CA-SCL-178) (Cartier 2011, Fitzgerald and Porcasi 2003). Sites dating to this period may be submerged or deeply buried as a result of rising sea levels and widespread sediment deposition that has occurred since the Terminal Pleistocene (Byrd et al. 2017).

#### *Early Holocene (8000 to 3500 BCE)*

Archaeological evidence from the early Holocene is limited as sites dating to this period are likely buried under Holocene alluvial deposits (Moratto 1984, Ragir 1972). Perceptions of Central Coast and San Francisco Bay region prehistory have changed rapidly over the past few decades, partly as a result of archaeological fieldwork completed to comply with environmental laws. Available data suggests that the Early Holocene in the San Francisco Bay Area is characterized by a mobile forager pattern and the presence of millingslabs, handstones, and a variety of leaf-shaped projectile points.

Three archaeological sites (CA-SCL-671, CA-SCR-177, and CA-SCL-178) dating to this period have been identified within and in the vicinity of Santa Clara County. Excavations completed at CA-SCL-671, also known as the Murphy Springs Site, yielded a date range spanning from the Early-Middle Period through to the Metcalf Temporal Period (458 BC to 6428 BCE (Leventhal et al. 2025). Resource CA-SCR-177, commonly known as the Scotts Valley Site was excavated multiple times during the 1980s and yielded 37 dates which demonstrated indigenous habitation of this area spanning 580 to 12,520 B.P (Cartier 2011). Resource CA-SCL-178, also known as the Metcalf site, is a deeply stratified precontact site that has provided some of the earliest occupation evidence for the region, with the lowest levels reaching at least 920 centimeters below surface (cmbs) and dating to the early Holocene (4950–10,000 BP) (Fitzgerald and Porcasi 2003).

### *Early Period (3500 to 600 BCE)*

The Early Period saw increased sedentism with the introduction of new ground stone technologies (i.e., mortar and pestle) with an increase in regional trade, and the first cut shell beads. The earliest evidence for the use of the mortar and pestle in the San Francisco Bay Area dates to 3800 BCE and comes from CA-CCO-637. By 1500 BCE, mortars and pestles had almost completely replaced millingslabs and handstones, indicating a greater reliance on processing nuts, especially acorns. Faunal evidence from various sites during this period indicate a diverse faunal exploitation pattern based on the presence mussel and other shellfish, marine mammals, terrestrial mammals, and birds within sites dating to this period (D'Oro 2009).

The earliest cut bead horizon is also associated with this period. Rectangular Haliotis spp. (abalone) and Olivella (Callianax biplicata) (Vellanoweth et al. 2014) (snail) beads have been identified at several Early Period sites, including CA-CCO-637, CA-SCL-832 in Sunnyvale and CA-ALA-307 in Berkeley (Milliken et al. 2007). These early examples of cut beads were recovered from mortuary contexts.

### *Lower Middle Period (500 BCE to 430 CE)*

The Lower Middle Period saw numerous changes from the previous period. The presence of chipped stone points and bone tools became typical. Rectangular shell beads, common during the Early Period, disappear completely and are replaced by split-beveled and saucer Olivella beads. Haliotis spp. ornaments, bone tools and ornaments, and basketry awls also became typical, indicating the development of coiled basketry technology. Mortars and pestles continued to be the dominant grinding tool (Luby and Gruber 1999, Milliken et al. 2007).

Evidence for the Lower Middle Period in the Bay Area comes from sites such as the Emeryville shell mound (CA-ALA-309) and Ellis Landing (CA-CCO-295). CA-ALA-309 is one of the largest shell mounds in the San Francisco Bay Area and contains multiple cultural sequences. The lower levels of the site, which date to the Middle Period, contain flexed burials with bone implements, chert bifaces, charmstones, and oyster shells (Moratto 1984).

### *Upper Middle Period (430 to 1050 CE)*

Around 430 CE, Olivella saucer bead trade networks that had been established during earlier periods collapsed and over half of known sites occupied during the Lower Middle Period were abandoned. Olivella saucer beads were replaced with Olivella saddle beads. New types of material culture appear within these sites, including elaborate, decorative blades, fishtail charmstones, new Haliotis spp. ornament forms, and mica ornaments. Sea otter bones became more abundant, while salmon and other fish became less so, suggesting changes in faunal exploitation patterns from earlier periods (Milliken et al. 2007, Simons and Carpenter 2009). Excavations at CA-ALA-309 indicate that a shift from mussels to oysters, and oysters to clams may have occurred (Gifford 1916). Isotopic analysis confirms that San Francisco Bay Area individuals shifted from hunting higher trophic-level foods in the Early Period to gathering foods like plants and shellfish in the Middle and Upper periods (Burns et al. 2012). Subsistence analyses at various sites dating to this period indicate a diverse diet that included numerous species of fish, mammals, birds, shellfish, and plant resources that varied by location in the San Francisco Bay Area (Hylkema 2002).

### *Late Period (1050 CE to contact)*

The Late Period saw an increase in social complexity, indicated by differences in burials and an increased level of sedentism relative to preceding periods, evidenced by mortars weighing up to 90.7 kilograms (Lentz 2012: 198). An increase in imported Napa Valley obsidian occurred during this time for the production of smaller points, preforms and simple flake tools. Small, finely worked projectile points of the Stockton Serrated series associated with bow and arrow technology appear around 1250 CE. Olivella shell beads disappeared and were replaced with Olivella-lipped and spire-lopped beads in the south bay and clamshell disk beads in the north bay. Thicker and larger beads indicated higher affluence. The toggle harpoon, hopper mortar, and magnesite tube beads also appeared during this period (Milliken et al.

2007, Lentz 2012, Von Der Porten et al. 2014). As did an increase in the intensity of resource exploitation that correlates with an increase in population (Moratto 1984). Many of the well-known sites of earlier periods, such as the Emeryville shell mound (CA-ALA-309) and the West Berkeley site (CA-ALA-307), were abandoned, as indicated by the lack of Late Period elements. Researchers have suggested that the abandonment of these sites may have resulted from fluctuating climates and drought that occurred throughout the Late Period (Lightfoot and Luby 2002).

## Post-Contact Setting

Post-Contact history for the state of California is generally divided into three periods: the Spanish Period (1769–1822), Mexican Period (1822–1848), and American Period (1848–present). Although Spanish, Russian, and British explorers visited the area for brief periods between 1529 and 1769, the Spanish Period in California begins with the establishment in 1769 of a settlement at San Diego and the founding of Mission San Diego de Alcalá, the first of 21 missions constructed between 1769 and 1823. Independence from Spain in 1821 marks the beginning of the Mexican Period, and the signing of the Treaty of Guadalupe Hidalgo in 1848, ending the Mexican-American War, signals the beginning of the American Period when California became a territory of the United States.

### *Spanish Period (1769 – 1822)*

Spanish explorers made sailing expeditions along the coast of California between the mid-1500s and mid-1700s. Juan Rodriguez Cabrillo in 1542 led the first European expedition to observe what was known by the Spanish as Alta (upper) California. For more than 200 years, Cabrillo and other Spanish, Portuguese, British, and Russian explorers sailed the Alta California coast and made limited inland expeditions, but they did not establish permanent settlements (Bean 1968; Rolle 2003). The Spanish crown laid claim to Alta California based on the surveys conducted by Cabríllo and Vizcaíno (Bancroft 1885; Gumprecht 1999).

By the 18th century, Spain developed a three-pronged approach to secure its hold on the territory and counter against other foreign explorers. The Spanish established military forts known as presidios, as well as missions and pueblos (towns) throughout Alta California. The 1769 overland expedition by Captain Gaspár de Portolá marks the beginning of California's Historic period, occurring just after the King of Spain installed the Franciscan Order to direct religious and colonization matters in assigned territories of the Americas. Portolá established the Presidio of San Diego as the first Spanish settlement in Alta California in 1769. Franciscan Father Junípero Serra also founded Mission San Diego de Alcalá that same year, the first of the 21 missions that would be established in Alta California by the Spanish and the Franciscan Order between 1769 and 1823 (Graffy 2010).

Construction of missions and associated presidios was a major emphasis during the Spanish Period in California to integrate the Native American population into Christianity and communal enterprise. Through ethnographic studies it is clear that not all Californian tribes would have been relocated to the missions and some would have died, hidden, or relocated to distant communities and as a result not all communities were fully incorporated in the mission system. Even after many Native Americans were moved to Spanish Mission settlements, Native people were periodically allowed to return for short time spans to their former villages during periods of limited work and food, allowing the Native people to maintain connection with their lands and traditional lifeways (Byrd and DeArmond 2026).

Beginning in 1777 a voracious epidemic likely associated with a water born bacterial infection devastated Santa Clara Valley Ohlone children. The most decimating of these epidemics began in 1806, with the introduction and spread of measles, and killed thousands of Native American children and adults (NAHC 2026).

### *Mexican Period (1822 – 1848)*

Several factors kept growth within Alta California to a minimum, including the threat of foreign invasion, political dissatisfaction, and unrest among the indigenous population. After more than a decade of

intermittent rebellion and warfare, New Spain won independence from Spain in 1821. In 1822, the Mexican legislative body in California ended isolationist policies designed to protect the Spanish monopoly on trade, and decreed California ports open to foreign merchants (Dallas 1955).

Extensive land grants were established in the interior during the Mexican Period, in part to increase the population inland from the more settled coastal areas where the Spanish had first concentrated their colonization efforts. The secularization of the missions following Mexico's independence from Spain resulted in the subdivision of former mission lands and establishment of many additional ranchos. Commonly, former soldiers and well-connected Mexican families were the recipients of these land grants, which now included the title to the land (Graffy 2010).

During the supremacy of the ranchos (1834–1848), landowners largely focused on the cattle industry and devoted large tracts to grazing. Cattle hides became a primary southern California export, providing a commodity to trade for goods from the east and other areas in the United States and Mexico. The number of nonnative inhabitants increased during this period because of the influx of explorers, trappers, and ranchers associated with the land grants. The rising California population contributed to the introduction and rise of diseases foreign to the Native American population, who had no associated immunities.

### *American Period (1848 – Present)*

The United States went to war with Mexico in 1846. During the first year of the war, John C. Fremont traveled from Monterey to Los Angeles with reinforcements for Commodore Stockton, and evaded Californian soldiers in Santa Barbara's Gaviota Pass by taking the route over the San Marcos grade instead (Kyle 2002). The war ended in 1848 with the Treaty of Guadalupe Hidalgo, ushering California into its American Period.

When Navy Commodore John Sloat landed in Monterey, California in 1846, he claimed California for the United States. The United States Navy and Army officers worked to govern California and realized shortly thereafter that the California economy, which revolved around cattle, grain, and grape farming, depended on the labor of Native Americans. Instead of developing a new system to manage the labor, the United States maintained the Spanish coercion that procured Native American labor (Madley 2014). According to Benjamin Madley, "from 1856 onward, at least 20,000 California Indians worked in varied forms of bondage under U.S rule in California" (Madley 2014). According to Madley (2014), this "unfree labor" was made possible by three aspects: supply, which meant the large population of California Native Americans; demand, which meant the rapidly expanding labor market; and political will, which was "informed by racism and expressed in legislation and governmental policies." Furthermore, many state and federal policy makers, law enforcement officials and judges sanctioned these practices.

California officially became a state with the Compromise of 1850, which also designated Utah and New Mexico (with present-day Arizona) as US territories. Horticulture and livestock, based primarily on cattle as the currency and staple of the rancho system, continued to dominate the southern California economy through 1850s. The discovery of gold in the northern part of the state led to the Gold Rush beginning in 1848, and with the influx of people seeking gold, cattle were no longer desired mainly for their hides but also as a source of meat and other goods. During the 1850s cattle boom, rancho vaqueros drove large herds from southern to northern California to feed that region's burgeoning mining and commercial boom (Waugh 2003).

Native American interaction was still common in the 1850s when more settlers entered the area. Native Americans were mistreated by Mexicans and Americans alike. According to Milliken et al, "most newly arrived Americans despised Indians so strongly that they did not want to have them as laborers at all" (Milliken et al. 2009). A federal official who was in charge of "Indian affairs" documented the abuse of Native American laborers at Rancho San Pablo in 1853, in which she stated that most of 78 laborers were "sick, all without clothes, or any food but the fruit of the buckeye" (Milliken et al. 2009). Relationships between Native Americans and new Californian settlers grew worse in the coming decades. Abuse was rarely reported in the earlier 1800s during Mexican ownership of the Ranchos and became more common as more Americans controlled ranch land in California.

In 1851, three federal officials arrived in San Francisco with the purpose of making treaties with Native Americans. Language barriers and the unorganized approach of the federal officials resulted in the majority of Tribes not participating. A total of 18 treaties were negotiated, inclusive of the Verona Band of Alameda County, now recognized as the Muwekma Ohlone Tribe, the Amah-Mutsun Ohlone Tribal Band and the Ohlone/Costanoan-Esselen Nation (Arellano et al. 2021; Office of Federal Acknowledgement 2002). In July 8, 1852, the Senate in executive session refused to ratify the treaties, and the treaties were hidden under an injunction of secrecy until 1905 (NAHC 2026).

A severe drought in the 1860s decimated cattle herds and drastically affected rancheros' source of income. In addition, property boundaries that were loosely established during the Mexican era led to disputes with new incoming settlers, problems with squatters, and lawsuits. Rancheros often were encumbered by debt and the cost of legal fees to defend their property. As a result, much of the rancho lands were sold or otherwise acquired by Americans. Most of these ranchos were subdivided into agricultural parcels or towns (Dumke 1994).

Up until the 1870s, laws were in place that prevented Native Americans from testifying in court. In the 1870s, those laws were removed from the California legal code (Milliken et al. 2009). In the late 1880s, there was a drive to assimilate Native Americans into American society. Boarding schools became forced for Native American children and they were taught "Eurocentric values" which caused the loss of traditional knowledge and lifeways (Milliken et al. 2009).

Throughout the late 1800's and early 1900s, the federal government was challenged to find a solution for California's Native Americans and multiple legal attempts were made by California Native Americans to be compensated for the loss of their lands and resources. In 1928, Congress passed the Jurisdictional Act of 1928 which allowed Native Americans to sue the federal government and use the state Attorney general's office to represent them. A controversial settlement was reached and a nominal sum of money was provided to the 18 tribes identified in the 1851-2 treaties to compensate the tribes for the government's failure to provide the reservations documented in the treaties (NAHC 2026).

## Local History

### *City of Morgan Hill*

The project involves annexing several parcels into the City of Morgan Hill. As described in the *Historic Context Statement for the City of Morgan Hill*:

> The physical existence of a town of Morgan Hill did not appear until roughly 1892 […] Prior to that, the region consisted of several remote homesteads surrounded by thousands of acres of ranchland. The closest settlements were the stage stops at Madrone (known as Burnett Township on early maps) and Tennant. Both grew up around roadhouses and train stops that served travelers going between San Jose and Monterey (Circa 2006).

The development of Morgan Hill occurred as the result of subdivision of large landholdings in the early 1890s, following the death of major landowner Daniel Murphy, the youngest son of pioneer Martin Murphy, Sr., in 1882. Murphy's daughter Diana Murphy Hill, and her husband Hiram Morgan Hill, inherited land from her father's estate. In 1886 Diana and Morgan returned to Santa Clara County, but never truly settled in the region, due to controversy surrounding a scandal within their family. Nonetheless, they owned 22,000 acres of the Ojo de Agua de La Coche rancho. Diana In 1892, Diana Murphy Hill and Morgan Hill engaged developer Chauncy H. Phillips to subdivide and sell most of their holdings, while retaining a relatively small 200-acre portion until 1912 (Circa 2006).

Morgan Hill was incorporated in 1906 following subdivision of ranchlands between 1892 and 1895. During this early period, the community's grew, businesses including newspapers, a saloon, general store, a bank, and hotels were built in the downtown area. Although the town site was laid out early in the subdivision process, growth was slow due to the relatively high cost of acquiring the large lots specified for sale. After World War I, the town experienced another period of growth including motor courts, movie

theaters, and gas stations. During World War II and in the immediate decades that followed, the growth of the high technology industry in the San Francisco Bay Area led to additional settlement in Morgan Hill, given the city's proximity to emergent industrial centers such as San Jose and the core of Silicon Valley to the north. IBM's campus in south San Jose, opened in 1957, was the first and largest industrial employer of Morgan Hill residents. This shift from heavy reliance on agricultural employment to increased industrial employment led to additional residential development to the east of Morgan Hill, and annexation of that land in the 1960s. In the 1970s, the City of Morgan Hill enacted growth controls. Since that time Morgan Hill has continued to grow gradually, with a concentration of development to the west of U.S. 101, a major highway that was rerouted through the Santa Clara Valley in the early 1980s (Circa 2006).

### Annexation Sites Existing Conditions

The analysis in this section is based, in part, on the Cultural Resources Technical Report prepared by Rincon Consultants in May 2026. The study included a cultural resources records search of the California Historical Resources Information System (CHRIS), a Sacred Lands File (SLF) search by the Native American Heritage Commission (NAHC), and a cultural resources site visit.

The CHRIS records search and background research identified 76 cultural resources studies within 0.5-mile of the annexation sites. Of these studies, eight include a portion of one of the annexation sites and five include areas directly adjacent to one of the annexation sites. According to the CHRIS data, the Condit Sports Facilities Expansion site has never been surveyed or studied. The Butterfield Sports Park Expansion site was subject to a small linear survey in 1981, which resulted in less than five percent of the site surveyed. Approximately 50 percent of the Rose Orchard Court site has been previously studied as part of an archaeological monitoring effort but has never been surveyed. Overall, approximately 25 percent of the annexation sites have been studied and less than five percent of the sites have been surveyed within the last 44 years. The CHRIS records search did not identify the presence of known cultural resources within or immediately adjacent to any of the annexation sites. The results of a SLF search conducted by the NAHC indicates Sacred Lands are known within or in the vicinity of the three annexation sites.

A cultural resources survey was conducted to identify the presence of surface archaeological materials and historic-period built resources within the annexation sites. Given the variable conditions within the annexation sites, a combination of reconnaissance and systematic survey methodologies were employed. Portions of the annexation sites comprised of restricted or steep areas were subject to a reconnaissance-level survey. Portions of the annexation sites with visible ground surface, were systematically surveyed using transects spaced no more than 15-30 meters apart. As a result of the survey, one built environment property (1250 Barrett Avenue) was recorded at the Condit Sports Facilities Expansion site and found ineligible for historical resources eligibility under CEQA. No additional cultural resources were identified as a result of the survey.

## 4.4.2 Regulatory Setting

This regulatory framework section identifies the federal, state, and local laws, statutes, guidelines, and regulations that govern the identification and treatment of cultural resources as well as the analysis of potential impacts to cultural resources. The lead agency must consider the provisions and requirements of this regulatory framework when rendering decisions on projects that have the potential to affect cultural resources.

### a. Federal Regulations

### National Register of Historic Places

Although the project does not have a federal nexus, properties which are listed in or have been formally determined eligible for listing in the National Register of Historic Places (NRHP) are automatically listed

in the California Register of Historical Resources (CRHR). The following is therefore presented to provide applicable regulatory context. The NRHP was authorized by Section 101 of the National Historic Preservation Act and is the nation's official list of cultural resources worthy of preservation. The NRHP recognizes the quality of significance in American, state, and local history, architecture, archaeology, engineering, and culture present in districts, sites, buildings, structures, and objects. Per 36 Code of Federal Regulations, Part 60.4, a property is eligible for listing in the NRHP if it meets one or more of the following criteria:

**Criterion A:** Is associated with events that have made a significant contribution to the broad patterns of our history

**Criterion B:** Is associated with the lives of persons significant in our past

**Criterion C:** Embodies the distinctive characteristics of a type, period, or method of installation, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction

**Criterion D:** Has yielded, or may be likely to yield, information important in prehistory or history

In addition to meeting at least one of the above designation criteria, resources must also retain integrity. The National Park Service recognizes seven aspects or qualities that, considered together, define historic integrity. To retain integrity, a property must possess several, if not all, of these seven qualities, defined as follows:

**Location:** The place where the historic property was constructed or the place where the historic event occurred

**Design:** The combination of elements that create the form, plan, space, structure, and style of a property

**Setting:** The physical environment of a historic property

**Materials:** Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property

**Workmanship:** The physical evidence of the crafts of a particular culture or people during any given period in history or prehistory

**Feeling:** A property's expression of the aesthetic or historic sense of a particular period of time

**Association:** The direct link between an important historic event or person and a historic property

Certain properties are generally considered ineligible for listing in the NRHP, including cemeteries, birthplaces, graves of historical figures, properties owned by religious institutions, relocated structures, or commemorative properties. Additionally, a property must be at least 50 years of age to be eligible for listing in the NRHP. The National Park Service states that 50 years is the general estimate of the time needed to develop the necessary historical perspective to evaluate significance (National Park Service 1997:41). Properties which are less than 50 years must be determined to have "exceptional importance" to be considered eligible for NRHP listing.

## b. State Regulations

### California Environmental Quality Act

California Public Resources Code (PRC) Section 21804.1 requires that lead agencies determine whether or not a project could have a significant impact on historical or unique archaeological resources. As defined in PRC Section 21084.1, a *historical resource* is a resource listed in, or determined eligible for listing in, the CRHR, a resource included in a local register of historical resources or identified in a historical resources survey pursuant to PRC Section 5024.1(g), or any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant. PRC Section

21084.1 also states resources meeting the above criteria are presumed to be historically or culturally significant unless the preponderance of evidence demonstrates otherwise. Resources listed in the National Register of Historic Places (NRHP) are automatically listed in the CRHR and are, therefore, historical resources under CEQA. Historical resources may include eligible built environment resources and archaeological resources of the precontact or historic periods.

*CEQA Guidelines* Section 15064.5(c) provides further guidance on the consideration of archaeological resources. If an archaeological resource does not qualify as a historical resource, it may meet the definition of a "unique archaeological resource" as identified in PRC Section 21083.2. PRC Section 21083.2(g) defines a unique archaeological resource as an artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria: 1) it contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information, 2) has a special and particular quality such as being the oldest of its type or the best available example of its type, or 3) is directly associated with a scientifically recognized important prehistoric or historic event or person.

If an archaeological resource does not qualify as a historical or unique archaeological resource, the impacts of a project on those resources would be less than significant and need not be considered further (*CEQA Guidelines* Section 15064.5[c][4]). *CEQA Guidelines* Section 15064.5 also provides guidance for addressing the potential presence of human remains, including those discovered during the implementation of a project.

According to CEQA, an impact that results in a substantial adverse change in the significance of a historical resource is considered a significant impact on the environment. A substantial adverse change could result from physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be materially impaired (*CEQA Guidelines* Section 15064.5 [b][1]). *Material impairment* is defined as demolition or alteration in an adverse manner [of] those characteristics of a historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in, the CRHR or a local register (*CEQA Guidelines* Section 15064.5[b][2][A]).

If it can be demonstrated that a project would cause damage to a unique archaeological resource, the lead agency may require reasonable efforts be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. To the extent that resources cannot be left undisturbed, mitigation measures are required (PRC Section 21083.2[a][b]).

Section 15126.4 of the CEQA Guidelines stipulates an Environmental Impact Report (EIR) shall describe feasible measures to minimize significant adverse impacts. In addition to being fully enforceable, mitigation measures must be completed within a defined time period and be roughly proportional to the impact of the project. Generally, a project which is found to comply with the Secretary of the Interior's *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* (the Standards) is considered to be mitigated below a level of significance (*CEQA Guidelines* Section 15126.4 [b][1]). For historical resources of an archaeological nature, lead agencies should also seek to avoid damaging effects where feasible. Preservation in place is the preferred manner to mitigate impacts to archaeological sites; however, data recovery through excavation may be the only option in certain instances (CEQA Guidelines Section 15126.4[b][3]).

## California Register of Historical Resources

The CRHR was established in 1992 and codified by PRC §§5024.1 and 4852. The CRHR is an authoritative listing and guide to be used by State and local agencies, private groups, and citizens in identifying the existing historical resources of the State and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change (Public Resources Code, 5024.1(a)). The criteria for eligibility for the CRHR are consistent with the NRHP criteria but have been modified for state use in order to include a range of historical resources that better reflect the history of

California (Public Resources Code, 5024.1(b)). Unlike the NRHP however, the CRHR does not have a defined age threshold for eligibility; rather, a resource may be eligible for the CRHR if it can be demonstrated sufficient time has passed to understand its historical or architectural significance (California Office of Historic Preservation 2006). Further, resources may still be eligible for listing in the CRHR even if they do not retain sufficient integrity for NRHP eligibility (California Office of Historic Preservation 2006). Generally, the California Office of Historic Preservation recommends resources over 45 years of age be recorded and evaluated for historical resources eligibility (California Office of Historic Preservation 1995:2).

Properties are eligible for listing in the CRHR if they meet one of more of the following criteria:

**Criterion 1:** Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage

**Criterion 2:** Is associated with the lives of persons important to our past

**Criterion 3:** Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values

**Criterion 4:** Has yielded, or may be likely to yield, information important in prehistory or history

### California Health and Safety Code

Section 7050.5 of the California Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the Coroner of the county in which the remains are discovered has determined if the remains are subject to the Coroner's authority. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission (NAHC) within 24 hours of this identification.

### California Public Resources Code

Section 5097.98 of the PRC states that the NAHC, upon notification of the discovery of Native American human remains pursuant to Health and Safety Code Section 7050.5, shall immediately notify those persons (i.e., the Most Likely Descendant [MLD]) that it believes to be descended from the deceased. With permission of the landowner or a designated representative, the MLD may inspect the remains and any associated cultural materials and make recommendations for treatment or disposition of the remains and associated grave goods. The MLD shall provide recommendations or preferences for treatment of the remains and associated cultural materials within 48 hours of being granted access to the site.

## c. Local Regulations

### City of Morgan Hill General Plan

The General Plan, which was adopted in 2016, includes goals, polices, and actions relating to cultural resources (City of Morgan Hill 2016). As presented in the Open Space/Conservation, Noise and Safety Element these include:

**Goal HC-8: Historic identity and cultural resources that are preserved for future generations.**

**Policy HC-8.1**: **Identify and Protect Resources.** Identify and protect heritage resources from loss and destruction. (South County Joint Area Plan 15.09)

**Policy HC-8.2: Historic Structures.** Encourage the preservation and rehabilitation of the City's historic structures.

**Policy HC-8.3: Demolition.** Prior to approving demolition or alteration of historically significant buildings, evaluate alternatives, including structural preservation, relocation or other mitigation, and demonstrate that financing has been secured for replacement use.

**Policy HC-8.4: Tribal Consultation.** Consult with Native American tribes that have ancestral ties to Morgan Hill regarding proposed new development projects and land use policy changes.

**Policy HC-8.5: Mitigation.** Require that if cultural resources, including tribal, archaeological, or paleontological resources, are uncovered during grading or other on-site excavation activities, construction shall stop until appropriate mitigation is implemented.

**Action HC-8.A: Update Inventory.** Review and update the inventory of historic resources.

**Action HC-8.B: Technical Assistance.** Provide clear and easily accessible information to property owners and developers about design guidelines, financing options, assistance programs, and other technical issues involved in preserving and restoring historic buildings.

## City of Morgan Hill Standard Conditions of Approval

The City of Morgan Hill provides standard conditions of approval which would apply to future development on the annexation sites.

*Cultural Resources*

A. **Significant historic or archaeological materials:** A moderate potential exists for unrecorded historic-period archaeological resources to be within the project area. The developer shall enter into written contracts with an archaeologist and the Tamien Nation Tribe, and pay all fees associated with the activities required by this condition. The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply:
   1. Prior to start of grading or earthmoving activity on the “first day of construction”, the archaeologist and Tamien Nation Tribal Monitor shall hold a pre-construction meeting for the purposes of "cultural sensitivity training" with the general contractor and subcontractors.
   2. A Tamien Nation Tribal Monitor shall be present on-site to monitor all ground-disturbing activities and an archaeologist shall be on-call. Where historical or archaeological artifacts are found, work in areas where remains or artifacts are found will be restricted or stopped until proper protocols are met, as described below:
      a. Work at the location of the find will halt immediately within fifty feet of the find. If an archaeologist is not present at the time of the discovery, the applicant shall contact an archaeologist for evaluation of the find to determine whether it qualifies as a unique archaeological resource as defined by this chapter;
      b. If the find is determined not to be a unique archaeological resource, construction can continue. The archaeologist will prepare a brief informal memo/letter in collaboration with a tribal representative that describes and assesses the significance of the resource, including a discussion of the methods used to determine significance for the find;
      c. If the find appears significant and to qualify as a unique archaeological resource, the archaeologist will determine if the resource can be avoided and will detail avoidance procedures in a formal memo/letter; and
      d. If the resource cannot be avoided, the archaeologist in collaboration with a tribal representative shall develop within forty-eight hours an action plan to avoid or minimize impacts. The field crew shall not proceed until the action plan is approved by the Development Services Director. The action plan shall be in conformance with California Public Resources Code §21083.2.

3. The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply. If human remains are discovered, it is probable they are the remains of Native Americans,
    a. If human remains are encountered, they shall be treated with dignity and respect as due to them. Discovery of Native American remains is a very sensitive issue and serious concern. Information about such a discovery shall be held in confidence by all project personnel on a need-to-know basis. The rights of Native Americans to practice ceremonial observances on sites, in labs and around artifacts shall be upheld.
    b. Remains should not be held by human hands. Surgical gloves should be worn if remains need to be handled.
    c. Surgical mask should also be worn to prevent exposure to pathogens that may be associated with the remains.
4. In the event that known or suspected Native American remains are encountered, or significant historic or archaeological materials are discovered, ground-disturbing activities shall be immediately stopped. Examples of significant historic or archaeological materials include, but are not limited to, concentrations of historic artifacts (e.g., bottles, ceramics) or prehistoric artifacts (chipped chert or obsidian, arrow points, ground stone mortars and pestles), culturally altered ash stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire-altered rock and/or burned or charred organic materials and historic structure remains such as stone lined building foundations, wells or privy pits. Ground-disturbing project activities may continue in other areas that are outside the exclusion zone as defined below.
5. An "exclusion zone" where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable buffer zone by the contractor foreman or authorized representative, or party who made the discovery and initiated these protocols, or if on-site at the time or discovery, by the monitoring archaeologist and tribal representative (typically twenty-five to fifty feet for single burial or archaeological find).
6. The discovery locale shall be secured (e.g., 24-hour surveillance) as directed by the City or County if considered prudent to avoid further disturbances.
7. The Contractor Foreman or authorized representative, or party who made the discovery and initiated these protocols shall be responsible for immediately contacting by telephone the parties listed below to report the find and initiate the consultation process for treatment and disposition:
    - The City of Morgan Hill Development Services Director (408) 779-7247
    - 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)
    - The Tamien Nation (707) 295-4011 (office) and (925) 336-5359 (THPO)
8. 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.
9. The NAHC is responsible for identifying and immediately notifying the Most Likely Descendant (MLD). (Note: NAHC policy holds that the Native American Monitor will not be designated the MLD.)
10. Within 24 hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose.
11. Within 24 hours of their notification by the NAHC, the MLD may recommend to the City's Development Services 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 appropriate tribe may be considered and carried out.

12. If the MLD recommendation is rejected by the City of Morgan Hill the parties will attempt to mediate the disagreement with the NAHC. If mediation fails then the remains and all associated grave offerings shall be reburied with appropriate dignity on the property in a location not subject to further subsurface disturbance.

## 4.4.3 Impact Analysis

### a. Methodology and Thresholds of Significance

To determine whether a project would result in a significant impact related to cultural resources, Appendix G of the *CEQA Guidelines* requires consideration of whether a project would:

1. Cause a substantial adverse change in the significance of an historical resource pursuant to Section 15064.5;
2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; and/or
3. Disturb any human remains, including those interred outside of formal cemeteries.

Impacts related to Threshold 1 are analyzed below. The impacts assessment considers the results of the Cultural Resources Technical Report. The results of these studies were considered along with the *CEQA Guidelines* to determine if the proposed project would result in a significant impact to historical resources. Pursuant to Section 15064.5(b) of the *CEQA Guidelines*, a significant effect on the environment would occur if a historical resource is materially impaired, i.e., the resource's significant physical features would be directly or indirectly altered in such a way it would no longer be eligible for listing in the CRHR or a local register.

Impacts related to thresholds 2 and 3 were evaluated based on a records search of the California Historical Resources Information System (CHRIS), Sacred Lands File (SLF), and a Field Survey of the annexation sites completed by Rincon Consultants in September 2025 as detailed in the Cultural Resources Technical Report (Appendix E).

### b. Project Impacts and Mitigation Measures

The proposed project does not include changes to or development on the APN 825-06-022 site. Accordingly, the analyses below focus exclusively on the Rose Orchard Court site, the Butterfield Sports Park Expansion site, and the Condit Sports Field Expansion site.

| | |
|---|---|
| **Threshold 1:** | Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5? |

**IMPACT CR-1 THE CONDIT SPORTS FACILITIES EXPANSION CONTAINS ONE HISTORIC-AGE BUILT ENVIRONMENT PROPERTY WHICH WAS DETERMINED INELIGIBLE FOR HISTORICAL RESOURCES ELIGIBILITY. NO QUALIFYING HISTORICAL RESOURCES WERE IDENTIFIED WITHIN THE OTHER ANNEXATION SITES. NO IMPACTS WOULD OCCUR TO HISTORICAL RESOURCES.**

*Rose Orchard Court Site and Butterfield Sports Park Expansion Site*

The field survey and background research identified no built environment historical resources in the Rose Orchard Court site or Butterfield Sports Park Expansion site. The Rose orchard site and the Butterfield Sports Park Extension site were either vacant or did not contain buildings or structures constructed over

45 years ago (the age threshold generally triggering the need for historical resources evaluation). No impacts to historical resources pursuant to CEQA would occur on these sites.

*Condit Sports Facilities Expansion Site*

The field survey and background research identified one built environment historical resource in the Condit Sports Facilities Expansion site, 1250 Barrett Avenue. As detailed above in Section 5.6.1, the resource was determined ineligible for listing in the NHRP; therefore, the resource does not qualify as a historical resource as defined by CEQA Section 15064.5(a). As a result, there are no historical resources within the Condit Sports Facilities Expansion site. No impacts to historical resources pursuant to CEQA would occur on this site.

## Mitigation Measures

No impact would occur and therefore no mitigation is required.

| | |
|---|---|
| **Threshold 2:** | Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? |

**Impact CR-2** **DEMOLITION AND EXCAVATION FOR THE PROPOSED PROJECT MAY RESULT IN DAMAGE TO OR DESTRUCTION OF PREVIOUSLY UNIDENTIFIED ARCHAEOLOGICAL RESOURCES. HOWEVER, THIS IMPACT WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED.**

The CHRIS records search and background research identified seven cultural resources within a 0.50-mile of the annexation sites including four historic-period resources, one multicomponent site, and one resource listed by the NWIC as “unrecorded site” (406B-002). No additional information regarding 406B-002 has been provided by the NWIC. No previously recorded cultural resources have been identified within the annexation sites.

The SLF search results were positive for all three annexation sites. The field survey, however, resulted in negative findings for cultural resources at each of the surveyed sites. Reviews of aerial imagery and historical topographic maps indicate that the annexation sites have been disturbed by agricultural and urban development since the early 1900s (USGS 2025). Additional information for each of the three sites is provided below.

The mitigation measures presented here are intended to supplement the City of Morgan Hill’s Standard Conditions of Approval. The mitigation measures include additional specifications in addition to those presented in the Conditions of Approval.

*Rose Orchard Court Site*

The CHRIS records search did not identify any previously recorded cultural resources within or adjacent to the Rose Orchard Court site. The CHRIS records search also confirmed approximately 50 percent of the Rose Orchard Court site has been previously studied as part of an archaeological monitoring effort but has never been surveyed. The SLF search was positive; however, no archaeological resources were identified within the site as a result of the cultural resources field survey.

Historical maps and aerial photographs indicate the Rose Orchard Court Site was undeveloped until the establishment of residential buildings and agricultural uses by the late 1930s. These buildings, however, were demolished by the late 1990s and subsequent grading within these areas occurred by 2008 in support of the development of the existing residential property, which was completed by 2011.

The Rose Orchard Court site is underlain by late Jurassic and Cretaceous Franciscan Assemblage. The age and depositional nature of the assemblage underlying the site are generally not conducive to the natural burial of archaeological material, as the Franciscan Assemblage predates human habitation of the region, greatly reducing the potential for buried archaeological resources. The Keefers soil series is primarily mapped in the northern portion of the annexation site and represents the higher sensitivity area

given that the landform is an alluvial fan/toeslope with an A Horizon. The remainder of the annexation site is within the Gilroy Clay Loam soil series, which is less sensitive for buried resources given the steep slopes. Additionally, the proximity of freshwater resources within 0.3-mile increases the likelihood of subsurface archaeological deposits because archaeological sites such as settlements tend to be located near precontact perennial water sources (Meyer and Rosenthal 2007). However, based on the underlying geology, the depositional context, the soils present, no cultural resources having been previously recorded, and the results of the field survey, the potential for buried precontact resources on the annexation site is considered low.

The aerial photograph and topographic map review identify this site as historically primarily being used for agricultural purposes. The residence in the annexation site was constructed between 2010-2012 and there is no evidence of building or grading prior to construction of the residence. Due to the limited development of this site, the potential for buried historic-period deposits on this annexation site is low.

The absence of substantial prehistoric or historic-period archaeological remains within the immediate vicinity, along with the existing level of disturbance in the site, suggests there is a low potential for encountering intact subsurface archaeological deposits. Nonetheless, the lack of surface evidence of archaeological materials does not preclude their subsurface existence. Therefore, this impact is potentially significant and mitigation measures CR-1 and CR-2 are required in addition to the City of Morgan Hill's Standard Conditions of Approval.

### *Butterfield Sports Park Expansion Site*

The CHRIS records search did not identify any previously recorded cultural resources within or adjacent to the Butterfield Sports Park Expansion site. The CHRIS records search also indicates the site was subject to a small linear survey in 1981. The SLF search was positive; however, no archaeological resources were identified within the site as a result of the cultural resources field survey.

The site is underlain by Holocene-age alluvial fan deposits. The Holocene (beginning approximately 11,700 years ago) dates to human occupation of the region and is generally conducive to the natural burial and preservation of archaeological deposits.

The soils present within these areas of the annexation site (Arbuckle, San Ysidro, and Zamora Series) suggest the subsurface conditions within the annexation site may contain archaeological materials that have been displaced through agricultural activities (Ap Horizons between 0 and 10 inches below ground surface and undisturbed A Horizons that extend to 21 inches). Additionally, the presence of a water source within the annexation site (Little Llagas Creek) increases the likelihood of subsurface archaeological deposits as archaeological sites, specifically settlements, tend to be distributed on specific geographic settings, including areas near precontact perennial water sources (Meyer and Rosenthal 2007). Based on the results of the SLF search, the underlying geology, the depositional context, the soils present, and the presence of a water resource within the site, the potential for buried precontact resources within the Butterfield Sports Park Expansion site is considered moderate.

The aerial photograph and topographic map review identify this site as primarily being used for agricultural purposes. Due to the limited development of this site, the potential for buried historic-period deposits is low.

The absence of substantial prehistoric or historic-period archaeological remains within the immediate vicinity, along with the existing level of disturbance in the site, suggests there is a low to moderate potential for encountering intact subsurface archaeological deposits. Nonetheless, the lack of surface evidence of archaeological materials does not preclude their subsurface existence. Therefore, this impact is potentially significant and mitigation measures CR-1 and CR-2 are required in addition to the City of Morgan Hill's Standard Conditions of Approval.

*Condit Sports Facilities Expansion Site*

The CHRIS records search did not identify previously recorded cultural resources within or adjacent to the Condit Sports Facilities Expansion site. The CHRIS records search did confirm however the site has never been subject to previous survey. Although the SLF search was positive, no archaeological resources were identified within the site as a result of the cultural resources field survey.

The sites is underlain by Holocene-age alluvial fan deposits. The Holocene (beginning approximately 11,700 years ago) dates to human occupation of the region and is generally conducive to the natural burial and preservation of archaeological deposits.

The age and depositional nature of the geologic unit present within the Condit Sports Facilities Expansion site are generally conducive to the natural burial of archaeological material. The soils present within these areas of the annexation site suggest the subsurface conditions within the annexation site may contain archaeological materials that have been displaced through agricultural activities (Ap Horizons between 0 and 10 inches below ground surface and undisturbed A Horizons that extend to 21 inches). Despite this, the only fresh water resources are perennial and located approximately 0.8 miles from this location and there have been no previously recorded precontact resources identified within 0.5 miles of this site. Based on the results of the SLF search, the underlying geology, the depositional context, and the soils present, the potential for buried precontact resources within the Condit Sports Facilities Expansion site is considered low to moderate.

The aerial photograph and topographic map review identify this site as primarily being used for agricultural purposes. One building is depicted within the site circa 1939 when trash collection and indoor water facilities were already in common use. Due to the limited development of this site, the potential for buried historic-period deposits is low.

The absence of substantial prehistoric or historic-period archaeological remains within the immediate vicinity, along with the existing level of disturbance in the site, suggests there is a low to moderate potential for encountering intact subsurface archaeological deposits. Nonetheless, the lack of surface evidence of archaeological materials does not preclude their subsurface existence. Therefore, this impact is potentially significant and mitigation measures CR-1 and CR-2 are required in addition to the City of Morgan Hill's Standard Conditions of Approval.

## Mitigation Measures

The following mitigation measures are required.

*CR-1 Conduct Cultural Resources Sensitivity Training Prior to Construction*

Prior to project construction, a qualified archaeologist shall be retained to conduct a Worker's Environmental Awareness Program (WEAP) training on archaeological sensitivity. The WEAP shall be conducted for all construction personnel prior to the commencement of any ground-disturbing activities. The training should be conducted by an archaeologist who meets or exceeds the Secretary of Interior's Professional Qualification Standards for archaeology (NPS 1983). Tribal representatives from one of the Consulting Tribes shall be contracted to participate in the WEAP and provide information relevant to Tribal resources. The Tribe shall be given 14 days' notice prior to the training. Archaeological sensitivity training will include a description of the types of cultural material that may be encountered, penalties for violations related to archaeological resources, and the proper protocol for treatment of the materials in the event resources are encountered.

*CR-2: Post-Review Discovery of Cultural Resources*

In the event archaeological resources are unexpectedly encountered during ground-disturbing activities, work within 50 feet of the find shall halt and an archaeologist meeting or exceeding the Secretary of the Interior's Professional Qualifications Standards for Archeology (NPS 1983) shall be contacted immediately to evaluate the resource. If the resource is determined by the qualified archaeologist to be

precontact, then Mitigation Measure TCR-2 shall be followed and consulting Native American representative(s) shall also be contacted to participate in the evaluation of the resource. All consulting Tribes will be contacted and provided information on the precontact resource and provided an opportunity for a site visit. If the qualified archaeologist and/or Native American representative(s) determines it to be appropriate, archaeological testing for CRHR eligibility shall be completed. If the resource is determined to be eligible for the CRHR and significant impacts to the resource cannot be avoided via project redesign, the qualified archaeologist shall prepare a data recovery plan tailored to the physical nature and characteristics of the resource, per the requirements of CCR Guidelines Section 15126.4(b)(3)(C). The data recovery plan shall identify data recovery excavation methods, measurable objectives, and data thresholds to reduce any potential significant impacts to the resource. The data recovery plan shall identify data recovery excavation methods, measurable objectives, and data thresholds to reduce any significant impacts to cultural resources related to the resource. Pursuant to the data recovery plan, the qualified archaeologist and Native American representative(s), as appropriate, shall recover and document the scientifically consequential information that justifies the resource's significance. The City shall review and approve the treatment plan and archaeological testing, as appropriate, and the resulting documentation shall be submitted to the regional repository of the CHRIS, per CCR Guidelines Section 15126.4(b)(3)(C).

## Significance After Mitigation

Implementation of Mitigation Measure CR-1 and CR-2 would reduce impacts to unanticipated archaeological discoveries by ensuring that unanticipated archaeological resources are identified during construction and are adequately mitigated. The WEAP training will allow construction personnel to assist in identifying unanticipated archaeological resources. Therefore, this impact would be less than significant with implementation of mitigation.

| | |
|---|---|
| **Threshold 3:** | Would the project disturb any human remains, including those interred outside of formal cemeteries? |

**IMPACT CR-3 THE PROPOSED PROJECT COULD HAVE IMPACTS ON INADVERTENTLY DISCOVERED HUMAN REMAINS. HOWEVER, WITH ADHERENCE TO STATE REGULATIONS, THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.**

*All Three Annexation Sites*

No human remains are known to be present within the annexation sites. However, the discovery of human remains is always a possibility during ground disturbing activities. If human remains are found, the State of California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. In the event of an unanticipated discovery of human remains, the County Coroner must be notified immediately. If the human remains are determined to be of Native American origin, the Coroner will notify the NAHC, which will determine and notify an MLD. The MLD has 48 hours from being granted site access to make recommendations for the disposition of the remains. If the MLD does not make recommendations within 48 hours, the landowner shall reinter the remains in an area of the property secure from subsequent disturbance. With adherence to existing regulations and the City of Morgan Hill's Standard Conditions of approval, impacts to human remains would be less-than-significant.

## Mitigation Measures

This impact would be less than significant and therefore no mitigation is required.

## c. Cumulative Impacts

The proposed project would not result in impacts to historical resources. Further, the project sites are not adjacent to historical resources, and are not within a historic district; therefore, the project would not contribute to cumulative impacts to historical resources.

The proposed project, in conjunction with other nearby planned, pending, and potential future projects in the City of Morgan Hill (Table 3-1 of Section 3, *Environmental Setting*), could result in significant cumulative impacts to archaeological resources. Cumulative development in the region would continue to disturb areas with the potential to contain archaeological resources. As discussed in Section 4.4.3, above, mitigation measures CR-1 and CR-2, in addition to the City of Morgan Hill's Standard Conditions of Approval, would be implemented to ensure that unanticipated archaeological resources identified during construction are adequately mitigated. Similarly, cumulative projects are reviewed separately by the appropriate jurisdiction and undergo environmental review when it is determined that the potential for significant impacts exists. In the event that future cumulative projects would result in impacts to known or unknown cultural resources, impacts to such resources would be addressed on a case-by-case basis, and would likely be subject to mitigation measures and the City's Standard Conditions of Approval similar to those imposed for the proposed project. As such, cumulative impacts would be less than significant with mitigation. After implementation of mitigation measures CR-1 and CR-2, and the City's Standard Conditions of Approval, the project's contribution would not be cumulatively considerable.

The project would involve ground disturbing activities which could encounter human remains. If human remains are found, the proposed project and cumulative projects would be required to comply with the State of California Health and Safety Code Section 7050.5. With adherence to existing regulations relating to human remains, cumulative impacts would be less than significant and the proposed project's impacts would not be cumulatively considerable.

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# 4.5 Geology and Soils

This section assesses potential impacts related to geologic and soil hazards and paleontological resources associated with implementation of the proposed project and potential future development on the annexation sites.

## 4.5.1 Setting

### Topography and Geology

The City of Morgan Hill lies in the southern part of the Santa Clara Valley, a mostly flat alluvial plain that extends southward from San Francisco Bay as far as the City of Gilroy. Major right-lateral strike-slip fault zones flank the valley, including the San Andreas and Sargent-Berrocal Fault zones on the west and the Calaveras, Silver Creek, and Coyote Creek Fault zones on the east. The general pattern of surficial geology as one traverses the City of Morgan Hill from southwest to northeast can be described as sedimentary, low-grade metamorphic, and igneous bedrock of the Late Jurassic to Early Cretaceous Franciscan Complex, transitioning to Quaternary alluvial valley fill, thence further exposures of the Franciscan Complex bedrock, followed by coarse alluvium (i.e., unconsolidated, poorly sorted gravel, silt, sand, and clay) of the lower Pleistocene to Upper Pliocene Santa Clara Formation (City of Morgan Hill 2016).

The sandstones, chert, shale, limestone, low-grade metamorphic, and igneous rocks of the Late Jurassic to Early Cretaceous Franciscan Complex represent the oldest rocks exposed in the city, and they occupy much of the hillsides that flank the valley to the southwest and to the northeast. The Franciscan Complex rocks appear to be geographically widespread, and they are inferred to occur at depth beneath the entire southwestern Santa Clara Valley. Masses of partially to completely serpentinized peridotite occur as fault-bounded bodies within the Franciscan Complex. In places, this peridotite has been hydrothermally altered to a calc-silicate metamorphic rock (City of Morgan Hill 2016).

### Soils

As mapped by the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS):

- The Rose Orchard Court site features four soil types (GoE2, GoF, GoG, and KeC2)
- The Condit Sports Facilities Site features three soil types (ArA, PoA, and SdA)
- The Butterfield Sports Park Expansion site features three soil types (ArA, SdA, and ZbA), and APN 825-06-022 features two soil types (SdA and ZbA)

Table 4.5-1 presents soil characteristics related to permeability, shrink-swell potential, rate of surface runoff, and erosion hazard. Figure 4.5-1 and Figure 4.5-3 show soils within the annexation sites.

## Table 4.5-1 Soil Parameters for the Annexation Sites

| Map Unit # | Name | Permeability (in/hr) | Drainage Class | Shrink-Swell Potential | Rate of Surface Runoff | Erosion Hazard |
|---|---|---|---|---|---|---|
| 457000[1] | GoE2 - Gilroy clay loam, 15 to 30 percent slopes, eroded | 0.76 | Well Drained | Moderate | Very High | Low |
| 457001[1] | GoF - Gilroy clay loam, 30 to 50 percent slopes, MLRA 15 | 0.71 | Well Drained | Moderate | Very High | Low |
| 457002[1] | GoG - Gilroy clay loam, 50 to 75 percent slopes, MLRA 15 | 0.71 | Well Drained | Moderate | Very High | Low |
| 457012[1] | KeC2 - Keefers clay loam, 2 to 9 percent slopes, eroded | 0.36 | Well Drained | Moderate | High | Low |
| 456964[2,3] | ArA - Arbuckle gravelly loam, 0 to 2 percent slopes, MLRA 14 | 1.26 | Well Drained | Low | Low | Low |
| 457037[2] | PoA - Pleasanton loam, 0 to 2 percent slopes, MLRA 14 | 0.88 | Well Drained | Moderate | Moderately High | Low |
| 457054[2,3,4] | SdA - San Ysidro loam, 0 to 2 percent slopes, MLRA 14 | 1.00 | Moderately Well Drained | Moderate | Low | Low |
| 457070[3,4] | ZbA - Zamora clay loam, 0 to 2 percent slopes | 0.38 | Well Drained | Moderate | Medium | Low |

[1] Rose Orchard Court Site

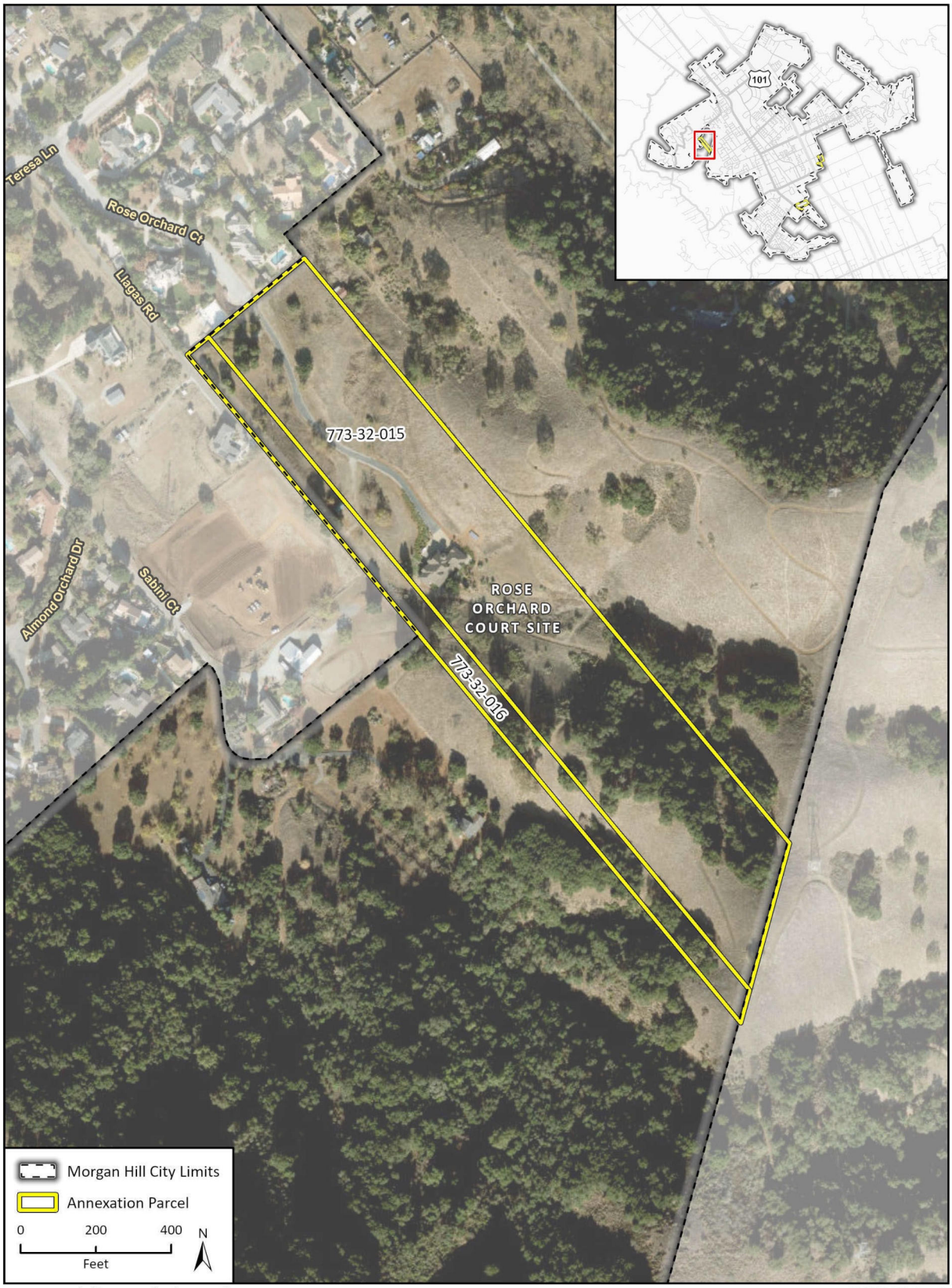
[2] Condit Sports Facilities Expansion Site

[3] Butterfield Sports Park Expansion Site

[4] APN 825-06-022

Sources: USDA 2025

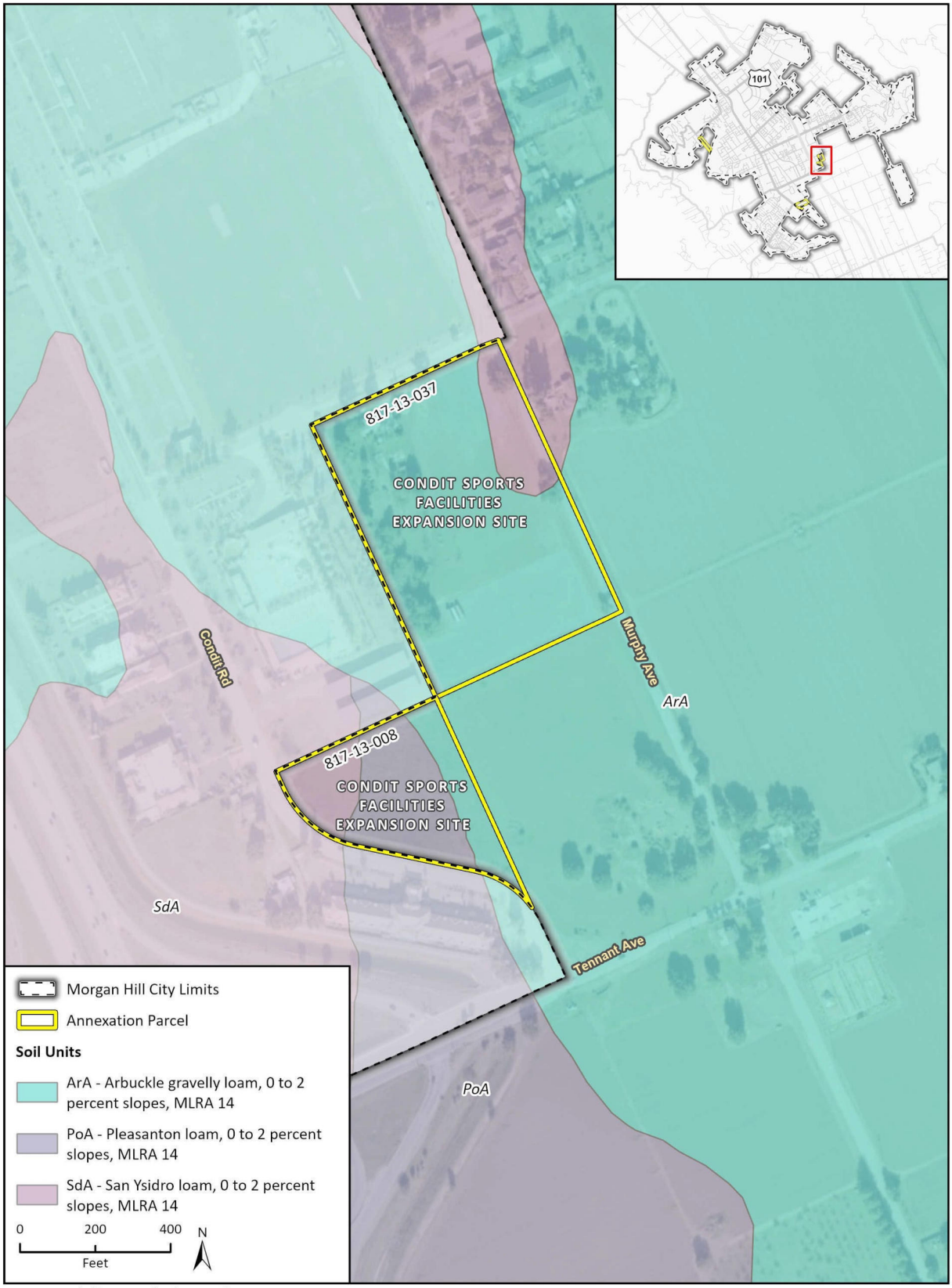
**Figure 4.5-1 Soils Map – Rose Orchard Court Site**




*Imagery provided by ESRI and its licensors © 2025.*
*Additional data provided by Santa Clara County, 2025.*

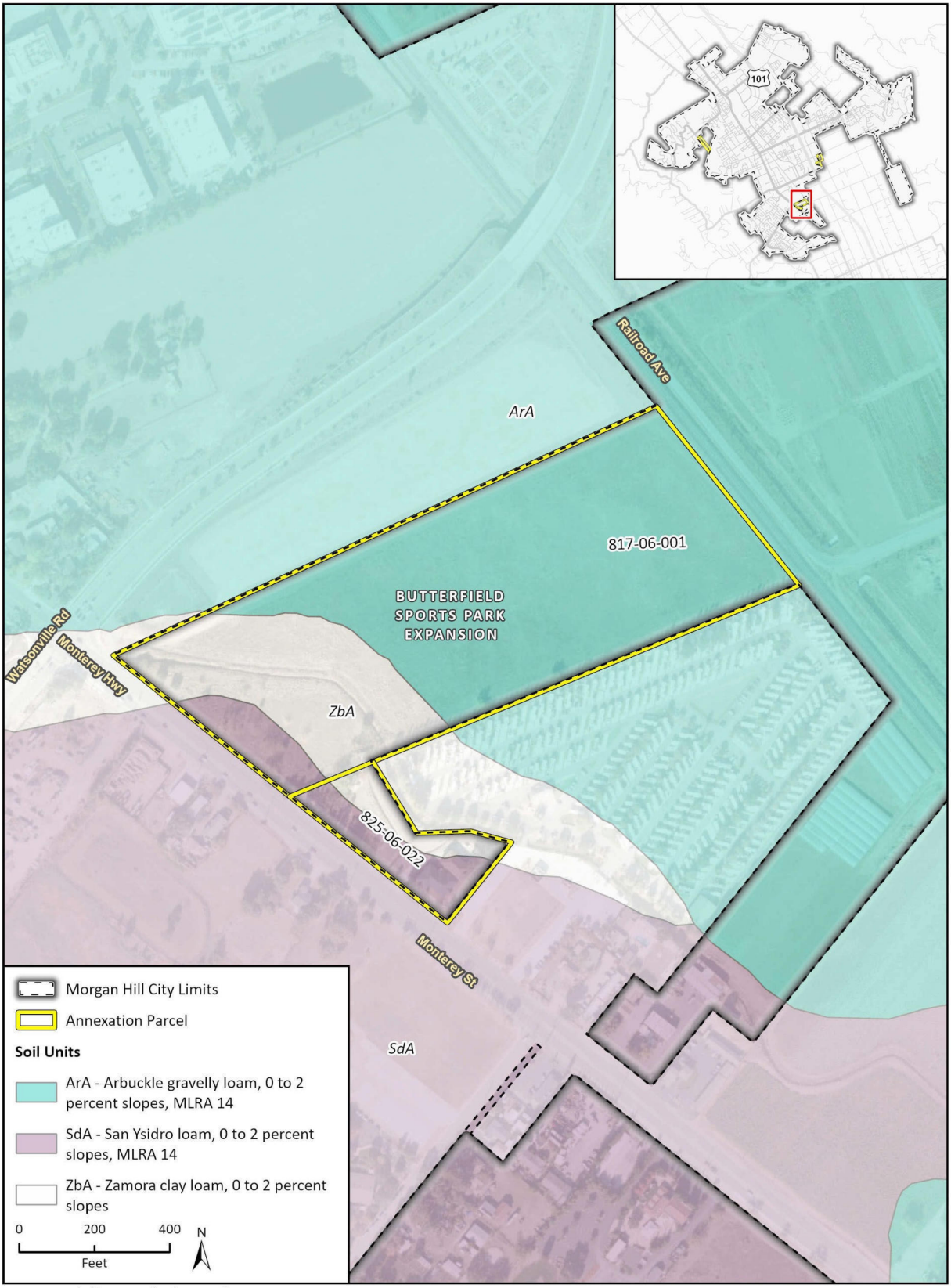
25-17449 EPS - Portrait
Fig X Project Site

## Figure 4.5-2 Soils Map – Condit Sports Facilities Expansion Site




*Imagery provided by ESRI and its licensors © 2026.*
*Additional data provided by Santa Clara County, 2025; NRCS, 2025.*

**Figure 4.5-3 Soils Map – Butterfield Sports Park Expansion Site and APN 825-06-022**




*Imagery provided by ESRI and its licensors © 2025.*
*Additional data provided by Santa Clara County, 2025; NRCS, 2025.*

## Geologic Hazards

Geologic hazards specific to the annexation sites are shown below in Figure 4.5-4 through Figure 4.5-6 and are described below.

### *Faulting and Seismically-Induced Ground Shaking*

The United States Geological Survey (USGS) defines active faults as those that have had surface displacement within the Holocene period (about the last 11,000 years). Surface displacement can be recognized by the existence of cliffs in alluvium, terraces, offset stream courses, fault troughs and saddles, the alignment of depressions, sag ponds, and the existence of steep mountain fronts. Potentially active faults are those that have had surface displacement during the last 1.6 million years.

As shown in Figure 4.5-4 through Figure 4.5-6, no known faults traverse the annexation sites. The nearest fault is the Calaveras Fault, located to the east. Among the annexation sites, the Condit Sports Facilities Expansion site is closest to the Calaveras Fault; this site is located approximately 3.7 miles west of the fault.

### *Surface Rupture*

Faults generally produce damage in two ways: ground shaking and surface rupture. Surface rupture is limited to land very near the fault. As discussed above, none of the annexation sites are located in proximity to faults, thus the potential for surface rupture is low.

### *Ground Shaking*

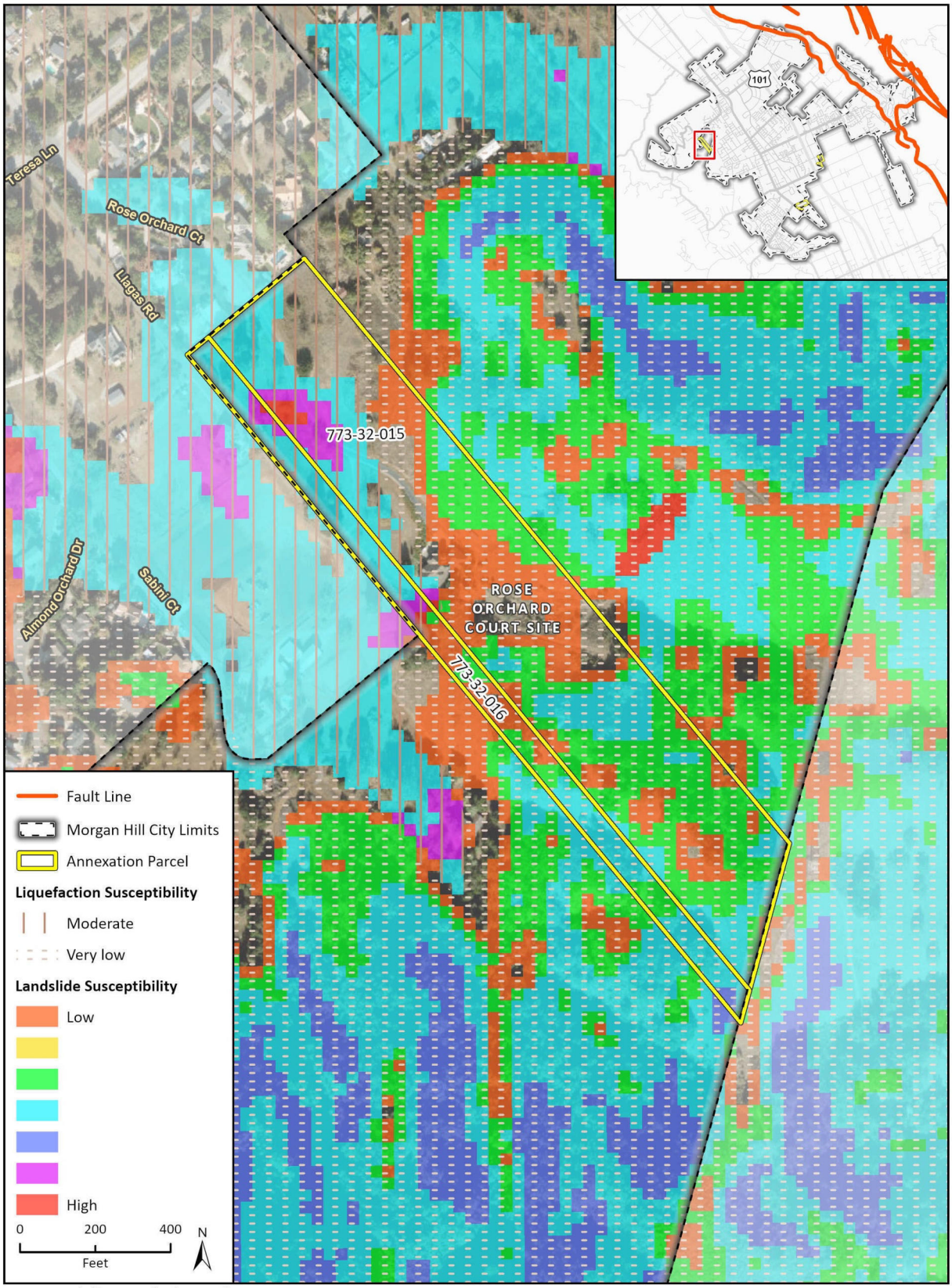
Hazards associated with seismically induced ground shaking include liquefaction, seismically induced settlement, and earthquake-triggered landslides. Movement along the Calaveras Fault could potentially generate substantial ground shaking within the annexation sites leading to these secondary hazards, as discussed below.

### *Liquefaction and Seismically-Induced Settlement*

Liquefaction is defined as the sudden loss of soil strength due to a rapid increase in soil pore water pressure resulting from seismic ground shaking. Liquefaction potential is dependent on such factors as soil type, depth to ground water, degree of seismic shaking, and the relative density of the soil. When liquefaction of the soil occurs, buildings and other objects on the ground surface may tilt or sink, and lightweight buried structures (such as pipelines) may float toward the ground surface. Liquefied soil may be unable to support its own weight or that of structures, which could result in loss of foundation bearing or differential settlement. Liquefaction may also result in cracks in the ground surface followed by the emergence of a sand-water mixture.

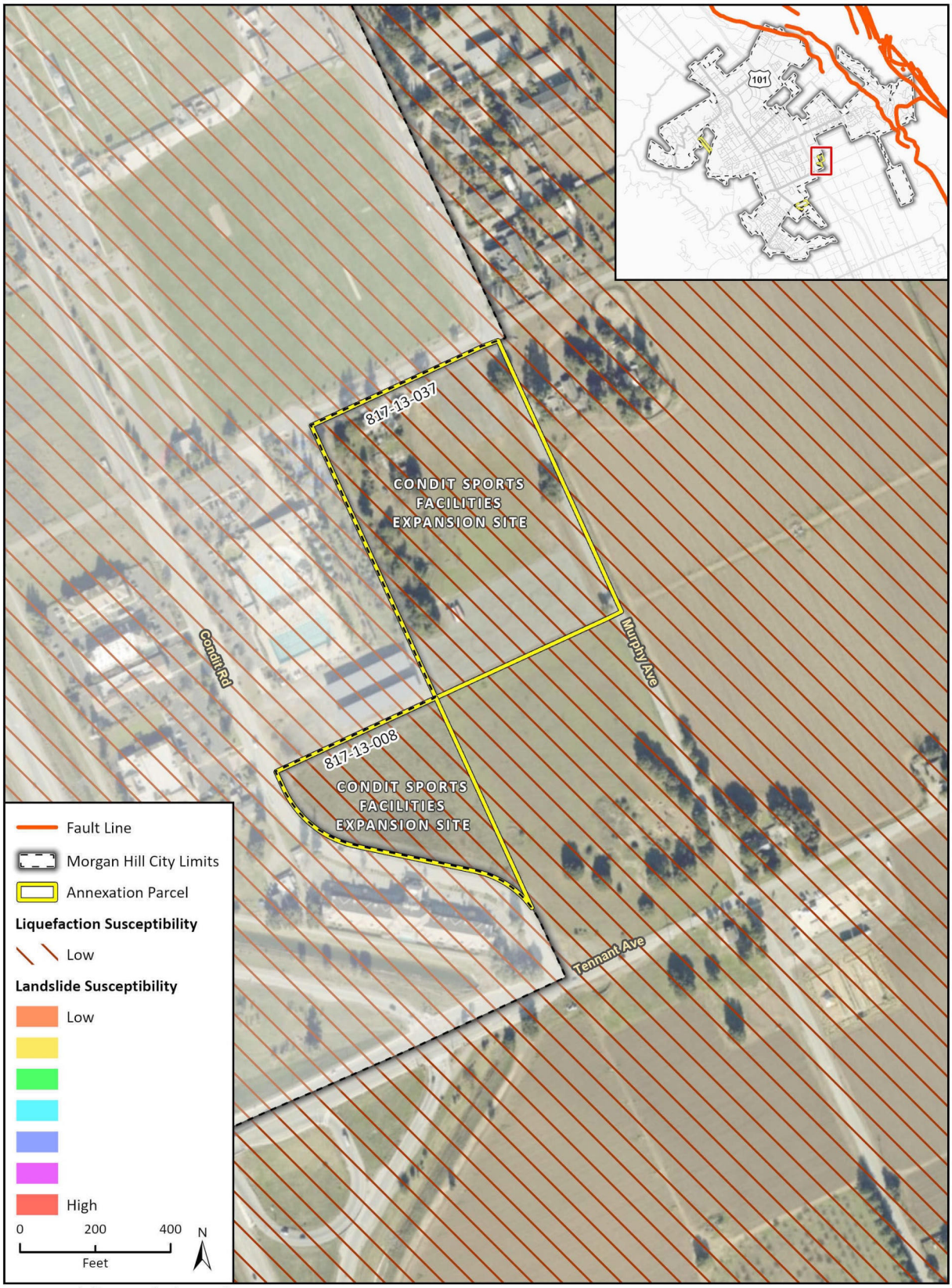
Seismically induced settlement occurs in loose to medium dense unconsolidated soil above groundwater. These soils compress (settle) when subject to seismic shaking. The settlement can be exacerbated by increased loading, such as from the construction of buildings. Settlement can also result solely from human activities including improperly placed artificial fill, and structures built on soils or bedrock materials with differential settlement rates.

## Figure 4.5-4 Geologic Hazards – Rose Orchard Court Site



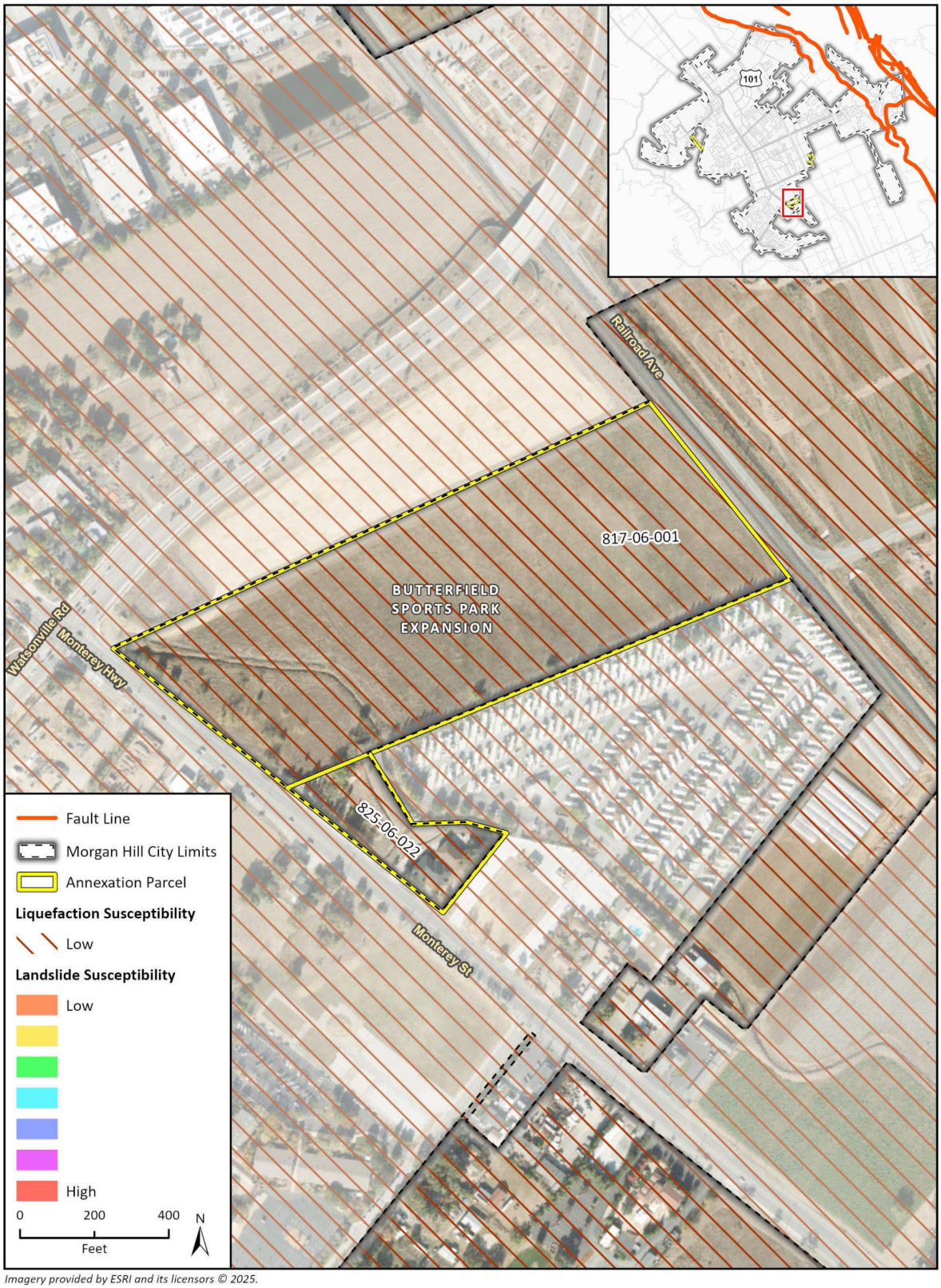

*Imagery provided by ESRI and its licensors © 2025.*
*Additional data provided by Santa Clara County, 2025; USGS, 2025, CADOC, 2025.*

## Figure 4.5-5 Geologic Hazards – Condit Sports Facilities Expansion Site




*Imagery provided by ESRI and its licensors © 2026.*
*Additional data provided by Santa Clara County, 2025; USGS, 2025, CADOC, 2025.*

**Figure 4.5-6 Geologic Hazards – Butterfield Sports Park Expansion Site and APN 825-06-022**




*Imagery provided by ESRI and its licensors © 2025.*
*Additional data provided by Santa Clara County, 2025; USGS, 2025, CADOC, 2025.*

As shown in Figure 4.5-4, the northern and northwestern portion of the Rose Orchard Court site has moderate liquefaction risk, while the rest of the site has very low liquefaction risk. As shown in Figure 4.5-5 and Figure 4.5-6, the Condit Sports Facilities Expansion site, the Butterfield Sports Park Expansion site, and APN 825-06-022 have low liquefaction risk.

### *Landslides*

Landslides result when the driving forces that act on a slope (i.e., the weight of the slope material, and the weight of objects placed on it) are greater than the slope's natural resisting forces (i.e., the shear strength of the slope material). Slope instability may result from natural processes, such as the erosion of the toe of a slope by a stream, or by ground shaking caused by an earthquake. Slopes can also be modified artificially by grading, or by the addition of water or structures to a slope. Development that occurs on a slope can substantially increase the frequency and extent of potential slope stability hazards.

Areas susceptible to landslides are typically characterized by steep, unstable slopes in weak soil/bedrock units that have a record of previous slope failure. There are numerous factors that affect the stability of the slope, including: slope height and steepness, type of materials, material strength, structural geologic relationships, ground water level, and level of seismic shaking.

As shown in Figure 4.5-4, a small section on the northwestern portion and western central boundary of the Rose Orchard Court site has high landslide risk, while the remainder of the site has low to medium landslide risk.

As shown in Figure 4.5-5 and Figure 4.5-6, both the Condit Sports Facilities Expansion site, the Butterfield Sports Park Expansion site, and APN 825-06-022 have very low to no landslide risk.

### *Expansive Soils*

Expansive soils can change dramatically in volume depending on moisture content. When wet, these soils can expand; conversely, when dry, they can contract or shrink. Sources of moistures that can trigger this shrink-swell phenomenon include seasonal rainfall, landscape irrigation, utility leakage, and/or perched groundwater. Expansive soil can develop wide cracks in the dry season, and changes in soil volume have the potential to damage concrete slabs, foundations, and pavement. Special building/structure design or soil treatment are often needed in areas with expansive soils. Expansive soils are typically very fine-grained with a high to very high percentage of clay. As shown in Table 4.5-1, all soils on the annexation sites have moderate expansivity with the exception of the Arbuckle gravelly loam, which has low expansivity.

### *Erosion*

Erosion is the wearing away of the soil mantle by running water, wind, or geologic forces. It is a naturally occurring phenomenon and ordinarily is not hazardous. However, excessive erosion can contribute to landslides, siltation of streams, undermining of foundations, and ultimately the loss of structures. Removal of vegetation tends to heighten erosion hazards. As shown in Table 4.5-1, soils on all of the sites have low erosion risk.

## Paleontological Setting

Paleontological resources, or fossils, are the remains and traces of prehistoric life (Society of Vertebrate Paleontology [SVP] 2025). Fossils are typically preserved in layered sedimentary rocks and the distribution of fossils is a result of the sedimentary history of the geologic units within which they occur. Fossils occur in a non-continuous and often unpredictable distribution within some sedimentary units, and the potential for fossils to occur within sedimentary units depends on several factors. Although it is not possible to determine whether a fossil will occur in any specific location, it is possible to evaluate the potential for geologic units to contain scientifically significant paleontological resources, and therefore

evaluate the potential for impacts to those resources and provide mitigation for paleontological resources if they occur during construction.

The City of Morgan Hills is located within the *Mount Madonna* and *Gilroy*, *California* United States Geological Survey 7.5-minute topographic quadrangles. The regional geology was mapped by Wentworth et al. (1999) who identified two distinct geologic units underlying the Morgan Hill Annexations and Urban Service Area Amendments Project: Pleistocene alluvial fan deposits and Cretaceous basaltic volcanic rocks. A map of geologic units is shown on Figure 4.5-7.

### *Pleistocene Alluvial Fan Deposits*

Pleistocene alluvial fan deposits consist of tan to reddish-brown gravel with cobble-sized clasts in a clayey and sandy matrix (Wentworth et al. 1999). Pleistocene alluvial fan deposits are found throughout the City of Morgan Hill and completely underlie Condit Sports Lot 1, Condit Sports Lot 2, Butterfield Sports Park Expansion, and Assessor's Parcel Number (APN) 825-06-022. It also underlies the top northwest corner of the Rose Orchard Court site. Pleistocene-aged alluvial sediments are known to produce paleontological resources in Santa Clara County, including mastodon (*Mammut*), horse (*Equus*), bison (*Bison*), and camels (*Camelidae*) (Maguire & Holroyd 2016; Paleobiology Database 2025; University of California Museum of Paleontology 2025). Due to this fossil-producing history, alluvial fan and fluvial deposits (Pleistocene) have a Fossil Prediction Map System (FPMS) Designation 4 (high) potential for paleontological resources.

### *Cretaceous Basaltic Volcanic Rocks*

Cretaceous basaltic volcanic rocks consist of pillowed basalt flows and flow breccias (Wentworth et al. 1999). Cretaceous basaltic volcanic rocks are found in the western portion of Morgan Hill and underlie a majority of the Rose Orchard Court site. Basaltic rocks cannot preserve fossils due to the intense heat necessary for their formation. Therefore, Cretaceous basaltic volcanic rocks have FPMS 1 (very low) potential for paleontological resources.

## Figure 4.5-7 Paleontological Sensitivity Map of City of Morgan Hill




*Imagery provided by ESRI and its licensors © 2025.*
*Additional data provided by Santa Clara County, 2025; Wentworth et al. 1999.*

25-17449 CR
Fig X Paleo Sensitivity

## 4.5.2 Regulatory Setting

### a. Federal Regulations

#### Clean Water Act

Congress enacted the Clean Water Act (CWA), formerly the Federal Water Pollution Control Act of 1972, with the intent of restoring and maintaining the chemical, physical, and biological integrity of the waters of the United States. The CWA requires states to set standards to protect, maintain, and restore water quality through the regulation of point source and non-point source discharges to surface water. Those discharges are regulated by the National Pollutant Discharge Elimination System (NPDES) permit process (CWA Section 402). NPDES permitting authority is administered by the California State Water Resources Control Board (SWRCB) and its nine Regional Water Quality Control Boards (RWQCB). Morgan Hill is in a watershed administered by the Bay Area RWQCB. Individual projects within Morgan Hill that disturb more than one acre would be required to obtain NPDES coverage under the California General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit). The Construction General Permit requires the development and implementation of a storm water pollution prevention plan describing best management practices (BMP) the discharger would use to prevent and retain stormwater runoff and to prevent soil erosion.

#### National Environmental Policy Act

The National Environmental Policy Act, as amended, directs federal agencies to "preserve important historic, cultural, and natural aspects of our national heritage (Section 101[b][4])." The current interpretation of this language includes scientifically important paleontological resources among those resources potentially requiring preservation.

### b. State Regulations

#### California Building Code

The California Building Code (CBC), Title 24, Part 2 provides building codes and standards for the design and construction of structures in California. It requires, among other things, seismically resistant construction and foundation and soil investigations prior to construction. The CBC also establishes grading requirements that apply to excavation and fill activities and requires the implementation of erosion control measures. The city is responsible for enforcing the 2022 CBC, or most current CBC version, within Morgan Hill.

The referenced codes and standards include requirements for evaluations of geologic conditions at future project sites and design and construction standards to address geologic hazards. Geotechnical investigations are performed to identify the geologic conditions at a site and to evaluate whether a proposed project is feasible given the existing geological conditions. The geotechnical report must be completed by a California licensed professional and must provide recommendations for foundation and structural design to address any geologic hazards. Such reports are required under the following conditions:

- New structures designed under the CBC in accordance with CBC 1803.5.11 and CBC 1803.5.12.
- New structures designed under the California Residential Code (CRC) and located in a seismic hazard zone in accordance with CRC R401.4. This requirement does not apply to new accessory structures including utility sheds, garages, and accessory dwelling units.
- New structures within a delineated earthquake fault zone:
  - A single-family wood-frame or steel-frame dwelling exceeding two stories or when any dwelling is part of a development of four or more dwellings.

- Multi-family and commercial of any kind.

- Alterations or additions to any structure within a seismic hazard zone which exceed either 50 percent of the value of the structure or 50 percent of the existing floor area of the structure.
- In accordance with CBC 1803.5.2 and CRC R401.4.1 where design values exceed the presumptive values or the classification, strength or compressibility of the soil is in doubt.
- Where deep foundations will be used, a geotechnical investigation shall be conducted in accordance with CBC 1803.5.5.
- For new structures assigned to Seismic Design Category C, D, E or F, a geotechnical investigation shall be conducted in accordance with CBC 1803.5.11.

### Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act of 1972 was passed into law following the destructive February 9, 1971 magnitude 6.6 San Fernando earthquake. The Act provides a mechanism for reducing losses from surface fault rupture on a statewide basis. The intent of the Act is to ensure public safety by prohibiting the siting of most structures for human occupancy across traces of active faults that constitute a potential hazard to structures from surface faulting or fault creep. This Act groups faults into categories of active, potentially active, and inactive. Historic and Holocene age faults are considered active, Late Quaternary and Quaternary age faults are considered potentially active, and pre-Quaternary age faults are considered inactive.

### Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act addresses geo-seismic hazards, other than surface faulting, and applies to public buildings and most private buildings intended for human occupancy. The Seismic Hazards Mapping Act identifies and maps seismic hazard zones to assist cities and counties in preparing the safety elements of their general plans and encourages land use management policies and regulations that reduce seismic hazards. The Act mandated the preparation of maps delineating “Liquefaction and Earthquake-Induced Landslide Zones of Required Investigation.”

### California Public Resources Code

California Public Resources Code (PRC) Section 5097.5 states:

> No person shall knowingly and willfully excavate upon, or remove, destroy, injure or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.

Here “public lands” means those owned by, or under the jurisdiction of, the state or any city, county, district, authority, or public corporation, or any agency thereof. Consequently, public agencies are required to comply with PRC Section 5097.5 for their own activities, including construction and maintenance, and for permit actions (e.g., encroachment permits) undertaken by others.

## c. Local Regulations

### City of Morgan Hill General Plan

The City of Morgan Hill 2035 General Plan, adopted in July 2016 and last updated in 2017, lists several geology goals, policies, and actions as part of the Safety, Services, and Infrastructure Element. The following goals, policies, and actions are applicable to the proposed project (City of Morgan Hill 2016b, 2017):

**Goal SSI-1: Development that avoids or minimizes risks from environmental hazards.**

**Policy SSI-2: Hazard Reporting.** Known or potential geologic, fire, and flood hazards shall be disclosed as part of every real estate transaction and recorded on documents to be reported for building permits, subdivisions, and land development reports. Mitigation of hazards shall be noted in the same manner.

**Policy SSI-1.4: Development Regulations and Hazards.** Regulate development in hazardous areas in such a way that it minimizes disruption of the environment and does not trigger or accelerate the hazardous processes which exist in South County. (South County Joint Area Plan 15.02b.).

**Policy SSI-1.5 Cluster Development.** Cluster development in hazardous areas with dwellings grouped on the least hazardous portion of the property. (South County Joint Area Plan 15.02e).

**Action SSI-1.A: New Development and Hazards.** New development should avoid hazardous and sensitive areas, and should occur only where it can be built without risking health and safety. New habitable structures should not be allowed in areas of highest hazard, such as floodways, active landslides, active fault traces, and airport safety zones. In areas of less risk, development should be limited and designed to reduce risks to an acceptable level. (South County Joint Area Plan 15.00).

**Goal SSI-2: Development that avoids or minimizes risks from environmental hazards.**

**Policy SSI-2.1: Land Use and Geologic Hazards.** Limit uses on lands with geologic hazards, but allow uses on previously urbanized lands with proper mitigation. Keep development in hazardous areas to a minimum by encouraging low-density, low intensity uses and the types of uses least disruptive to the soil and vegetative cover. (South County Joint Area Plan 15.02a)

**Policy SSI-2.2: Site Preparation for Geologic Stability.** On lands with geologic hazards that have already been developed, require mitigation procedures, including geotechnical investigations appropriate for the known or suspected geologic problems.

**Policy SSI-2.3: Site Preparation in Hazardous Areas.** Require site preparation in hazardous areas to be designed to achieve long-term geologic stability.

**Policy SSI-2.6: Hillside Development.** Protect hillsides and carefully control development on steep slopes. When hillside land is developed, it should be done with minimum disruption of topography and vegetative cover. (South County Joint Area Plan 15.00)

**Policy SSI-2.7: Landslides.** Prohibit development on known active landslides and limit development in areas where such development might initiate sliding or be affected by sliding on adjacent parcels. (South County Joint Area Plan 15.02c)

**Policy SSI-2.8: Runoff and Slope Stability.** Prohibit development in areas where increased runoff from the addition of impervious surfaces and drainage would increase the probability of downslope landsliding, or where additional projects would add to the cumulative effect of increased runoff, unless a downslope drainage improvement plan has been approved. (South County Joint Area Plan 15.02d)

**Policy SSI-2.9: Geologic Studies.** Continue to require geologic and geotechnical studies for development in potentially hazardous areas, such as hillside areas and geotechnical studies for critical facilities in areas with liquefiable soils. The costs for consulting geologists shall be covered by a fee to the developer.

**Policy SSI-2.10: Slope Stability.** Enforce and maintain strict grading and building regulations to minimize instability of slopes sloping areas and reduce public costs associated with maintaining roads and utilities on unstable slopes. (South County Joint Area Plan 15.12b)

**Policy SSI-2.11: Geotechnical Investigations.** Require geotechnical investigations on all projects in unstable areas, including areas of expansive soils, prior to construction to insure that the potential hazards are identified and can be properly mitigated. (South County Joint Area Plan 15.13)

**Action SSI-2.B: Hillside Development.** Enforce and maintain current zoning and land development ordinances and policies restricting development on hillsides to low-density, low-intensity uses. (South County Joint Area Plan 15.12a)

**Goal HC-8: Historic identity and cultural resources that are preserved for future generations.**

**Policy HC-8.5: Mitigation.** Required that if cultural resources, including tribal, archeological, or paleontological resources, are uncovered during grading or other on-site excavation activities, construction shall stop until appropriate mitigation is implemented.

### City of Morgan Hill Municipal Code

*Chapter 15.08 – Building Code*

Adopts the 2022 CBC by reference as the basis for the City's Building Code. By regulating the design and construction of excavations, foundations, building frames, retaining walls, and other structures, the City's Building Code provides protections during the design, permitting, and construction of structures intended for human occupancy.

*Section 18.70.050 – Geologic Evaluations*

Requires preparation of a Geologic and Seismic Hazards Investigation Report which identifies site-specific seismic and geologic hazards and recommends appropriate mitigation measures to reduce risks to acceptable levels.

*Section 18.70.070 – Owner Obligations*

Requires confirmation from a qualified geologist prior to permit issuance that project plans conform to the approved geologic report and requests submittal of a certification at final inspection verifying compliance and identifying any newly discovered hazards. Obligates property owners to maintain safe site conditions and address geologic threats as they arise. Authorizes the City to issue a notice of hazardous condition if a threat is identified, with mitigation actions to follow. Considers noncompliance a violation of the municipal code, subject to enforcement.

*Section 18.148.070 – Soil Management Report*

Requires preparation of a Soil Management Report which identifies site-specific soil hazards and recommends appropriate mitigation measures to reduce risks to acceptable levels.

### City of Morgan Hill Standard Conditions of Approval

The City of Morgan Hill applies the following Standard Condition of Approval related to geology and soils to development projects:

**Geological Hazard Area:** Project within a designated geological hazard area shall comply with a site-specific geotechnical report addressing the mitigation of known hazard conditions.

## 4.5.3 Impact Analysis

### a. Methodology and Significance Thresholds

To determine whether a project would result in a significant impact related to geology and soils, Appendix G of the *CEQA Guidelines* requires consideration of whether a project would:

1. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
   I. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault
   II. Strong seismic ground shaking
   III. Seismic-related ground failure, including liquefaction
   IV. Landslides;
2. Result in substantial soil erosion or the loss of topsoil;
3. 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;
4. 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;
5. 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; and/or
6. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

## Paleontological Resources Sensitivity

Absent specific agency guidelines, most professional paleontologists in California adhere to guidelines set forth by the Society of Vertebrate Paleontology in its “Best Practice Guidelines for Mitigation of Adverse Impacts on Paleontological Resources” (SVP 2025). These guidelines establish detailed protocols for the assessment of the paleontological resource potential, or “sensitivity” of a project area and outline measures to follow in order to mitigate adverse impacts to known or unknown fossil resources during project development. Using baseline information gathered during a paleontological resource assessment, the paleontological resource potential of the geologic unit(s) or members thereof underlying a project area can be assigned to a very high, high, moderate, low, very low, or unknown sensitivity category. This criterion is based on rock units within which vertebrate or significant invertebrate fossils have been determined by previous studies to be present or likely to be present. While these standards were specifically written to protect vertebrate paleontological resources, all fields of paleontology have adopted these guidelines.

Significant paleontological resources are determined to be fossils or assemblages of fossils that are unique, rare, diagnostically important, or are common but have the potential to provide valuable scientific information for evaluating evolutionary patterns and geologic processes. New or unique specimens can provide new insights into evolutionary history; however, additional specimens of even well-represented lineages can be equally important for studying evolutionary patterns and processes, and evolutionary rates. As such, common fossils, especially vertebrates, may be scientifically important, and therefore considered highly significant.

In general, for geologic units with high or very high sensitivity, full-time monitoring is recommended during any project-related ground disturbance. For geologic units with low or very low sensitivity, protection or salvage efforts are not required. For geologic units with moderate or unknown sensitivity, field surveys by a qualified paleontologist are usually recommended to specifically determine the paleontological potential of the rock units present within the project area.

Rincon assessed the paleontological sensitivity of each of the geologic units underlying the project area to SVP (2025) guidelines as discussed in Section 4.5.10, “Paleontological Setting.” The sensitivity assignments were made based on review of primary scientific literature, geologic maps, and online fossil databases.

## b. Project Impacts and Mitigation

The proposed project does not include changes to or development on the APN 825-06-022 site. Accordingly, the analyses below focus exclusively on the Rose Orchard Court site, the Butterfield Sports Park Expansion site, and the Condit Sports Facilities Expansion site.

| | |
|---|---|
| **Threshold 1:** | Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, strong seismic ground shaking, seismic-related ground failure, including liquefaction, or landslides? |
| **Threshold 3:** | Would the project 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? |

**Impact GEO-1 WITH REQUIRED ADHERENCE TO EXISTING REGULATIONS, POTENTIAL FUTURE DEVELOPMENT ON THE ANNEXATION SITES WOULD RESULT IN LESS THAN SIGNIFICANT IMPACTS RELATED TO GROUND SHAKING, LIQUEFACTION, LANDSLIDES, AND UNSTABLE SOILS.**

*Rose Orchard Court Site*

Ground Rupture

The closest fault to this site is the Calaveras Fault approximately 7.5 miles to the east, and the site does not traverse a designated Alquist-Priolo Zone. Therefore, development on the Rose Orchard Annexation Site would not be subject to surface or ground rupture as development would not be located in a fault zone.

Seismic Ground Shaking

Although the Rose Orchard Court Site is not located in proximity to the Calaveras Fault, it could still be subject to potential ground shaking associated with seismic activities. However, several applicable laws, regulations, and policies would reduce hazards related to rupture. Development within the Rose Orchard Annexation Site would be required to comply with the CBC as mandated by law and adopted in Section 15.08.010 of the Morgan Hill Municipal Code (MHMC). In addition, development would be required to prepare a Geologic and Seismic Hazards Investigation Report pursuant to Section 18.70.050 of the MHMC, Policies SSI-2.2, SSI-2.9, and SSI-2.11 of the City's 2035 General Plan Safety, Services, and Infrastructure Element, and the City's Standard Conditions of Approval, and would be reviewed by the city to ensure that development would be designed and constructed consistent with the current City of Morgan Hill Building Code and with the findings and recommendations of the site-specific geotechnical reports to effectively minimize or avoid potential hazards associated with new building construction. With adherence to applicable engineering standards and regulatory requirements, including the CBC, the proposed project would reduce risks to life and property from seismic activity. Therefore, impacts related to fault rupture and ground shaking would be less than significant.

Liquefaction

As mentioned above under Section 4.6.1c, liquefaction is a potential hazard associated with certain types of soils and subsurface conditions. Liquefaction occurs when saturated or partially saturated and unconsolidated soils lose strength in response to stress, typically an earthquake. This phenomenon can result in damage to infrastructure and foundations. Similarly, seismically-induced settlement, or the potential for the ground surface to lower/settle, is an existing geologic hazard that typically occurs where loose- to medium-density unconsolidated soils are located above groundwater; settlement can also be induced or exacerbated by the improper placement of artificial fill, or the placement of structures on soils or bedrock with differential settlement rates. As shown on Figure 4.5-4, the northern and northwestern

portion of the Rose Orchard Court site has moderate liquefaction risk, while the rest of the site has very low liquefaction risk. Although the proposed project would facilitate development in areas with moderate liquefaction risk, as described above under Seismic Ground Shaking, proper engineering and required compliance with the CBC, MHMC, and 2035 General Plan Safety, Services, and Infrastructure Element policies would minimize the risk to life or property associated with liquefaction hazards. Therefore, this impact would be less than significant.

Landslides

As shown on Figure 4.5-4, a small section on the northwestern portion and western central boundary of the Rose Orchard Court site has high landslide risk, while the remainder of the site has low to medium landslide risk. Development is proposed on the northern and northwestern portions of the annexation site where landslide risk ranges from low to high, though none of the portions are located within an active landslide zone. As a result, the increased development potential introduced by the proposed project could lead to impacts related to landslide hazards. As described above, the PRC Section 2690-2699.6, *Seismic Hazards Mapping Act,* CBC requirements as adopted in the MHMC, Policies SSI-2.2, SSI-2.9, and SSI-2.11 of the City's 2035 General Plan Safety, Services, and Infrastructure Element, and the City's Standard Conditions of Approval, require site-specific geotechnical investigations for individual development projects within the landslide-susceptible portions of the Rose Orchard Court site to identify the degree of potential hazards, design parameters for the project based on the hazard, and describe appropriate design measures to address hazards. With implementation of recommendations outlined in required site-specific geotechnical investigations, impacts related to landslides would be less than significant.

Unstable Soils

As discussed above under Landslides, portions of the Rose Orchard Court site contain areas of high landslide risk and unstable soils, which could pose a threat to future development. These conditions have the potential to damage structures and infrastructure facilitated by the proposed project. To reduce these risks, development would be required to comply with the CBC the MHMC, relevant policies from the City's 2035 General Plan Safety, Services, and Infrastructure Element, and the City's Standard Conditions of Approval. Specifically, Goal SSI-2 and its associated policies restrict development on unstable sites and require appropriate site preparation and mitigation measures to ensure long-term geologic stability. In addition, site-specific geotechnical investigations would be conducted to evaluate soil conditions, identify potential hazards, and recommend engineering solutions tailored to each development proposal. With implementation of recommendations outlined in required site-specific geotechnical investigations, impacts related to unstable soils would be less than significant.

Summary

Future development on the Rose Orchard Court site would be subject to the policies and actions of the City's 2035 General Plan (listed in the Regulatory Setting) which would minimize the risks to lives and property due to seismic and geologic hazards. Compliance with the CBC, PRC Section 2690-2699.6, 2035 General Plan policies and actions, the MHMC, and the City's Standard Conditions of Approval, would ensure that potential impacts associated with strong seismic ground shaking, liquefaction, landslides, and unstable soils would be less than significant.

*Condit Sports Facilities Expansion Site*

Ground Rupture

The Calaveras Fault is approximately 3.7 miles east of the Condit Sports Facilities Expansion site, and the site does not traverse a designated Alquist-Priolo Zone. Therefore, development on the Condit Sports Facilities Expansion site would not be subject to surface or ground rupture as development would not be located in a fault zone.

Seismic Ground Shaking

Similar to the discussion above, development on the Condit Sports Facilities Expansion site could be subject to potential ground shaking associated with seismic activities. However, development on the Condit Sports Facilities Expansion site would be required to comply with the same State and local regulations as discussed above such as the CBC, MHMC, 2035 General Plan Safety, Services, and Infrastructure Element policies and actions, and the City's Standard Conditions of Approval, which would minimize the risk to life and property associated with potential seismic activity in the area. Impacts related to fault rupture and seismic shaking would similarly be less than significant.

Liquefaction

As shown on Figure 4.5-5, the Condit Sports Facilities Expansion site has low liquefaction risk. With proper engineering and required compliance with the CBC, MHMC, 2035 General Plan Safety, Services, and Infrastructure Element policies, and the City's Standard Conditions of Approval, liquefaction impacts would be less than significant.

Landslides

As shown on in Figure 4.5-5, the Condit Sports Facilities Expansion site has very low to no landslide risk. With proper engineering and required compliance with the CBC, MHMC, 2035 General Plan Safety, Services, and Infrastructure Element policies, and the City's Standard Conditions of Approval, landslide impacts would be less than significant.

Unstable Soils

The Condit Sports Facilities Expansion site has very low to no landslide risk and therefore does not contain unstable soils. With proper engineering and required compliance with the CBC, MHMC, 2035 General Plan Safety, Services, and Infrastructure Element policies, and the City's Standard Conditions of Approval, unstable soils impacts would be less than significant.

Summary

Future development on the Condit Sports Facilities Expansion site would be subject to the policies and actions of the City's 2035 General Plan (listed in the Regulatory Setting) which would minimize the risks to lives and property due to seismic and geologic hazards. Compliance with the CBC, PRC Section 2690-2699.6, 2035 General Plan policies and actions, the MHMC, and the Standard Conditions of Approval, would ensure that potential impacts associated with strong seismic ground shaking, liquefaction, landslides, and unstable soils would be less than significant.

*Butterfield Sports Park Expansion Site*

Ground Rupture

The Calaveras Fault is approximately 5.3 miles east of the Butterfield Sports Park Expansion site, and the site does not traverse a designated Alquist-Priolo Zone. Therefore, development on the Butterfield Sports Park Expansion site would not be subject to surface or ground rupture as development would not be located in a fault zone.

Seismic Ground Shaking

Similar to the discussion above, development on the Butterfield Sports Park Expansion site could be subject to potential ground shaking associated with seismic activities. However, development on the Butterfield Sports Park Expansion site would be required to comply with the same State and local regulations as discussed above such as the CBC, MHMC, 2035 General Plan Safety, Services, and Infrastructure Element policies and actions, and the City's Standard Conditions of Approval, which would

minimize the risk to life and property associated with potential seismic activity in the area. Impacts related to fault rupture and seismic shaking would similarly be less than significant.

Liquefaction

As shown on Figure 4.5-6, the Butterfield Sports Park Expansion site has low liquefaction risk. With proper engineering and required compliance with the CBC, MHMC, 2035 General Plan Safety, Services, and Infrastructure Element policies, and the City's Standard Conditions of Approval, liquefaction impacts would be less than significant.

Landslides

As shown on in Figure 4.5-6, the Butterfield Sports Park Expansion site has very low to no landslide risk. With proper engineering and required compliance with the CBC, MHMC, 2035 General Plan Safety, Services, and Infrastructure Element policies, and the City's Standard Conditions of Approval, landslide impacts would be less than significant.

Unstable Soils

The Butterfield Sports Park Expansion site has very low to no landslide risk and therefore does not contain unstable soils. With proper engineering and required compliance with the CBC, MHMC, 2035 General Plan Safety, Services, and Infrastructure Element policies, and the City's Standard Conditions of Approval, unstable soils impacts would be less than significant.

Summary

Future development on the Butterfield Sports Park Expansion site would be subject to the policies and actions of the City's 2035 General Plan (listed in the Regulatory Setting) which would minimize the risks to lives and property due to seismic and geologic hazards. Compliance with the CBC, PRC Section 2690-2699.6, 2035 General Plan policies and actions, the MHMC, and the City's Standard Conditions of Approval, would ensure that potential impacts associated with strong seismic ground shaking, liquefaction, landslides, and unstable soils would be less than significant.

## Mitigation Measures

Impacts from development on all three annexation sites would be less than significant with adherence to existing regulations. No mitigation measures are required.

| **Threshold 2:** | Would the project result in substantial soil erosion or the loss of topsoil? |
|---|---|

**Impact GEO-2** **WITH REQUIRED ADHERENCE TO EXISTING REGULATIONS, POTENTIAL FUTURE DEVELOPMENT ON THE THREE ANNEXATION SITES WOULD NOT RESULT IN SUBSTANTIAL SOIL EROSION OR THE LOSS OF TOPSOIL. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.**

*Rose Orchard Court Site*

As shown on Table 4.5-1, soils underlying the Rose Orchard Court site are characterized by having "low" potential for erosion hazards. Development on the Rose Orchard Court site would involve construction activities such as stockpiling, grading, excavation, paving, and other earth-disturbing activities that could result in erosion and loss of topsoil, particularly if soils are exposed to wind or stormwater during construction.

Development on the Rose Orchard Court site would be required to comply with the SWRCB's General Permit for Discharges of Stormwater Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ). Additionally, construction activities that disturb one or more acres of land surface would be subject to the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2012-0006-DWQ) adopted by the SWRCB.

Compliance with the NPDES permit requires each qualifying development project to file a Notice of Intent with the SWRCB. Permit conditions require the development of a stormwater pollution prevention plan (SWPPP), which must describe the site, the facility, erosion and sediment controls, runoff water quality monitoring, means of waste disposal, implementation of approved local plans, control of construction sediment and erosion control measures, maintenance responsibilities, and non-stormwater management controls. Inspection of construction sites before and after storms is also required to identify stormwater discharge from the construction activity and to identify and implement erosion controls, where necessary. Future development would also be required to comply with Section R401.4.3 of the CBC, as incorporated into the MHMC, as well as Section 18.70.050 of the MHMC and Policies SSI-2.2, SSI-2.9, and SSI-2.11 of the City's 2035 General Plan Safety, Services, and Infrastructure Element, which require preparation of site-specific geotechnical investigations for individual development, and Section 18.148.070 of the MHMC, which require preparation of a site-specific Soil Management Report for individual development. Required compliance with aforementioned policies, NPDES permit, and other regulations would ensure that impacts associated with substantial soil erosion or loss of topsoil would be less than significant.

*Condit Sports Facilities Expansion Site*

As shown on Table 4.5-1, soils underlying the Condit Sports Facilities Expansion site are also characterized by having "low" potential for erosion hazards. Similar to the analysis above, with adherence to the NPDES permit, the Construction General Permit, the MHMC, and 2035 General Plan Safety, Services, and Infrastructure Element policies, impacts related to soil erosion and the loss of topsoil would be less than significant.

*Butterfield Sports Park Expansion Site*

As shown on Table 4.5-1, soils underlying the Butterfield Sports Park Expansion site are also characterized by having "low" potential for erosion hazards. Similar to the analysis above, with adherence to the NPDES permit, the Construction General Permit, the MHMC, and 2035 General Plan Safety, Services, and Infrastructure Element policies, impacts related to soil erosion and the loss of topsoil would be less than significant.

## Mitigation Measures

Impacts from development on all three annexation sites would be less than significant without mitigation. No mitigation measures are required.

| | |
|---|---|
| **Threshold 4:** | Would the project be located on expansive soil, as defined in Table 1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property? |

**Impact GEO-3** **WITH REQUIRED ADHERENCE TO EXISTING REGULATIONS, POTENTIAL FUTURE DEVELOPMENT ON THE THREE ANNEXATION SITES WOULD RESULT IN LESS THAN SIGNIFICANT IMPACTS ON EXPANSIVE SOILS.**

*Rose Orchard Court Site*

Expansive soils are characterized by high clay content which expands when saturated with water and shrinks when dry, potentially threatening the integrity of buildings and infrastructure foundations. Table 4.5-1 shows the soil types on the Rose Orchard Court site which include four different soil types. As indicated on Table 4.5-1, the four soil types have "moderate" potential for shrink-swell behavior, or expansiveness. The presence of expansive soils throughout would make it necessary to conduct geologic investigations for the four single-family residences envisioned on the annexation site and ensure that soils for foundation support are sound. Building on unsuitable soils would have the potential to create future subsidence or collapse issues that could result in the settlement of proposed project infrastructure, and/or the disruption of utility lines and other services.

Compliance with existing State and local laws and regulations, such as the CBC Section R401.4.3, PCC Section 8.02.020.S, Sections 18.70.050 and 18.148.070 of the MHMC and Policies SSI-2.2, SSI-2.9, and SSI-2.11 of the City's 2035 General Plan Safety, Services, and Infrastructure Element, would ensure that the impacts from development associated with the proposed project on expansive soil are minimized by requiring the submittal and review of detailed site-specific geotechnical reports and soil management reports prior to construction. Such evaluations must contain recommendations for ground preparation and earthwork specific to the site, which then become an integral part of the construction design. The CBC includes requirements to address soil-related hazards. Typical measures to treat hazardous soil conditions involve removal of soil or fill materials, proper fill selection, and compaction. In cases where soil remediation is not feasible, the CBC requires structural reinforcement of foundations to resist the forces of expansive soils.

With adherence to CBC requirements, the MHMC, and 2035 General Plan policies, impacts associated with expansive soils that could occur with development of the four single-family residences would be minimized or avoided because specified studies and design considerations would be employed as relevant at the individual project level. Impacts associated with expansive soils would be less than significant.

### *Condit Sports Facilities Expansion Site*

As indicated on Table 4.5-1, three soil types underlie the Condit Sports Facilities Expansion site, of which one has "low" potential for expansiveness, and two have "moderate" potential for expansiveness. Similar to the analysis above, with adherence to CBC requirements, the MHMC, and 2035 General Plan policies, impacts associated with expansive soils would be less than significant.

### *Butterfield Sports Park Expansion Site*

As indicated on Table 4.5-1, three soil types underlie the Butterfield Sports Park Expansion site, of which one has "low" potential for expansiveness, and two have "moderate" potential for expansiveness. Similar to the analysis above, with adherence to CBC requirements, the MHMC, and 2035 General Plan policies, impacts associated with expansive soils would be less than significant.

## Mitigation Measures

Impacts from development on all three annexation sites would be less than significant without mitigation. No mitigation measures are required.

| | |
|---|---|
| **Threshold 5:** | Would the project 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? |

**Impact GEO-4** **POTENTIAL FUTURE DEVELOPMENT ON THE THREE ANNEXATION SITES WOULD NOT INCLUDE SEPTIC TANKS OR ALTERNATIVE WASTEWATER DISPOSAL SYSTEMS. NO IMPACT WOULD OCCUR.**

### *Rose Orchard Court Site*

As discussed in Section 4.13, *Utilities and Service Systems*, wastewater is collected in the City's sewer collection system and treated at the South County Regional Wastewater Authority (SCRWA) Wastewater Treatment Plant. The City is responsible for all wastewater collection from all sources within its sewer service area. Development included on the Rose Orchard Court Site would not include septic tanks or alternative wastewater disposal systems; therefore, there is no potential for adverse effects due to soil incompatibility. No impact would occur.

*Condit Sports Facilities Expansion Site*

As discussed above, wastewater on the Condit Sports Facilities Site would be collected in the City's sewer collection system and treated at the SCRWA. The Condit Sports Facilities Site would not include septic tanks or alternative wastewater disposal systems; therefore, there is no potential for adverse effects due to soil incompatibility. No impact would occur.

*Butterfield Sports Park Expansion Site*

As discussed above, wastewater on the Butterfield Sports Park Expansion Site would be collected in the City's sewer collection system and treated at the SCRWA. The Butterfield Sports Park Expansion Site would not include septic tanks or alternative wastewater disposal systems; therefore, there is no potential for adverse effects due to soil incompatibility. No impact would occur.

## Mitigation Measures

There would be no impacts from development on all three annexation sites. No mitigation measures are required.

| **Threshold 6:** | Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? |
|---|---|

**Impact GEO-5** **POTENTIAL DEVELOPMENT FACILITATED BY THE PROPOSED PROJECT HAS THE POTENTIAL TO IMPACT PALEONTOLOGICAL RESOURCES. NONETHELESS, THIS IMPACT WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED.**

*Rose Orchard Court Site*

The Rose Orchard Court site is underlain by geologic units with FPMS 4 (high, i.e. Qpf) and FPMS 1 (very low, i.e. fpv) potential for paleontological resources. Ground disturbing activities in previously undisturbed portions of geologic units with high potential may result in significant impacts to paleontological resources. Impacts would be significant if construction activities result in the destruction, damage, or loss of scientifically important paleontological resources and associated stratigraphic and paleontological data. The activities may include grading, excavation, or any other activity that disturbs the surface or subsurface geologic formations with a high paleontological sensitivity.

Significant impacts to paleontological resources can only be determined once a specific project has been proposed because the effects are highly dependent on both the individual project site conditions and the characteristics of the proposed ground-disturbing activity. Ground-disturbing activities associated with construction facilitated by the plan have the potential to damage or destroy paleontological resources that may be present on or below the ground surface in areas of high paleontological sensitivity. Consequently, damage to or destruction of fossils could occur due to development of this site. Impacts would be potentially significant, but mitigable. Ground disturbing activities that occur within geologic units of very low potential would not require mitigation.

Impacts related to the proposed project's potential to significantly impact a unique paleontological resource or unique geologic feature are limited to construction. No operational impacts would occur.

*Condit Sports Facilities Expansion Site*

The Condit Sports Facilities Expansion site is underlain by geologic units with FPMS 4 (high, i.e. Qpf) potential for paleontological resources. Ground disturbing activities in previously undisturbed portions of geologic units with high potential may result in significant impacts to paleontological resources. Impacts would be significant if construction activities result in the destruction, damage, or loss of scientifically important paleontological resources and associated stratigraphic and paleontological data. The activities

may include grading, excavation, or any other activity that disturbs the surface or subsurface geologic formations with a high paleontological sensitivity.

Significant impacts to paleontological resources can only be determined once a specific project has been proposed because the effects are highly dependent on both the individual project site conditions and the characteristics of the proposed ground-disturbing activity. Ground-disturbing activities associated with construction facilitated by the plan have the potential to damage or destroy paleontological resources that may be present on or below the ground surface in areas of high paleontological sensitivity. Consequently, damage to or destruction of fossils could occur due to the development of this site, and impacts would be potentially significant. The proposed project would be required to comply with Policy HC-8.5 of the City's General Plan, which requires implementation of appropriate mitigation if paleontological resources are uncovered. Therefore, Mitigation Measure GEO-1 is required.

Impacts related to the proposed project's potential to significantly impact a unique paleontological resource or unique geologic feature are limited to construction. No operational impacts would occur.

### *Butterfield Sports Park Expansion Site*

The Butterfield Sports Park Expansion site is underlain by geologic units with FPMS 4 (high, i.e. Qpf) potential for paleontological resources. Ground disturbing activities in previously undisturbed portions of geologic units with high potential may result in significant impacts to paleontological resources. Impacts would be significant if construction activities result in the destruction, damage, or loss of scientifically important paleontological resources and associated stratigraphic and paleontological data. The activities may include grading, excavation, or any other activity that disturbs the surface or subsurface geologic formations with a high paleontological sensitivity.

Significant impacts to paleontological resources can only be determined once a specific project has been proposed because the effects are highly dependent on both the individual project site conditions and the characteristics of the proposed ground-disturbing activity. Ground-disturbing activities associated with construction facilitated by the plan have the potential to damage or destroy paleontological resources that may be present on or below the ground surface in areas of high paleontological sensitivity. Consequently, damage to or destruction of fossils could occur due to the development of this site, and impacts would be potentially significant. The proposed project would be required to comply with Policy HC-8.5 of the City's General Plan, which requires implementation of appropriate mitigation if paleontological resources are uncovered. Therefore, Mitigation Measure GEO-1 is required.

Impacts related to the proposed project's potential to significantly impact a unique paleontological resource or unique geologic feature are limited to construction. No operational impacts would occur.

## Mitigation Measures

The following mitigation measure is required for development on the annexation sites:

### *GEO-1 Paleontological Resources Monitoring and Mitigation*

**Paleontological Principal Investigator and Paleontological Resources Mitigation Plan.** Prior to excavation on the annexation sites, the project proponent shall retain a Paleontological Principal Investigator, as defined by the Society of Vertebrate Paleontology (SVP 2025) to draft a Paleontological Resources Mitigation and Monitoring Plan, which shall direct all mitigation measures related to paleontological resources and be sent to the City of Morgan Hill for their review and approval. The Paleontological Resources Mitigation and Monitoring Plan should be written according to Society of Vertebrate Paleontology standards and outline actions that will be followed during excavations to ensure the preservation of any discovered paleontological resources. These actions may include, but are not limited to, paleontological sensitivity training, construction monitoring, protocols for paleontological discoveries (i.e., salvage, laboratory preparation, and permanent curation), and final reporting.

## Significance After Mitigation

Implementation of Mitigation Measure GEO-1 would require preparation of a Paleontological Resources Mitigation Plan which includes monitoring, discovery protocols, and resource preservation measures, which would reduce impacts to a less than significant level.

## c. Cumulative Impacts

All development in Morgan Hill is subject to geological hazards related to seismic activity, including strong ground shaking. In addition, development in some parts of Morgan Hill could disturb potential unrecorded paleontological resources.

Cumulative development as described in Chapter 3, *Environmental Setting,* would increase population and therefore gradually increase the number of people exposed to potential geological hazards, including effects associated with seismic events such as ground rupture and strong shaking. However, conformance with the current CBC, MHMC, City's 2035 General Plan policies, other laws and regulations would ensure that project-specific impacts associated with geology and soils would be less than significant; thereby reducing the potential cumulative impact associated with any single development project to a level of less than significant. As discussed under Impact GEO-2, the annexation sites have low risk for erosion. Compliance with existing regulations would further reduce potential erosion impacts associated with new development. Potential impacts associated with geology and soils would not be cumulatively considerable, and cumulative impacts related to geologic hazards would be less than significant.

Cumulative development in Morgan Hill could disturb areas that may contain paleontological resources. However, potential impacts associated with individual development projects would be addressed on a case-by-case basis and would be subject to local and State regulations regarding the protection of such resources. With compliance with existing policies and regulations, as well as Mitigation Measure GEO-1, future development would be required to avoid or mitigate the loss of these resources. Therefore, significant cumulative paleontological resource impacts would not occur.

# 4.6 Greenhouse Gas (GHG) Emissions

This section analyzes the project's potential impacts related to greenhouse gas (GHG) emissions, including the potential for the proposed project to generate GHG emissions in excess of standards or to conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions, associated with the proposed project.

## 4.6.1 Setting

Greenhouse gas emissions and climate change are a cumulative global issue. The United States Environmental Protection Agency (U.S. EPA) and the California Air Resources Board (CARB) regulate GHG emissions within the United States and the State of California, respectively. While CARB has the primary regulatory responsibility within California for GHG emissions, local agencies can also adopt policies for GHG emissions reduction. CARB has divided California into regional air basins. The project is in Santa Clara County, which is within the San Francisco Bay Area Air Basin (SFBAAB) and under the jurisdiction of the Bay Area Air District (Air District).

### Climate Change and Greenhouse Gases

Climate change is the observed increase in the average temperature of the Earth's atmosphere and oceans along with other substantial changes in climate (such as wind patterns, precipitation, and storms) over an extended period. The term "climate change" is often used interchangeably with the term "global warming," but climate change is preferred because it conveys that other changes are happening in addition to rising temperatures. The baseline against which these changes are measured originates in historical records that identify temperature, rainfall, and other weather conditions, such as during previous ice ages. The global climate is changing continuously, as evidenced in the geologic record which indicates repeated episodes of substantial warming and cooling. The rate of change has typically been incremental, with warming or cooling trends occurring over the course of thousands of years. The past 10,000 years have been marked by a period of incremental warming, as glaciers have steadily retreated across the globe. However, scientists have observed acceleration in the rate of warming over the past 150 years. The United Nations Intergovernmental Panel on Climate Change (IPCC) expressed that the rise and continued growth of atmospheric carbon dioxide ($CO_2$) concentrations is unequivocally due to human activities in the IPCC's Sixth Assessment Report (2021). Human influence has warmed the atmosphere, ocean, and land, which has led the climate to warm at an unprecedented acceleration rate in the last 2,000 years. It is estimated that between the period of 1850 through 2019, that a total of 2,390 gigatonnes of anthropogenic (manmade) $CO_2$ was emitted. It is likely that anthropogenic activities have increased the global surface temperature by approximately 1.07 degrees Celsius (°C) between the years 2010 through 2019 (IPCC 2021). Furthermore, since the late 1700s, estimated concentrations of $CO_2$, methane, and nitrous oxide in the atmosphere have increased by over 43 percent, 156 percent, and 17 percent, respectively, primarily due to human activity (U.S. EPA 2021a). Emissions resulting from human activities are thereby contributing to an average increase in Earth's temperature.

Gases that absorb and re-emit infrared radiation in the atmosphere are called GHGs. The gases widely seen as the principal contributors to human-induced climate change include carbon dioxide ($CO_2$), methane ($CH_4$), nitrous oxides ($N_2O$), fluorinated gases such as hydrofluorocarbons (HFCs) and perfluorocarbons (PFCs), and sulfur hexafluoride ($SF_6$). Water vapor is excluded from the list of GHGs because it is short-lived in the atmosphere, and natural processes, such as oceanic evaporation, largely determine its atmospheric concentrations.

GHGs are emitted by natural processes and human activities. Of these gases, $CO_2$ and $CH_4$ are emitted in the greatest quantities from human activities. Emissions of $CO_2$ are usually by-products of fossil fuel combustion, and $CH_4$ results from off-gassing associated with agricultural practices and landfills. Human-made GHGs, many of which have greater heat-absorption potential than $CO_2$, include fluorinated gases and $SF_6$ (U.S. EPA 2021a).

Different types of GHGs have varying global warming potentials (GWP). The GWP of a GHG is the potential of a gas or aerosol to trap heat in the atmosphere over a specified timescale (generally, 100 years). Because GHGs absorb different amounts of heat, a common reference gas ($CO_2$) is used to relate the amount of heat absorbed to the amount of the gas emitted. This is referred to as "carbon dioxide equivalent" ($CO_2e$) and is defined as the amount of GHG emitted multiplied by its GWP. Carbon dioxide has a 100-year GWP of one. By contrast, methane has a GWP of 30, meaning its global warming effect is 30 times greater than $CO_2$ on a molecule per molecule basis (IPCC 2021).[1]

The accumulation of GHGs in the atmosphere regulates the earth's temperature. Without the natural heat-trapping effect of GHGs, the earth's surface would be about 91 degrees Fahrenheit (°F) cooler (World Meteorological Organization 2022).

## Global Emissions Inventory

In 2015, worldwide anthropogenic GHG emissions totaled 47,000 million metric tons (MMT) of $CO_2e$, which is a 43 percent increase from 1990 GHG levels (U.S. EPA 2021b). Specifically, 34,522 MMT of $CO_2e$ of $CO_2$, 8,241 MMT of $CO_2e$ of $CH_4$, 2,997 MMT of $CO_2e$ of $N_2O$, and 1,001 MMT of $CO_2e$ of fluorinated gases were emitted in 2015. The largest source of GHG emissions were energy production and use (includes fuels used by vehicles and buildings), which accounted for 75 percent of the global GHG emissions. Agriculture uses and industrial processes contributed 12 percent and six percent, respectively. Waste sources contributed three percent, and two percent was due to international transportation sources. These sources account for approximately 98 percent because there was a net sink of two percent from land-use change and forestry. (U.S. EPA 2021b).

### *United States Emissions Inventory*

United States GHG emissions were 6,347.7 MMT of $CO_2e$ in 2021 or 5,593.5 MMT $CO_2e$ after accounting for sequestration. Emissions increased by 6.8 percent from 2020 to 2021. The increase from 2020 to 2021 was driven by an increase in $CO_2$ emissions from fossil fuel combustion which increased seven percent relative to previous years and is primarily due to the economic rebounding after the COVID-19 Pandemic. In 2020, the energy sector (including transportation) accounted for 81 percent of nationwide GHG emissions while agriculture, industrial and waste accounted for approximately 10 percent, six percent, and three percent respectively (U.S. EPA 2023).

### *California Emissions Inventory*

Based on the CARB California Greenhouse Gas Inventory for 2000-2022, California produced 371.1 MMT of $CO_2e$ in 2022, which is 9.3 MMT of $CO_2e$ lower than 2021 levels. The major source of GHG emissions in California is the transportation sector, which comprises 39 percent of the State of California's total GHG emissions. The industrial sector is the second largest source, comprising 23 percent of the State's GHG emissions while electric power accounts for approximately 16 percent (CARB 2025). The magnitude of California's total GHG emissions is due in part to its large size and large population compared to other states. However, a factor that reduces California's per capita fuel use and GHG emissions as compared to other states is its relatively mild climate. In 2016, the State of California (State) achieved its 2020 GHG emission reduction target of reducing emissions to 1990 levels as emissions fell below 431 MMT of $CO_2e$ (CARB 2021). The annual 2030 statewide target emissions level is 260 MMT of $CO_2e$ (CARB 2017).

### *Local Emissions Inventory*

The City's Climate Action Plan (CAP) includes a GHG inventory to measure GHG emissions generated solely from the transportation and building sectors. For those two sectors, GHG emissions are analyzed in four categories: on-road vehicles, off-road vehicles, natural gas from buildings, and electricity from

[1] The IPCC's (2021) *Sixth Assessment Report* determined that methane has a GWP of 30. However, the 2017 Climate Change Scoping Plan published by the California Air Resources Board uses a GWP of 25 for methane, consistent with the IPCC's (2007) *Fourth Assessment Report*. Therefore, this analysis utilizes a GWP of 25.

buildings. The two categories that generated the most $CO_2e$ emissions in 2020 were on-road vehicles and natural gas from buildings. Combined, these two sources emitted 108,561 metric tons of $CO_2e$ in 2020, or 78 percent of total inventory emissions. Off-road vehicles contributed 12 percent of total emissions; and electricity in buildings contributed 10 percent (City of Morgan Hill 2021)

## Potential Effects of Climate Change

Globally, climate change has the potential to affect numerous environmental resources though potential impacts related to future air temperatures and precipitation patterns. Scientific modeling predicts that continued GHG emissions at or above current rates would induce more extreme climate changes during the 21st century than were observed during the 20th century. Each of the past three decades has been warmer than all the previous decades in the instrumental record, and the decade from 2000 through 2010 has been the warmest on record. The average global land and ocean surface temperature for January 2025 was 1.33°C (2.39°F) above the 20th century average of 12.0°C (53.6°F) (National Oceanic and Atmospheric Administration 2025). Furthermore, several independently analyzed data records of global and regional Land-Surface Air Temperature (LSAT) obtained from station observations jointly indicate that LSAT and sea surface temperatures have increased.

According to *California's Fourth Climate Change Assessment*, statewide temperatures from 1986 to 2016 were approximately 0.6 to 1.1°C higher than those recorded from 1901 to 1960. Potential impacts of climate change in California may include reduced water supply from snowpack, sea level rise, more extreme heat days per year, more large wildfires, and more drought years (State of California 2018). In addition to statewide projections, *California's Fourth Climate Change Assessment* includes regional reports that summarize climate impacts and adaptation solutions for nine regions of the State and regionally specific climate change case studies (State of California 2018). However, while there is growing scientific consensus about the possible effects of climate change at a global and statewide level, current scientific modeling tools are unable to predict what local impacts may occur with a similar degree of accuracy. A summary follows some of the potential effects that could be experienced in California as a result of climate change.

### *Air Quality and Wildfires*

Scientists project that the annual average maximum daily temperatures in California could rise by 2.4 to 3.2°C in the next 50 years and by 3.1 to 4.9°C in the next century (State of California 2018). Higher temperatures are conducive to air pollution formation, and rising temperatures could therefore result in worsened air quality in California. As a result, climate change may increase the concentration of ground-level ozone, but the magnitude of the effect, and therefore its indirect effects, are uncertain. In addition, as temperatures have increased in recent years, the area burned by wildfires throughout the State has increased, and wildfires have occurred at higher elevations in the Sierra Nevada Mountains (State of California 2018). If higher temperatures continue to be accompanied by an increase in the incidence and extent of large wildfires, air quality could worsen. Severe heat accompanied by drier conditions and poor air quality could increase the number of heat-related deaths, illnesses, and asthma attacks throughout the State. However, if higher temperatures are accompanied by possible wetter, rather than drier conditions, the rains could tend to temporarily clear the air of particulate pollution, which would effectively reduce the number of large wildfires and thereby ameliorate the pollution associated with them (California Natural Resources Agency 2009).

### *Water Supply*

Analysis of paleoclimatic data (such as tree-ring reconstructions of stream flow and precipitation) indicates a history of naturally and widely varying hydrologic conditions in California and the West, including a pattern of recurring and extended droughts. Uncertainty remains with respect to the overall impact of climate change on future precipitation trends and water supplies in California. Year-to-year variability in statewide precipitation levels has increased since 1980, meaning that wet and dry precipitation extremes have become more common (California Department of Water Resources 2018).

This uncertainty regarding future precipitation trends complicates the analysis of future water demand, especially where the relationship between climate change and its potential effect on water demand are not well understood. The average early spring snowpack in the western U.S., including the Sierra Nevada Mountains, decreased by about 10 percent during the last century. During the same period, sea level rose over 0.15 meter along the central and southern California coasts (State of California 2018). The Sierra snowpack provides the majority of California's water supply as snow that accumulates during wet winters is released slowly during the dry months of spring and summer. A warmer climate is predicted to reduce the fraction of precipitation that falls as snow and the amount of snowfall at lower elevations, thereby reducing the total snowpack (State of California 2018). Projections indicate that average spring snowpack in the Sierra Nevada and other mountain catchments in central and northern California will decline by approximately 66 percent from its historical average by 2050 (State of California 2018).

### *Hydrology and Sea Level Rise*

Climate change could affect the intensity and frequency of storms and flooding (State of California 2018). Furthermore, climate change could induce substantial sea level rise in the coming century. Rising sea level increases the likelihood of and risk from flooding and erosion of coastal areas. The rate of increase of global mean sea levels between 1993 to 2020, observed by satellites, is approximately 3.3 millimeters per year, double the twentieth century trend of 1.6 millimeters per year (World Meteorological Organization 2022; National Aeronautics and Space Administration 2020). Global mean sea levels in 2013 were about 0.23 meter higher than those of 1880 (National Aeronautics and Space Administration 2020). Sea levels are rising faster now than in the previous two millennia, and the rise will probably accelerate, even with robust GHG emission control measures. The most recent IPCC report predicts a mean sea level rise ranging between 0.25 to 1.01 meters by 2100 with the sea level ranges dependent on a low, intermediate, or high GHG emissions scenario (IPCC 2021). A rise in sea levels could erode 31 to 67 percent of southern California beaches and cause flooding of approximately 370 miles of coastal highways during 100-year storm events. This would also jeopardize California's water supply due to saltwater intrusion and induce groundwater flooding and/or exposure of buried infrastructure (State of California 2018). Furthermore, increased storm intensity and frequency could affect the ability of flood-control facilities, including levees, to handle storm events.

### *Agriculture*

California has an over $50 billion annual agricultural industry that produces over a third of the country's vegetables and two-thirds of the country's fruits and nuts (California Department of Food and Agriculture 2020). Higher $CO_2$ levels can stimulate plant production and increase plant water-use efficiency. However, if temperatures rise and drier conditions prevail, certain regions of agricultural production could experience water shortages of up to 16 percent, which would increase water demand as hotter conditions lead to the loss of soil moisture. In addition, crop yield could be threatened by water-induced stress and extreme heat waves, and plants may be susceptible to new and changing pest and disease outbreaks (State of California 2018). Temperature increases could also change the time of year certain crops, such as wine grapes, bloom or ripen, and thereby affect their quality (California Climate Change Center 2006).

### *Ecosystems*

Climate change and the potential resultant changes in weather patterns could have ecological effects on the global and local scales, including habitat for plants, animals, and people. Soil moisture is likely to decline in many regions as a result of higher temperatures, and intense rainstorms are likely to become more frequent. Rising temperatures could have four major impacts on plants and animals: timing of ecological events; geographic distribution and range of species; species composition and the incidence of nonnative species within communities; and ecosystem processes, such as carbon cycling and storage (Parmesan 2006; State of California 2018).

## 4.6.2 Regulatory Setting

### a. Federal Regulations

#### Federal GHG Emissions Regulation

There is no overarching federal law specifically related to climate change or the reduction of GHG emissions. Additionally, in March 2025, the current administration announced that the U.S. EPA will undertake 31 actions, focusing primarily on reconsidering actions adopted by previous administrations, including numerous actions and regulations related to climate change and the reduction of GHG emissions. These include, but are not limited to, reconsideration of regulations on power plants, the Mandatory Reporting Rule, the Endangerment Finding, and fuel economy standards, among others. As of the writing of this Draft EIR, none of these regulations have been repealed or replaced with newly adopted regulations. Therefore, these regulations are discussed below.

The United States Supreme Court determined in *Massachusetts et al. v. Environmental Protection Agency et al.* ([2007] 549 US 05-1120) that the U.S. EPA has the authority to regulate motor vehicle GHG emissions under the federal Clean Air Act (CAA). The U.S. EPA issued a Final Rule for mandatory reporting of GHG emissions in October 2009. This Final Rule applies to fossil fuel suppliers, industrial gas suppliers, direct GHG emitters, and manufacturers of heavy-duty and off-road vehicles and vehicle engines and requires annual reporting of emissions.

### b. State Regulations

#### California's Advanced Clean Cars program (Assembly Bill 1493)

California's Advanced Clean Cars program (also referred to as "Pavley"), or AB 1493 (2002), requires CARB to develop and adopt regulations to achieve "the maximum feasible and cost-effective reduction of GHG emissions from motor vehicles." On June 30, 2009, the U.S. EPA granted the waiver of CAA preemption to California for its GHG emission standards for motor vehicles, beginning with the 2009 model year, which allows California to implement more stringent vehicle emission standards than those promulgated by the U.S. EPA. Pavley I regulates model years from 2009 to 2016 and Pavley II, now referred to as "Low Emission Vehicle III GHG," regulates model years from 2017 to 2025.

In 2022, CARB approved the Advanced Clean Cars II rule regulating model years from 2026 to 2035. The rule establishes a year-by-year roadmap so that by 2035, 100 percent of new cars and light trucks sold in California would be zero-emission vehicles, including plug-in hybrid electric vehicles (EVs). The regulation realizes and codifies the light-duty vehicle goals set out in Governor Newsom's Executive Order N-79-20. By 2040, CARB anticipates that the rule would reduce GHG emissions from light-duty vehicles by 50 percent for a cumulative total of 395 MMT CO2e from 2026 through 2040. The U.S. EPA granted CARB its California's Clean Air Act waiver request on December 18, 2024. However, Public Law 119-16, enacted on June 12, 2025, disapproves of this regulation under the Congressional Review Act, retroactively revoking the state's waiver issued by the U.S. EPA under the Clean Air Act to implement the Advanced Clean Cars II regulation. Also on June 12th, 2025, the California Attorney General filed a lawsuit challenging the federal government's use of the Congressional Review Act to revoke waivers for regulations including Advanced Clean Cars II, Omnibus, and Advanced Clean Trucks standards.

#### Assembly Bill 32 (Global Warming Solutions Act and Scoping Plan)

California's major initiative for reducing GHG emissions is outlined in Assembly Bill (AB) 32, the "California Global Warming Solutions Act of 2006," which was signed into law in 2006. AB 32 codifies the statewide goal of reducing GHG emissions to 1990 levels by 2020 and requires CARB to prepare a Scoping Plan that outlines the main State strategies for reducing GHGs to meet the 2020 deadline. In addition, AB 32 requires CARB to adopt regulations to require reporting and verification of statewide GHG emissions. Based on this guidance, CARB approved a 1990 Statewide GHG level and 2020 limit of 427

million $MTCO_2e$. The Scoping Plan was approved by CARB on December 11, 2008 and included measures to address GHG emission reduction strategies related to energy efficiency, water use, and recycling and solid waste, among other measures. Many of the GHG reduction measures included in the Scoping Plan (e.g., Low Carbon Fuel Standard, Advanced Clean Car standards, and Cap-and-Trade) have been adopted since approval of the Scoping Plan.

In May 2014, CARB approved the first update to the AB 32 Scoping Plan. The 2013 Scoping Plan Update defined CARB's climate change priorities for the next five years and set the groundwork to reach post-2020 Statewide goals. The 2013 Scoping Plan Update highlighted California's progress toward meeting the 2020 GHG emission reduction goals defined in the original Scoping Plan. It also evaluated how to align the State's longer-term GHG reduction strategies with other State policy priorities, including those for water, waste, natural resources, clean energy, transportation, and land use. The State of California achieved its 2020 GHG emission reduction targets in 2016, and emissions have subsequently fallen further in 2018 to 425 $MMTCO_2e$.

## Senate Bill 32 (Global Warming Solutions Act and Scoping Plan Extension)

Senate Bill (SB) 32 signed into law on September 8, 2016, tightens the requirements of AB 32 by requiring the State to further reduce GHGs to 40 percent below 1990 levels by 2030 (the other provisions of AB 32 remain unchanged). On December 14, 2017, CARB adopted the 2017 Scoping Plan, which provides a framework for achieving the 2030 target. The 2017 Scoping Plan relies on the continuation and expansion of existing policies and regulations, such as the Cap-and-Trade Program, as well as implementation of recently adopted policies, such as SB 350 and SB 1383. The 2017 Scoping Plan also puts an increased emphasis on innovation, adoption of existing technology, and strategic investment to support its strategies. As with the 2013 Scoping Plan Update, it recommends that local governments adopt policies consistent with statewide per capita goals of 6 $MTCO_2e$ by 2030 and 2 $MTCO_2e$ by 2050. As stated in the 2017 Scoping Plan, these goals may be appropriate for plan-level analyses (city, county, subregional, or regional level).

## AB 1279 (California Climate Crisis Act and Scoping Plan Extension)

The California Climate Crisis Act (AB 1279), signed into law on September 16, 2022, requires the State to achieve and maintain net zero GHG emissions as soon as possible, but not later than 2045. The Climate Crisis Act also requires the State to reduce Statewide anthropogenic GHG emissions to 85 percent below the 1990 levels by 2045. Updates to the Scoping Plan are required to identify and recommend measures to achieve these goals and identify and implement policies and strategies that enable carbon dioxide removal solutions and carbon capture, utilization, and storage technologies in the State.

On November 16, 2022, CARB also adopted the 2022 Scoping Plan, which provides a framework for achieving targets for carbon neutrality and reducing anthropogenic GHG emissions by 85 percent below 1990 levels no later than 2045, as directed by AB 1279. The 2022 Scoping Plan relies on significant reductions in fossil fuel combustion by deploying clean technologies and fuels, further reductions in short-lived climate pollutants, support for sustainable development, increased action on natural and working lands to reduce emissions and sequester carbon, and the capture and storage of carbon.

## Renewables Portfolio Standard Program (Senate Bill 100)

Adopted on September 10, 2018, SB 100 supports the reduction of GHG emissions from the electricity sector by accelerating the State's Renewables Portfolio Standard Program, which was last updated by SB 350 in 2015. SB 100 requires electricity providers to increase procurement from eligible renewable energy resources to 33 percent of total retail sales by 2020, 60 percent by 2030, and 100 percent by 2045.

## Senate Bill 97 and CEQA Guidelines Update

SB 97, signed in August 2007, acknowledges that climate change is an environmental issue that requires analysis in CEQA documents. In March 2010, the California Natural Resources Agency adopted

amendments to the *CEQA Guidelines* for the feasible mitigation of GHG emissions and analysis of the effects of GHG emissions. The adopted guidelines give lead agencies the discretion to set quantitative or qualitative thresholds for the assessment and mitigation of GHG and climate change impacts.

## Senate Bill 375

SB 375, signed in August 2008, enhances the State's ability to reach AB 32 goals by directing CARB to develop regional GHG emission reduction targets to be achieved from passenger vehicles by 2020 and 2035. SB 375 directs each of the State's 18 major Metropolitan Planning Organizations to prepare a "sustainable communities strategy" (SCS) that contains a growth strategy to meet these emission targets for inclusion in the Regional Transportation Plan. On March 22, 2018, CARB adopted updated regional targets for reducing GHG emissions from 2005 levels by 2020 and 2035. The Association of Bay Area Governments (ABAG) was assigned targets of a 10 percent reduction in GHGs from transportation sources by 2020 and a 19 percent reduction in GHGs from transportation sources by 2035. In the ABAG region, SB 375 also provides the option for the coordinated development of subregional plans by the subregional councils of governments and the county transportation commissions to meet SB 375 requirements.

## PRC Division 30 Part 3 Chapter 13.1 and Health and Safety Code Sections 39730.5-8 (Senate Bill 1383)

Adopted in September 2016, SB 1383 requires the CARB to approve and begin implementing a comprehensive strategy to reduce emissions of short-lived climate pollutants. The bill requires the strategy to achieve the following reduction targets by 2030:

1. Methane – 40 percent below 2013 levels
2. Hydrofluorocarbons – 40 percent below 2013 levels
3. Anthropogenic black carbon – 50 percent below 2013 levels

The bill also requires the California Department of Resources Recycling and Recovery (CalRecycle), in consultation with CARB, to adopt regulations that achieve specified targets for reducing organic waste in landfills.

## Executive Order B-55-18

On September 10, 2018, Governor Brown issued Executive Order B-55-18, which established a new statewide goal of achieving carbon neutrality by 2045 and maintaining net negative emissions thereafter. This goal is in addition to the existing statewide GHG reduction targets established by SB 375, SB 32, SB 1383, and SB 100.

## California Code of Regulations Title 24 (California Building Code)

The California Code of Regulations (CCR) Title 24 is referred to as the California Building Code (CBC). It consists of a compilation of several distinct standards and codes related to building construction including plumbing, electrical, interior acoustics, energy efficiency, and handicap accessibility for persons with physical and sensory disabilities. The current iteration is the 2025 Title 24 standards. The CBC's energy-efficiency and green building standards are outlined as follows.

### *Part 6 – Building Energy Efficiency Standards (California Energy Code)*

CCR Title 24, Part 6 is the Building Energy Efficiency Standards or California Energy Code. This code, originally enacted in 1978, establishes energy-efficiency standards for residential and non-residential buildings in order to reduce California's energy demand. The code includes mandatory minimum environmental performance standards for all ground-up new construction of residential and non-residential structures. It also includes both a prescriptive option, allowing builders to comply by using methods known to be efficient, and a performance option, allowing builders complete freedom in their

designs provided the building achieves the same overall efficiency as an equivalent building using the prescriptive option. New construction and major renovations must demonstrate their compliance with the current Energy Code through submittal and approval of a Title 24 Compliance Report to the local building permit review authority and the California Energy Commission (CEC). The 2025 Title 24 standards became effective on January 1, 2026.

#### *Part 11 – California Green Building Standards*

The California Green Building Standards Code, referred to as CALGreen, was added to Title 24 as Part 11, first in 2009 as a voluntary code, which then became mandatory effective January 1, 2011 (as part of the 2010 California Building Standards Code). The voluntary standards contained in the 2025 CALGreen are changes to model code language that serve as recommendations, examples, and templates for local jurisdictions to use in considering above-code ordinances (also known as "reach codes") and apply to newly constructed buildings and additions or alterations to existing buildings. Local jurisdictions must enforce the minimum mandatory CALGreen standards and may adopt additional amendments for stricter requirements.

### Assembly Bill 341/Assembly Bill 1826 (Mandatory Recycling/Composting)

The California Integrated Waste Management Act of 1989, as modified by AB 341, requires each jurisdiction's source reduction and recycling element to include an implementation schedule that shows diversion away from landfills of 75 percent of all solid waste by 2020 and annually thereafter. AB 1826 requires recycling of organic waste (i.e., composting). All businesses and public entities that generate four or more cubic yards of solid waste per week and multi-family residential dwellings that have five or more units are required to recycle and compost.

### Senate Bill 1383

In September 2016, Governor Brown signed Senate Bill 1383 into law. SB 1383 establishes methane reduction targets as part of a larger strategy to combat climate change and reduce greenhouse gas emissions. The law establishes a mandated target to achieve a 75 percent reduction in statewide disposal of organic waste by 2025 and requires the state to increase edible food recovery by 20 percent for human consumption by 2025. To achieve these targets, the California Department of Resources, Recycling, and Recovery (CalRecycle) developed a series of rules for all cities and counties throughout California to implement. The regulations were finalized by CalRecycle in November 2020 and took effect on January 1, 2022.

### Assembly Bill 1493 (Reduce GHG Emissions from Vehicle Use)

AB 1493 (Chapter 200, Statutes of 2002), known as the first Pavley Bill, amended Health and Safety Code Sections 42823 and added 43018.5 requiring CARB to develop and adopt regulations that achieve maximum feasible and cost-effective reduction of GHG emissions from passenger vehicles, light-duty trucks, and other vehicles used for noncommercial personal transportation in California.

### Assembly Bill 1007 (State Alternative Fuels Plan)

AB 1007 (Chapter 371, Statutes of 2005) required the CEC to prepare a State plan to increase the use of alternative fuels in California. The CEC prepared the State Alternative Fuels Plan (SAF Plan) in partnership with CARB and in consultation with other federal, State, and local agencies. The SAF Plan presents strategies and actions California must take to increase the use of alternative non-petroleum fuels in a manner that minimizes costs to California and maximizes the economic benefits of in-State production. The SAF Plan assessed various alternative fuels and developed fuel portfolios to meet California's goals to reduce petroleum consumption, increase alternative fuels use, reduce GHG emissions, and increase in-State production of biofuels without causing a significant degradation of public health and environmental quality.

## CARB In-Use On-Road and Off-Road Diesel Rules

The CARB rule imposes limits on idling, restricts the addition of older vehicles, and requires the retirement or replacement of older engines depending on their fleet size category. This policy indirectly impacts energy consumption. More specifically, CARB is also charged with developing air pollution control regulations based upon the best available control measures and implementing feasible control measures under the State and Federal Clean Air Act. (Health & Saf. Code, §§ 39602.5, 39667, 43013, subds. (a) and (h), 43018, 40600, 40601, 40612(a)(2) and (c)(1)(A).) Pursuant to these statutory authorities, more stringent emission standards were adopted in 2004 for off-road construction equipment (i.e., "Tier 4" standards) (40 Code of Federal Regulations Parts 1039, 1065, and 1068; Cal. Code Regs., tit. 13, § 2025; AR 2854). CARB also adopted emission standards for on-road heavy duty diesel vehicles (i.e. haul trucks). (Cal. Code Regs., tit. 13, § 1956.8.) These haul truck regulations mandate fleet turn-over to ensure that by January 1, 2023 nearly all on-road diesel trucks will have 2010 model year engines or equivalent [i.e. Tier 4]. In addition, interim steps are incorporated into the regulations (e.g., vehicles older than 1999 were replaced with newer engines by 2020).

## California Advance Clean Trucks Program

In June 2020, CARB approved the Advanced Clean Trucks regulation, which requires manufacturers who certify Class 2b-8 chassis or complete vehicles with combustion engines to sell zero-emission trucks as an increasing percentage of their annual California sales from 2024 to 2035. In addition, the regulation requires company and fleet reporting for large employers and fleet owners with 50 or more trucks. By 2045, all new trucks sold in California must be zero-emission. Implementation of this regulation would reduce consumption of nonrenewable transportation fuels as trucks transition to alternative fuel sources.

## Executive Order B-48-18 (Zero-Emission Vehicles)

On January 26, 2018, Governor Brown signed Executive Order B-48-18 requiring all State entities to work with the private sector to have at least 5 million zero-emission vehicles (ZEVs) on the road by 2030, as well as install 200 hydrogen fueling stations and 250,000 EV charging stations by 2025. It specifies that 10,000 of the EV charging stations should be direct current fast chargers. This order also requires all State entities to continue to partner with local and regional governments to streamline the installation of ZEV infrastructure. The Governor's Office of Business and Economic Development is required to publish a Plug-in Charging Station Design Guidebook and update the 2015 Hydrogen Station Permitting Guidebook to aid in these efforts. All State entities are required to participate in updating the 2016 Zero-Emissions Vehicle Action Plan, along with the 2018 ZEV Action Plan Priorities Update, which includes and extends the 2016 ZEV Action Plan (Governor's Interagency Working Group on Zero-Emission Vehicles 2016, 2018), to help expand private investment in ZEV infrastructure with a focus on serving low-income and disadvantaged communities.

## Executive Order N-79-20 (Zero Emissions Vehicles Sales)

Governor Gavin Newsom signed Executive Order N-79-20 in September 2020, which sets a statewide goal that 100 percent of all new passenger car and truck sales in the State will be zero-emissions by 2035. It also sets a goal that 100 percent of statewide new sales of medium- and heavy-duty vehicles will be zero emissions by 2045, where feasible, and for all new sales of trucks to be zero emissions by 2035. Additionally, the Executive Order targets 100 percent of new off-road vehicle sales in the State to be zero emission by 2035. CARB is responsible for implementing the new vehicle sales regulation.

## Senate Bill 1020

Senate Bill 1020 (SB 1020), signed into law on September 16, 2022, requires renewable energy and zero-carbon resources to supply 90 percent of all retail electricity sales by 2035, 95 percent by 2040, and 100 percent by 2045. All State agencies facilities must be served by 100 percent renewable and zero-carbon resources by 2030. SB 1020 also requires the Public Utilities Commission, Energy Commission, and CARB

to issue a joint progress report outlining the reliability of the electrical grid with a focus on summer reliability, as well as challenges and gaps. Additionally, SB 1020 requires the Public Utilities Commission to define energy affordability and use energy affordability metrics to develop protections, incentives, discounts, or new programs for residential customers facing hardships due to energy or gas bills.

### CARB Gas Appliances Sales Ban

As part of the 2022 State Implementation Plan, CARB adopted a ban on new sales of natural gas heaters, water heaters, and furnaces by 2030 in September of 2022. This new measure is intended to reduce emissions from new residential and commercial space and water heaters sold in the State. An emission standard for space and water heaters will go into effect in 2030. Beginning in 2030, 100 percent of the sales of new natural gas-powered heaters and water heaters would need to comply with the emission standard, such as putting in electric heaters or other zero-emission options.

## c. Regional and Local Regulations

### Bay Area Air District

In 2013, the Air District adopted resolution no. 2013-11, "Resolution Adopting a Greenhouse Gas Reduction Goal and Commitment to Develop a Regional Climate Protection Strategy" that builds on State and regional climate protection efforts by (Air District 2013):

1. Setting a goal for the Bay Area region to reduce GHG emissions by 2050 to 80 percent below 1990 levels.
2. Developing a Regional Climate Protection Strategy to make progress towards the 2050 goal, using the Air District's Clean Air Plan to initiate the process.
3. Developing a 10-point work program to guide the Air District's climate protection activities in the near-term.

The Air District is currently developing the Regional Climate Protection Strategy and has outlined the 10-point work program, which includes policy approaches, assistance to local governments, and technical programs that will help the region make progress toward the 2050 GHG emissions goal.

The Air District is responsible for enforcing standards and regulating stationary sources in its jurisdiction, including the San Francisco Bay Area Air Basins and the City of Mountain View. The Air District regulates GHG emissions through specific rules and regulations, as well as project and plan level emissions thresholds for GHGs to ensure that new land use development in the San Francisco Bay Area Air Basin contributes to its fair share of emissions reductions (Air District 2017).

### Plan Bay Area 2050

Plan Bay Area 2050 is a state-mandated, integrated long-range transportation, land-use, and housing plan (sustainable communities strategy or SCS) that would support a growing economy, provide more housing and transportation choices, and reduce transportation-related pollution in the nine-county San Francisco Bay Area (MTC/ABAG 2021). The SCS builds on earlier efforts to develop an efficient transportation network and grow in a financially and environmentally responsible way. Plan Bay Area 2050 focuses on advancing equity and improving resiliency in the Bay Area by creating strategies in the following four elements: Housing, Economy, Transportation, and Environment. The Plan discusses how the future of the region is uncertain due to anticipated employment growth, lack of housing options, and outside forces, such as climate change and economic turbulence. These uncertainties will impact growth in the Bay Area and exacerbate issues for all residents including those who are historically and systemically marginalized, underserved, and excluded. Thus, Plan Bay Area 2050 has created strategies and considered investments that will serve those systemically underserved communities and provide equitable opportunities. The Plan presents a total of 35 strategies to outline how the $1.4 trillion dollar investment would be utilized. The strategies include, but are not limited to, the following: providing

affordable housing, allowing higher-density in proximity to transit-corridors, optimizing the existing roadway network, creating complete streets, providing subsides for public transit, reducing climate emissions, and expanding open space area. To bring these strategies to fruition, Plan Bay Area 2050 will require participation by agencies, policymakers, and the public. An implementation plan is also included as part of the Plan to assess the requirements needed to carry out the strategies, identify the roles of pertinent entities, create an appropriate method to implement the strategies, and create a timeline for implementation (ABAG/MTC 2021).

## City of Morgan Hill 2035 General Plan

The City of Morgan Hill 2035 General Plan (City of Morgan Hill 2016) includes the following goals, policies and actions related to GHG emissions and climate change:

**Policy NRE-15.2 Linking Land Use and Transportation.** Encourage land use and transportation patterns that reduce dependence on automobiles.

**Policy NRE-15.4 Sustainable Land Use.** Promote land use patterns that reduce the number and length of motor vehicle trips.

**Policy NRE 15.9 Urban Forest.** Support development and maintenance of a healthy, vibrant urban forest through outreach, incentives, and strategic leadership.

**Policy NRE 15.11 Green Building.** Promote green building practices in new development.

**Policy NRE 15.13 Climate-Responsive Open Space Planning.** Integrate urban greening, native landscaping, and natural buffers into open space planning to mitigate heat, support biodiversity, and reduce wildfire risk.

**Policy NRE-15.14 Urban Heat.** Use parks and open spaces as tools to reduce the urban heat island effect, especially in Opportunity Neighborhoods and heat-vulnerable communities.

## City of Morgan Hill Climate Action Plan

In 2021, the City adopted a limited CAP with a focus on reducing GHG emissions in the transportation and building sectors. The strategies contained in the CAP emphasize decarbonizing buildings and reducing emissions from on-road and off-road vehicles by increasing EVs and electric equipment to reach net zero emissions. The CAP identifies a main goal to reduce Morgan Hill's net $CO_2$ emissions in the building and transportation sectors to 35 percent below a 2020 baseline level by 2030 and 100 percent below a 2020 baseline level by 2045. However, the limited CAP is non-binding and does not constitute a qualified CAP pursuant to the CEQA Guidelines Section 15064.7[c].

## City of Morgan Hill Reach Codes

The City of Morgan Hill Municipal Code (MHMC) Chapter 15.62 requires EV charging infrastructure. Provisions of the ordinance apply to all parking that will serve newly constructed buildings within the City, and also for parking that will serve existing buildings. Exceptions apply on a case-by-case basis where the City has determined EV charging and infrastructure are not feasible. Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) without additional parking facilities and without electrical panel upgrade or new panel installation are also subject to exceptions. Requirements for EV infrastructure include:

- Residential buildings include a minimum of one Level 2 EV Ready space (if a second parking space is provided, it must be Level 1 EV Ready) in new construction; parking additions to new or expanded garages or electrical panel upgrades must have reserved breaker spaces to accommodate parking in existing buildings at retrofit.

### City of Morgan Hill Standard Conditions of Approval

The City of Morgan Hill applies the following Standard Conditions of Approval related to GHG emissions to development projects:

**Bicycle parking:** The project shall provide short-term and long-term bicycle parking spaces in conformance with Section 18.72.080 and Table 18.72-7 of the Morgan Hill Municipal Code.

**Electric Vehicle Charging Stations:** The Project shall provide EV charging stations in compliance with Chapter 15.62 of the Morgan Hill Municipal Code. The developer shall provide location of each charging station prior to issuance of building permit.

**Best Management Practices for Construction-Related GHG Emissions**:

1. Require all construction equipment to be maintained and properly tuned in accordance with manufacturer's specifications. Equipment should be checked by a certified mechanic and determined to be running in proper condition prior to operation.
2. Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to no more than 2 minutes (A 5-minute limit is required by the state airborne toxics control measure [Title 13, Sections 2449(d)(3) and 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at the entrances to the site and develop an enforceable mechanism to monitor idling time to ensure compliance with this measure.

## 4.6.3 Impact Analysis

### a. Methodology and Thresholds of Significance

To determine whether a project would result in a significant impact related to GHG emissions, Appendix G of the *CEQA Guidelines* requires consideration of whether a project would:

1. Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, and/or
2. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs.

The construction of individual development projects does not generate enough GHG emissions to create significant project-specific environmental effects. However, the environmental effects of a project's GHG emissions can contribute incrementally to cumulative adverse environmental effects that are significant, contributing to climate change, even if an individual project's environmental effects are limited (*CEQA Guidelines* Section 15064[h][1]). The issue of a project's environmental effects and contribution towards climate change typically involves an analysis of whether a project's contribution towards climate change is cumulatively considerable. Cumulatively considerable means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, other current projects, and probable future projects (*CEQA Guidelines* Section 15064[h][1]).

*CEQA Guidelines* Section 15064.4 recommends that lead agencies quantify GHG emissions of projects and consider several other factors that may be used in the determination of significance of GHG emissions from a project, including the extent to which the project may increase or reduce GHG emissions; whether a project exceeds an applicable significance threshold; and the extent to which the project complies with regulations or requirements adopted to implement a plan for the reduction or mitigation of GHG emissions. CEQA Guidelines Section 15064.4 does not establish a threshold of significance. Lead agencies have the discretion to establish significance thresholds for their respective jurisdictions, and in establishing those thresholds, a lead agency may appropriately look to thresholds developed by other public agencies, or suggested by other experts, as long as any threshold chosen is supported by substantial evidence (see *CEQA Guidelines* Section 15064.7[c]).

According to the *CEQA Guidelines*, projects can tier from a qualified GHG reduction plan, which allows for project-level evaluation of GHG emissions through the comparison of the project's consistency with the GHG reduction policies included in a qualified GHG reduction plan. This approach is considered by the Association of Environmental Professionals (AEP) in their white paper, *Beyond Newhall and 2020*, to be the most defensible approach presently available under CEQA to determine the significance of a project's GHG emissions (AEP 2016).

Although the City's limited CAP identifies pathways to achieve State targets, it is limited in its scope and enforcement, and does not constitute a qualified CAP as defined by *CEQA Guidelines* Section 15183.5(b). Therefore, the City does not have a qualified CAP from which projects can tier.

The Air District recently adopted updated thresholds for evaluating the significance of climate impacts from development projects (Air District 2023). The new project-level thresholds state that development projects must either include the following project design elements, or be consistent with a local GHG reduction strategy that meets the criteria under *CEQA Guidelines* Section 15183.5(b):

1. **Buildings**
    a. The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development).
    b. The project will not result in any wasteful, inefficient, or unnecessary energy use as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.

2. **Transportation**
    a. The project will achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target that reflects the recommendations provided in the Governor's Office of Planning and Research's Technical Advisory: *Evaluating Transportation Impacts in CEQA*:
        i. Residential projects: 15 percent below the existing VMT per capita
        ii. Office projects: 15 percent below the existing VMT per employee
        iii. Retail projects: no net increase in existing VMT
    b. The project will achieve compliance with off-street EV requirements in the most recently adopted version of CALGreen Tier 2.

The analysis below is based on the project's consistency with the Air District's building and transportation design elements thresholds. Project impacts would be less than significant if development facilitated by the proposed project includes all of the project design elements listed above. Additionally, the project is assessed for its consistency with goals and policies set forth in Plan Bay Area 2050.

## b. Project Impacts and Mitigation Measures

The proposed project does not include changes to or development on the APN 825-06-022 site. Accordingly, the analyses below focus exclusively on the Rose Orchard Court site, the Butterfield Sports Park Expansion site, and the Condit Sports Facilities Expansion site.

| | |
|---|---|
| **Threshold 1:** | Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment? |
| **Threshold 2**: | Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases? |

**Impact GHG-1 THE PROJECT WOULD BE CONSISTENT WITH AIR DISTRICT THRESHOLDS AFTER IMPLEMENTATION OF MITIGATION MEASURE GHG-1. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.**

## Construction

Construction of potential future development on the annexation sites would result in GHG emissions during construction, primarily from fuel consumption associated with heavy equipment, light-duty vehicles, machinery, and generators for lighting. Temporary grid power may also be provided to construction trailers or electric construction equipment that may result in indirect GHG emissions from energy generation. Future development on the annexation sites would utilize construction contractors that would be required to comply with applicable CARB regulations, such as accelerated retrofitting, repowering, or replacement of heavy-duty diesel on-road and off-road equipment. Construction contractors are required to comply with the City's Standard Conditions of Approval, which prohibit diesel-fueled off-road vehicles from idling for more than two minutes, minimizing unnecessary GHG emissions. Construction equipment would be subject to the U.S. EPA Construction Equipment Fuel Efficiency Standard, which would minimize inefficient fuel consumption and thus GHG emissions. These construction equipment standards (i.e., Tier 4 efficiency requirements) are contained in 40 Code of Federal Regulations Parts 1039, 1065, and 1068. Pursuant to applicable regulatory requirements of CALGreen, future development on the annexation sites would comply with construction waste management practices to divert construction and demolition debris from landfills. These practices would result in efficient use of energy during construction and, therefore, would minimize unnecessary GHG emissions. Furthermore, in the interest of cost efficiency, construction contractors would not utilize fuel in a manner that is wasteful or unnecessary, which would also have the effect of minimizing GHG emissions.

The use of GHG-reducing construction Best Management Practices (BMPs) is considered by the City to be a pragmatic and effective approach for the control of construction-related GHG emissions. The Air District, in their 2022 CEQA Air Quality Guidelines, recommend the following construction BMPs for reducing GHG emissions:

- Use zero-emission and hybrid-powered equipment to the greatest extent possible, particularly if emissions are occurring near sensitive receptors or located within an Air District-designated Community Air Risk Evaluation (CARE) area or Assembly Bill 617 community.
- Require all diesel-fueled off-road construction equipment be equipped with EPA Tier 4 Final compliant engines or better as a condition of contract.
- Require all on-road heavy-duty trucks to be zero emissions or meet the most stringent emissions standard, such as model year (MY) 2024 to 2026, as a condition of contract.
- Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to no more than 2 minutes (A 5-minute limit is required by the state airborne toxics control measure [Title 13, Sections 2449(d)(3) and 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at the entrances to the site and develop an enforceable mechanism to monitor idling time to ensure compliance with this measure.
- Prohibit off-road diesel-powered equipment from being in the "on" position for more than 10 hours per day.
- Use California Air Resources Board–approved renewable diesel fuel in off-road construction equipment and on-road trucks.

- Use U.S. Environmental Protection Agency SmartWay certified trucks for deliveries and equipment transport
- Require all construction equipment is maintained and properly tuned in accordance with manufacturer's specifications. Equipment should be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Where grid power is available, prohibit portable diesel engines and provide electrical hook ups for electric construction tools, such as saws, drills and compressors, and using electric tools whenever feasible
- Where grid power is not available, use alternative fuels, such as propane or solar electrical power, for generators at construction sites.
- Encourage and provide carpools, shuttle vans, transit passes, and/or secure bicycle parking to construction workers and offer meal options onsite or shuttles to nearby meal destinations for construction employees.
- Reduce electricity use in the construction office by using LED bulbs, powering off computers every day, and replacing heating and cooling units with more efficient ones.
- Minimize energy used during site preparation by deconstructing existing structures to the greatest extent feasible.
- Recycle or salvage nonhazardous construction and demolition debris, with a goal of recycling at least 15 percent or more by weight than the diversion requirement in Title 24
- Use locally sourced or recycled materials for construction materials (goal of at least 20 percent based on costs for building materials and based on volume for roadway, parking lot, sidewalk and curb materials). Wood products used should be certified through a sustainable forestry program.
- Use low-carbon concrete, minimize the amount of concrete used and produce concrete on-site if it is more efficient and lower emitting than transporting ready-mix.
- Develop a plan to efficiently use water for adequate dust control since substantial amounts of energy can be consumed during the pumping of water.
- Include all requirements in applicable bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply the compliant on- or off-road construction equipment for use prior to any ground-disturbing and construction activities.

Pursuant to the 2022 Air District *CEQA Thresholds for Evaluating the Significance of Climate Impacts From Land Use Projects and Plans*, the Air District does not recommend a construction-related climate impact threshold. According to the Air District, GHG emissions from construction represent a very small portion of a project's lifetime GHG emissions. However, incorporation of feasible and applicable GHG-reducing construction BMPs serves herein as the basis for whether project construction would contribute its "fair share" of GHG emission reductions consistent with the legislative reduction targets codified by SB 32 and the State's long-term climate goal of carbon neutrality by 2045. The California Supreme Court, in Center for Biological Diversity v. Department of Fish & Wildlife (62 Cal.4th 204, 220-223), explained that an approach by which a lead agency ascertains a proposed project's "fair share" of required Statewide GHG reductions is a legitimate approach for formulating significance thresholds for GHG emissions. Under this approach, which here is focused on the project incorporating Air District -recommended BMPs for construction-related emissions, future development under the project would be considered to result in a potentially significant impact if project construction would not incorporate feasible and applicable GHG reducing construction BMPs including, at a minimum, those listed above. Therefore, this impact is potentially significant and Mitigation Measure GHG-1 is required.

The proposed thresholds for land use projects are designed to address operational GHG emissions that represent the vast majority of project GHG emissions. Therefore, the primary evaluation of GHG emissions impacts associated with project implementation is focused on operational emissions, discussed below.

## Operations

Future development on the annexation sites would result in GHG emissions during operation of the proposed residential and recreational uses. The nature of GHG emissions would be typical of those associated with residential and city park land uses. GHG emissions would result primarily from building energy usage and fuel consumption associated with vehicle trips.

### *Transportation*

On-road transportation sources are based on passenger vehicle and truck trip generation rates and VMT (See Section 4.11, *Transportation*). According to the project-specific VMT Assessment prepared by Hexagon Transportation Consultants, Inc. (Appendix H), the annexation sites can be deemed to have a less-than-significant impact on VMT based on City-adopted VMT screening threshold criteria. As described therein, the Rose Orchard Court site would generate approximately 36 daily trips, which is below the City's project size screening threshold of 110 daily trips. Therefore, the Rose Orchard Court annexation would meet the Air District criterion to comply with a locally adopted SB 743 VMT target. As such, GHG impacts from transportation sources at the Rose Orchard Court site would be less than significant.

The proposed Condit Sports Facilities Expansion project is estimated to generate on average 315 total daily trips. The proposed expansion project is estimated to generate trips equivalent to 9,000 square feet of retail space. Thus, based on the City's local-serving retail screening threshold, which states that retail projects that are less than 50,000 square feet have a less than-significant impact on VMT, the proposed Condit Sports Facilities Expansion project can be deemed meet the Air District criterion to comply with a locally adopted SB 743 VMT target. As such, GHG impacts from transportation sources at the Condit Sports Facilities Expansion site would be less than significant.

The proposed Butterfield Sports Park Expansion is estimated to generate on average 513 total daily trips. The proposed expansion project is estimated to generate trips equivalent to 14,000 square feet of retail space. Thus, based on the City's local-serving retail screening threshold, which states that retail projects that are less than 50,000 square feet have a less-than-significant impact on VMT, the proposed Butterfield Sports Park Expansion project can be deemed to have a less-than-significant impact on VMT (Appendix H). Therefore, the proposed Butterfield Sports Park Expansion project can be deemed meet the Air District criterion to comply with a locally adopted SB 743 VMT target, and GHG impacts from transportation sources would be less than significant.

However, the City's requirements for EVs and EV parking set forth in the MHMC and Standard Conditions of Approval are less stringent than the latest adopted CALGreen Tier 2 EV parking requirements. Therefore, future development under the project would conflict with the Air District threshold to achieve CALGreen Tier 2 EV parking. This impact is potentially significant and Mitigation Measure GHG-2 is required.

### *Buildings*

Future buildings developed under the project would be served by PG&E, which is required to increase its renewable energy procurement in accordance with SB 100 targets. SB 100 supports the reduction of GHG emissions from the electricity sector by accelerating the state's Renewables Portfolio Standard Program. It requires electricity providers to increase procurement from eligible renewable energy resources to 33 percent of total retail sales by 2020, 60 percent by 2030, and 100 percent by 2045.

Pursuant to the Air District thresholds, projects that include natural gas appliances or natural gas plumbing (in both residential and nonresidential development) would result in a potentially significant GHG impact. Future buildings developed under the project would be 100 percent electric as a project design feature, and would not include natural gas connections. Therefore, the project would be consistent with Air District thresholds, and this impact would be less than significant.

*Consistency with State GHG Reduction Plans*

The project is a program-level document that involves annexation and USA amendments to facilitate future recreational and residential uses on the annexation sites. The CARB 2017 Climate Change Scoping Plan outlines a pathway to achieving the 2030 reduction targets set under SB 32, which are considered interim targets toward meeting the long-term 2045 carbon neutrality goal established by AB 1279. The CARB 2022 Scoping Plan outlines a path to achieving carbon neutrality, in addition to outlining a pathway to reduce anthropogenic GHG emissions by 85 percent below 1990 levels by 2045.

As described in the *Methodology* subsection in Section 4.6.3, *Impact Analysis,* GHG emissions associated with project implementation is discussed qualitatively by comparing the project to the 2022 Bay Area Air District GHG thresholds, namely whether policies work towards achieving carbon neutrality by 2045. Without mitigation, the project would not be consistent with the 2022 Air District GHG thresholds and impacts would be potentially significant. However, as described below, with implementation of mitigation, the project would be consistent with the 2022 Air District GHG thresholds, resulting in a less than significant impact after mitigation:

- Future development under the project would be 100 percent electric as a project design feature and would not include natural gas appliances or natural gas plumbing.
- Future development under the project would achieve compliance with off-street EV requirements after implementation of Mitigation Measure GHG-2.
- Future development under the project would achieve a 15 percent reduction in project-generated VMT per employee rate below the existing Morgan Hill rate (see Section 4.11, Transportation).

Plan Bay Area 2050

As shown in Table 4.6-1, the proposed project would be consistent with the key goals of Plan Bay Area 2050.

**Table 4.6-1 Project Consistency with Plan Bay Area 2050**

| Measure | Project Consistency |
|---|---|
| **T8. Build a Complete Streets network.** Enhance streets to promote walking, biking and other micro-mobility through sidewalk improvements, car-free slow streets, and 10,000 miles of bike lanes or multi-use paths. | **Consistent**: The proposed project itself does not include offsite bicycle or pedestrian improvements but also would not include project components that would conflict with bicycle or pedestrian access or facilities. As discussed in Section 4.11, *Transportation*, development facilitated by the project would be subject to and required to implement the 2035 General Plan policies as well as City guidelines, standards, and specifications applicable to the circulation system including transit, roadway, bicycle, and pedestrian facilities. Specifically, future development on this site would be required to comply with 2035 General Plan Policy TR-2.1, which would ensure a balanced transportation system to provide access to all users; Policy TR-3.20, which would require improvements to the Butterfield Corridor and Monterey Road Corridor; Policy TR-5.1, which would require developments to provide adequate and convenient parking; Policy TR-6.12, which would require developers to install bus shelters if applicable; Policy TR-8.7, which would require property owners to designate private roads as part of the bikeways plan if there is an agreement with the City; Policy TR-8.12, which would require adequate bicycle parking and other supportive facilities to be provided; Policy TR-9.1, which would ensure sufficient pedestrian access in all new developments; Policy TR-9.2, which would encourage walking; and Policy TR-9.10, which would require installation of new sidewalks where they currently do not exist to improve sidewalk connectivity. The proposed project would also align with the goals of the Bikeways, Trails, Parks, and Recreation Master Plan to provide regional recreation destinations that support economic growth and ensure equitable access to programs and facilities. Future development would be required to implement the applicable goals, policies, and actions outlined in this Master Plan. |

| Measure | Project Consistency |
|---|---|
| **EN5. Protect and manage high-value conservation lands.** Provide strategic matching funds to help conserve and maintain high-priority natural and agricultural lands, including but not limited to, Priority Conservation Areas and wildland-urban interface areas. | **Consistent**. Development of the proposed Rose Orchard Court site would include designation of 10 acres of land for open space conservation. Additionally, development of the Condit Sports Facilities Expansion and Butterfield Sports Park Expansion sites would include recreational uses on land that is not actively used for agriculture. Surrounding parcels are primarily developed or planned for recreational uses. Therefore, the project would not conflict with ABAG strategies to preserve high-value conservation lands. |
| **EN8. Expand clean vehicle initiatives.** Expand investments in clean vehicles, including more fuel-efficient vehicles and electric vehicle subsidies and chargers. | **Consistent.** Future development under the proposed project would be required to comply with MHMC Chapter 15.62, which establishes minimum EV parking requirements for the proposed land uses. Additionally, the project would achieve compliance with CALGreen off-street EV requirements after implementation of Mitigation Measure GHG-2. |

Source: ABAG 2021

## Mitigation Measures

The following mitigation measures are required.

### *GHG-1 Construction BMPs*

Prior to the issuance of grading permits for future development on the annexation sites, the project proponents shall provide the City of Morgan Hill with documentation (e.g., site plans) demonstrating project construction will include the following construction Best Management Practices (BMPs):

- Zero-emission and hybrid-powered equipment shall be used to the greatest extent possible, particularly if emissions are occurring near sensitive receptors or located within an Air District-designated Community Air Risk Evaluation (CARE) area or Assembly Bill 617 community.
- Building materials used for project construction shall be sourced locally or from recycled materials, with a goal of at least 10% based on costs for building materials and based on volume for roadway, parking lot, sidewalk and curb materials.
- At least 65 percent of construction and demolition waste materials shall be recycled or reused.
- All construction contracts shall include language that requires all off-road equipment with a power rating below 19 kilowatts (e.g., plate compactors, pressure washers) using during construction be electrically powered.
- Architectural coatings used for project construction shall be “Low-VOC,” containing no greater than 50 grams of volatile organic compounds (VOC) per liter of product.
- Where grid power is available, project construction shall prohibit portable diesel engines and provide electrical hook ups for electric construction tools, such as saws, drills and compressors, and using electric tools whenever feasible.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure [ATCM] Title 13, Section 2485 of California Code of Regulations). Clear signage regarding idling restrictions shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- The prime construction contractor shall post a publicly visible sign with their telephone number and contractor to contact. The construction contractor shall take corrective action within 48 hours. The Air District’s phone number shall also be identified and visible to ensure compliance with applicable regulations.

*GHG-2 Electric Vehicle Charging Stations*

Prior to the issuance of building permits for future development on the annexation sites, the project proponents shall demonstrate to the satisfaction of the City (e.g., shown on-site plans), that the proposed parking areas for passenger automobiles and trucks are designed and will be built to accommodate electric vehicle (EV) charging stations. At a minimum, the parking shall be designed to accommodate EV charging stations meeting MHMC Chapter 15.62 and equal to or greater than the Residential and Nonresidential Tier 2 Voluntary Measures of the California Green Building Standards Code, Sections A4.106.8 and A5.106.5.3, respectively.

### Significance After Mitigation

Implementation of Mitigation Measures GHG-1 would require the implementation of BMPs during project construction, ensuring that construction-related GHG impacts would be consistent with Air District and City regulations. Implementation of Mitigation Measures GHG-2 would require future development to meet MHMC Chapter 15.62 and CALGreen Tier 2 EV parking requirements. Implementation of these measures would achieve consistency with Air District criteria for GHG emissions, ensuring that GHG impacts would be less than significant.

## c. Cumulative Impacts

"Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, other current projects, and probable future projects (*CEQA Guidelines* Section 15355). Most projects do not generate sufficient GHG emissions to create a project-specific impact through a direct influence on climate change. Therefore, climate change analysis for the project involved an analysis of whether the project's contribution toward an impact would be cumulatively considerable. In addition, the project is cumulative in nature as it represents growth through the annexed area because of future development. Therefore, cumulative impacts with respect to GHG emissions represents emissions associated with buildout of the three annexation sites and thus cumulative emissions. Because emissions facilitated by the project would be consistent with the Air District's GHG thresholds, it would be consistent with State GHG reduction plans. Therefore, the project's contribution to cumulative impacts with respect to GHG emissions would be less than cumulatively considerable.

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# 4.7 Hazards and Hazardous Materials

This section evaluates the potential impacts relating to hazards and hazardous materials associated with implementation of the proposed project.

## 4.7.1 Setting

### Hazardous Materials

The term "hazardous material" has different definitions for different regulatory programs. For the purpose of this EIR, the term "hazardous materials" refers to both hazardous materials and hazardous waste. The California Health and Safety Code Section 25501(n)(1) defines a hazardous material as any material that "because of its quantity, concentrations, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment." Hazardous materials include but are not limited to hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or environment.

A material is hazardous if it exhibits one or more of the following characteristics: toxicity, ignitability, corrosivity, and reactivity. These types of hazardous materials are defined below:

- **Toxic Substances.** Toxic substances may cause short-term or long-lasting health effects, ranging from temporary effects to permanent disability, or even death. For example, such substances can cause disorientation, acute allergic reactions, asphyxiation, skin irritation, or other adverse health effects if human exposure exceeds certain levels (the level depends on the substances involved and is chemical-specific). Carcinogens, substances that can cause cancer, are a special class of toxic substances. Examples of toxic substances include asbestos, lead, arsenic, benzene (a component of gasoline and suspected carcinogen) and methylene chloride (a common laboratory solvent and a suspected carcinogen).
- **Ignitable Substances.** Ignitable substances are hazardous because of their ability to burn. Gasoline, hexane, and natural gas are examples of ignitable substances.
- **Corrosive Materials.** Corrosive materials can cause severe burns. Corrosives include strong acids and bases such as sodium hydroxide (lye) or sulfuric acid (battery acid).
- **Reactive Materials.** Reactive materials may cause explosions or generate toxic gases. Explosives, pure sodium or potassium metals (which react violently with water), and cyanides are examples of reactive materials.

Soil and groundwater can become contaminated by hazardous material releases in a variety of ways, including permitted or illicit use and accidental or intentional disposal or spillage. Before the 1980s, most land disposal of chemicals was unregulated, resulting in numerous industrial properties and public landfills becoming dumping grounds for unwanted chemicals. The largest and most contaminated of these sites became Superfund sites, so named for their eligibility to receive cleanup money from a federal fund established under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The National Priorities List (NPL) is the list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States and its territories. The NPL is intended primarily to guide the United States Environmental Protection Agency (U.S. EPA) in determining which sites warrant further investigation. Sites are added to the NPL following a hazard ranking system.

Numerous smaller properties have been designated as contaminated sites. Often these are gas station sites where leaking, underground storage tanks (USTs) were upgraded under a federal requirement in the late 1980s. Another category of sites that may have some overlap with the types already mentioned is

"brownfields" – previously used, often abandoned, sites that due to actual or suspected contamination are undeveloped or underused. Both the U.S. EPA and California Department of Toxic Substances Control (DTSC) maintain lists of known brownfields sites. These sites are often difficult to inventory due to their owners' reluctance to publicly label their property as potentially contaminated.

### *Asbestos-Containing Materials*

Asbestos is a naturally occurring fibrous material that was widely used in structures built between 1945 and 1978 for its fireproofing and insulating properties. Asbestos-containing materials (ACM) were banned by U.S. EPA between the early 1970s and 1991 under the authority of the CAA and the Toxic Substances Control Act due to their harmful health effects. Exposure to asbestos increases risk of developing lung disease, such as lung cancer, mesothelioma, or asbestosis (U.S. EPA 2025a). Common ACMs include vinyl flooring and associated mastic, wallboard and associate joint compound, plaster, stucco, acoustic ceiling spray, ceiling tiles, heating system components, and roofing materials. Pre-1973 structures are affected by asbestos regulations and can cause potential exposure if damage occurs, or if remodeling, renovation, or demolition activities disturb ACMs.

### *Lead and Lead-Based Paint*

Lead is a naturally occurring metallic element. Because of its toxic properties, lead is regulated as a hazardous material. Excessive exposure to lead can result in the accumulation of lead in the blood, soft tissues, and bones. Children are particularly susceptible to potential lead-related health problems because it is easily absorbed into developing systems and organs. Lead can affect almost every organ and system in the body. In children, lead can cause behavior and learning problems, lower IQ, hyperactivity, hearing problems, and anemia. In adults, lead can cause cardiovascular effects, decreased kidney function, and reproductive problems. In addition, lead can result in serious effects to the developing fetus and infant for pregnant women (U.S. EPA 2025b). Among its numerous uses and sources, lead can be found in paint, water pipes, solder in plumbing systems, and in soils surrounding buildings and structures that are painted with lead-based paint (LBP). LBP was primarily used during the same time period as ACMs. Pre-1978 structures are affected by LBP regulations and can cause potential exposure if the paint is in a deteriorated condition or if remodeling, renovation, or demolition activities disturb LBP surfaces.

## Existing Hazardous Materials Conditions

### *Hazardous Materials Sites*

The locations where hazardous materials are or were used, stored, treated and/or disposed of come to the attention of regulatory agencies through various means, including licensing and permitting, enforcement actions, and anonymous tips. To the extent possible, the locations of these businesses and operations are recorded in database lists maintained by various State, federal, and local regulatory agencies. In addition, federal, State, and local agencies enforce regulations applicable to hazardous waste generators and users.

Permitted uses of hazardous materials include those facilities that use hazardous materials or handle hazardous wastes in accordance with current hazardous materials and hazardous waste regulations. The use and handling of hazardous materials from these sites is considered low risk, although there can be instances of unintentional chemical releases. In such cases, the site and the response to the release would be tracked in the environmental databases as an environmental case. Permitted sites without documented releases are, nevertheless, potential sources of hazardous materials in the soil and/or groundwater due to accidental spills, incidental leakage, or spillage that may have gone undetected. Some facilities are permitted for more than one hazardous material use and, therefore, could appear in more than one database.

The potential to encounter hazardous materials in soil and groundwater in Morgan Hill is generally based on a search of federal, State, and local regulatory databases that identify permitted hazardous materials uses, environmental cases, and spill sites. The DTSC EnviroStor database contains information on properties in California where hazardous substances have been released or where the potential for a future release exists. The California State Water Resources Control Board (SWRCB) GeoTracker database contains information on properties in California for sites that require cleanup, such as leaking underground storage tank (LUST) sites, which may impact, or have potential impacts, to water quality, with emphasis on groundwater.

### Rose Orchard Court Site

The Rose Orchard Court site was evaluated for potential hazardous materials concerns through a review of state regulatory databases, including GeoTracker and EnviroStor. The site was not identified on a hazardous materials database as having a record of hazardous materials storage, generation, or release. No LUST cases, hazardous waste generators, or other regulated activities were documented on site. The database review also did not identify any nearby sites that pose a potential risk of contamination to the annexation site (DTSC 2025; SWRCB 2025).

Based on a review of publicly accessible historical aerial photographs and topographic maps, the northern half of the site was previously used for orchard cultivation from at least 1948 through 1975 and appeared to be mostly cleared and agriculturally inactive by 1980 (Nationwide Environmental Title Research LLC 2025). There is the potential for residual concentrations of organochlorine pesticides and metals to remain in on-site soils from the historical agricultural use.

### Condit Sports Facilities Expansion Site

A Phase I Environmental Site Assessment (ESA) and a limited Phase II shallow soil investigation were conducted for the northern parcel of the Condit Sports Facilities Expansion site (Assessor Parcel Number [APN] 817-13-037). The Phase I ESA and limited Phase II shallow soil investigation are provided in Appendix F of this EIR. Historical records indicate the site was used as an orchard for over 70 years, from at least 1939 until after 2012. Long-term agricultural use raises the potential for residual organochlorine pesticides such as chlordane, dieldrin, and endrin, and metals such as arsenic, which can persist in shallow soils. A central maintenance and storage area was also identified during the Phase I site inspection, which historically contained farm equipment, an aboveground diesel fueling station, barns, and lubricant-stained concrete (Appendix F).

Phase II soil sampling indicated that most of the site is free of elevated concentrations of the potential contaminants investigated; however, localized areas within the former maintenance and storage area contained elevated concentrations of petroleum hydrocarbons and pesticides. Chlordane was detected at a maximum concentration of 9.9 milligrams per kilogram (mg/kg), exceeding the residential and commercial screening levels used. Total petroleum hydrocarbons (TPH) as motor oil was detected at concentrations up to 2,700 mg/kg, with three concentrations exceeding the residential or commercial screening levels, and TPH as diesel (TPH-diesel) was detected at concentrations up to 440 mg/kg, with two TPH-diesel concentrations exceeding the residential and commercial screening levels. Detected concentrations of dieldrin and endrin in soil exceeded their “extremely low, ‘leachability threshold’, which is a conservative concentration designed to be protective of contaminant leaching to shallow groundwater” (Appendix F).

Off-site regulatory records review identified three nearby properties with hazardous materials releases: one closed LUST case approximately 1,197 feet south, a closed Spills, Leaks, Investigations & Clean-up (SLIC) case approximately 880 feet south, and an open Cleanup Program case with a regional perchlorate groundwater plume originating from the Olin Corporation site approximately 3,300 feet west; based on the data reviewed, the LUST and SLIC cases were closed under agency oversight and were determined to pose negligible risk of encroachment on the site. The regional perchlorate groundwater plume was determined to not have impacted the Condit Sports Facilities Expansion site, as confirmed by groundwater sampling from an on-site water supply well (Appendix F).

The Condit Sports Facilities Expansion site (APN 817-13-037) was identified on the GeoTracker database as having a record of hazardous materials release: a Cleanup Program case with a 'completed – case closed' status as issued by the Santa Clara County Department of Environmental Health (SCCDEH) in April 2017 (SWRCB 2025). A Summary Report Documenting Impacted Soil Delineation, Remedial Soil Excavation and Offsite Disposal, and Confirmation Soil Sampling report was prepared for APN 817-13-037 in December 2016. This summary report is provided in Appendix F of this EIR. The summary report indicates that limited, additional soil sampling was conducted to determine the extent of the previously identified shallow soil impacts, followed by completion of remedial soil excavation at the areas of concern and subsequent post-excavation confirmation soil sampling to confirm that residual impacts were removed to concentrations below residential screening levels (Appendix F). The SCCDEH concluded in the Case Closure Summary Report issued for the Cleanup Program case that the residual impacted soil poses "a low risk to human health and the environment under current land use conditions; however the residual contamination could pose an unacceptable risk under certain site development activities" and required notification prior to changes in land use, installation of water wells, or if contamination is encountered at the site (Appendix F). The Case Closure Summary Report is provided in Appendix F of this EIR.

The site also previously contained a non-operational water supply well, which was considered a *de minimis* condition in the Phase I ESA. However, this well was destroyed by the City in 2017.

Butterfield Sports Park Expansion Site

A Phase I ESA and a limited Phase II soil investigation were conducted for the Butterfield Sports Park Expansion site. The Phase I ESA and limited Phase II soil investigation are provided in Appendix C of this EIR. The site was historically used for orchard cultivation from at least 1939 until approximately 1970, after which it remained an undeveloped field. The limited soil Phase II sampling did not detect any pesticide constituents in surface or subsurface soils at concentrations above laboratory reporting limits. Arsenic concentrations were below background levels, and most metals were below the regulatory screening levels used. Slightly elevated cobalt concentrations (up to 26.4 mg/kg) were detected above the residential screening level of 23 mg/kg, and nickel concentrations exceeded the construction worker screening level of 86 mg/kg in several samples, though all were below residential and commercial screening levels. TPH as diesel and motor oil were not detected at concentrations below the regulatory screening levels used. No evidence of chemical storage, spills, or hazardous waste generation was found during the Phase I records review (Appendix F).

The Phase I site inspection confirmed the property is an open field with no structures, and a shallow creek bed, Little Llagas Creek, crosses the southwestern corner. Off-site regulatory records review identified three nearby properties with historical fuel releases, including the Former White Gasoline site approximately 175 feet west, a California Department of Forestry and Fire Protection facility approximately 975 feet northwest, and the Royal Oak Mushroom farm approximately 1,000 feet southwest. All cases were closed under regulatory oversight, and based on the data reviewed, the fuel releases were determined to pose negligible risk of encroachment on the site. No other hazardous materials release sites were identified in the vicinity of the site (Appendix F). Figure 4.7-1 shows the locations of nearby LUST cleanup sites and Cleanup Program sites in the project vicinity.

### *Use, Transport, and Abatement of Hazardous Materials*

The use of hazardous materials is typically associated with industrial land uses. Activities such as manufacturing, plating, cleaning, refining, and finishing frequently involve chemicals that are considered hazardous when accidentally released into the environment.

To a lesser extent, hazardous materials may also be used by various commercial enterprises, as well as residential uses. In particular, dry cleaners historically have used cleaning agents that are hazardous materials. Hardware stores typically stock paints and solvents, as well as fertilizers, herbicides, and pesticides. Swimming pool supply stores stock acids, algaecides, and caustic agents. Most commercial businesses occasionally use commonly available cleaning supplies that, when used in accordance with

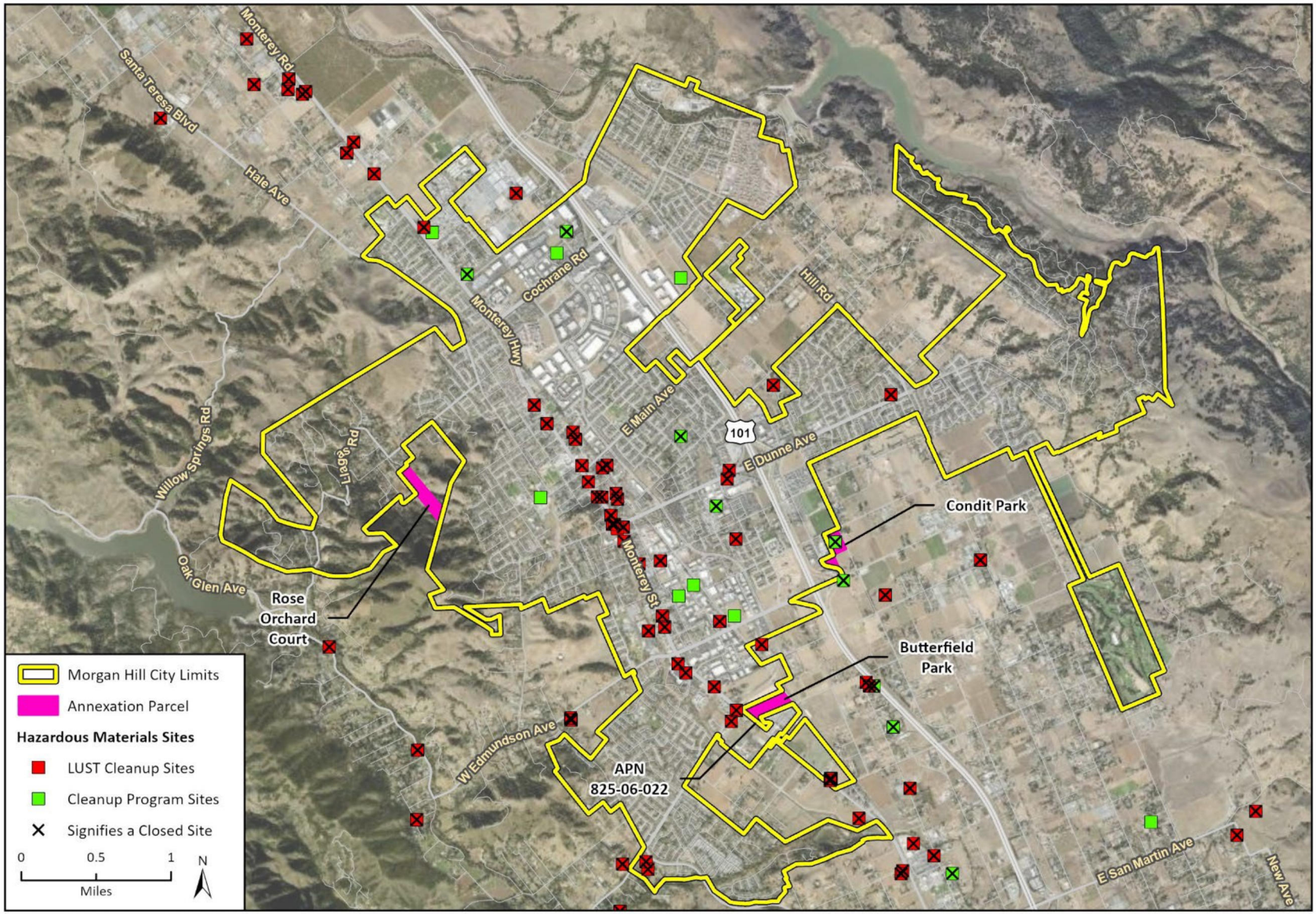
manufacturers' recommendations, are considered safe by the State of California, but when not handled properly can be considered hazardous. Private residences and building contractors also use and store commonly available cleaning materials, paints, solvents, swimming pool and spa chemicals, as well as fertilizers, herbicides, and pesticides.

If improperly handled, hazardous materials can result in public health hazards through human contact with contaminated soils or groundwater, or through airborne releases in vapors, fumes, or dust. There is also the potential for accidental or unauthorized releases of hazardous materials that would pose a public health concern. The use, transport, and disposal of hazardous materials and wastes are required to occur in accordance with federal, State, and local regulations. In accordance with such regulations, the transport of hazardous materials and wastes can only occur with transporters who have received training and appropriate licensing. Additionally, hazardous waste transporters are required to complete and carry a hazardous waste manifest, which includes forms, reports, and procedures designed to seamlessly track hazardous waste.

### *Schools*

School locations require consideration because children are particularly sensitive to hazardous materials exposure. Additional protective regulations apply to projects that could use or disturb potentially hazardous products near or at schools. The California Public Resources Code requires projects that would be located within 0.25 mile of a school and might reasonably be expected to emit or handle hazardous materials to consult with the school district regarding potential hazards. There is one school within 0.25 mile of the annexation sites, Oakwood School, which is approximately 0.23 mile from the Butterfield Sports Park Expansion site. The closest school to the Rose Orchard Court site, Stratford School, is approximately 0.67 mile away and the closest school to the Condit Sports Facilities Expansion site, Barrett Elementary School, is approximately 0.3 mile away.

## Figure 4.7-1 Hazardous Materials Release Sites and Annexation Sites




*Imagery provided by ESRI and its licensors © 2026.*
*Additional data provided by Geotracker, accessed January 2026.*

25-17449 EPS
Fig X Hazardous Materials and Sites

*Airports*

There are no public or private airports within Morgan Hill. The nearest airport is San Martin Airport, located adjacent to the southeast City limits. None of the annexation sites are within the safety zones for the San Martin Airport (Santa Clara County 2006). The closest annexation site to the San Martin Airport is the Butterfield Sports Park Expansion site which is approximately 2.3 miles away.

## 4.7.2 Regulatory Setting

Hazardous materials and waste can pose a potential hazard to human health and the environment when improperly treated, stored, transported, disposed of, or otherwise managed. Federal, State, and local programs that regulate the use, storage, and transportation of hazardous materials and hazardous waste are in place to prevent unwanted consequences. These regulatory programs are designed to reduce the risk that hazardous substances may pose to people and businesses under normal daily circumstances and as a result emergencies and disasters.

### a. Federal Regulations

Primary federal agencies with responsibility for hazardous materials management include the U.S. EPA, U.S. Department of Labor's Occupational Safety and Health Administration (OSHA), and the U.S. Department of Transportation (U.S. DOT). The major laws enforced by these agencies are described below.

#### Toxic Substances Control Act (1976) and the Resource Conservation and Recovery Act (1976)

These acts established a program administered by the U.S. EPA for the regulation of the generation, transportation, treatment, storage, and disposal of hazardous waste. The Resource Conservation and Recovery Act (RCRA) was amended in 1984 by the Hazardous and Solid Waste Act, which affirmed and extended the "cradle to grave" system of regulating hazardous wastes. Among other things, the use of certain techniques for the disposal of some hazardous wastes was specifically prohibited by the Hazardous and Solid Waste Act.

#### Comprehensive Environmental Response, Compensation and Liability Act, Amended by the Superfund Amendments and Reauthorization Act (1986)

This law was first enacted in 1980 and provides broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. Among other things, CERCLA established requirements concerning closed and abandoned hazardous waste sites, provided for liability of persons responsible for releases of hazardous waste at these sites, and established a trust fund to provide for cleanup when no responsible party could be identified. CERCLA also enabled revision of the National Contingency Plan, which provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The National Contingency Plan also established the NPL.

#### Lead-Based Paint Elimination Final Rule 24 Code of Federal Regulations

Governed by the U.S. Department of Housing and Urban Development, regulations for LBP are contained in the Lead-Based Paint Elimination Final Rule 24 Code of Federal Regulations (CFR) 33, which requires sellers and lessors to disclose known LBP and LBP hazards to perspective purchasers and lessees. Additionally, all LBP abatement activities must follow California and federal occupational safety and health administrations (Division of Occupational Safety and Health [Cal/OSHA] and federal OSHA, respectively), and the State of California Department of Health Services requirements. Only LBP trained and certified abatement personnel can perform abatement activities. All lead and LBP removed from

structures must be hauled and disposed of by a transportation company licensed to transport this type of material at a landfill or receiving facility licensed to accept the waste.

## U.S. Environmental Protection Agency

U.S. EPA is the agency primarily responsible for enforcement and implementation of Federal laws and regulations pertaining to hazardous materials. Applicable federal regulations pertaining to hazardous materials are contained in the CFR Titles 29, 40, and 49. Hazardous materials, as defined in the CFR, are listed in 49 CFR 172.101. The management of hazardous materials is governed by the following laws:

1. RCRA of 1976 (42 U.S. Code [USC] 6901 et seq.)
2. CERCLA of 1980 (also called the Superfund Act) (42 USC 9601 et seq.)
3. Federal Insecticide, Fungicide, and Rodenticide Act (7 USC 136 et. Seq.)
4. Superfund Amendments and Reauthorization Act of 1986 (Public Law 99 499)

These laws and associated regulations include specific requirements for facilities that generate, use, store, treat, and/or dispose of hazardous materials. U.S. EPA provides oversight and supervision for Federal Superfund investigation/remediation projects, evaluates remediation technologies, and develops hazardous materials disposal restrictions and treatment standards.

## U.S. Department of Transportation Regulations

U.S. DOT prescribes strict regulations for the safe transportation of hazardous materials, including requirements for hazardous waste containers and licensed haulers that transport hazardous waste on public roads. The Secretary of the U.S. DOT receives the authority to regulate the transportation of hazardous materials from the Hazardous Materials Transportation Act (HMTA), as amended and codified in in 49 USC Section 5101 et seq. The Secretary is authorized to issue regulations to implement the requirements of 49 USC. The Pipeline and Hazardous Materials Safety Administration, formerly the Research and Special Provisions Administration, was delegated the responsibility to write the hazardous materials regulations, which are contained in Title 49 of the CFR Parts 100-180. Title 49 of the CFR, which contains the regulations set forth by the HMTA, specifies requirements and regulations with respect to the transport of hazardous materials. It requires that every employee who transports hazardous materials receive training to recognize and identify hazardous materials and become familiar with hazardous materials requirements. Under the HMTA, the Secretary "may authorize any officer, employee, or agent to enter upon, inspect, and examine, at reasonable times and in a reasonable manner, the records and properties of persons to the extent such records and properties relate to: (1) the manufacture, fabrication, marking, maintenance, reconditioning, repair, testing, or distribution of packages or containers for use by any 'person' in the transportation of hazardous materials in commerce; or (2) the transportation or shipment by any 'person' of hazardous materials in commerce.

## Occupational Safety and Health Act of 1970

OSHA was created to assure safe and healthful working conditions by setting and enforcing standards and by providing training, outreach, education, and assistance. OSHA provides standards for general industry and construction industry on hazardous waste operations and emergency response. The Occupational Safety and Health Act, which is implemented by OSHA, contains provisions with respect to hazardous materials handling. Federal Occupational Safety and Health Act requirements, as set forth in Title 29 of the CFR Section 1910, et. seq., are designed to promote worker safety, worker training, and a worker's right-to-know. OSHA has delegated the authority to administer OSHA regulations to the State of California.

Title 49 of the CFR, which contains the regulations set forth by the HMTA of 1975, specifies additional requirements and regulations with respect to the transport of hazardous materials. Title 49 of the CFR requires that every employee who transports hazardous materials receive training to recognize and

identify hazardous materials and become familiar with hazardous materials requirements. Drivers are also required to be trained in function and commodity specific requirements.

### Other Hazardous Materials Regulations

In addition to the regulations described above, there are other applicable federal laws that also address hazardous materials:

- Community Environmental Response Facilitation Act of 1992
- Clean Water Act
- Clean Air Act
- Safe Drinking Water Act
- Atomic Energy Act
- Federal Insecticide, Fungicide, and Rodenticide Act

## b. State Regulations

### Department of Toxic Substances Control

As a department of the California Environmental Protection Agency, DTSC is the primary agency in California that regulates hazardous waste, cleans up existing contamination, and looks for ways to reduce the hazardous waste produced in California. DTSC regulates hazardous waste in California primarily under the authority of RCRA and the California Health and Safety Code.

DTSC also administers the California Hazardous Waste Control Law (HWCL) to regulate hazardous wastes. While the HWCL is generally more stringent than RCRA, both State and federal laws apply in California. The HWCL lists 791 chemicals and approximately 300 common materials that may be hazardous; establishes criteria for identifying, packaging, and labeling hazardous wastes; prescribes management controls; establishes permit requirements for treatment, storage, disposal, and transportation; and identifies some wastes that cannot be disposed of in landfills.

Government Code Section 65962.5 requires DTSC, the SWRCB, and the California Department of Resources Recycling and Recovery to compile and annually update lists of hazardous waste sites and land designated as hazardous waste sites throughout the State. The Secretary for Environmental Protection consolidates the information submitted by these agencies and distributes it to each city and county where sites on the lists are located. Before a lead agency accepts an application for any development project as complete, an applicant must consult these lists to determine if the site at issue is included.

If any soil is excavated from a site containing hazardous materials, it would be considered a hazardous waste if it exceeded specific criteria in Title 22 of the California Code of Regulations (CCR). Remediation of hazardous wastes found at a site may be required if excavation of these materials is performed, or if certain other soil disturbing activities would occur. Even if soil or groundwater at a contaminated site does not have the characteristics required to be defined as hazardous waste, remediation of the site may be required by regulatory agencies subject to jurisdictional authority. Cleanup requirements are determined on a case-by-case basis by the agency taking jurisdiction.

DTSC establishes health-protective soil screening levels in its Human Health Risk Assessment Note 3, which provides risk-based concentrations used to evaluate whether contaminants in soil may pose a threat to human health. Under this guidance, soils with contaminant levels exceeding these screening values are considered to have “elevated concentrations” and must be removed or otherwise managed to prevent exposure. When excavation is required, contaminated soils must be transported to a permitted Class III landfill that is authorized to accept non-hazardous waste containing contaminants above residential or commercial screening thresholds. This regulatory framework ensures that potentially

harmful soils are properly identified, handled, and disposed of in a manner that protects public health and the environment.

## California Occupational Safety and Health Act – California Labor Code, Section 6300 et seq.

The California Occupational Safety and Health Act of 1973 addresses California employee working conditions, enables the enforcement of workplace standards, and provides for advancements in the field of occupational health and safety. The Act also created Cal/OSHA, the primary agency responsible for worker safety in the handling and use of chemicals in the workplace. Cal/OSHA's standards are generally more stringent than federal regulations. Under the former, the employer is required to monitor worker exposure to listed hazardous substances and notify workers of exposure. The regulations specify requirements for employee training, availability of safety equipment, accident-prevention programs, and hazardous substance exposure warnings. At sites known or suspected to be contaminated by hazardous materials, workers must have training in hazardous materials operations and a Site Health and Safety Plan (HASP) must be prepared, which establishes policies and procedures to protect workers and the public from exposure to potential hazards at the contaminated site.

## California Code of Regulations, Title 22, Hazardous Waste Management

At the State level, under Title 22, Division 4.5 of the CCR, DTSC regulates hazardous waste in California primarily under the authority of RCRA and the California Health and Safety Code. The HWCL, under CCR 22, Chapter 30, establishes regulations that are similar to RCRA but more stringent in their application and empowers DTSC to administer the State's hazardous waste program and implement the federal program in California. DTSC is responsible for permitting, inspecting, ensuring compliance, and imposing corrective action programs to ensure that entities that generate, store, transport, treat, or dispose of potentially hazardous materials and waste comply with federal and State laws. DTSC defines hazardous waste as waste with a chemical composition or other properties that make it capable of causing illness, death, or some other harm to humans and other life forms when mismanaged or released into the environment. DTSC shares responsibility for enforcement and implementation of hazardous waste control laws with the SWRCB and, at the local level, the San Francisco Bay RWQCB, and city and county governments.

## California Code of Regulations Title 23, Chapter 15 Discharges of Hazardous Waste to Land Section 2511 (b)

CCR 23, Chapter 15 Discharges of Hazardous Waste to Land Section 2511(b) pertains to water quality aspects of waste discharge to land. The regulation establishes waste and site classifications as well as waste management requirements for waste treatment, storage, or disposal in landfills, surface impoundments, waste piles, and land treatment facilities. Requirements are minimum standards for proper management of each waste category, which allows regional water boards to impose more stringent requirements to accommodate regional and site-specific conditions. In addition, the requirements of CCR 23, Chapter 15 applies to cleanup and abatement actions for unregulated hazardous waste discharges to land (e.g., spills).

## Bay Area Air District Regulation 11, Rule 2

The Bay Area Air District Regulation 11, Rule 2 regulates activities involving asbestos during demolition, renovation, milling, manufacturing, and waste handling. The rule establishes requirements for the identification, handling, and control of ACM, including standards for visible emissions, removal procedures, waste disposal, and recordkeeping. It also requires advance notification to the Air District for demolition projects and for renovations involving removal of 100 square feet or linear feet or more of regulated ACM. These requirements minimize the release of asbestos fibers and protect public health and air quality. The regulation applies broadly to owners and operators conducting demolition or

renovation activities and ensures compliance with federal National Emission Standards for Hazardous Air Pollutants.

### California Fire and Building Code

The 2025 Fire and Building Code establishes the minimum requirements consistent with nationally recognized good practices to safeguard the public health, safety, and general welfare for the hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures and premises, and to provide safety and assistance to firefighters and emergency responders during emergency operations. The provisions of this code apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached to such building structures throughout the State of California.

## c. Regional and Local Regulations

### Santa Clara County Health Department

The Santa Clara County Health Services Department is the Certified Unified Program Agency that coordinates and enforces numerous local, State, and federal hazardous materials management and environmental protection programs in the county, including in the City of Morgan Hill (Santa Clara County 2025).

### Santa Clara County Department of Environmental Health

The SCCDEH administers programs that regulate hazardous materials and waste throughout the county, including in the City of Morgan Hill. Its Hazardous Materials Compliance Division implements and oversees a suite of State-certified programs that govern hazardous materials storage, hazardous waste management, and contaminated-site oversight. These responsibilities include regulating facilities that store or handle hazardous materials, issuing permits, enforcing compliance with State and federal environmental health regulations, and overseeing cleanup of contaminated sites through the Local Oversight Program for petroleum releases and the Site Cleanup Program for non-petroleum contamination. SCCDEH also works with law enforcement on hazardous substance cleanup activities—such as methamphetamine or fentanyl contamination—and provides community resources, inspections, plan reviews, and technical guidance to ensure protection of public health, groundwater, and the environment.

### Santa Clara County Community Wildfire Protection Plan

The Santa Clara County Community Wildfire Protection Plan (CWPP) was developed in 2016 to provide a countywide strategic plan with goals for creating a safer Wildland Urban Interface (WUI) community, accompanied by report annexes that address specific issues and projects by jurisdiction and stakeholder organizations to meet the strategic goals. The City of Morgan Hill is included as Annex 11 of the Santa Clara CWPP, wherein the City's fire history and fuel, structure, and neighborhood characteristics are detailed along with applicable regulatory context and a wildfire hazard assessment (Santa Clara County 2017a).

Annex 11 of the Santa Clara County CWPP also identifies WUI areas within Morgan Hill and discusses general plan policies SSI-3.1, SSI-3.2, SSI-3.6, and SSI-12A, which are described in more detail within the discussion of the City of Morgan Hill General Plan, below.

### Santa Clara County Multijurisdictional Hazard Mitigation Plan

Santa Clara County's Multijurisdictional Hazard Mitigation Plan (MJHMP) provides a comprehensive review of hazard history, risk, and vulnerability throughout Santa Clara County (Santa Clara County 2023).

The wildfire component of the MJHMP was informed, in part, by the Santa Clara County CWPP, and provides a risk profile including, but not limited to, detailed past wildfire events, WUI areas, Fire Hazard Safety Zones (FHSZs), wildfire frequency, smoke and air quality, and climate change impacts on wildfire.

## City of Morgan Hill Emergency Operations Plan

The City of Morgan Hill Emergency Operations Plan was developed to establish emergency organization, assign tasks and roles, specify policies and general emergency procedures, and provide for coordination of planning efforts of the various emergency staff and service elements using the Standardized Emergency Management System and meet the requirements established by the National Incident Management System (City of Morgan Hill 2025). The Morgan Hill Emergency Operations Plan also details its mutual aid system with surrounding agencies within the State and Santa Clara County and identifies the City of Morgan Hill as being within Mutual Aid Region II.

## City of Morgan Hill 2035 General Plan

The Morgan Hill 2035 General Plan Safety, Services, and Infrastructure Element includes the following goals and policies related to hazardous materials (City of Morgan Hill 2016):

**Goal SSI-3: Minimal threat to persons, property, and the environment from fire hazards.**

**Policy SSI-3.1: Development in Fire Hazard Areas.** Minimize development in fire hazard areas and plan and construct permitted development so as to reduce exposure to fire hazards and to facilitate fire suppression efforts in the event of a wildfire. (South County Joint Area Plan 15.04)

**Policy SSI-3.2: Wildfire Risks.** Avoid actions which increase fire risk, such as increasing public access roads in fire hazard areas, because of the great environmental damage and economic loss associated with a large wildfire. (South County Joint Area Plan 15.04)

**Policy SSI-3.4: Adequate Infrastructure.** Design adequate infrastructure if a new development is located in a state responsibility area (SRA) or in a very high fire hazard severity zone (VHFHSZ) or high fire hazard severity zone (HFHSZ) as indicated on the City of Morgan Hill Wildland Urban Interface map (adopted March 18, 2009), including safe access for emergency response vehicles, visible street signs, and water supplies for structural fire suppression.

**Policy SSI-11.1: Prevention through Design.** Promote police and fire security considerations in all structures by ensuring that crime and fire prevention concepts are considered in development and design.

**Goal SSI-4: Avoidance of exposure to hazardous substances.**

**Policy SSI-4.2:** In order to minimize potential hazards, and decrease the volume of waste that must be disposed of require generators of hazardous waste to use on-site pretreatment prior to discharging treated waste effluent into the sewer system, using such methods as neutralization, precipitation, and oxidation. (South County Joint Area Plan 9.05 & 9.15).

**Policy SSI-4.3**: Continue a program of regular inspections and monitoring to ensure compliance with local, State, and federal regulations, in order to reduce the risks associated with the use and handling of hazardous materials and wastes. (South County Joint Area Plan 9.00).

**Policy SSI-4.5:** Regularly inspect activities that store and/or use hazardous materials, including above-ground and underground storage tanks and related equipment, to ensure compliance with the City's Hazardous Materials Storage Ordinance (HMSO). (South County Joint Area Plan 9.02).

**Policy SSI-4.14:** The Santa Clara County Hazardous Waste Management Plan is herewith incorporated in this General Plan by reference. It is a City policy to restrict off-site hazardous materials operations (Hazardous Materials Reprocessing uses as defined by the Zoning Ordinance) to industrially zoned sites which have received Conditional Use Permits and which comply with the Santa Clara County Hazardous Waste management Plan or a City-designated equivalent.

**Policy SSI-4.16**: Require new or expanding development projects in areas contaminated from previous discharges to mitigate their environmental effects.

**Goal SSI-12: Reduce risk to life and property associated with emergencies and natural and manmade disasters.**

**Policy SSI-12.4: Maintenance of Emergency Access Routes.** Require that emergency access routes be kept free of traffic impediments.

**Policy SSI-12.A: Emergency Access.** Where appropriate, allow development in areas where a second improved access road has been provided for emergency escape.

## 4.7.3 Impact Analysis

### a. Methodology and Thresholds of Significance

To determine whether a project would result in a significant impact related to hazards and hazardous materials, Appendix G of the CEQA *Guidelines* requires consideration of whether a project would:

1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
2. 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;
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment;
5. 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, result in a safety hazard or excessive noise for people residing or working in the project area;
6. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and/or
7. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

### b. Project Impacts and Mitigation

The proposed project does not include changes to or development on the APN 825-06-022 site. Accordingly, the analyses below focus exclusively on the Rose Orchard Court site, the Butterfield Sports Park Expansion site, and the Condit Sports Facilities Expansion site.

| | |
|---|---|
| **Threshold 1:** | Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? |
| **Threshold 2:** | Would the project 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? |

**Impact HAZ-1** **PROJECT IMPLEMENTATION WOULD INTRODUCE RESIDENTIAL AND RECREATIONAL USES THAT DO NOT INVOLVE THE ROUTINE TRANSPORT, USE, OR DISPOSAL OF HAZARDOUS MATERIALS. CONSTRUCTION ACTIVITIES MAY TEMPORARILY REQUIRE LIMITED QUANTITIES OF FUELS, LUBRICANTS, AND SOLVENTS; HOWEVER, COMPLIANCE WITH APPLICABLE FEDERAL, STATE, AND LOCAL HAZARDOUS-MATERIALS REGULATIONS WOULD REDUCE THE POTENTIAL FOR RELEASES OR EXPOSURE. IMPACTS WOULD BE LESS THAN SIGNIFICANT.**

## Rose Court Orchard Site

### *Construction*

Construction activities associated with future development of four single-family residences on the site may involve the routine transport, use, or disposal of hazardous materials such as fuels, lubricants, and solvents. However, the transport, storage, use, or disposal of hazardous materials is subject to various federal, State, and local regulations designed to reduce risks associated with hazardous materials, including potential risks associated with upset or accident conditions. Hazardous materials would be required to be transported under U.S. DOT HMTA (49 CFR), which stipulate the types of containers, labeling, and other restrictions to be used in the movement of such material on interstate highways. In addition, the use, storage, and disposal of hazardous materials are regulated through RCRA. DTSC is responsible for implementing the RCRA program, as well as California's own hazardous waste laws. DTSC regulates hazardous waste, cleans up existing contamination, and looks for ways to control and reduce the hazardous waste produced in California. It does this primarily under the authority of RCRA and in accordance with the California HWCL (California Health and Safety Code Section Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (Title 22 CCR Divisions 4 and 4.5). DTSC also oversees permitting, inspection, compliance, and corrective action programs to ensure that hazardous waste managers follow federal and State requirements and other laws that affect hazardous waste specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning. In addition, the annexation site would implement a Stormwater Pollution Prevention Plan (SWPPP) under the Statewide Construction General Permit to prevent the release of pollutants to stormwater during construction.

While the Rose Orchard Court site includes one single-family residence, this residence is not planned to be demolished with future development on the site, eliminating potential hazards associated with ACMs or LBP.

Compliance with existing regulations would ensure that development of the site would not create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials during construction or 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. This impact would be less than significant.

### *Operation*

Future development on the Rose Orchard Court site would involve four new residences and would not facilitate the establishment of uses that would sell, use, store, transport, or release substantial quantities of hazardous materials such as industrial, warehouse, auto-service, or manufacturing uses. Residential uses do not typically use hazardous materials other than small amounts for cleaning and landscaping. These materials would not be different from household chemicals and solvents already in wide use throughout the project area. Residents are anticipated to use limited quantities of products routinely for

periodic cleaning, repair, and maintenance or for landscape maintenance/pest control that could contain hazardous materials. Those using such products would be required to comply with all applicable regulations regarding the disposal of household waste. Therefore, operation of new residential uses poses little risk of exposing the public to hazardous materials, and impacts would be less than significant.

## Condit Sports Facilities Expansion Site

### *Construction*

Similar to the discussion for the Rose Orchard Court site, construction associated with future development of the Condit Sports Facilities Expansion site would involve the use of common construction-related hazardous materials such as fuels, lubricants, and solvents. These materials would be transported, stored, and used in compliance with federal, State, and local regulations, including the U.S. DOT HMTA (49 CFR), which governs container types, labeling, and transport requirements, and RCRA, implemented by DTSC. DTSC oversees hazardous waste handling, storage, and disposal under the California HWCL and Title 22 of the CCR, including under accident conditions. Additionally, the project would implement a SWPPP under the Statewide Construction General Permit to prevent pollutant discharge to stormwater during construction. With compliance with existing regulations, development of the site would not create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials during construction or 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. This impact would be less than significant.

A Phase I ESA and limited Phase II soil investigation identified localized contamination in the former maintenance and storage area, including elevated concentrations of organochlorine pesticides (e.g., chlordane) and petroleum hydrocarbons (TPH-motor oil and TPH-diesel). Impacts associated with the potential for construction activities to release hazardous materials during construction from ground-disturbance on an area with soil contamination are addressed under Impact HAZ-3.

The Condit Sports Facilities Expansion site is developed with one single-family residence that would be demolished prior to construction of recreational facilities. Due to the age of the structure, it may contain asbestos and/or LBP that could pose a hazard if released during demolition. However, future demolition activities would be required to comply with applicable State and local regulations governing treatment of asbestos and LBP, including Bay Area Air District Regulation 11, Rule 2 which governs the proper handling and disposal of ACMs for demolition, renovation, and manufacturing activities in the Bay Area, and Cal/OSHA regulations regarding lead-based materials. CCR, Section 1532.1, requires testing, monitoring, containment, and disposal of lead-based materials, such that exposure levels do not exceed Cal/OSHA standards. Therefore, with adherence to State and local regulations, risk of public exposure to hazardous materials and impacts related to hazards and hazardous materials during construction would be less than significant.

### *Operation*

Operation of the expanded recreational facility would not involve uses that typically store, transport, or release substantial quantities of hazardous materials, such as industrial, warehouse, auto-service, or manufacturing operations. Recreational facilities generally use limited quantities of cleaning products, maintenance supplies, and landscaping chemicals similar to those already in widespread use throughout the project area and at the adjacent recreational uses. These materials would be handled in accordance with applicable regulations governing storage, use, and disposal. Therefore, operation of the future recreational facility would not create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials or through upset and accident conditions involving the release of hazardous materials into the environment during operation. Impacts would be less than significant.

## Butterfield Sports Park Expansion Site

### *Construction*

Similar to the discussion under the Rose Orchard Court site, construction of future recreational facilities at the Butterfield Sports Park Expansion site would involve the use of common construction-related hazardous materials such as fuels, lubricants, and solvents. These materials would be transported, stored, and used in compliance with federal, State, and local regulations, including the U.S. DOT HMTA (49 CFR), RCRA, and California DTSC requirements. Future development project would also implement a SWPPP under the Statewide Construction General Permit to prevent pollutant discharge during construction.

No structures are present on the site, eliminating potential hazards associated with ACMs or LBP. Therefore, construction would not create a significant hazard through routine transport, use, or disposal of hazardous materials or through reasonably foreseeable upset and accident conditions. Impacts would be less than significant.

Impacts associated with the potential for construction activities to release hazardous materials during construction from ground-disturbance on an area with soil contamination are addressed under Impact HAZ-3.

### *Operation*

Operation of the expanded recreational facility would not involve uses that typically store, transport, or release substantial quantities of hazardous materials, such as industrial, warehouse, auto-service, or manufacturing operations. Recreational facilities generally use limited quantities of cleaning products, maintenance supplies, and landscaping chemicals similar to those already in widespread use throughout the project area. These materials would be handled in accordance with applicable regulations governing storage, use, and disposal. Therefore, operation of the future recreational facility would not create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials or through upset and accident conditions involving the release of hazardous materials into the environment during operation. This impact would be less than significant.

## Mitigation Measures

The impact would be less than significant without mitigation. No mitigation measures are required.

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| **Threshold 3:** | Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school? |

**Impact HAZ-2** **NO SCHOOLS ARE LOCATED WITHIN 0.25 MILE OF THE ROSE ORCHARD COURT SITE AND CONDIT SPORTS FACILITIES EXPANSION SITE AND NO IMPACT WOULD OCCUR IN RELATION TO THESE SITES. ONE SCHOOL IS LOCATED WITHIN 0.25 MILE OF THE BUTTERFIELD SPORTS PARK EXPANSION SITE. HOWEVER, COMPLIANCE WITH EXISTING REGULATIONS WOULD REDUCE POTENTIAL IMPACTS TO LESS THAN SIGNIFICANT LEVELS.**

### *Rose Orchard Court Site*

The Rose Orchard Court site is not located within 0.25 mile of an existing or proposed school. The closest school, Stratford School, is approximately 0.72 mile east of the site. No impact would occur.

### *Condit Sports Facilities Expansion Site*

The Condit Sports Facilities Expansion site is not located within 0.25 mile of an existing or proposed school. The closest school, Barrett Elementary School, is approximately 0.30 mile west of the site. No impact would occur.

*Butterfield Sports Park Expansion Site*

Oakwood School is located within 0.23 mile of the Butterfield Sports Park Expansion site. Though potentially hazardous materials, substances, and waste such as fuels, lubricants, solvents, and oils could be used during project construction, the transport, use and storage of hazardous materials would be required to be conducted in accordance with all applicable State and federal laws, as described under Checklist Question 1 and operation of future recreational uses would not involve significant use of hazardous materials. The project would comply with applicable hazardous materials regulations, minimizing risk to nearby schools.

Operation of the recreational facility would not involve significant quantities of hazardous materials. Future use would be limited to small amounts of cleaning products and landscaping chemicals, which would be handled according to applicable regulations.

Although construction may include grading and excavation, these activities would not result in hazardous emissions or uncontrolled releases. Compliance with existing regulations and oversight by federal, State, and local agencies would minimize risks associated with handling, storage, and disposal of hazardous materials. Therefore, the annexation site would not emit hazardous emissions or handle hazardous or acutely hazardous materials within 0.25 mile of Oakwood School in a manner that creates a significant hazard. Impacts would be less than significant.

## Mitigation Measures

The impact would be less than significant without mitigation. No mitigation measures are required.

| | |
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| **Threshold 4:** | Would the project be located on a site that is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? |

**Impact HAZ-3** **THE PROPOSED PROJECT WOULD ACCOMMODATE DEVELOPMENT ON OR NEAR SITES WITH KNOWN OR POTENTIAL CONTAMINATION. COMPLIANCE WITH APPLICABLE REGULATIONS AND IMPLEMENTATION OF MITIGATION MEASURES REQUIRING SITE CHARACTERIZATION, SOIL MANAGEMENT, AND CLEANUP WOULD MINIMIZE HAZARDS DURING CONSTRUCTION. IMPACTS WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED.**

*Rose Orchard Court Site*

The Rose Orchard Court site is not listed on hazardous materials databases pursuant to Government Code Section 65962.5 and is not known to contain hazardous materials or contaminated soils (DTSC 2025; SWRCB 2025). Therefore, future development on this site would not be located on a site that is included on a list of hazardous material and would not create a significant hazard to the public or the environment. However, the northern half of the site was previously used for orchard cultivation from at least 1948 through 1975 and appeared to be mostly cleared and agriculturally inactive by 1980 (Nationwide Environmental Title Research LLC 2025). There is the potential for residual concentrations of organochlorine pesticides and metals to remain in on-site soils from the historical agricultural use of the site. Future development on the site would be required to comply with applicable regulations for cleanup and disposal, including General Plan Policy SSI-4.16 and regulations summarized in Section 4.7.2, *Regulatory Setting*. However, the potential presence of these residual contaminants and unknown contamination could create a potential hazard to construction workers or the public, thus requiring mitigation. This impact is potentially significant and Mitigation Measure HAZ-1 is required.

*Condit Sports Facilities Expansion Site*

The southern parcel (APN 817-13-008) of the Condit Sports Facilities Expansion site is not listed on hazardous materials databases and is not known to contain hazardous materials or contaminated soils (DTSC 2025; SWRCB 2025). The northern parcel (APN 817-13-037) is listed on a hazardous materials database due to a closed Cleanup Program site located within the site boundary (Appendix F). Known soil

contamination included petroleum hydrocarbons and organochlorine pesticides associated with long-term agricultural use and equipment storage. Phase II testing identified localized areas of elevated contaminants in soil, including chlordane at 9.9 mg/kg (above residential and commercial screening levels), TPH-motor oil up to 2,700 mg/kg (above nuisance odor threshold), and TPH-diesel up to 440 mg/kg (above residential exposure limit). Limited, additional soil sampling was conducted to determine the extent of the previously identified shallow soil impacts, followed by completion of remedial soil excavation at the areas of concern and subsequent post-excavation confirmation soil sampling to confirm that residual impacts were removed to concentrations below residential screening levels (Appendix F). As a condition of case closure, SCCDEH required notification prior to changes in land use, installation of water wells, or if contamination is encountered at the site (Appendix F).

The Phase I ESA recommends preparation and implementation of a Soil Management Plan (SMP) prior to redevelopment. Future development on the site would be required to comply with Policy SSI-4.16, and federal, State, and local regulations summarized in Section 4.7.2, *Regulatory Setting*. Although soil remediation occurred in 2017 under regulatory oversight, residual contamination remains in on-site soil, further supporting the need for an SMP during redevelopment. The presence of these residual contaminants could create a potential hazard to construction workers or the public, thus requiring mitigation. Therefore, this impact is potentially significant and mitigation measures HAZ-2 and HAZ-3 are required.

### *Butterfield Sports Park Expansion Site*

The Butterfield Sports Park Expansion site is not listed on hazardous materials databases compiled pursuant to Government Code Section 65962.5 (DTSC 2025; SWRCB 2025; Appendix F). However, the Phase I and Phase II investigations identified one on-site Recognized Environmental Condition related to historical agricultural use. Nonetheless, no persistent pesticides or petroleum hydrocarbons were detected in soil samples. Slightly elevated cobalt concentrations (up to 26.4 mg/kg) and nickel concentrations (77.8–156 mg/kg) were detected, with nickel exceeding the construction worker health and safety threshold of 86 mg/kg in 11 samples. These concentrations do not exceed residential or commercial screening levels but could pose a risk to workers during grading and earthwork (Appendix F).

In addition, two closed LUST cleanup sites are in proximity to the site, across Monterey Road. However, based on the distance and the closed status of the cases, the Phase I ESA determined that they are not expected to present an environmental concern for the annexation site (Appendix F).

To address potential exposure to elevated metals during construction, the Phase I ESA prepared for the site recommends a SMP during grading and earthworks including confirmation sampling and potential excavation of impacted soils prior to redevelopment to reduce exposure of construction workers and nearby occupants to hazardous materials. Therefore, this impact is potentially significant and Mitigation Measure HAZ-4 is required.

## Mitigation Measures

The following mitigation measures are required:

### *HAZ-1 Soil Management Plan – Rose Orchard Court Site*

The project proponent for the Rose Orchard Court site shall retain a qualified environmental professional (Professional Geologist or Professional Engineer) to prepare a Soil Management Plan (SMP) prior to issuance of grading permits to minimize exposure risk to human health and the environment. The SMP shall include, but is not limited to, the following elements:

- Implement water spraying or other dust suppression techniques during grading and earthwork to minimize airborne particulates.
- Install best management practices and stormwater controls to prevent runoff from soil stockpiles, including but not limited to:

  - Placing stockpiles on plastic sheeting to prevent infiltration.
  - Stabilizing exposed soil areas and access routes with mulch, aggregate base, or other erosion-control materials.
  - Implementing dust control measures, including water misting, as needed to prevent offsite transport of particulates.

- Provide guidance for handling, management, and disposal of contaminated materials, impacted soils, or other impacted wastes (e.g., stained soil, and soil or groundwater with solvent or chemical odors), if encountered, at permitted facilities.
- Establish investigation procedures for encountering known and unexpected odorous or visually stained soils, other indications of hydrocarbon piping or equipment, and/or debris during ground-disturbing activities.
- Include procedures for regulatory agency notification and documentation, including:
  - Establishing required notification timeframes for conditions that pose a potential threat to human health or the environment.
  - Maintaining a written record of agency communications, directives, and approvals within the SMP.
  - Submitting confirmation of proper soil handling and disposal to the City upon request or as part of the grading permit process.
- Prepare an environmental Health and Safety Plan (HASP) for contractors that addresses safety and health hazards for each phase of site construction activities with the requirements and procedures for employee protection, and outlines soil handling procedures and health and safety requirements to minimize construction worker and public exposure to hazardous materials during construction.

The SMP shall reference the Stormwater Pollution Prevention Plan required for the project under the Statewide Construction General Permit. The SMP and environmental HASP shall be submitted to Santa Clara County Department of Environmental Health for review and approval, and copies of the approved documents shall be provided to the City's Development Services Department prior to issuance of any grading permits. The project proponent shall implement the SMP during grading and construction at the annexation site.

### *HAZ-2 Regulatory Agency Notification – Condit Sports Facilities Site*

Because the Condit Sports Facilities site is listed as a closed Santa Clara County Department of Environmental Health (SCCDEH) Cleanup Program Site (SCCDEH Case #2016-27s), the SCCDEH Case #2016-27s shall continue to be utilized for agency oversight of assessment and remediation of the project site. Prior to commencement of construction and grading activities at the Condit Sports Facilities site, the project proponent for development at the Condit Sports Facilities site shall submit the following documents to the SCCDEH project manager of the closed Cleanup Program Site case:

- Current development plan (e.g., architectural drawings and project description) and any modifications to the development plan
- All environmental assessment documents completed for the project site, including this EIR
- All future environmental documents completed for the project site

Upon submittal of the listed information, and in accordance with SCCDEH's voluntary oversight agreement, SCCDEH may require additional assessment, remediation, and/or mitigation activities.

The project proponent shall retain a qualified environmental consultant (PG or PE) to conduct any required subsurface soil, soil vapor, groundwater investigations, or human health risk assessments in accordance with a sampling plan that shall be reviewed and approved by SCCDEH. In the event SCCDEH identifies the need for installation of soil vapor or groundwater monitoring wells to reduce potential hazards to the public or the environment, the project proponent shall identify soil vapor or groundwater

monitoring wells on the final project plans for review and approval by SCCDEH. In the event the regulatory agency identifies the need for soil excavation and off-site disposal to reduce potential hazards to the public or the environment, the City of Morgan Hill shall designate soil excavation and off-site disposal on final grading plans prior to issuing grading permits. If required workplans, investigations, or other remediation or mitigation actions require regulatory agency approval, such documents shall be submitted to and reviewed by SCCDEH prior to issuing construction/grading permits.

### *HAZ-3 Soil Management Plan – Condit Sports Facilities Site*

The project proponent for development at the Condit Sports Facilities site shall retain a qualified environmental professional (Professional Geologist or Professional Engineer) to prepare a Soil Management Plan (SMP) prior to issuance of any grading permits to minimize exposure risk to human health and the environment, including potential risks associated with petroleum hydrocarbons and organochlorine pesticides in soil identified during Phase II and subsequent sampling. The SMP shall include, but is not limited to, the following elements:

- Implement water spraying or other dust suppression techniques during grading and earthwork to minimize airborne particulates.
- Install best management practices to prevent runoff from soil stockpiles, including but not limited to:
  - Placing stockpiles on plastic sheeting to prevent infiltration.
  - Stabilizing exposed soil areas and access routes with mulch, aggregate base, or other erosion-control materials.
  - Implementing dust control measures, including water misting, as needed to prevent offsite transport of particulates.
- Provide guidance for handling, management, and disposal of contaminated materials, impacted soils, or other impacted wastes (e.g., stained soil, and soil or groundwater with solvent or chemical odors), if encountered, at permitted facilities.
- Establish investigation procedures for encountering known and unexpected odorous or visually stained soils, other indications of hydrocarbon piping or equipment, and/or debris during ground-disturbing activities.
- Include procedures for regulatory agency notification and documentation, including:
  - Establishing required notification timeframes for conditions that pose a potential threat to human health or the environment.
  - Maintaining a written record of agency communications, directives, and approvals within the SMP.
  - Submitting confirmation of proper soil handling and disposal to the City upon request or as part of the grading permit process.
- Prepare an environmental Health and Safety Plan (HASP) for contractors that addresses safety and health hazards for each phase of site construction activities with the requirements and procedures for employee protection, and outlines soil handling procedures and health and safety requirements to minimize construction worker and public exposure to hazardous materials during construction.

The SMP shall reference the Stormwater Pollution Prevention Plan required for the project under the Statewide Construction General Permit. The SMP and environmental HASP shall be submitted to Santa Clara County Department of Environmental Health for review and approval, and copies of the approved documents shall be provided to the City's Development Services Department prior to issuance of any grading permits. The project proponent shall implement the SMP during grading and construction at the annexation site.

*HAZ -4 Soil Management Plan – Butterfield Sports Park Expansion Site*

The project proponent for Butterfield Sports Park Expansion site shall retain a qualified environmental professional (Professional Geologist or Professional Engineer) to prepare a SMP prior to issuance of any grading permits to minimize exposure risk to human health and the environment, including potential risks associated with nickel-impacted soil identified during Phase II sampling. The SMP shall include, but is not limited to, the following elements:

- Implement water spraying or other dust suppression techniques during grading and earthwork to minimize airborne particulates.
- Install best management practices (BMPs) and stormwater controls to prevent runoff from soil stockpiles, including but not limited to:
  - Placing stockpiles on plastic sheeting to prevent infiltration.
  - Stabilizing exposed soil areas and access routes with mulch, aggregate base, or other erosion-control materials.
  - Implementing dust control measures, including water misting, as needed to prevent offsite transport of particulates.
- Provide guidance for handling, management, and disposal of contaminated materials, impacted soils, or other impacted wastes (e.g., stained soil, and soil or groundwater with solvent or chemical odors), if encountered, at permitted facilities.
- Establish investigation procedures for encountering known and unexpected odorous or visually stained soils, other indications of hydrocarbon piping or equipment, and/or debris during ground-disturbing activities.
- Include procedures for regulatory agency notification and documentation, including:
  - Establishing required notification timeframes for conditions that pose a potential threat to human health or the environment.
  - Maintaining a written record of agency communications, directives, and approvals within the SMP.
  - Submitting confirmation of proper soil handling and disposal to the City upon request or as part of the grading permit process.
- Prepare an environmental HASP for contractors that addresses safety and health hazards for each phase of site construction activities with the requirements and procedures for employee protection, and outlines soil handling procedures and health and safety requirements to minimize construction worker and public exposure to hazardous materials during construction.

The SMP shall reference the Stormwater Pollution Prevention Plan required for the project under the Statewide Construction General Permit. The SMP and environmental HASP shall be submitted to Santa Clara County Department of Environmental Health for review and approval, and copies of the approved documents shall be provided to the City's Development Services Department prior to issuance of any grading permits. The project proponent shall implement the SMP during grading and construction at the annexation site.

## c. Significance After Mitigation

Impacts associated with future development on the Rose Orchard Court site, Condit Sports Facilities Expansion site, and Condit Sports Facilities Expansion site would be potentially significant. Implementation of mitigation measures HAZ-1 through HAZ-4 would establish procedures for identifying, managing, and mitigating potential contamination encountered during construction at these sites and notifying the appropriate regulatory agencies. These measures require preparation of a SMP and environmental HASP that include soil handling protocols and health and safety requirements to protect construction workers and prevent off-site migration of contaminants. These measures would reduce exposure risks to construction workers, future site users, and off-site receptors, and would prevent

uncontrolled releases of hazardous materials during grading and earthwork. Therefore, implementation of mitigation measures HAZ-1 through HAZ-4 would reduce hazards associated with development on the Butterfield Sports Park Expansion site and Condit Sports Facilities Expansion site with potential contamination to a less than significant level.

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| **Threshold 5:** | For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? |

**Impact HAZ-4** **THERE ARE NO AIRPORTS WITHIN TWO MILES OF THE ANNEXATION SITES. NO IMPACT WOULD OCCUR.**

*All Three Annexation Sites*

The annexation sites are not within two miles of a public or private use airport. The closest airport to Morgan Hill is the San Martin Airport and none of the annexation sites are within the airport safety zones (Santa Clara County 2006). The closest annexation site to the San Martin Airport is the Butterfield Sports Park Expansion site and this site is approximately 2.3 miles northwest of the airport. The project would have no impact related to safety hazards or excessive noise hazards within airport land use plan areas or in proximity to airports. There would be no impact.

## Mitigation Measures

No impact would occur and no mitigation measures are required.

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| **Threshold 6:** | Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? |

**Impact HAZ-5** **THE CONSTRUCTION AND OPERATION OF THE ANNEXATION SITES WOULD BE SUBJECT TO THE REQUIREMENTS OF THE MORGAN HILL GENERAL PLAN AND THE OTHER CITY REQUIREMENTS. WITH COMPLIANCE WITH EXISTING REQUIREMENTS AND DUE TO THE NATURE AND SIZE OF FUTURE DEVELOPMENT ON THE ANNEXATION SITES, NO IMPACT WOULD OCCUR.**

*Rose Orchard Court Site*

The Santa Clara County CWPP, MJHMP, and City of Morgan Hill Emergency Operations Plan do not specify evacuation routes or requirements for the city. Existing access to the Rose Orchard Court site is provided by Rose Orchard Court and Llagas Road. As detailed in Section 4.11, *Transportation*, site access and circulation for the four proposed single-family residences would be designed to current City standards and accommodate emergency and passenger vehicles.

As detailed in Section 4.14, *Wildfire,* future development would be required to comply with the City requirements, which mandate roadways at least 20 feet wide and driveways less than 20 feet wide to ensure emergency access (City of Morgan Hill 2013). Development would also be implemented in accordance with General Plan policies SSI-3.2, SSI-3.4, SSI-11.1, SSI-12.4, and SSI-12.A, which address maintaining emergency access and considering evacuation during project design. In addition, construction activities would comply with Chapter 33 of the California Fire Code, which includes requirements for maintaining adequate egress during construction and demolition.

The proposed development would consist of only four residences and would not impede evacuation or emergency response due to its small scale. With compliance with City standards, General Plan policies, and state regulations such as those included in the California Fire Code, future development of the Rose Orchard Court site would not impair an adopted emergency response plan or emergency evacuation plan. No impact would occur. See Section 4.14, *Wildfire*, for additional discussion of fire hazard conditions and related emergency access considerations.

*Condit Sports Facilities Expansion Site and Butterfield Sports Park Expansion Site*

The Santa Clara County CWPP, MJHMP, and City of Morgan Hill Emergency Operations Plan do not specify evacuation routes or requirements for the city. The Condit Sports Facilities Expansion site and Butterfield Sports Park Expansion site are located within a developed urban area served by an existing roadway network with multiple access points to major arterials, ensuring proper emergency ingress and egress. As detailed in Section 4.14, *Wildfire,* future development would be required to comply with the City requirements, including minimum requirements for street rights-of-ways, alignment, and driveway approaches, which ensure that on-site and adjacent circulation infrastructure can accommodate emergency vehicles. In addition, all development must meet the 2025 California Fire Code, as adopted by the City, which governs emergency vehicle access, clearances, fire apparatus road widths, and turnarounds.

The proposed sports facility improvements consist of low-intensity recreational uses, such as fields, courts, and associated amenities, that do not introduce high-occupancy structures or dense development that could impede emergency response. Given the project scale, land use type, and mandatory compliance with City roadway and fire access standards, the existing roadway network provides adequate emergency access, and the projects would not obstruct evacuation routes or impair emergency response capabilities. No impacts would occur.

## Mitigation Measures

No impact would occur and no mitigation measures are required.

| | |
|---|---|
| **Threshold 7:** | Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires? |

**Impact HAZ-6 THE CONDIT SPORTS FACILITIES EXPANSION SITE AND THE BUTTERFIELD SPORTS PARK EXPANSION SITE ARE NOT LOCATED IN AREAS WITH WILDLAND FIRE HAZARDS; NO IMPACT WOULD OCCUR FOR THESE SITES. THE ROSE ORCHARD COURT SITE IS LOCATED IN AN AREA SUBJECT TO WILDLAND FIRE RISK, AND FUTURE DEVELOPMENT COULD EXPOSE PEOPLE OR STRUCTURES TO POTENTIAL FIRE-RELATED HAZARDS. COMPLIANCE WITH EXISTING STATE AND LOCAL REGULATIONS WOULD REDUCE IMPACTS TO BE LESS THAN SIGNIFICANT.**

*Rose Orchard Court Site*

As discussed in Section 4.14, *Wildfire*, the Rose Orchard Court site is located within a High FHSZ within an SRA, and 0.3 miles from the nearest proximate to Very High FHSZ within an SRA. Additionally, the site is within the WUI according to the Santa Clara CWPP.

The site currently contains one single-family residence and is accessible via existing roadways. Proposed development includes four additional single-family residences and approximately 10 acres of open space. Development would be required to comply with the California Fire Code and applicable City fire safety standards, including defensible space and emergency access requirements described under Impact HAZ-5 above and under Impacts W-1 and W-2 in Section 4.14, *Wildfire*. Compliance with existing regulations would ensure that the project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. This impact would be less than significant.

*Condit Sports Facilities Expansion Site and Butterfield Sports Park Expansion Site*

The Condit Sports Facilities Expansion Site and Butterfield Sports Park Expansion site are located in an urban area surrounded by development with minimal vegetation and are not adjacent to natural wildland areas. As discussed in Section 4.14, *Wildfire*, the Condit Sports Facilities Expansion site and the Butterfield Sports Park are not located within, or near, a Moderate, High, or Very High FHSZs. Because the sites are surrounded by urban development, lack wildland fuel sources, and are not within mapped wildfire hazard areas, the sites would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. Thus, no impacts associated with these sites would occur.

## Mitigation Measures

This impact would be less than significant without mitigation. No mitigation measures are required.

## d. Cumulative Impacts

Cumulative projects in proximity to the annexation sites are listed in Chapter 3, *Environmental Setting.* The geographic scope for cumulative hazardous materials impacts is limited to projects within 0.25 mile of the annexation sites. This scope is appropriate because risks associated with hazards and hazardous materials impacts are typically site-specific and localized, and the magnitude of risk diminishes with distance from the source.

Cumulative development in the vicinity of any identified hazardous materials sites could incrementally increase the population exposed to the use, storage, and transport of hazardous materials and to potential contamination. The degree of hazard would depend on the location, type, and size of individual projects and the specific conditions at each site. Hazardous materials generation, storage, transport, and cleanup are regulated through State and local programs, including oversight by DTSC and the Santa Clara County Department of Environmental Health (CUPA), which ensure that individual projects assess contamination, manage hazardous materials appropriately, and implement corrective actions when needed. These regulatory safeguards prevent cumulative conditions from rising to a significant hazard at the broader area level.

Because of this regulatory framework, current and foreseeable development in the cumulative study area do not create significant cumulative hazards related to contaminated soil, hazardous materials handling, or accidental releases. Cumulative impacts would be less than significant.

# 4.8 Hydrology and Water Quality

This section evaluates the potential environmental effects related to hydrology and water quality associated with implementation of the proposed project.

## 4.8.1 Setting

### Watersheds

Morgan Hill is located in the southern Santa Clara Valley and is influenced by interconnected watersheds that drain to two major regional systems: the San Francisco Bay to the north and the Pajaro River/Monterey Bay to the south. The city lies primarily within the jurisdiction of the Central Coast Regional Water Quality Control Board (Region 3), which regulates discharges to the Pajaro River and Monterey Bay. The dominant watersheds in the area are the Coyote Creek Watershed, which includes Anderson Reservoir and Coyote Creek and drains into San Francisco Bay (Santa Clara Valley Urban Runoff Pollution Prevention Plan 2025), and the Uvas/Llagas Watershed, which includes Llagas Creek and drains to the Pajaro River and Monterey Bay (the Santa Clara Valley Water District [Valley Water] 2025a). Anderson Reservoir provides flood control, groundwater recharge, and recreational opportunities (Valley Water 2025b). Other creeks, such as Jones Creek, West Little Llagas Creek, and Fisher Creek traverse Morgan Hill and ultimately drain south toward the Pajaro River. Historically, these creeks supported riparian habitats and wetlands, though many have been channelized or modified for flood control and urban development.

### Groundwater

The City of Morgan Hill relies entirely on groundwater pumped from the Santa Clara and Llagas Subbasins of the Santa Clara Valley Groundwater Basin, which is managed by the Santa Clara Valley Water District (Valley Water) (Valley Water 2024). This subbasin is recharged through a combination of natural infiltration from local streams, percolation ponds, and imported water deliveries. Anderson Reservoir and other surface water facilities play a critical role in sustaining groundwater levels by releasing water for recharge during dry periods. Groundwater quality in the region is generally good, though localized concerns include elevated nitrate concentrations and potential contamination from historical agricultural practices and urban development. Valley Water monitors groundwater conditions through an extensive network of wells and implements programs to maintain sustainable yield and prevent overdraft. The Basin Plan for the Central Coast Regional Water Quality Control Board (RWQCB) establishes water quality objectives for groundwater, including limits on salinity, nutrients, and other pollutants to protect beneficial uses such as municipal supply and agricultural irrigation. There are no groundwater wells on the annexation sites.

#### *Surface Water*

The Llagas Creek system plays a key role in surface water management. These creeks have been channelized or engineered in many segments to control natural flows and support urban runoff. The West Little Llagas Creek Wildlife Corridor, a locally protected riparian zone and trail, intersects the city, highlighting the environmental importance of these waterways (City of Morgan Hill 2016a).

The Butterfield Sports Park Expansion site contains one surface water feature, Little Llagas Creek, which bisects the western portion of the property. This creek is part of the regional drainage system and conveys flows toward Coyote Creek. The Condit Sports Facilities Expansion site does not contain any natural surface water features. The closest waterbody is a drainage channel west of the site that parallels U.S. Route 101. The Rose Orchard Court site does not contain permanent streams or wetlands but includes sloped terrain with small seasonal drainage swales that carry rainwater downslope during wet periods. These swales eventually drain toward Upper Llagas Creek through downstream channels.

Figure 4.8-1, Figure 4.8-2, and Figure 4.8-3 show surface water in the vicinity of the annexation sites based on the United States Geographic Survey National Hydrography Dataset (2025).

## Water Quality

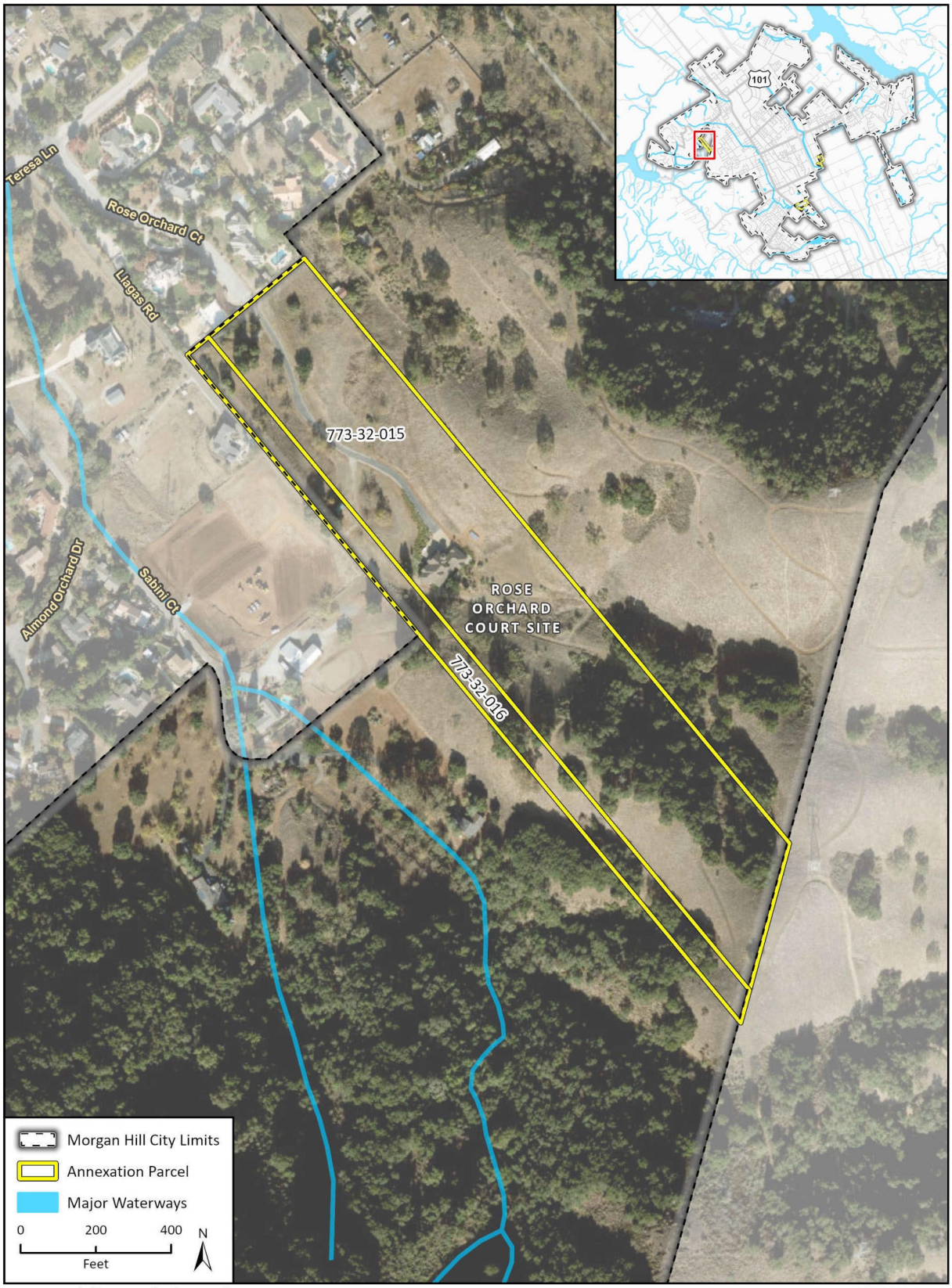
The watersheds influencing Morgan Hill are primarily rural and suburban but include areas of urban development that contribute to stormwater runoff and potential water quality concerns. Pollutant loads in runoff vary based on land use, slope, and impervious surface coverage, as well as rainfall intensity and irrigation practices. In developed areas, stormwater often contains oil, grease, metals, and litter from streets and parking lots, along with fertilizers and pesticides from landscaped areas. Additional contaminants may include fine sediments and airborne pollutants deposited on surfaces. Beneficial uses assigned to creeks in the Morgan Hill area include municipal and domestic supply, groundwater recharge, recreation, and aquatic habitat. Compliance with these objectives is achieved through permitting programs such as Waste Discharge Requirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) stormwater permits, which regulate discharges and require best management practices to minimize pollutant loads.

## Flooding and Inundation

The annexation sites vary in their exposure to flooding and inundation hazards. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FEMA 2009), the Rose Orchard Court and Condit Sports Facilities Expansion sites are not located within a special flood hazard area. As shown on Figure 4.8-4, the Butterfield Sports Park Expansion site is located within a FEMA Special Flood Hazard Area (Zone AE), which indicates areas within the 100-year floodplain subject to inundation during a base flood event.

The California Department of Water Resources (DWR) has mapped floodplains in some areas of California that have not been mapped by FEMA. None of the annexation sites are located within a DWR Awareness floodplain zone (DWR 2025). The Condit and Butterfield Park expansion sites are located within an area subject to potential inundation from dam failure as they are within an inundation zone associated with a potential Leroy Anderson Reservoir dam failure (DWR 2025). However, this dam, located northeast of the annexation sites, is undergoing a seismic retrofit to reduce this risk. A Final EIR for the retrofit was certified in February 2025, which includes conservation measures, monitoring programs, and adaptive management strategies (Valley Water 2025c). These actions will substantially reduce the likelihood of inundation affecting the annexation sites. Further, in the event of dam failure, projected flooding at the Condit site would be minimal and geographically separated from the larger downstream inundation area primarily by Highway 101, which acts as a physical barrier. The Butterfield site could experience inundation due to its location within the mapped floodplain and dam failure zone.

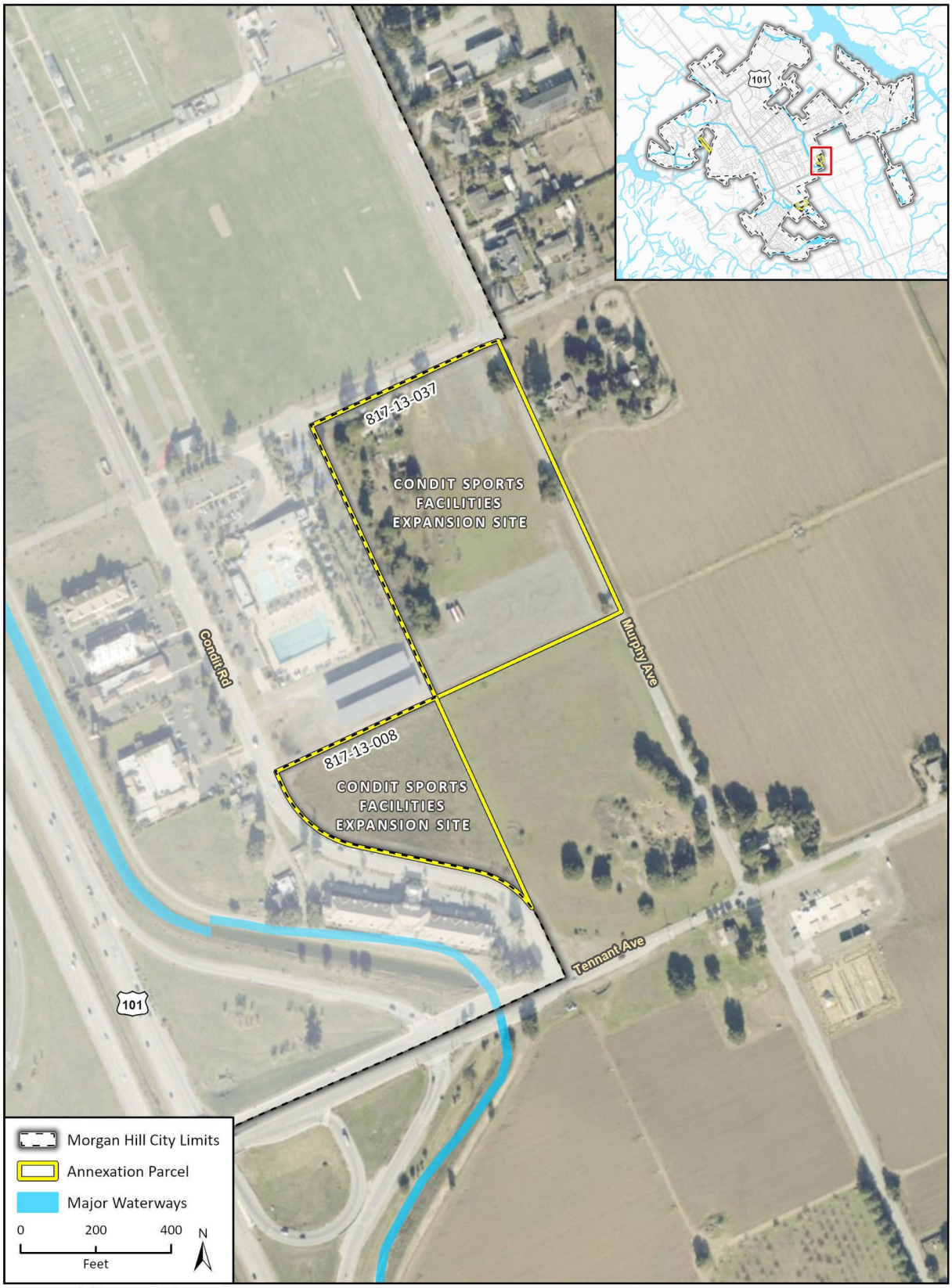
**Figure 4.8-1 Surface Water in the Vicinity of the Rose Orchard Court Site**




*Imagery provided by ESRI and its licensors © 2025.*
*Additional data provided by Santa Clara County, 2025; USGS, 2025.*

25-17449 EPS - Portrait
Fig X Major Waterways

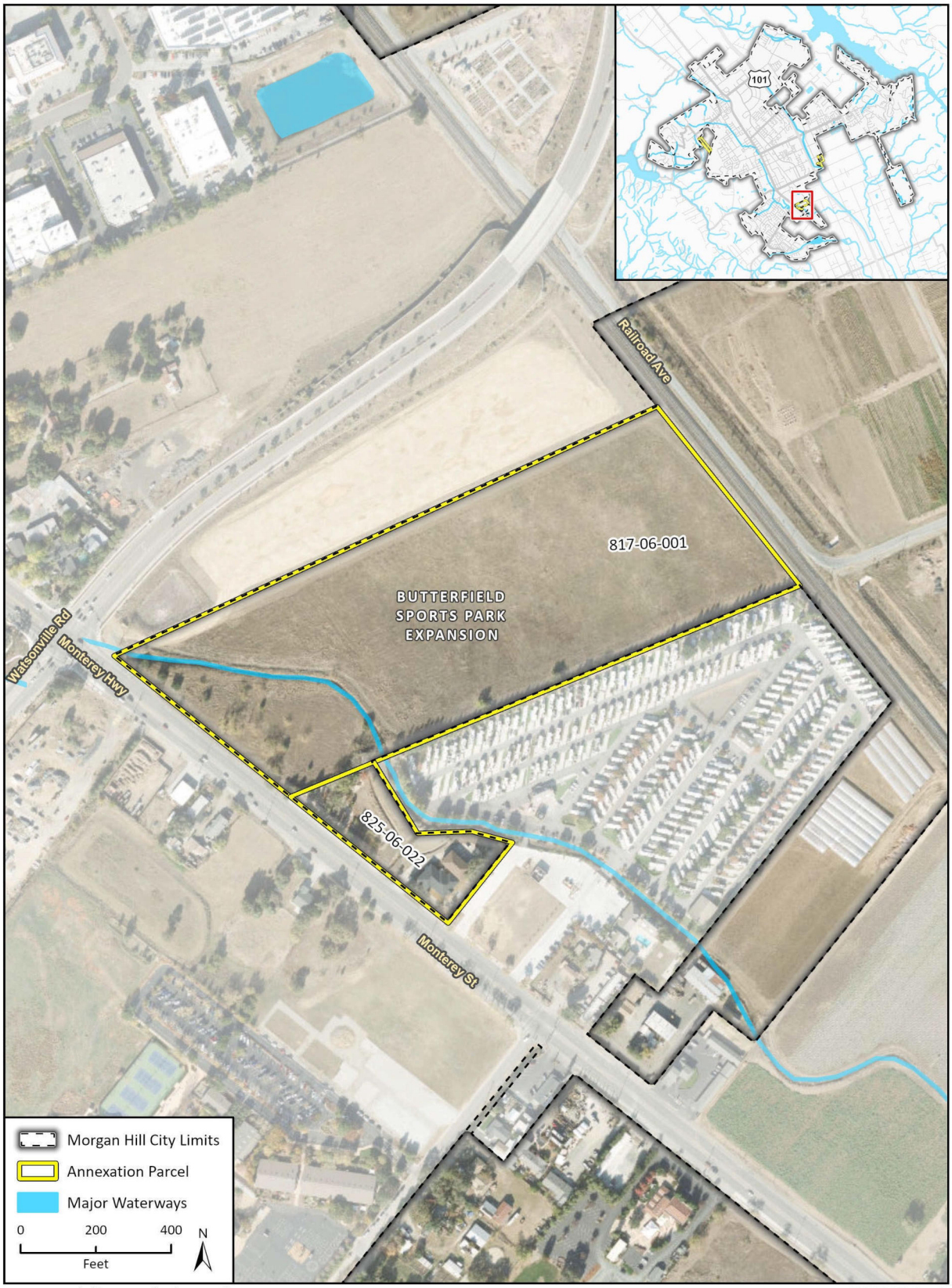
## Figure 4.8-2 Surface Water in the Vicinity of the Condit Sports Facilities Expansion Site




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*Additional data provided by Santa Clara County, 2025; USGS, 2025.*

25-17449 EPS - Portrait
Fig X Major Waterways

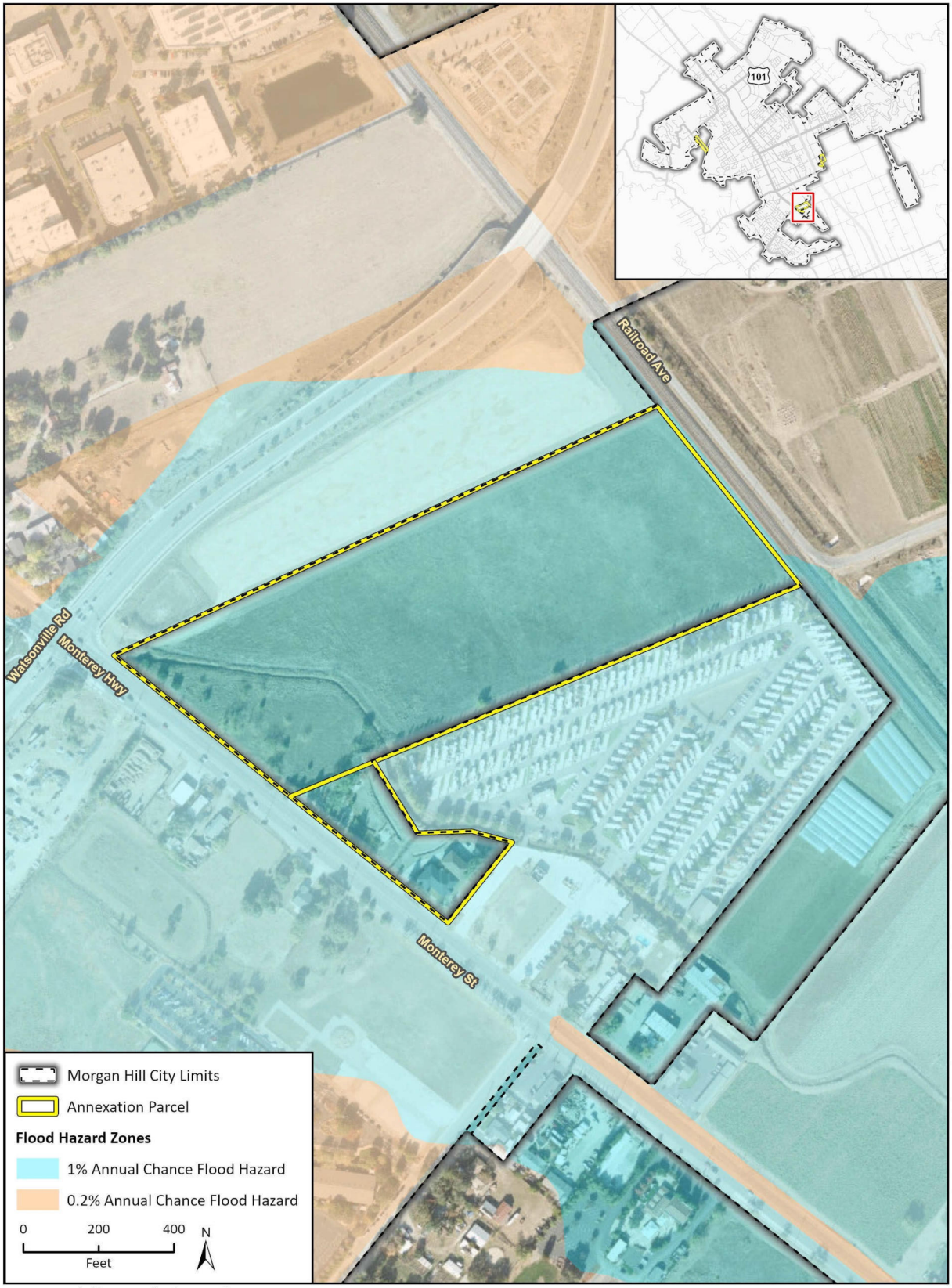
**Figure 4.8-3 Surface Water in the Vicinity of the Butterfield Sports Park Expansion Site**




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*Additional data provided by Santa Clara County, 2025; USGS, 2025.*

25-17449 EPS - Portrait
Fig X Major Waterways

## Figure 4.8-4 Butterfield Sports Park Expansion Site Flood Hazard Zones




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*Additional data provided by Santa Clara County, 2025; FEMA, 2025.*

25-17449 EPS - Portrait
Fig X Flood Hazard Zones

Tsunamis and seiches are two types of water waves generated by earthquake events. Tsunamis are broad-wavelength ocean waves, and seiches are standing waves within confined bodies of water, typically reservoirs. The City of Morgan Hill is located approximately 28 miles southeast of San Francisco Bay and 18 miles northeast of Monterey Bay. Due to their inland location and the presence of intervening topography, including the Santa Cruz Mountains to the west, the annexation sites are not within a mapped tsunami hazard zone (California Department of Conservation 2021).

## 4.8.2 Regulatory Setting

### a. Federal Regulations

#### Federal Clean Water Act

In 1972, Congress passed the Federal Water Pollution Control Act, commonly known as the Clean Water Act (CWA), with the goal of "restor[ing] and maintain[ing] the chemical, physical, and biological integrity of the Nation's waters" (33 United States Code Section 1251(a)). The CWA directs states to establish water quality standards for all "waters of the United States" and to review and update such standards on a triennial basis. Section 319 mandates specific actions for the control of pollution from non-point sources. The U.S. EPA has delegated responsibility for implementation of portions of the CWA, including water quality control planning and control programs, such as the NPDES Program, to the State Water Resources Control Board (SWRCB) and the Regional Water Quality Control Boards (RWQCBs). Section 303(c)(2)(b) of the CWA requires states to adopt water quality standards for surface waters of the United States based on the water body's designated beneficial use. Water quality standards are typically numeric, although narrative criteria based upon biomonitoring methods may be employed where numerical standards cannot be established or where they are needed to supplement numerical standards. Applicable water quality standards are contained in the Water Quality Control Plan for the Central Coast Basin (Basin Plan). Section 303(d) of the CWA bridges the technology-based and water quality-based approaches for managing water quality. Section 303(d) requires that states make a list of waters that are not attaining standards after the technology-based limits are put into place. For waters on this list (and where the U.S. EPA administrator deems they are appropriate), states are to develop total maximum daily loads (TMDL). TMDLs are established at the level necessary to implement the applicable water quality standards. A TMDL must account for sources of the pollutants that caused the water to be listed. Section 404 of the CWA prohibits the discharge of any pollutants into "waters of the United States," except as allowed by permit. 33 Code of Federal Resources Section 328.3(a)(3). Section 404 of the CWA authorizes the U.S. Army Corps of Engineers to issue permits for and regulate the discharge of dredged or fill materials into wetlands or other waters of the United States. Under the CWA and its implementing regulations, "waters of the United States" are broadly defined to consist of rivers, creeks, streams, and lakes extending to their headwaters, including adjacent wetlands.

#### National Pollutant Discharge Elimination System (NPDES)

In California, the National Pollutant Discharge Elimination System (NPDES) program is administered by the SWRCB through the nine RWQCBs. Morgan Hill lies within the jurisdiction of CCRWQCB (Region 3) and is subject to the waste discharge requirements of the Phase II Small Municipal Separate Storm Sewer System (MS4) General Permit (Order No. 2013-0001-DWQ) issued in February 2013and codified by NPDES Permit No. CAS000004. This permit requires Morgan Hill to operate a comprehensive stormwater management program that prevents pollutants from entering the municipal storm drain system and local waterways. Practically, this means the City must implement public education and outreach, municipal good-housekeeping practices, and targeted inspections to reduce pollutant sources across the community. For construction, the permit mandates erosion and sediment controls and site practices that keep soils and materials from washing off into drains during storms. After projects are built, the permit obligates incorporation of post-construction measures that slow, retain, and treat stormwater before it leaves the site, thereby reducing runoff volumes and improving water quality. The Order also requires monitoring and annual reporting to demonstrate compliance and, where applicable, implementation of

TMDL requirements so discharges meet water quality standards. Together, these provisions require stormwater to be managed, controlled, and treated onsite, protecting downstream creeks and the broader Coyote and Uvas/Llagas watersheds while maintaining flood resilience and regulatory compliance for new and redeveloped projects in Morgan Hill.

## b. State Regulations

### Sustainable Groundwater Management Act (SGMA)

The Sustainable Groundwater Management Act (SGMA), enacted in 2014, established a statewide framework for the sustainable management of groundwater resources. SGMA requires local agencies in medium- and high-priority basins to form Groundwater Sustainability Agencies (GSAs) and develop Groundwater Sustainability Plans (GSPs) or approved alternatives. These plans must achieve groundwater sustainability within 20 years and avoid undesirable results such as chronic lowering of groundwater levels, seawater intrusion, degraded water quality, land subsidence, and depletion of interconnected surface waters. SGMA emphasizes local control but allows for State intervention under direction of the DWR if local agencies fail to meet requirements.

### Construction General Permit (Order 2022-0057-DWQ)

The SWRCB is responsible for developing statewide water quality policy and exercising the powers delegated to the State of California by the federal government under the CWA, introduced above. Construction activities that disturb one or more acres of land must comply with the requirements of the Construction General Permit (CGP) (Order 2022-0057- DWQ), which is administered by the SWRCB for compliance with the federal CWA. Under the terms of the permit, a Stormwater Pollution Prevention Plan (SWPPP) is required to be developed and implemented for projects that would disturb more than one acre of land. The SWPPP is a project-specific plan for how stormwater will be managed and controlled to avoid adverse effects associated with construction and ground disturbing activities.

The SWPPP must include a site map that shows the construction site perimeter; existing and proposed buildings, lots, roadways, stormwater collection, and discharge points; general topography before and after construction; and drainage patterns across the site. The SWPPP must also identify best management practices (BMPs) that will be implemented to prevent soil erosion and discharge of other construction-related pollutants that could contaminate nearby water resources. Additionally, the SWPPP must contain a visual monitoring program, a chemical monitoring program for nonvisible pollutants if there is a failure of the BMPs, and a sediment-monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment.

The updated CGP (2022-0057-DWQ, effective September 1, 2023) also requires applicants to comply with post-construction runoff reduction requirements, which may involve the continued implementation of construction-period BMPs during long-term operation, for site-specific BMPs that provide stormwater management onsite.

### Porter-Cologne Water Quality Act

The California Porter-Cologne Water Quality Control Act establishes the SWRCB and each RWQCB as the principal agencies for coordinating and controlling water quality in the State. Specifically, the Porter-Cologne Act authorizes the SWRCB to adopt, review, and revise policies for waters of the State (including both surface and groundwater) and directs the RWQCBs to develop regional basin plans. The CCRWQCB has the authority to implement water quality protection standards through the issuance of permits for discharges to waters in its jurisdiction. Water quality objectives for receiving waters within Morgan Hill are specified in the Water Quality Control Plan for the Basin Plan, prepared by the CCRWQCB in compliance with the federal CWA and the Porter Cologne Act. The principal elements of the Basin Plan are a statement of beneficial water uses protected under the plan; water quality objectives necessary to protect the designated beneficial water uses; and strategies and time schedules for achieving the water

quality objectives. Together, narrative and numerical objectives define the level of water quality that shall be maintained in the region. The water quality objectives are achieved primarily through the establishment and enforcement of WDRs. The RWQCBs have primary responsibility for issuing WDRs. The RWQCBs may issue individual WDRs to cover individual discharges or general WDRs to cover a category of discharges. WDRs may include effluent limitations or other requirements that are designed to implement applicable water quality control plans, including designated beneficial uses and the water quality objectives established to protect those uses and prevent the creation of nuisance conditions. Violations of WDRs may be addressed by issuing Cleanup and Abatement Orders or Cease and Desist Orders, assessing administrative civil liability, or seeking imposition of judicial civil liability or judicial injunctive relief.

## c. Regional and Local Regulations

### Central Coast Regional Water Quality Control Board

The Central Coast RWQCB administers the Water Quality Control Plan for the Central Coastal Basin (Basin Plan), which serves as the region's master planning document for water quality. The Basin Plan designates beneficial uses of surface and groundwater, establishes water quality objectives necessary to protect those uses, and outlines implementation programs to achieve compliance. These objectives are expressed through both narrative and numerical standards that define the level of water quality to be maintained. To enforce these objectives, the RWQCB issues WDRs under Section 13263 of the Porter-Cologne Act and NPDES permits for point-source discharges. WDRs may include effluent limitations and other conditions designed to implement Basin Plan provisions and prevent nuisance conditions. The RWQCB also has authority to issue enforcement actions such as Cleanup and Abatement Orders, Cease and Desist Orders, and administrative civil liability assessments to ensure compliance.

### Water Quality Control Plan for the Central Coast Basin

The Water Quality Control Plan for the Central Coast Basin (Basin Plan) is the Central Coast Regional Water Quality Control Board's master planning document for water quality protection. It designates beneficial uses for surface waters and groundwater, establishes water quality objectives to protect those uses, and outlines implementation programs to achieve compliance (CCRWQCB 2024). The Basin Plan serves as the basis for regulatory actions under the California Water Code, the Porter-Cologne Water Quality Control Act, and the federal Clean Water Act, including issuance of WDRs and NPDES permits. Together, narrative and numeric objectives define the level of water quality that must be maintained in the region. The Basin Plan is periodically updated through a public process to incorporate new standards and improve effectiveness in protecting aquatic habitats and water resources.

### Santa Clara County Clean Water Program

The Santa Clara County Clean Water Program exists to maintain compliance with the NPDES Storm Water Discharge Permit and to promote stormwater pollution prevention in accordance with state and federal law. The program addresses nonpoint source pollution, which originates from diverse human activities such as construction, illegal dumping, hazardous waste spills, and improper chemical storage. These pollutants are transported by stormwater runoff into local creeks, streams, and ultimately the San Francisco Bay or Monterey Bay, where they can harm aquatic life and degrade water quality. To prevent these impacts, the Clean Water Program implements BMPs, enforces stormwater discharge regulations, and conducts public outreach and inspections. Compliance is achieved through coordination with regional NPDES permits, including the Central Coast Phase II Permit, ensuring that development projects incorporate stormwater treatment and flow management measures.

## Santa Clara Valley Groundwater Management Plan

The Santa Clara Valley Groundwater Management Plan, administered by Valley Water, provides a framework for sustainable groundwater management in the Santa Clara and Llagas Subbasins. The plan focuses on maintaining groundwater supply reliability, preventing land subsidence, and protecting water quality through actions such as managed recharge, pumping oversight, and contamination prevention (Valley Water 2021). In 2019, the California Department of Water Resources approved Valley Water's plan as an Alternative to a GSP under SGMA. The plan is updated periodically and includes annual reporting to ensure compliance with SGMA objectives and long-term sustainability of groundwater resources.

## City of Morgan Hill 2035 General Plan

The Morgan Hill 2035 General Plan, adopted in July 2016 and last amended in 2020, includes hydrology and water quality goals, policies, and actions primarily in the Natural Resources and Environment Element and the Safety, Services, and Infrastructure Element.

The following goals, policies, and actions in the Natural Resources and Environment Element are applicable to the proposed project (City of Morgan Hill 2016b):

**Goal NRE-7: Water Quality. Protect and improve the quality of surface water and groundwater resources in Morgan Hill.**

> **Policy NRE-7.1: Watershed Protection.** Protect watersheds, streams, and groundwater recharge areas through land use planning and development standards.
>
> **Policy NRE-7.2: Stream Setbacks.** Require development to maintain setbacks from streams and riparian areas consistent with Table NRE-1 and applicable state and federal regulations.
>
> **Policy NRE-7.3: Pollution Prevention.** Prohibit activities that could degrade water quality, including illicit discharges and improper disposal of hazardous materials.
>
> > **Action NRE-7.A: Stormwater Ordinance Enforcement.** Enforce the City's Urban Storm Water Quality Management and Discharge Control Ordinance to reduce pollutants in stormwater runoff.

**Goal NRE-8: Water Conservation. Promote efficient use and conservation of water resources.**

> **Policy NRE-8.1: Low-Impact Development (LID).** Require LID techniques in new development to reduce runoff and promote infiltration.
>
> **Policy NRE-8.2: Landscaping Standards.** Encourage drought-tolerant landscaping and efficient irrigation systems.

**Goal NRE-9: Riparian and Aquatic Habitat. Preserve and enhance riparian corridors and aquatic habitats.**

> **Policy NRE-9.1: Habitat Protection.** Maintain natural stream channels and riparian vegetation wherever feasible.
>
> > **Action NRE-9.B: Restoration Projects.** Support creek restoration and enhancement projects in coordination with Santa Clara Valley Water District.

The following goals, policies, and actions in the Safety, Services, and Infrastructure Element are also applicable (City of Morgan Hill 2016b):

**Goal SSI-5: Flood Hazards. Minimize risks to life and property from flooding.**

> **Policy SSI-5.1: Floodplain Development Restrictions.** Prohibit new development in FEMA-designated floodways and require mitigation in floodplains.
>
> **Policy SSI-5.2: Storm Drain Maintenance.** Maintain and upgrade storm drainage facilities to prevent localized flooding.

**Action SSI-5.A: Dam Inundation Planning.** Coordinate with Santa Clara Valley Water District on dam safety and emergency response planning.

**Goal SSI-16: Stormwater Management. Ensure effective stormwater management to protect water quality and reduce flooding.**

**Policy SSI-16.1: NPDES Compliance.** Continue participation in regional stormwater programs and comply with NPDES permit requirements.

**Policy SSI-16.2: Construction Runoff Control.** Require erosion and sediment control measures during construction.

## Morgan Hill Municipal Code

The Morgan Hill Municipal Code (MHMC) establishes local requirements to protect water quality and manage stormwater runoff in compliance with state and federal regulations including the following:

**Chapter 13.30 – Urban Stormwater Quality Management and Discharge Control:** this chapter regulates activities that could affect surface water and groundwater quality, requiring BMPs during construction and operation to control erosion, sediment, and pollutants, and authorizing inspections and enforcement to ensure compliance with the City's MS4 Permit under NPDES.

**Chapter 15.80 – Flood Damage Prevention:** this chapter sets standards for grading activities, requiring erosion control plans and stabilization measures to prevent soil loss and sediment discharge during site preparation.

**Chapter 18.140 – Post-Construction Stormwater Pollution Prevention:** this chapter mandates LID features such as infiltration basins, bioswales, and permeable paving to slow runoff, promote infiltration, and treat pollutants before stormwater enters the municipal drainage system.

**Chapter 18.148 – Water Conservation:** this chapter requires irrigation and grading designs that minimize runoff and overspray, reducing fertilizer and pesticide transport and supporting infiltration.

**Chapter 18.64 – Landscaping:** this chapter promotes drought-tolerant plantings and permeable surfaces that filter stormwater and reduce irrigation runoff.

Together, these local requirements complement state and federal programs, including the Porter-Cologne Water Quality Control Act and the Clean Water Act, ensuring that stormwater discharges and other activities are managed to protect beneficial uses of water and minimize impacts on hydrology and water quality within the region.

## Morgan Hill Water Efficient Landscape Ordinance

The City of Morgan Hill adopted its own Water Efficient Landscape Ordinance (WELO), Ordinance No. 2277, codified in MHMC Chapter 18.148 and Chapter 18.64, to comply with the updated Model Water Efficient Landscape Ordinance (WELO) (Assembly Bill 1881). This ordinance took effect on June 6, 2018, and applies to all new landscape construction or rehabilitation projects requiring a building or landscape permit, plan check, or design review. Specifically, it covers:

- New construction projects with an aggregate landscape area ≥ 500 sq ft, and
- Landscape rehabilitation projects ≥ 1,000 sq ft.

The ordinance aligns with statewide goals to promote water-efficient design by requiring applicants to submit detailed landscape and irrigation plans, water budgets, hydrozone mapping, soil management reports, and final irrigation audits. Low- or very low-water-use plants must primarily be used, and advanced features such as graywater systems, recycled water, and on-site stormwater retention are incorporated where feasible.

## 4.8.3 Impact Analysis

### a. Methodology and Thresholds of Significance

Assessment of impacts is based on review of site information and conditions and City information regarding hydrology and water quality issues. To determine whether a project would result in a significant impact related to hydrology and water quality, Appendix G of the *CEQA Guidelines* requires consideration of whether a project would:

1. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality;
2. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin;
3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would
   a. Result in substantial erosion or siltation on- or off-site
   b. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site
   c. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff
   d. Impede or redirect flood flows;
4. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation; and/or
5. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

### b. Project Impacts and Mitigation Measures

The proposed project does not include changes to or development on the APN 825-06-022 site. Accordingly, the analyses below focus exclusively on the Rose Orchard Court site, the Butterfield Sports Park Expansion site, and the Condit Sports Facilities Expansion site.

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| **Threshold 1:** | Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? |

**Impact HYD-1 FUTURE DEVELOPMENT OF THE ANNEXATION SITES WOULD NOT VIOLATE WATER QUALITY STANDARDS OR WASTE DISCHARGE REQUIREMENTS OR OTHERWISE SUBSTANTIALLY DEGRADE SURFACE OR GROUNDWATER QUALITY. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.**

*Rose Orchard Court Site*

The Rose Orchard Court site is a sloped property ranging from approximately 455 feet to 845 feet in elevation and currently includes one single-family residence and an orchard. Construction for potential future residential uses would involve ground-disturbing activities that could result in erosion and sedimentation due to the site's slope, which could affect surface water quality if unmanaged. However, compliance with existing laws and regulations would involve the implementation of site-specific erosion control BMPs to minimize or avoid potentially adverse impacts to water quality. A project-specific SWPPP would be implemented for compliance with the Construction General Permit administered by the SWRCB under the federal CWA, and would include BMPs to protect water quality, for instance through the placement of straw wattles to contain runoff within active work areas, as applicable.

The Rose Orchard Court site is sloped with an elevation change of approximately 390 feet between the site's northern and southern borders. BMPs will be designed to account for existing topography and runoff conditions, with BMPs implemented in site-specific areas where needed to provide stormwater management. This will be accomplished based review of the grading plans, which will be submitted to the City as part of the grading permit application process, and will incorporate construction BMPs where applicable. For instance, SWPPP BMPs typically include the identification of a designated area for the handling and storage of potentially hazardous materials and fueling during construction, with erosion control features such as straw wattles placed around the perimeter to minimize the potential for a spill to contaminate stormwater runoff or erosion.

As stated in Section 4.8.2 under "Construction General Permit," the current CGP (Order 2022-0057-DWQ), effective September 1, 2023, requires compliance with post-construction runoff reduction requirements in addition to construction-period BMPs, providing that site-specific BMPs benefiting water quality such as described above would continue to be implemented during operation. In addition, as discussed in Section 4.8.2 under "Morgan Hill Municipal Code," MHMC Chapter 13.30 requires BMPs during both construction and operation to control erosion, sediment, and pollutants, and authorizing inspections and enforcement to ensure compliance with the City's MS4 Permit for is municipal stormwater system. These BMPs complement the Low-Impact Development features required under MHMC Chapter 18.140 and contained within the Stormwater Guidance Manual for Low Impact Development and Post-Construction Requirements (City of Gilroy, City of Morgan Hill and County of Santa Clara 2015), which specifically addresses post-construction stormwater pollution prevention.

Compliance with existing laws and regulations would involve the development of site-specific BMPs to construction stormwater runoff and erosion, and to minimize or avoid potentially adverse water quality impacts during both construction and operation. BMPs would be designed to account for existing topography and drainage conditions and would be identified based on the grading plan and design drawings to provide site-specific effectiveness. Potential impacts to water quality or associated with water quality permits and waste discharge requirements would be less than significant.

### *Condit Sports Facilities Expansion Site*

The Condit Sports Facilities Expansion site consists of two parcels, one developed with a single-family residence and one undeveloped. The site is generally level and adjacent to recreational and hospitality uses. Construction activities for future sports facilities could temporarily increase sedimentation and pollutant discharge to stormwater. However, compliance with the CGP and SWPPP requirements would minimize these risks, as required by MHMC Section 13.30.250 (NPDES permit compliance) and Section 13.30.260 (SWPPP). Operationally, the site would include landscaped areas and recreational facilities, which could involve limited use of fertilizers for field maintenance. These materials would be managed in accordance with applicable regulations, and the site would include stormwater drainage improvements consistent with Chapter 18.140, which requires post-construction systems such as infiltration basins, bioswales, and detention areas to capture and treat runoff before it leaves the site. These features help filter out pollutants, including fertilizers, by slowing water flow and allowing sediment and nutrients to settle or be absorbed into soil rather than entering storm drains. In addition, Section 18.148 requires irrigation design plans that minimize overspray and runoff, reducing the likelihood that fertilizers and other landscape chemicals are washed into stormwater systems. Together, these requirements provide that stormwater is controlled and treated on-site, protecting downstream water quality. Potential impacts to water quality associated with future development of this site would be less than significant.

### *Butterfield Sports Park Expansion Site*

The Butterfield Sports Park Expansion site is generally flat and undeveloped, with grass and shrubs, and includes Little Llagas Creek, an intermittent stream with a channelized earthen bank. Development would introduce turf areas, ball fields, restrooms, parking, and a walking path, while the adjacent parcel would retain its single-family residence. Construction near Little Llagas Creek poses a potential risk of sedimentation and pollutant discharge to surface waters. However, compliance with Mitigation Measure

BIO-6 (Stream Setback Design) prohibits construction within 35 feet of the creek. In addition, compliance with the CGP will involve implementation of a project-specific SWPPP with BMPs to manage stormwater runoff and erosion, thereby protecting the creek from water quality degradation associated with project activities. The SWPPP BMPs would be consistent with MHMC Section 13.30.200 (Watercourse Protection), Section 13.30.260 (SWPPP), and Section 13.30.270 (Erosion Control Drawings). Operationally, the sports park would involve irrigation and limited use of fertilizers, which would be managed under standard practices and City requirements, including Section 18.148.160 (Stormwater Management and Water Retention) and Chapter 18.64 (Landscaping). As such, future development of the site would be conducted to avoid violation of water quality standards or waste discharge requirements. The project would not substantially degrade surface or ground water quality and this impact would be less than significant.

## Mitigation Measures

Impacts from development on the three annexation sites would be less than significant without mitigation. No mitigation measures are required.

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| **Threshold 2:** | Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? |

**Impact HYD-2 FUTURE DEVELOPMENT OF THE ANNEXATION SITES WOULD NOT SUBSTANTIALLY DECREASE GROUNDWATER SUPPLIES OR INTERFERE SUBSTANTIALLY WITH GROUNDWATER RECHARGE SUCH THAT THE PROJECT MAY IMPEDE SUSTAINABLE GROUNDWATER MANAGEMENT OF THE BASIN. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.**

Water supply for the annexation sites would be provided by the City of Morgan Hill, which relies on groundwater as the primary supply source. Potential impacts associated with the project's water supply needs, including the use of groundwater provided by the City, are addressed in Section 4.13, *Utilities and Service Systems*. The impact analysis provided herein is specific to potential interference with groundwater recharge or sustainable management from project implementation.

### *Rose Orchard Court Site*

Future construction activities on the Rose Orchard Court site would involve grading and site preparation, which could temporarily disturb soils, but these activities would not require groundwater extraction or significantly affect recharge areas. No groundwater wells are present on the site and future development on the site would not include installation of new groundwater wells. During operation, the addition of four residences and associated impervious surfaces would slightly reduce infiltration compared to existing conditions; however, the low-density design and large lot sizes would maintain substantial pervious areas, allowing continued recharge. The dedication of approximately 10 acres of hillside land for permanent conservation would preserve natural hydrology and infiltration capacity. Compliance with MHMC Section 18.148.110, which requires grading design plans to minimize soil erosion and control runoff, helps prevent excessive surface water loss and directs water into permeable areas rather than storm drains. Similarly, Section 18.148.160 mandates stormwater management practices that slow down runoff and allow water to soak into the ground. Together, these measures maintain natural infiltration processes and support groundwater recharge. Therefore, with implementation of standard construction and operational measures, the project would not impede sustainable groundwater management, and this impact would be less than significant.

### *Condit Sports Facilities Expansion Site*

Future activities on the Condit Sports Facilities Expansion site would involve grading and site preparation for sports fields, parking areas, and accessory facilities, but these activities would not require groundwater extraction or significantly affect recharge areas. No groundwater wells are present on the site and future development on the site would not include installation of new groundwater wells. During

operation, the installation of synthetic turf fields, paved parking, and other impervious surfaces would reduce infiltration compared to existing undeveloped conditions. However, the artificial turf used would be engineered with integrated subsurface drainage features designed to effectively manage stormwater such as permeable backing, infill materials, and an underlying gravel or sand base that facilitates infiltration. The use of artificial turfs can also reduce surface runoff by promoting more uniform infiltration and minimizing soil compaction. Because artificial turf does not require irrigation, it avoids the potential for overwatering and associated runoff that could occur with natural grass maintenance. In addition, the site is generally level, and the overall design would maintain substantial pervious areas within landscaped and unpaved spaces. Future development on the site would not include high water demand uses, and irrigation for landscaping would be supplied through municipal water service. Compliance with MHMC Section 18.148.100 (Irrigation Design Plan) and Section 18.148.160 (Stormwater Management and Rainwater Retention) would help maintain recharge capacity. Therefore, with implementation of standard construction and operational BMPs, the project would not impede sustainable groundwater management, and this impact would be less than significant.

### *Butterfield Sports Park Expansion Site*

Future construction activities on the Butterfield Sports Park Expansion site would involve grading and site preparation for athletic fields, parking areas, and accessory facilities, but construction activities would not require groundwater extraction or significantly affect recharge areas. No groundwater wells are present on the site and future development on the site would not include installation of new groundwater wells. During operation, the installation of synthetic turf fields, paved walking paths, and parking areas would increase impervious surfaces compared to existing conditions; however, development would maintain substantial pervious areas within landscaped and grass turf zones, allowing continued infiltration. The site is generally flat and bisected by Little Llagas Creek, which would remain in place and continue to function as an intermittent stream, preserving natural hydrology. Compliance with MHMC Section 18.148.160 (Stormwater Management and Rainwater Retention) and Chapter 18.64 (Landscaping) would further support groundwater recharge. Therefore, with implementation of standard construction and operational measures, the project would not impede sustainable groundwater management, and this impact would be less than significant.

## Mitigation Measures

Impacts from development on all three proposed annexation sites would be less than significant without mitigation. No mitigation measures are required.

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|---|---|
| **Threshold 3a:** | Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site? |
| **Threshold 3b:** | Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? |
| **Threshold 3c:** | Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? |
| **Threshold 3d:** | Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? |

**Impact HYD-3** **FUTURE DEVELOPMENT OF THE ANNEXATION SITES WOULD NOT SUBSTANTIALLY ALTER EXISTING DRAINAGE PATTERNS IN A WAY THAT WOULD CAUSE EROSION OR SILTATION, INCREASE RUNOFF TO THE EXTENT THAT FLOODING OCCURS, EXCEED THE CAPACITY OF STORMWATER SYSTEMS OR CREATE SIGNIFICANT SOURCES OF POLLUTED RUNOFF, OR IMPEDE OR REDIRECT FLOOD FLOWS. WITH IMPLEMENTATION OF REQUIRED CONSTRUCTION AND OPERATIONAL MEASURES, THESE IMPACTS WOULD BE LESS THAN SIGNIFICANT.**

*Rose Orchard Court Site*

Future development on the Rose Orchard Court site would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, because no streams or rivers occur on-site and post-development drainage would generally follow existing patterns. The site ranges in elevation from approximately 455 feet at its northern end to 845 feet at its southern end, creating a sloped condition that could increase erosion, sediment transport, and runoff if not properly managed. Construction activities, including grading and site preparation, would temporarily disturb soils and alter micro-drainage patterns, introducing potential for erosion, sedimentation, and pollutants such as oils and construction materials. These impacts would be minimized through compliance with the State CGP, preparation of a SWPPP, and implementation of BMPs consistent with MHMC Sections 13.30.170, 13.30.260, and 13.30.270. SWPPP BMPs typically include designated areas for handling hazardous materials and fueling during construction, with erosion control features such as straw wattles placed around the perimeter to minimize spill risks.

Operational impacts would include the addition of four residences and associated impervious surfaces, slightly increasing runoff compared to existing conditions. However, the proposed development's low-density design and large lot sizes would limit impervious coverage and maintain natural drainage patterns. Post-development stormwater would be managed on-site through LID features such as infiltration areas and bioswales, consistent with MHMC Chapter 18.140. Compliance with MHMC Sections 18.148.110, 18.148.160, and Chapter 18.64 would further reduce runoff volume, promote infiltration, and maintain groundwater recharge. Potential sources of polluted runoff, such as landscaping chemicals and vehicle fluids, would be mitigated through these measures.

With implementation of standard construction and operational measures, the project would not substantially increase erosion or siltation, create flooding risks, impede or redirect flood flows, or generate substantial polluted runoff. Impacts would be less than significant.

*Condit Sports Facilities Expansion Site*

Future development on the Condit Sports Facilities Expansion site would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, because no streams or rivers occur on-site and drainage would generally follow existing patterns. The site is generally level, which reduces the potential for significant erosion or flood flow changes. Construction activities, including grading and site preparation for sports fields, parking areas, and accessory facilities, would temporarily disturb soils and alter micro-drainage patterns, increasing the risk of erosion, sedimentation, and pollutant discharge. These impacts would be minimized through compliance with the CGP, preparation of a SWPPP, and implementation of BMPs consistent with MHMC Sections 13.30.170 and 13.30.260.

Operational impacts would include the installation of synthetic turf fields, paved parking areas, and other impervious surfaces, which would increase runoff compared to existing conditions. However, the site's level topography and incorporation of landscaped areas would limit concentrated flows. Post-development stormwater would be managed on-site through design features that promote infiltration and treatment, consistent with MHMC Chapter 18.140. Compliance with MHMC Sections 18.148.110, 18.148.160, and Chapter 18.64 would further reduce runoff volume, maintain groundwater recharge, and minimize pollutant loads.

With implementation of CGP, SWPPP, and BMPs during construction and compliance with MHMC requirements during operation, future development would not substantially increase erosion or siltation, create flooding risks, exceed stormwater system capacity, generate substantial polluted runoff, or impede or redirect flood flows. Impacts would be less than significant.

*Butterfield Sports Park Expansion Site*

Future development on the Butterfield Sports Park Expansion site would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river. Future development would not alter the course of Little Llagas Creek. The site is within the 100-year floodplain (FEMA 2009) but with compliance with WHMC Chapter 15.80 which sets requirements for development in a flood zone, future development would not result in flooding on- or off-site. The site is generally level, which limits the potential for significant erosion or flood flow changes. Construction activities, including grading and site preparation for ball fields, parking areas, walking paths, and accessory facilities, would temporarily disturb soils and alter micro-drainage patterns, increasing the risk of erosion, sedimentation, and pollutant discharge. These impacts would be minimized through compliance with the CGP, preparation of a SWPPP, and implementation of BMPs consistent with MHMC Sections 13.30.170 and 13.30.260.

Operational impacts would include the installation of synthetic turf fields, paved parking areas, and other impervious surfaces, which would increase runoff compared to existing conditions. However, post-development stormwater would be managed on-site through LID features such as infiltration basins, detention areas, and bioswales, consistent with MHMC Chapter 18.140. Additional requirements under Sections 18.148.110 and 18.148.160 and Chapter 18.64 would further reduce runoff, promote infiltration, and maintain natural hydrology.

With adherence to Mitigation Measure BIO-6 (Stream Setback Design) and implementation of CGP, SWPPP, and BMPs during construction and infiltration-based stormwater systems during operation, the project would not substantially increase erosion or siltation, create flooding risks, exceed stormwater system capacity, generate substantial polluted runoff, or impede or redirect flood flows. Impacts would be less than significant.

## Mitigation Measures

Impacts from development on all three proposed annexation sites would be less than significant without mitigation. No mitigation measures are required.

| **Threshold 4:** | In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation? |
|---|---|

**Impact HYD-4 THE PROJECT WOULD NOT RISK RELEASE OF POLLUTANTS DUE TO PROJECT INUNDATION FROM FLOODING, TSUNAMI, OR SEICHE. IMPACTS WOULD BE LESS THAN SIGNIFICANT.**

The City of Morgan Hill is located approximately 28 miles southeast of San Francisco Bay and 18 miles northeast of Monterey Bay. Due to its inland location and the presence of intervening topography, including the Santa Cruz Mountains to the west, Morgan Hill is not within a mapped tsunami hazard zone (California Department of Conservation 2021). Therefore, tsunami risk will not be discussed further in this section.

### *Rose Orchard Court Site*

The Rose Orchard Court site is not located within a flood hazard or seiche zone (FEMA 2009, DWR 2024). Therefore, this site would not risk the release of pollutants due to project inundation, and no impact would occur.

### *Condit Sports Facilities Expansion Site*

The Condit Sports Facilities Expansion site is not located within a FEMA designated flood hazard area (FEMA 2009). However, the southwest portion of the site lies within an inundation risk zone associated with a potential Leroy Anderson Reservoir dam failure (DWR 2024). In the event of dam failure, projected flooding at the site would be minimal, as the site is geographically separated from the larger downstream inundation area primarily by Highway 101, which acts as a physical barrier (DWR 2024). Given the limited extent and low probability of inundation, the potential for pollutant release due to flooding is negligible. Future recreational development of this site would not involve substantial quantities of hazardous materials beyond small amounts typically associated with landscaping and maintenance. As discussed within Section 4.7*, Hazards and Hazardous Materials*, hazardous materials would be stored and managed in accordance with applicable regulations that require BMPs to minimize pollutant discharge. Compliance with Chapter 18.64 (Landscaping) would further reduce pollutant risks by requiring drought-tolerant plantings, efficient irrigation systems, and soil management practices that minimize fertilizer use and prevent overspray. Impacts would be less than significant.

### *Butterfield Sports Park Expansion Site*

The Butterfield Sports Park Expansion site is located within a FEMA Special Flood Hazard Area (Zone AE), corresponding to the 100-year floodplain (FEMA 2009), and within an inundation zone associated with a potential Leroy Anderson Reservoir dam failure (DWR 2024). Future recreational development would allow for conversion of an existing undeveloped site into a sports park with turf areas, ball fields, a public meeting room, restrooms, a walking path, and parking. In the event of flooding or dam failure, the site could experience inundation and risk the release of pollutants. However, future on-site development would not involve substantial quantities of hazardous materials or pollutants beyond small amounts typically associated with maintenance (e.g., fertilizers, cleaning products). These materials would be stored and managed in accordance with applicable regulations as described in Section 4.7, *Hazards and Hazardous Materials,* as well as MHMC Section 13.30.170 (BMP Implementation), Section 18.148.160 (Stormwater Management and Rainwater Retention), and Chapter 18.64 (Landscaping). Because the project would not allow for industrial uses or large-scale hazardous material storage and would comply with standard regulatory requirements, the potential for pollutant discharge during a flood event would be minimal. Therefore, the project would not risk release of pollutants due to project inundation, and this impact would be less than significant.

## Mitigation Measures

Impacts from development on all three proposed annexation sites would be less than significant without mitigation. No mitigation measures are required.

| | |
|---|---|
| **Threshold 5:** | Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? |

**Impact HYD-5 THE PROJECT WOULD NOT CONFLICT WITH OR OBSTRUCT IMPLEMENTATION OF A WATER QUALITY CONTROL PLAN OR SUSTAINABLE GROUNDWATER MANAGEMENT PLAN. IMPACTS WOULD BE LESS THAN SIGNIFICANT.**

### *Rose Orchard Court Site*

The Rose Orchard Court site is located within the jurisdiction of the CCRWQCB, which administers the Basin Plan for the Central Coast Region. Future development on the site would be required to comply with RWQCB regulations, including obtaining coverage under the State CGP for stormwater discharges during grading and construction activities. Compliance would involve preparation and implementation of a SWPPP with BMPs to minimize erosion, sedimentation, and pollutant discharge, consistent with MHMC Section 13.30.170 (BMP implementation), Section 13.30.260 (SWPPP preparation), and Section 13.30.270 (water pollution control).

The site is also within the Santa Clara Valley Groundwater Basin, managed under the Santa Clara Valley Groundwater Management Plan and the SGMA framework. The proposed development consists of four new residences on approximately one-acre lots and retention of an existing residence, representing a relatively low-intensity use. Water supply would be provided by the City of Morgan Hill's municipal water system, which relies entirely on groundwater pumped from the Santa Clara and Llagas Subbasins of the Santa Clara Valley Groundwater Basin (Valley Water 2024). As discussed in Section 4.13, *Utilities and Service Systems,* sufficient water supplies are available to serve the future development on the site. Compliance with Section 18.148.160 (Stormwater Management and Rainwater Retention) and Chapter 18.64 (Landscaping) would further support groundwater recharge and sustainability objectives. Additionally, the dedication of approximately 10 acres of hillside land for permanent conservation would preserve natural hydrology and infiltration capacity. Therefore, the project would not interfere with implementation of the Basin Plan or the Santa Clara Valley Groundwater Management Plan, and impacts would be less than significant.

### *Condit Sports Facilities Expansion Site*

Future development on the Condit Sports Facilities Expansion site would not conflict with or obstruct implementation of any applicable water quality control plan or sustainable groundwater management plan. The site is located within the CCRWQCB jurisdiction and subject to the Basin Plan. Grading and construction activities could generate stormwater runoff containing sediment and pollutants; however, future development would comply with the State CGP, which requires preparation and implementation of a SWPPP with BMPs, consistent with MHMC Section 13.30.170 and Section 13.30.260.

The site is within the Santa Clara Valley Groundwater Basin, managed under the Santa Clara Valley Groundwater Management Plan and SGMA. Future development on the site would connect to the City's municipal water system, which relies entirely on groundwater pumped from the Santa Clara and Llagas Subbasins of the Santa Clara Valley Groundwater Basin. As discussed in Section 4.13, *Utilities and Service Systems,* sufficient water supplies are available to serve the future development on the site. While impervious surfaces would increase, the recreational development would be required to incorporate stormwater management features consistent with the City's LID standards under Chapter 18.140, and to comply with Section 18.148.160 (Stormwater Management and Rainwater Retention) and Chapter 18.64 (Landscaping). These measures promote infiltration and minimize runoff, supporting groundwater sustainability objectives. Therefore, the project would not conflict with the Basin Plan or groundwater management plans, and impacts would be less than significant.

*Butterfield Sports Park Expansion Site*

The Butterfield Sports Park Expansion site would not conflict with or obstruct implementation of any applicable water quality control plan or sustainable groundwater management plan. The site is located within the CCRWQCB jurisdiction and subject to the Basin Plan. Little Llagas Creek, which traverses the site, is a water body subject to Basin Plan objectives. Construction activities could generate stormwater runoff containing sediment and pollutants; however, future development on the site would be required to comply with the State CGP, requiring a SWPPP and BMPs to prevent pollutant discharge, consistent with MHMC Section 13.30.170, Section 13.30.260, and Section 13.30.200 (watercourse protection).

The site is within the Santa Clara Valley Groundwater Basin, managed under the Santa Clara Valley Groundwater Management Plan and SGMA. Future development on the site would connect to the City's municipal water system which relies entirely on groundwater pumped from the Santa Clara and Llagas Subbasins of the Santa Clara Valley Groundwater Basin. As discussed in Section 4.13, *Utilities and Service Systems,* sufficient water supplies are available to serve the future development on the site. While impervious surfaces would increase, development would incorporate LID features under Chapter 18.140 and comply with Section 18.148.160 (Stormwater Management and Rainwater Retention) and Chapter 18.64 (Landscaping), promoting infiltration and minimizing runoff. Riparian setbacks would be maintained to protect Little Llagas Creek and support Basin Plan objectives for aquatic habitat and watershed health. Therefore, the project would not conflict with the Basin Plan or groundwater management plans, and impacts would be less than significant.

## Mitigation Measures

Impacts from development on the three annexation sites would be less than significant without mitigation. No mitigation measures are required.

## c. Cumulative Impacts

The geographic scope of the cumulative hydrology and water quality analysis is the Uvas/Llagas Watershed and the Coyote Creek Watershed, which encompasses Morgan Hill and surrounding areas. Like future development under the project, cumulative projects in the region are also expected to result in impacts on water quality; groundwater recharge; erosion, siltation, flooding, and polluted runoff from alteration of drainage patterns; and compliance with a water quality control plan. However, cumulative projects would be subject to similar regulatory requirements, including the State CGP, the Industrial General Permit (for industrial facilities), applicable sections from MHMC including Chapter 13.30 (Urban Storm Water Quality Management and Discharge Control), Chapter 18.140 (Post Construction Stormwater Pollution Prevention), Chapter 18.148 (Water Conservation), Chapter 15.80 (Flood Damage Prevention), and Chapter 18.64 (Landscaping). These provisions mandate preparation of stormwater runoff management plans and incorporation of LID measures in compliance with the CCRWQCB Post-Construction Requirements (Resolution R3-2013-0032). Collectively, these regulations and programs substantially reduce the potential for cumulative hydrology and water quality impacts. As such, cumulative impacts on hydrology and water quality would be less than significant.

# 4.9 Land Use and Planning

This section analyzes the consistency of the proposed project with applicable land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental effect and identifies environmental effects that would arise from such inconsistencies.

## 4.9.1 Setting

### Existing Land Uses

The proposed project consists of annexation into the City of Morgan Hill and inclusion in the City's Urban Service Area (USA) for four sites located adjacent to the existing Morgan Hill city limits: Rose Orchard Court, Condit Sports Facilities Expansion, Butterfield Sports Park Expansion, and Assessor's Parcel Number (APN) 825-06-022. Figure 2-2 in Chapter 2, *Project Description*, shows the location of each annexation site.

#### *Rose Orchard Court Site*

The Rose Orchard Court site consists of APNs 773-32-015 and 773-32-016, totaling 20.05 acres, and is within the City's Sphere of Influence (SOI). Approximately half of the site is within the City's Urban Growth Boundary (UGB) and the site is outside of the City's USA. The site is primarily undeveloped, with one existing single-family residence located near the terminus of Rose Orchard Court. South of the residence, the property consists of vacant land adjacent to areas designated as Open Space on the slopes of El Toro Mountain, a prominent landform on the western side of the city. Under the Santa Clara County General Plan (1994), the site has a land use designation of Hillsides and has a Santa Clara County Zoning designation of Hillside with design review overlay (HS-d1), meaning development must comply with hillside standards and undergo design review for aesthetics and environmental protection (Santa Clara County 2025). Because the property lies within the City of Morgan Hill's SOI, it also carries a City of Morgan Hill General Plan land use designation of Residential Estate.

#### *Condit Sports Facilities Expansion Site*

The Condit Sports Facilities Expansion site consists of two parcels, APNs 817-13-037 and 817-13-008, totaling 13.03 acres and is within the City's SOI and UGB but outside of the USA. The Santa Clara County General Plan (1994) land use designation for the site is Agriculture Medium Scale and the County zoning designation is Exclusive Agriculture (Santa Clara County 2025). Because the property lies within the City of Morgan Hill's SOI, it also has a City of Morgan Hill General Plan land use designation of Sports Recreation/Leisure. APN 817-13-008 is undeveloped and APN 817-13-037 contains a single-family residence.

#### *Butterfield Sports Park Expansion Site*

The Butterfield Sports Park Expansion site consists of one parcel, APN 817-06-001, totaling 19.61 acres and is within the City's SOI and UGB but outside of the USA. The site is undeveloped. Little Llagas Creek, an intermittent stream with a channelized earthen bank, bisects the eastern portion of the site. Under the Santa Clara County General Plan (1994), the site is designated Agriculture Medium Scale, and zoning is Exclusive Agriculture (Santa Clara County 2025). Under the City of Morgan Hill General Plan (2022) the site has a General Plan land use designation of Industrial.

#### *APN 825-06-022*

APN 825-06-022 contains one single-family residence and is within the City's SOI and UGB but outside of the USA. The site has a land use designation of Agriculture Medium Scale under the Santa Clara County General Plan (Santa Clara County 1994) and has a County zoning designation of Exclusive Agriculture

(Santa Clara County 2025). The City of Morgan Hill General Plan (2022) identifies APN 825-06-022 as Residential Attached Low land use designation.

## 4.9.2 Regulatory Setting

### a. State Regulations

#### Planning and Zoning Law

State law requires each city and county in California to adopt a General Plan for the physical development of the land within its planning area (Government Code Sections 65300-65404). The General Plan must contain land use, housing, circulation, open space, conservation, noise, and safety elements, as well as any other elements that the city or county may wish to adopt. The circulation element of a local General Plan must be correlated with the land use element. Zoning authority originates from city and county police power and from the State's Planning and Zoning Law, which sets minimum requirements for local zoning ordinances. The city or county zoning code is the set of detailed requirements that implement the General Plan policies at the level of the individual parcel. The zoning code presents standards for different uses and identifies which uses are allowed in the various zoning districts of the jurisdiction. Since 1971, State law has required the city or county zoning code to be consistent with the jurisdiction's General Plan. The consistency requirement does not apply to charter cities other than Los Angeles unless the charter city adopts a consistency rule.

#### Sustainable Communities and Climate Protection Act (SB 375)

The Sustainable Communities and Climate Protection Act (SB 375) supports the State's climate goals by helping reduce greenhouse gas emissions through coordinated transportation, housing, and land use planning. Under the Act, the California Air Resources Board (CARB) set targets for 2020 and 2035 for each of the 18 metropolitan planning organization regions in 2010 and updated them in 2018. Each of the regions must prepare a Sustainable Communities Strategy (SCS), as an integral part of its Regional Transportation Plan (RTP), that contains land use, housing, and transportation strategies that, if implemented, would allow the region to meet CARB's targets. The Act establishes some incentives to encourage implementation of the development patterns and strategies included in an SCS. Developers can get relief from certain environmental review requirements under the California Environmental Quality Act (CEQA) if their new residential and mixed-use projects are consistent with a regions SCS that meets the targets (see Public Resources Code Sections 21155, 21155.1, 21155.2, 21159.28).

#### Cortese Knox Hertzberg Local Government Reorganization Act of 2000

The 2000 Cortese Knox Hertzberg Local Government Reorganization Act (CKH Act) established procedures for local agency changes of organization, including city incorporation, annexation to a city or special district, and consolidation of cities or special districts (Section 56000, et seq.). Local Agency Formation Commissions (LAFCOs) have numerous powers under the CKH Act, but the most important are the power to act on local agency boundary changes and to adopt sphere of influences (SOIs) for local agencies. The law states that to update an SOI, LAFCOs are required to first conduct a review of the municipal services provided by the local agency. The CKH Act requires LAFCOs to update SOIs for every city and special district every five years. The original deadline was January 2006, five years following the CHK Act becoming State law. That deadline was extended two years to January 2008. Every SOI update must be accompanied by an update of the municipal services review. American Canyon's SOI is not being updated as a part of the project.

## b. Regional and Local Regulations

### Plan Bay Area 2050+

Plan Bay Area 2050+ is a state-mandated, integrated long-range transportation, land-use, and housing plan (sustainable communities strategy or SCS) that would support a growing economy, provide more housing and transportation choices, and reduce transportation-related pollution in the nine-county San Francisco Bay Area (MTC/ABAG 2025). The SCS builds on earlier efforts to develop an efficient transportation network and grow in a financially and environmentally responsible way. Plan Bay Area 2050+ focuses on advancing equity and improving resiliency in the Bay Area by creating strategies in the following four elements: Housing, Economy, Transportation, and Environment. The Plan discusses how the future of the region is uncertain due to anticipated employment growth, lack of housing options, and outside forces, such as climate change and economic turbulence. These uncertainties will impact growth in the Bay Area and exacerbate issues for all residents including those who are historically and systemically marginalized, underserved, and excluded. Thus, Plan Bay Area 2050+ has created strategies and considered investments that will serve those systemically underserved communities and provide equitable opportunities. The Plan presents a total of 35 strategies to outline how the $1.4 trillion dollar investment would be utilized. The strategies include, but are not limited to, the following: providing affordable housing, allowing higher-density in proximity to transit-corridors, optimizing the existing roadway network, creating complete streets, providing subsides for public transit, reducing climate emissions, and expanding open space area. To bring these strategies to fruition, Plan Bay Area 2050+ will require participation by agencies, policymakers, and the public. An implementation plan is also included as part of the Plan to assess the requirements needed to carry out the strategies, identify the roles of pertinent entities, create an appropriate method to implement the strategies, and create a timeline for implementation (ABAG/MTC 2025).

### Santa Clara Valley Habitat Plan

The Santa Clara Valley Habitat Plan (Habitat Plan) was developed through a partnership between Santa Clara County, the cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District (SCVWD), Santa Clara Valley Transportation Authority (VTA), U.S. Fish and Wildlife Service (USFWS), and California Department of Fish and Wildlife (CDFW). The Habitat Plan is a conservation program intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth on approximately 500,000 acres of southern Santa Clara County. A complete discussion of the Habitat Plan is included in Section 4.3, *Biological Resources*.

### Local Agency Formation Commission (LAFCO) of Santa Clara County

The Santa Clara County Local Agency Formation Commission (LAFCO) *Policies and Procedures For Reviewing and Processing Applications* establishes policies to guide orderly growth and efficient service delivery (LAFCO 2024). Chapter 1, Countywide Urban Development Policies, directs urban development into cities while preserving agricultural and open space lands, promoting cost-effective infrastructure and environmental stewardship. Chapter 3, Urban Service Area Policies, define Urban Service Areas as locations planned for urbanization within five years and outline LAFCO's authority and procedures for boundary changes to prevent sprawl and protect sensitive lands. Chapter 5 includes city annexation policies that govern the annexation of lands within approved Urban Service Areas, requiring consistency with general plans and coordinated service provision to maintain fiscal and environmental integrity. These chapters collectively ensure that growth occurs in a sustainable, well-planned manner aligned with community values and state law.

### City of Morgan Hill 2035 General Plan

Adopted by the City Council on July 27, 2016, the Morgan Hill 2035 General Plan is a long-range statement of policies for the development and preservation of Morgan Hill (City of Mogan Hill 2016). The

General Plan's goals are implemented through decisions and actions consistent with the objectives, policies, and actions of each of the seven Elements: City and Neighborhood Form (Land Use); Housing; Economic Development; Healthy Community; Transportation; Natural Resources and Environment; and Safety, Services, and Infrastructure. The General Plan provides the foundation for Morgan Hill's zoning regulations and focuses not only on local issues, but broader regional issues that affect Morgan Hill residents as well. The City and Neighborhood Form Element includes goals, policies, and actions that aim to maintain Morgan Hill's small-town character, guide growth toward Downtown and transit corridors, preserve open space and hillsides, and avoid conflicts between adjacent land uses. The focus of this Element is to balance growth with conservation, ensuring the stability and integrity of neighborhoods while promoting mixed-use development and sustainable design.

### City of Morgan Hill Zoning Code

Pursuant to Title 18 of the Morgan Hill Municipal Code, the city is divided into multiple zoning districts that regulate land use and development standards. These districts include residential, commercial, industrial, open space, and specialized zones such as mixed-use and public facilities. Each parcel in the city is assigned to a zone that specifies allowable uses, minimum lot sizes, maximum building heights, setbacks, and other development requirements. Within each zone, certain uses of land and buildings are permitted by right, others require conditional use permits, and some uses are prohibited. The zoning ordinance provides detailed standards to ensure compatibility among land uses, promote orderly growth, and implement the policies of the Morgan Hill 2035 General Plan.

### City of Morgan Hill 2023-2031 Housing Element

The City of Morgan Hill Housing Element serves as the city's framework for housing goals, policies, and detailed programs for meeting existing and future housing needs and for increasing affordable housing opportunities. The current 2023–2031 Housing Element addresses the planning period of January 31, 2023 to January 31, 2031, as required by State Housing Element Law, and was adopted January 25, 2023. The Housing Element guides decisions to facilitate the development, rehabilitation, and availability of housing in Morgan Hill and affirmatively furthers fair housing by promoting equity and inclusion throughout the city. Key goals of the Morgan Hill Housing Element include providing a diversified housing stock to meet the full range of future community housing needs, encouraging extremely low-income housing production to increase availability of affordable and workforce housing, advancing equity and inclusion throughout the city, preserving and rehabilitating the existing housing supply to maintain affordability and quality, promoting housing for people experiencing homelessness and providing adequate housing for groups with special needs, and increasing community outreach and education on affordable housing opportunities. The Housing Element also identifies land inventory to meet the Regional Housing Needs Allocation (RHNA) of at least 1,037 new units across income categories, with programs and actions to ensure compliance with state law and local priorities.

## 4.9.3 Impact Analysis

### a. Methodology and Thresholds of Significance

To determine whether a project would result in a significant impact related to land use and planning, Appendix G of the *CEQA Guidelines* requires consideration of whether a project would:

1. Physically divide an established community; and/or
2. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

The consistency analysis describes existing regional and local plans and policies and is intended to fulfill the requirements of CEQA Guidelines Section 15125(d). The emphasis of the analysis is on the potential for conflicts or inconsistencies between the project and existing applicable land use plans adopted for

the purpose of avoiding or mitigating an environmental effect, and whether any inconsistencies would result in significant environmental effects. The project is considered consistent with the provisions of the identified regional and local plans if it meets the general intent of the applicable plans and does not conflict with directly applicable policies. A given project need not be in perfect conformity with each and every policy nor does State law require precise conformity of a proposed project with every policy or land use designation. Courts have also acknowledged that General Plans and specific plans attempt to balance a range of competing interests, and that it is nearly, if not absolutely, impossible for a project to be in perfect conformity with each and every policy set forth in the applicable plan. Additionally, in reaching such consistency conclusions, the city may also consider the consequences of denial of a project, which can also result in other policy inconsistencies. For example, Government Code Section 65589.5 explains that the potential consequences of limiting the approval of housing are reduced mobility, urban sprawl, excessive commuting, and air quality deterioration.

For an impact to be considered significant, an inconsistency would also have to result in a significant adverse change in the environment not already addressed in the other resource chapters of this EIR. The analysis below provides a discussion of the most relevant policies from the various planning documents. However, the City's consistency conclusions are based upon the planning documents as a whole.

## b. Project Impacts and Mitigation Measures

The proposed project does not include changes to or development on the APN 825-06-022 site other than an updated zoning. Accordingly, the analyses below focus exclusively on the Rose Orchard Court site, the Butterfield Sports Park Expansion site, and the Condit Sports Facilities Expansion site.

| **Threshold 1:** | Would the project physically divide an established community? |
|---|---|

**Impact LU-1 FUTURE DEVELOPMENT ON THE ANNEXATION SITES WOULD NOT PHYSICALLY DIVIDE AN ESTABLISHED COMMUNITY. NO IMPACT WOULD OCCUR.**

### *Rose Orchard Court Site*

The proposed annexation and inclusion of this site in the City's USA would allow for residential uses that would complement existing adjacent residential areas and would not create physical barriers that divide an established community. Future development of four residences would not introduce physical barriers such as roads, walls, or other infrastructure that would divide an existing community. No impact would occur.

### *Condit Sports Facilities Expansion Site*

The Condit Sports Facilities Expansion site consists of two parcels adjacent to existing recreational facilities, including the Morgan Hill Aquatics Center and Outdoor Sports Center. Surrounding uses include recreational facilities, undeveloped land, and limited residential development. The proposed annexation and inclusion in the USA would allow for recreational uses that would complement existing adjacent sports facilities and would not create physical barriers that divide an established community. No impact would occur.

### *Butterfield Sports Park Expansion Site*

The Butterfield Sports Park Expansion site is generally flat and currently vacant or sparsely developed. Surrounding uses include planned sports park facilities, railroad tracks, Monterey Highway, and a mobile home park. Development of a park facility would not introduce physical barriers that would separate or isolate existing neighborhoods. No impact would occur.

## Mitigation Measures

No impact would occur and no mitigation measures are required.

| | |
|---|---|
| **Threshold 2:** | Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? |

**Impact LU-2 THE PROPOSED PROJECT WOULD NOT RESULT IN A SIGNIFICANT ENVIRONMENTAL IMPACT DUE TO A CONFLICT WITH A LAND USE PLAN, POLICY, OR REGULATION ADOPTED FOR THE PURPOSE OF AVOIDING OR MITIGATING AN ENVIRONMENTAL EFFECT. THEREFORE, THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.**

Several regionally and locally adopted land use plans, policies, and regulations apply to the project. These include the Plan Bay Area 2050+, the Bay Area 2017 Clean Air Plan, the Santa Clara Valley Habitat Plan, and the Morgan Hill General Plan. Project consistency with the 2017 Clean Air Plan is discussed in Section 4.2, *Air Quality,* and project consistency with the Santa Clara Vally Habitat Plan is discussed in Section 4.3, *Biological Resources*. Project consistency with applicable goals and policies of Plan Bay Area 2050+ and the General Plan are discussed in Table 4.9-1 and in the discussions for each annexation site following the table.

### Table 4.9-1 Project Consistency with Plan Bay Area 2050+ and the Morgan Hill General Plan

| Goals and Policies | Discussion |
|---|---|
| **Plan Bay Area 2050+** | |
| Policy EN4: Maintain Urban Growth Boundaries. | **Consistent.** The annexation sites are all within the City's Urban Growth Boundary, with the exception of the southeastern portion of the Rose Orchard Court site. However, this portion of the site would be preserved as open space and would not constitute urban growth. |
| Policy EN6: Expand Urban Greening in Communities. | **Consistent.** The proposed project includes investment in parks, trails, and tree canopy improvements at the annexation sites by either preserving green open space at the Rose Orchard Court site or creating additional park space at the City Parks annexation sites. |
| **Morgan Hill 2035 General Plan** | |
| Goal CNF-4: Orderly and limited expansion of City boundaries. | **Consistent.** The proposed annexations are strategic and contiguous, adding sports fields and low-density housing while preserving open space. |
| Goal CNF-6: High-quality services and facilities that keep pace with community needs and standards. | **Consistent.** The proposed project involves new public recreational facilities to ensure public services keep pace with City growth. |
| Goal CNF-10: A variety of housing types and densities available to all residents. | **Consistent.** The project would allow for four additional low-density residences add housing diversity and maintain compatibility with surrounding uses. |

*Rose Orchard Court Site*

The Rose Orchard Court site is designated Hillside Plan under the Santa Clara County General Plan (1994) and zoned Hillside Santa Clara Valley Viewshed by the County (2025). Within the City of Morgan Hill General Plan (2022), the site is designated Residential Estate. The proposed project would maintain the Residential Estate General Plan land use designation and would pre-zone the site as Residential Estate under the City's zoning. With City and LAFCO approval of the annexation, pre-zoning, and USA amendment, planned future development for four additional single-family residences and open space on the site would be consistent with the applicable zoning and General Plan designations for the site.

As discussed in Table 4.8-1, the project and future development under the project on this site area also consistent with Plan Bay Area 2050+, which promotes environmentally responsible growth and preservation of open space by keeping development within urban growth boundaries, and aligns with Morgan Hill 2035 General Plan goals to maintain orderly and limited expansion of urban boundaries and provide a variety of housing types and densities.

*Condit Sports Facilities Expansion Site*

The Condit Sports Facilities Expansion site is designated Agriculture - Medium Scale under the County General Plan (1994) and zoned Exclusive Agriculture by the County (2025). Under the City of Morgan Hill General Plan (2022), the site has a land use designation of Sports Recreation/Leisure. The proposed project would amend the City's General Plan land use map to change the land use designation of the site to Public Facilities and apply Public Facilities pre-zoning to allow sports park expansion (see Chapter 2, *Project Description*). With City and LAFCO approval, the potential for a sports facility expansion would be consistent with the City's zoning and General Plan land use designation for the site.

As discussed in Table 4.8-1, the project and future development under the project would support Plan Bay Area 2050+ strategies for healthy communities by expanding access to urban green spaces. The project also aligns with Morgan Hill 2035 General Plan policies by providing high-quality recreational facilities. Therefore, the project would not conflict with any adopted plan or policy intended to avoid or mitigate environmental effects, and the impact would be less than significant.

## Butterfield Sports Park Expansion Site

The Butterfield Sports Park Expansion site is designated Agriculture Medium Scale under the County General Plan (1994) and zoned Exclusive Agriculture by the County (2025). The City of Morgan Hill General Plan (2022) currently designates the parcel Industrial. The proposed project would amend the City General Plan designation to Public Facilities and apply Public Facilities zoning to accommodate sports park expansion (see Chapter 2, *Project Description*). With City and LAFCO approval, the potential for a park expansion would be consistent with the City's zoning and General Plan land designation for the site.

As discussed in Table 4.8-1, the project is consistent with Plan Bay Area 2050+ objectives to expand urban greening in communities and conforms to Morgan Hill 2035 General Plan policies by providing community-serving services and facilities. Therefore, the annexation and General Plan/zoning amendments would not conflict with any adopted plan or policy intended to avoid or mitigate environmental effects, and the impact would be less than significant.

## Mitigation Measures

This impact would be less than significant without mitigation. No mitigation measures are required.

**Impact LU-3 THE PROJECT WOULD BE CONSISTENT WITH SANTA CLARA LAFCO POLICIES AND STANDARDS RELATED TO ANNEXATIONS AND USA AMENDMENTS. THEREFORE, THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.**

The proposed project involves annexations and USA amendments for four annexation sites within the City of Morgan Hill's Sphere of Influence (SOI) to incorporate these sites into the City of Morgan Hill city limits and USA. In considering whether to approve or deny the proposed annexations and USA amendments for the annexation sites the Santa Clara County LAFCO must assess consistency of the annexations with *Policies and Procedures For Reviewing and Processing Applications*. A discussion of the project's potential consistency with relevant LAFCO policies related to annexations and USA amendments is presented in Table 4.9-2.

## Table 4.9-2 LAFCO Policy Consistency

| Policy | Discussion |
|---|---|
| **Chapter 1, Countywide Urban Development Policies** | |
| Urban development should occur, and urban services should be provided only on lands annexed to cities – and not within unincorporated areas, urban or rural. | The proposed project involves annexing four sites into the City's city limits and USA. This would ensure that urban services and land use authority are provided on the annexation sites are provided by the City rather than remaining in unincorporated areas. |
| Urban expansion should occur in an orderly, and planned manner – with cities responsible for planning and providing services to urban development within explicitly adopted Urban Service Areas (USA) whose location and expansion is subject to LAFCO approval authority. | The annexation sites are contiguous to existing City limits. Upon annexation and incorporation into the City's USA, the City would be responsible for providing services. Annexation and pre-zoning fulfill the goal of guiding urban expansion in an orderly and planned manner by consolidating land use authority under the City and ensuring compliance with City standards for infrastructure, public services, and environmental protection. |
| Urban unincorporated islands within USAs should eventually be annexed into their surrounding cities, so that cities have the responsibility for urban services and land use authority over all lands within their USA boundaries. | The annexation sites are adjacent to the City limits and are not unincorporated islands. |
| **Chapter 3, Urban Service Area Policies** | |
| **Initiation.** All USA amendments require Santa Clara LAFCO approval. An USA amendment request must be initiated by city council resolution and application to LAFCO. | The City of Morgan Hill will initiate the USA amendment request by adopting a City Council resolution and submitting an application to LAFCO. |
| **City Evaluation.** While a city may process requests for USA amendments on behalf of property owners, it is the city's responsibility as the LAFCO applicant to first evaluate whether the request is consistent with the applicable city, county, and LAFCO policies and determine whether the city supports the request. | The City evaluated the annexation proposal for consistency with its General Plan, zoning, and LAFCO policies prior to submitting the application. |
| **Pre-Application Meeting**. In order to aid the city's evaluation of an USA amendment request, LAFCO encourages the city to have a pre-application meeting with LAFCO staff as early as possible to discuss its USA amendment plans and obtain more information on the LAFCO policies and procedures that may apply to the specific proposal. | The City coordinated with LAFCO staff during the pre-application phase to review the proposed USA amendment and annexation plans, ensuring compliance with procedural requirements. |
| **Major General Plan Updates.** LAFCO requires that a city establish a stable baseline of its service plans and land use designations for LAFCO's evaluation of its USA amendment request. Therefore, LAFCO will not accept an USA amendment request from a city that is in the process of conducting a major General Plan update which involves changes to land use designations and service plans. LAFCO staff may consider limited exceptions on a case-by-case basis. | The City of Morgan Hill is not conducting a major General Plan update at this time. |
| **USA Amendment Request Frequency.** Each city may submit an USA amendment request to LAFCO once in a calendar year. The date the application is heard by LAFCO shall determine the calendar year. USA amendment requests shall be limited to once a year in | The City's USA amendment request complies with this policy and represents its single request for the calendar year. |

| Policy | Discussion |
|---|---|
| order to encourage a city to consider and understand the comprehensive impacts of USA amendments on its services, facilities / infrastructure, fiscal health, and the environment; and to ensure that LAFCO considers such requests in a similarly comprehensive manner. Until a city's application has been heard and acted upon by LAFCO, no further USA amendment requests will be accepted for filing from that city. | |
| **Exception to Once-a-Year Rule.** The Commission may make an exception to the once-a-year limitation for USA amendment requests when such amendment is needed to carry out some special institutional development or activity that is in the public interest. Such exceptions shall not normally be extended in connection with proposed residential, commercial, or industrial development. | This policy is not applicable because the City's request falls within the standard once-per-year submission limit. |
| **CEQA.** An USA amendment proposal is considered a project under the California Environmental Quality Act (CEQA). Pursuant to CEQA, a city would be the Lead Agency for such a proposal and LAFCO would be a Responsible Agency. Therefore, LAFCO is required to rely on the city's CEQA documentation (initial study, negative/mitigated negative declaration, environmental impact report, etc.), with few exceptions. Cities must consult with LAFCO on the scoping of CEQA documentation for the potential proposal**.** | The City of Morgan Hill is preparing CEQA documentation for the annexation and USA amendment proposal, as required. LAFCO will rely on the City's CEQA analysis when considering the application. |
| **Chapter 4, Annexation, Detachment, and Reorganization Policies** | |
| **City-Conducted Annexation**. Pursuant to GC §56757, in Santa Clara County, an annexation or a reorganization proposal that includes city annexation of unincorporated lands located within the USA of a city is not reviewed by LAFCO if the annexation or reorganization proposal is initiated by city council resolution. Further, the city council is required to conduct and approve the annexation or reorganization proposal after making all the following findings:<br>a. The unincorporated territory is located within the USA of the city as adopted by LAFCO.<br>b. The County Surveyor has determined the boundaries of the proposal to be definite and certain, and in compliance with LAFCO's Road Annexation Policies as listed in Policy #4.2.4. The city shall reimburse the county for the actual costs incurred by the County Surveyor in making this determination.<br>c. The proposal does not split lines of assessment or ownership.<br>d. The proposal does not create islands or areas in which it would be difficult to provide municipal services.<br>e. The proposal is consistent with the adopted general plan of the city.<br>f. The territory is contiguous to existing city limits<br>g. The city has complied with all conditions imposed by LAFCO for inclusion of the territory in the USA of the city. | The proposed annexation will be initiated by City Council resolution, consistent with Government Code §56757. The annexation sites are not located within the City's USA as adopted by LAFCO, but the project involves a USA amendment to bring them within the USA, and the boundaries have been confirmed by the County Surveyor to be definite and certain. The project would not split lines of assessment or would not create islands or areas where municipal services would be difficult to provide. The annexation is consistent with the City's General Plan and proposed pre-zoning. The annexation sites are contiguous to existing City limits, and the City has complied with all conditions imposed by LAFCO for inclusion of the sites in the USA. |

| Policy | Discussion |
|---|---|
| **Pre-Zoning.** Consistent with GC §56375(a)(7), Santa Clara LAFCO requires pre-zoning of lands proposed for city annexation. Pre-zoning must be consistent with the city general plan designation for the lands. Both the pre-zoning and the general plan designation shall be considered in reviewing a city annexation proposal. | The project involves a pre-zone application by the City of Morgan Hill City Council to pre-zone the annexation sites. For the Rose Orchard Court site, the pre-zoning is consistent with the current General Plan land use designation for the site. For the Butterfield Sports Park Expansion site and Condit Sports Facilities Expansion site, the project also involves changing the General Plan land use designation for the sites (see Table 2-1 in Chapter 2, *Project Description*). The pre-zoning is consistent with the proposed General Plan land use designations. |
| **Change of Pre-Zoning Limitation.** Pursuant to GC §56375(e), no subsequent change may be made to the city general plan or the zoning designations of the annexed territory that is not in conformance to the pre-zoning designations for a period of two years after the completion of the annexation, unless the city council makes a finding at a public hearing that a substantial change has occurred in the circumstances that necessitate the change. | The City will comply with this requirement; no changes to pre-zoning will occur within two years of annexation unless substantial circumstances necessitate such changes. |
| **Annexation of Roads.** Cities shall annex appropriate segments of roads, freeways, highways, expressways, private roads or railroad rights-of-way, adjacent to or within the proposed annexation boundaries to ensure logical boundaries and efficient provision of public services. A city annexation proposal shall be designed to include:<br>a. A continuous section of roadway sufficient in length to allow road maintenance, and provision of other services such as policing of the street, fire protection, street maintenance, solid waste collection/disposal, by a single jurisdiction in an efficient manner without service duplication.<br>b. Full-width sections of the street right-of-way to provide single-agency oversight, except that when a street is the boundary line between two cities, the centerline of the street may be used as the boundary.<br>c. Full-width street sections in increments of not less than one thousand linear feet, or the distance between two consecutive intersections, where 50 percent or more of the frontage on both sides of the street in said increment has been or is to be included in the city.<br>d. Existing short segments of county-maintained road to provide single-agency oversight of a full-width section of the road. | There are no roadway segments within the boundaries of the annexation sites. Most adjacent roadways to the annexation sites are already within the City of Morgan Hill city limits, including Condit Road, Rose Orchard Court, and Monterey Street. The portion of Murphy Avenue adjacent to the eastern boundary of APN 817-13-037 of the Condit Sports Park Expansion site would be annexed into the City limits and the City would be responsible for this portion of roadway. |
| **Ability to Provide Public Services / Infrastructure.** Cities shall assume responsibility for ensuring that the annexed territory receives a full range of city services, and the city must clearly demonstrate its ability to provide services to the area proposed for annexation without detracting from current service levels within the city. | The City of Morgan Hill has demonstrated its ability to provide water, sewer, police, fire, and other municipal services to the annexation sites without reducing service levels elsewhere. As discussed in Section 4.13, *Utilities and Service Systems*, and the Public Services subsection of Section 4.15, *Effects Found Not to be Significant,* infrastructure capacity and service plans are adequate to serve the proposed annexation sites. |

| Policy | Discussion |
|---|---|
| **Concurrent Detachment from Special Districts.** Cities shall concurrently detach the affected territory from special districts that will no longer provide service upon annexation to the city. | The annexation will include detachment from any special districts that currently provide urban services to the annexation sites, ensuring that service responsibilities are consolidated under the City and avoiding duplication. |
| **Annexation to Special Districts for Services.** Where city annexations necessitate annexation to a special district in order to meet service needs, annexation of territory to the special district is required with consent from the special district. If the annexation territory is located outside the sphere of influence of the special district, LAFCO approval for an amendment of the special district sphere of influence and for annexation must be obtained. | The proposed annexation does not require annexation to additional special districts for service provision. All necessary municipal services will be provided by the City of Morgan Hill. |
| **Annexation of Lands Under Williamson Act.** Pursuant to GC §56856.5, annexation of territory under Williamson Act Contract to a city or special district that would provide facilities or services related to sewers, nonagricultural water, or streets or roads shall be prohibited unless these facilities and services benefit land uses that are allowed under the Williamson Act Contract. | None of the annexation sites are under Williamson Act contracts; therefore, this policy does not apply to the proposed project. |
| **Conformance with Service Reviews and Spheres of Influence.** City annexations shall be consistent with city Spheres of Influence (SOI) and shall not undermine adopted service review determinations or recommendations. | The annexation sites are within the City's SOI as adopted by LAFCO. The proposal is consistent with prior service reviews and does not undermine any adopted determinations or recommendations. |
| **Annexation of Lands Outside a City's USA for Permanent Preservation of Open Space.** In general, cities are precluded from annexing lands outside adopted USA boundaries. If such annexation is to be considered, LAFCO is the approval authority. LAFCO strongly discourages city annexation of territory located outside a city's USA, unless consistent with the mission and policies of LAFCO.<br>LAFCO recognizes that in some limited circumstances, city annexations outside USAs may be appropriate, such as annexations that help promote permanent preservation of open space lands. Such annexation proposals outside city USAs will be considered on their merits on a case-by-case basis, and LAFCO shall reconsider allowance of exceptions to the general rule if it appears a pattern of such requests is developing. | The annexation sites are not within the City's USA. The project involves a USA amendment to bring the annexation sites within the City's USA. For the Rose Orchard Court site, 10 acres of land is planned to be deed restricted or dedicated as open space and for the Butterfield and Condit sites, the land is proposed for recreational and park use. The project is consistent with the mission and policies of LAFCO. |

As shown in the table, the proposed project would be consistent with applicable LAFCO policies, and therefore, potential impacts related to inconsistencies with these policies would be less than significant.

## Mitigation Measures

This impact would be less than significant without mitigation. No mitigation measures are required.

## c. Cumulative Impacts

A project's environmental impacts are "cumulatively considerable" if the "incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects" (*CEQA Guidelines* Section 15065[a][3]).

Because the project would have no impact related to the division of an established community, the project would not contribute to a cumulative impact. Therefore, cumulative impacts related to the division of an established community are not discussed further.

The geographic scope for cumulative impacts on a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect includes the geographic area of the City of Morgan Hill and the cumulative setting is described in Chapter 3, *Environmental Setting*. Cumulative development in accordance with the General Plan would incrementally modify land use patterns and the general setting of the City of Morgan Hill. If there were several cumulative projects that had inconsistencies with a land use plan, the impacts could accumulate and result in a cumulative impact. However, based on the nature of the projects described in Table 3-1 in Chapter 3, while planned cumulative development would incrementally increase overall development intensity throughout Morgan Hill, this is not expected to result in a significant cumulative land use impact. Further, land use and policy consistency impacts associated with the annexation of Rose Orchard Court, Condit Sports Facilities Expansion, and Butterfield Sports Park Expansion sites would be consistent with land use plans as discussed in Impact LU-2. Because the project would be consistent with land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental effect, the project's contribution to a cumulative impact would be less than significant.

# 4.10 Noise

This section analyzes potential impacts related to noise and vibration from implementation of the proposed project. Topics addressed include construction noise and vibration, on-site operational noise, traffic noise, and aircraft noise.

## 4.10.1 Setting

### Fundamentals of Noise

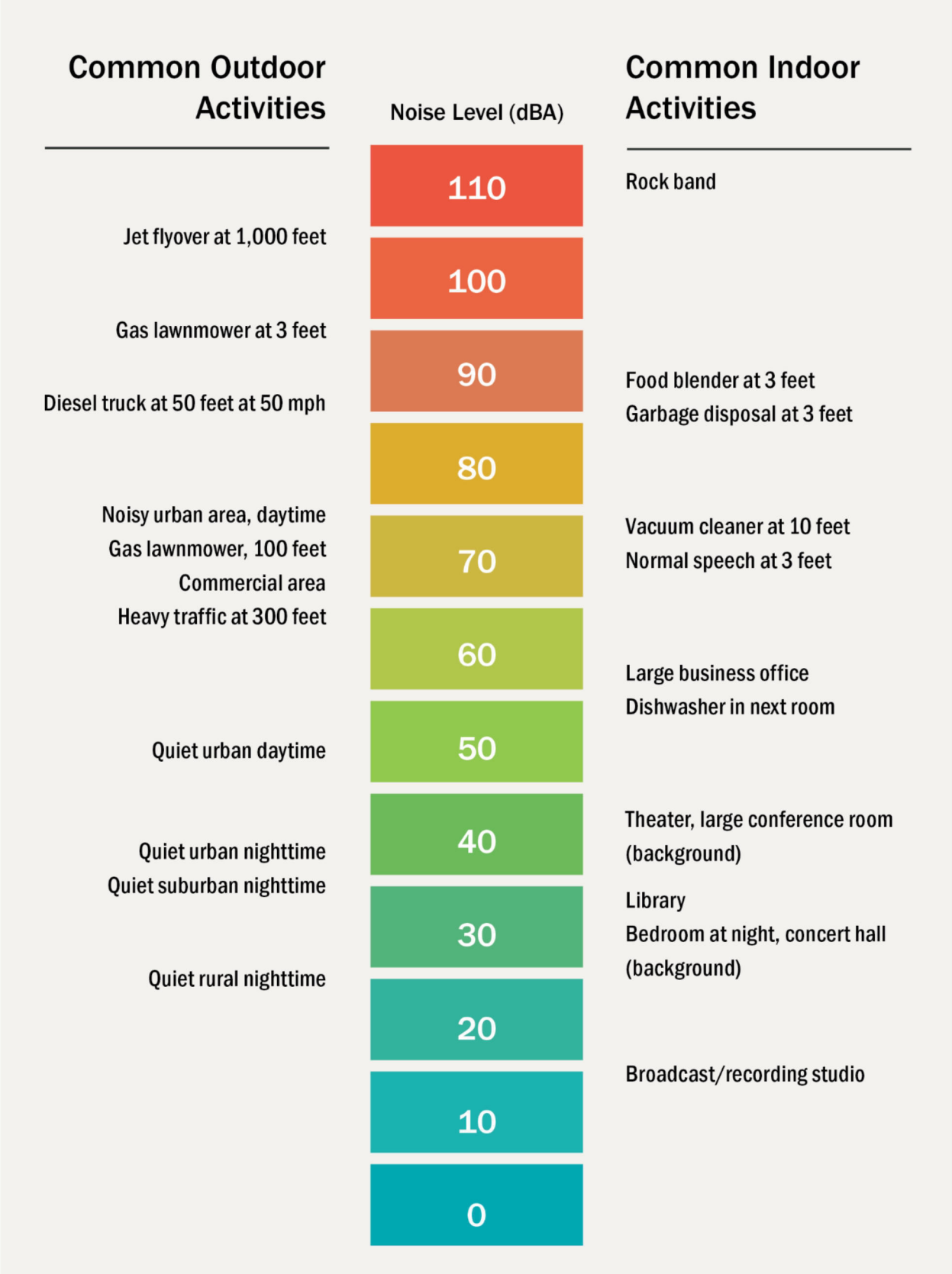
Sound is a vibratory disturbance created by a moving or vibrating source, which is capable of being detected by the hearing organs (e.g., the human ear). Noise is defined as sound that is loud, unpleasant, unexpected, or undesired and may therefore be classified as a more specific group of sounds. The effects of noise on people can include general annoyance, interference with speech communication, sleep disturbance, and, in the extreme, hearing impairment (California Department of Transportation [Caltrans] 2013).

Noise levels are commonly measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-weighting scale is an adjustment to the actual sound pressure levels so that they are consistent with the human hearing response, which is most sensitive to frequencies around 4,000 Hertz (Hz) and less sensitive to frequencies around and below 100 Hz (Kinsler, et. al. 1999). Decibels are measured on a logarithmic scale. A doubling of the energy of a noise source, such as a doubling of traffic volume, would increase the noise level by 3 dB; similarly, dividing the energy in half would result in a decrease of 3 dB (Crocker 2007). Common outdoor and indoor noise sources and their typical corresponding A-weighted noise levels are shown in Figure 4.10-1.

Human perception of noise has no simple correlation with sound energy. The perception of sound is not linear in terms of dBA or in terms of sound energy. Two sources do not “sound twice as loud” as one source. It is widely accepted that the average healthy ear can barely perceive an increase (or decrease) of up to 3 dBA in noise levels (i.e., twice [or half] the sound energy); that a change of 5 dBA is readily perceptible (8 times the sound energy); and that an increase (or decrease) of 10 dBA sounds twice (or half) as loud (10.5 times the sound energy) (Crocker 2007).

Sound changes in both level and frequency spectrum as it travels from the source to the receiver. The most obvious change is the decrease in sound level as the distance from the source increases. The manner by which noise declines with distance depends on factors such as the type of sources (e.g., point or line), the path the sound will travel, site conditions, and obstructions. Noise levels from a point source (e.g., construction, industrial machinery, ventilation units) typically attenuate, or drop off, at a rate of 6 dBA per doubling of distance. Noise from a line source (e.g., roadway, pipeline, railroad) typically attenuates at about 3 dBA per doubling of distance (Caltrans 2013). The propagation of noise is also affected by the intervening ground, known as ground absorption. A hard site, such as a parking lot or smooth body of water, receives no additional ground attenuation and the changes in noise levels with distance (drop-off rate) result simply from the geometric spreading of the source. An additional ground attenuation value of 1.5 dBA per doubling of distance applies to a soft site (e.g., soft dirt, grass, or scattered bushes and trees) (Caltrans 2013).

**Figure 4.10-1 Examples of Typical Noise Levels**



Noise levels may also be reduced by intervening structures. The amount of attenuation provided by this "shielding" depends on the size of the object and the frequencies of the noise levels. Natural terrain features, such as hills and dense woods, and man-made features, such as buildings and walls, can alter noise levels. Generally, any large structure blocking the line of sight will provide at least a 5 dBA reduction in source noise levels at the receiver (Federal Highway Administration [FHWA] 2011). Structures can substantially reduce occupants' exposure to noise as well. The FHWA's guidelines indicate that modern building construction generally provides an exterior-to-interior noise level reduction of 20 to 35 dBA with closed windows.

### *Descriptors*

The impact of noise is not a function of loudness alone. The time of day when noise occurs, its frequency, and the duration of the noise are also important. In addition, most noise that lasts for more than a few seconds is variable in its intensity. Consequently, a variety of noise descriptors have been developed.

One of the most frequently used noise metrics that considers both duration and intensity is the equivalent noise level ($L_{eq}$). The $L_{eq}$ is defined as the single steady A-weighted level that is equivalent to the same amount of energy as that contained in the actual fluctuating levels over a period of time. Typically, $L_{eq}$ is equivalent to a one-hour period, even when measured for shorter durations as the noise level of a 10- to 30-minute period would be the same as the hour if the noise source is relatively steady. $L_{max}$ is the highest Root Mean Squared sound pressure level within the sampling period, and $L_{min}$ is the lowest Root Mean Squared sound pressure level within the measuring period (Crocker 2007). Normal conversational levels at three feet are in the 60- to 65-dBA $L_{eq}$ range and ambient noise levels greater than 65 dBA $L_{eq}$ can interrupt conversations (Federal Transit Administration [FTA] 2018).

Noise that occurs at night tends to be more disturbing than that which occurs during the day. Community noise is usually measured using Day-Night Average Level ($L_{dn}$ or DNL), which is a 24-hour average noise level with a +10 dBA penalty for noise occurring during nighttime (10:00 p.m. to 7:00 a.m.) hours, or Community Noise Equivalent Level (CNEL), which is the 24-hour average noise level with a +5 dBA penalty for noise occurring from 7:00 p.m. to 10:00 p.m. and a +10 dBA penalty for noise occurring from 10:00 p.m. to 7:00 a.m. (Caltrans 2013). Noise levels described by DNL and CNEL usually differ by about 0.5 dBA. Quiet suburban areas typically have a CNEL in the range of 40 to 50 dBA, while areas near arterial streets are typically in the 50 to 70+ CNEL range.

## Vibration

Groundborne vibration of concern in environmental analysis consists of the oscillatory waves that move from a source through the ground to adjacent buildings or structures and vibration energy may propagate through the buildings or structures. Vibration may be felt, may manifest as an audible low-frequency rumbling noise (referred to as groundborne noise), and may cause windows, items on shelves, and pictures on walls to rattle. Although groundborne vibration is sometimes noticeable in outdoor environments, it is almost never annoying to people who are outdoors. The primary concern from vibration is that it can be intrusive and annoying to building occupants at vibration-sensitive land uses and may cause structural damage.

Typically, ground-borne vibration generated by manmade activities attenuates rapidly as distance from the source of the vibration increases. Vibration amplitudes are usually expressed in peak particle velocity (PPV). The PPV velocity is normally described in inches per second (in/sec). PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal. PPV is often used as it corresponds to the stresses that are experienced by buildings (Caltrans 2020).

High levels of groundborne vibration may cause damage to nearby building or structures; at lower levels, groundborne vibration may cause minor cosmetic (i.e., non-structural damage) such as cracks. These vibration levels are nearly exclusively associated with high impact activities such as blasting, pile-driving, vibratory compaction, demolition, drilling, or excavation.

## Sensitive Receptors

Noise exposure goals for various types of land uses reflect the varying noise sensitivities associated with those uses. Some land uses are considered more sensitive to ambient noise and ground-borne vibration levels than others. For example, residences, schools, and hospitals are generally more sensitive to noise than are people at commercial and industrial establishments (City of Morgan Hill 2016).

Vibration-sensitive receptors, which are similar to noise-sensitive receptors, include residences, schools, and hospitals. Vibration-sensitive receptors also include buildings where vibrations may interfere with vibration-sensitive equipment that is affected by vibration levels.

The nearest sensitive receptors to the annexation sites are primarily the single-family residences located near the annexation sites. Specifically, at the Rose Orchard Court site, the single-family residence (1092 Llagas Road) to the southwest of the site; at the Condit Sports Facilities Expansion site, the hotel use to the south (Hampton Inn) and the single-family residence (16270 Murphy Avenue) to the northeast; and at the Butterfield Sports Park Expansion site, a mobile home park to the south and the single-family residences located adjacent to the southern project boundary (Assessor Parcel Number [APN] 825-06-022).

## Existing Conditions

### *Noise Sources*

As shown in Figure SSI-7 of the Morgan Hill 2035 General Plan, the annexation sites are outside any major roadway contours; noise would be typical of a suburban environment. Among area roadways, Llagas Road near the Rose Orchard Court site; Tennant Avenue near the Condit Sports Facilities Expansion site, and Butterfield Boulevard near the Butterfield Sports Park Expansion site produces noise from vehicles associated with the surrounding neighborhood. While typical activities such as conversations may occur at nearby residences, traffic is the main contributor to existing ambient noise levels.

## Project Noise Setting

To characterize ambient sound levels at and near the annexation sites, seven 15-minute sound level measurements were conducted on October 23, 2025, and two 24-hour measurements were conducted on October 23, 2025 for the full day. Short-term (ST) noise Measurement 1 was taken at the midpoint of the southern project boundary of the Butterfield Sports Park Expansion site; ST-2 was taken approximately 80 feet north of the Butterfield Boulevard and Monterey Road intersection; ST-3a and ST-3b were taken at the corner of Railroad Avenue and Maple Avenue; ST-4 was taken on the south side of Condit Road between the Condit site and Hampton Inn; ST-5 was taken at the southwest corner of 1250 Barrett Avenue property line and ST-6 was taken at the end of Rose Orchard Court cul-de-sac. The 24-hour measurement (LT-1) was placed near the midpoint of the southeast project boundary of the Butterfield Sports Park Expansion site to capture on-site ambient noise levels from Monterey Road, Butterfield Boulevard, and the adjacent rail line throughout the course of a day, and LT-2 was placed on the south side of Condit Road between the Condit Sports Facilities Expansion site and Hampton Inn to capture ambient noise levels at the sensitive hotel use near the southern project boundary of the site.

The measurements were completed using a Piccolo II sound level meter fitted with a windscreen. The meter complies with American National Standards Institute (ANSI) Standard S1.4. The sound level meters were set to “slow” response and “A” weighting (dBA). The meters were calibrated prior to and after the monitoring period. All measurements were at least five feet above the ground and away from reflective surfaces. Table 4.10-1, Table 4.10-2 and Table 4.10-3 summarize the results of the noise measurements. Detailed sound level measurement data are included in Appendix G and noise measurement locations are shown in Figure 4.10-2, Figure 4.10-3 and Figure 4.10-4.

## Table 4.10-1 Noise Monitoring Results – Short Term

| Measurement | Location | Sample Times | Approximate Distance to Primary Noise Source | $L_{eq}$ (dBA) | $L_{max}$ (dBA) | $L_{min}$ (dBA) |
|---|---|---|---|---|---|---|
| ST-1 | Midpoint of southern project boundary of Butterfield Sports Park Expansion lot. | 1:33 – 1:49 p.m. | Approximately 40 feet to centerline of Monterey Road | 72 | 84 | 58 |
| ST-2 | Approximately 80 feet north of the Butterfield Blvd and Monterey Road intersection | 1:52 – 2:07 p.m. | Approximately 45 feet to centerline of Butterfield Blvd. | 72 | 95 | 64 |
| ST-3a | Coner of Railroad Ave and Maple Ave. (With train pass-by) | 2:21 – 2:25 p.m. | Approximately 20 feet to centerline of Railroad Avenue and 30 feet to nearest rail line | 71 | 87 | 59 |
| ST-3b | Corner of Railroad Ave and Maple Ave. | 2:25 – 2:40 p.m. | Approximately 20 feet to centerline of Railroad Avenue and 30 feet to nearest rail line | 58 | 76 | 59 |
| ST-4 | South side of Condit Road between Condit Lot 2 and Hampton Inn. | 2:49 – 3:04 p.m. | Approximately 20 feet to the center of Condit Road | 65 | 80 | 64 |
| ST-5 | Southwest corner of 1250 Barrett Ave. | 3:10 – 3:26 p.m. | Approximately 10 feet to the center of Barrett Road | 51 | 56 | 61 |
| ST-6 | End of Rose Orchard Court cul-de-sac. | 3:43 – 3:58 p.m. | Approximately 20 feet to Rose Orchard Court cul-de-sac | 41 | 51 | 44 |

Approximate noise measurement locations are shown in Figure 4.10-2, Figure 4.10-3 and Figure 4.10-4.

Source: Rincon Consultants, field measurements conducted on October 23, 2025, using ANSI Type II Integrating sound level meter. See Appendix G.

## Table 4.10-2 Noise Monitoring Results – Long Term (LT-1)

| Sample Time | dBA $L_{eq}$ | Sample Time | dBA $L_{eq}$ |
|---|---|---|---|
| **LT1 – Southeastern Boundary of Butterfield Sports Park Expansion Site, October 23, 2025** | | | |
| 12:00 a.m. | 49 | 12:00 p.m. | 48 |
| 1:00 a.m. | 42 | 1:00 p.m. | 50 |
| 2:00 a.m. | 43 | 2:00 p.m. | 52 |
| 3:00 a.m. | 47 | 3:00 p.m. | 53 |
| 4:00 a.m. | 48 | 4:00 p.m. | 54 |
| 5:00 a.m. | 56 | 5:00 p.m. | 53 |
| 6:00 a.m. | 57 | 6:00 p.m. | 53 |
| 7:00 a.m. | 55 | 7:00 p.m. | 51 |
| 8:00 a.m. | 52 | 8:00 p.m. | 53 |
| 9:00 a.m. | 47 | 9:00 p.m. | 50 |
| 10:00 a.m. | 46 | 10:00 p.m. | 50 |
| 11:00 a.m. | 45 | 11:00 p.m. | 47 |
| **24-hour Noise Level ($L_{dn}$)** | | | **58** |

Approximate noise measurement locations are shown in Figure 4.10-3.

Source: Rincon Consultants, field measurements conducted on October 23, 2025, using ANSI Type II Integrating sound level meter. See Appendix G.

## Table 4.10-3 Noise Monitoring Results – Long Term (LT-2)

| Sample Time | dBA $L_{eq}$ | Sample Time | dBA $L_{eq}$ |
|---|---|---|---|
| **LT2 – Southern Boundary of Condit Lot 2 Site, October 23, 2025** | | | |
| 12:00 a.m. | 60 | 12:00 p.m. | 66 |
| 1:00 a.m. | 58 | 1:00 p.m. | 69 |
| 2:00 a.m. | 58 | 2:00 p.m. | 69 |
| 3:00 a.m. | 61 | 3:00 p.m. | 70 |
| 4:00 a.m. | 65 | 4:00 p.m. | 70 |
| 5:00 a.m. | 68 | 5:00 p.m. | 71 |
| 6:00 a.m. | 73 | 6:00 p.m. | 72 |
| 7:00 a.m. | 72 | 7:00 p.m. | 69 |
| 8:00 a.m. | 69 | 8:00 p.m. | 68 |
| 9:00 a.m. | 67 | 9:00 p.m. | 67 |
| 10:00 a.m. | 66 | 10:00 p.m. | 65 |
| 11:00 a.m. | 69 | 11:00 p.m. | 63 |
| **24-hour Noise Level ($L_{dn}$)** | | | **73** |

Approximate noise measurement locations are shown in Figure 4.10-2.

Source: Rincon Consultants, field measurements conducted on October 23, 2025, using ANSI Type II Integrating sound level meter. See Appendix G.

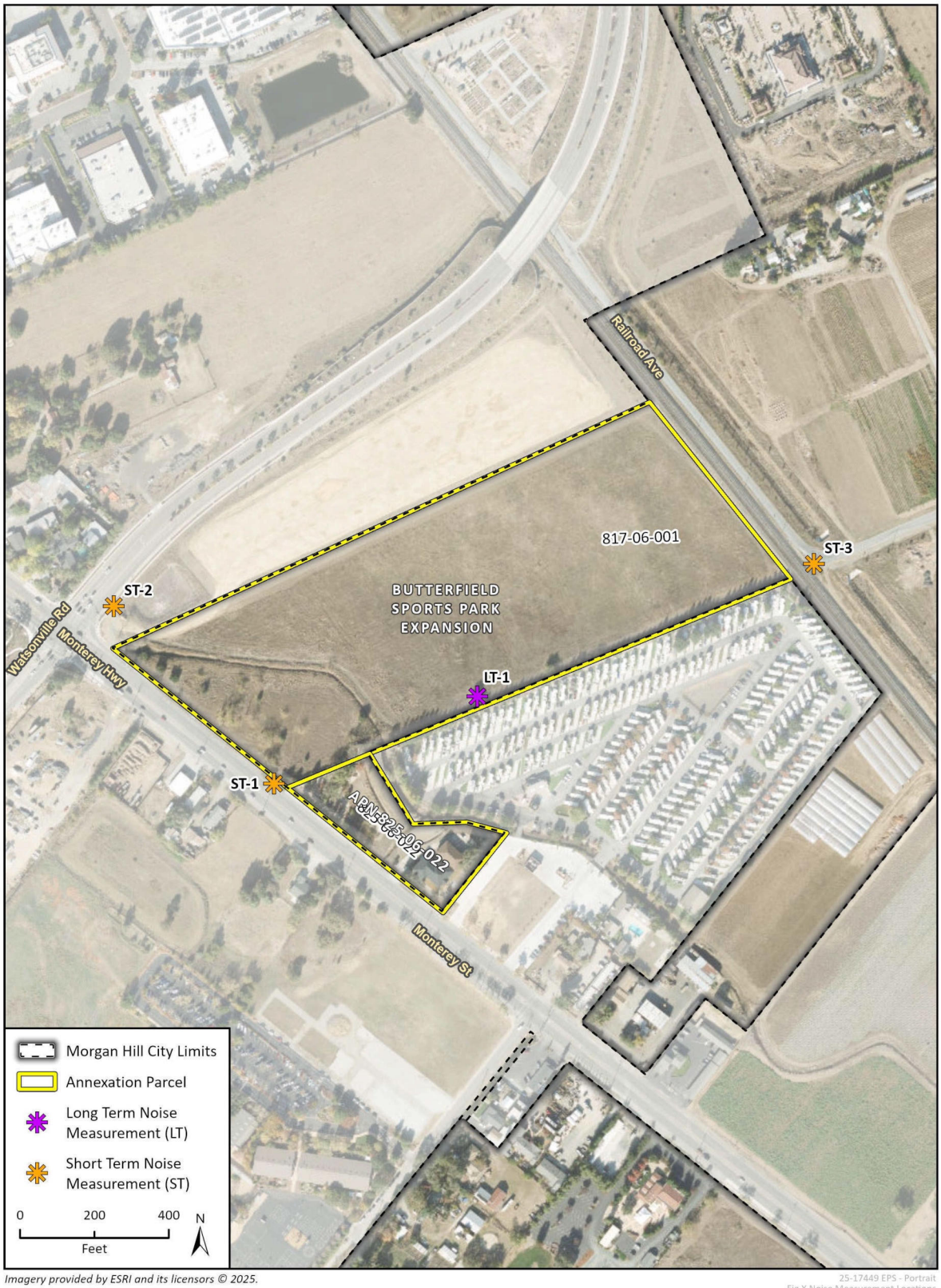
**Figure 4.10-2 Noise Measurement Locations – Condit Sports Facilities Expansion Site**




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*Additional data provided by Santa Clara County, 2025.*

25-17449 EPS - Portrait
Fig X Noise Measurement Locations

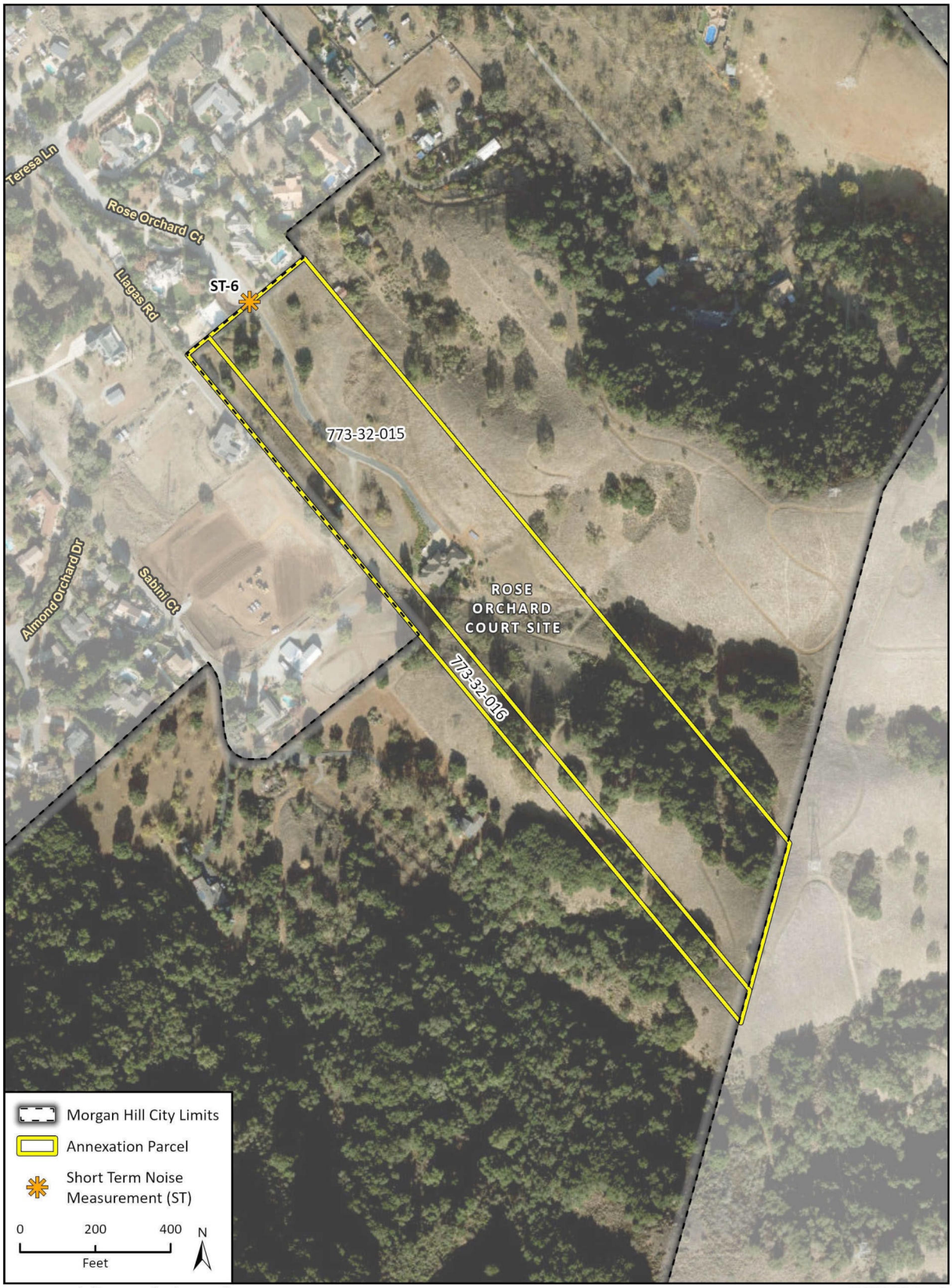
## Figure 4.10-3 Noise Measurement Locations – Butterfield Sports Park Expansion Site and APN 825-06-022




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*Additional data provided by Santa Clara County, 2025.*

25-17449 EPS - Portrait
Fig X Noise Measurement Locations

**Figure 4.10-4 Approximate Noise Measurement Locations – Rose Orchard Court Site**




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*Additional data provided by Santa Clara County, 2025.*

25-17449 EPS - Portrait
Fig X Noise Measurement Locations

## 4.10.2 Regulatory Setting

### a. Federal Regulations

#### Occupational Health and Safety Administration

The federal government regulates occupational noise exposure common in the workplace through the Occupational Health and Safety Administration (OSHA) under the EPA. Noise limitations would apply to the operation of construction equipment and could also apply to any proposed industrial land uses. Noise exposure of this type is dependent on work conditions and is addressed through a facility's Health and Safety Plan, as required under OSHA, and is not addressed further in this analysis.

### b. State Regulations

#### California Building Code, Title 24, Part 2, Section 1206.4

According to the 2025 California Building Code (CBC), Title 24, Part 2, Section 1206.4 (Allowable Interior Noise Levels) of the California Code of Regulations, interior noise levels attributable to exterior sources shall not exceed 45 CNEL in any habitable room. A habitable room is typically a residential room used for living, sleeping, eating, or cooking. Bathrooms, closets, hallways, utility spaces, and similar areas are not considered habitable rooms for this regulation.

### c. Local Regulations

#### Morgan Hill General Plan

The City of Morgan Hill Safety, Services and Infrastructure Element (SSI) in the Morgan Hill 2035 General Plan (Morgan Hill 2016) contains goals and policies that are designed to include noise control in the planning process in order to maintain compatible land uses with acceptable environmental noise levels. The City has adopted land use compatibility standards for use in assessing the compatibility of various land use types with noise levels. The City's adopted land use compatibility standards, shown in Table 4.10-4, indicate that the normally acceptable exterior noise level for residential uses is 65 dBA $L_{dn}$.

**Table 4.10-4 Land Use Compatibility Guidelines for Community Noise Environments ($L_{dn}$)**

| Land Use Categories | Normally Acceptable | Conditionally Acceptable | Normally Unacceptable | Clearly Unacceptable |
|---|---|---|---|---|
| Residential – Low Density Single-Family, Duplex, Mobile Homes | <50-60 | 55-70 | 70-75 | 75-85> |
| Residential – Multiple-Family | <50-65 | 60-70 | 70-75 | 75-85> |
| Transient Lodging, Motels, Hotels | <50-65 | 60-70 | 70-80 | 80-85> |
| Schools, Libraries, Churches, Hospitals, Nursing Homes | <50-70 | 60-70 | 70-80 | 80-85> |
| Auditoriums, Concert Halls, Amphitheaters | – | <50-70 | – | 65-85> |
| Sports Arena, Outdoor Spectator Sports | – | <50-75 | – | 70-85> |
| Playgrounds, Neighborhood Parks | <50-70 | 67.5-75 | – | 72.5-85> |
| Golf Courses, Riding Stables, Water Recreation, Cemeteries | <50-75 | 70-80 | – | 80-85> |
| Office Buildings, Businesses, Commercial and Professional | <50-70 | 67.5-77.5 | 75-85> | – |
| Industrial, Manufacturing, Utilities, Agricultural | <50-75 | 70-80 | 75-85> | – |

**Normally Acceptable:** Specific land use is satisfactory, based on the assumption that any building involved are of normal conventional construction, without any special insulation requirements.

**Conditionally Acceptable:** Specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features are included in the design.

**Normally Unacceptable:** New construction or development should generally be discouraged. If new construction does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design

**Unacceptable:** New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies.

Source: Table SSI-1 of Morgan Hill General Plan 2016

The SSI Element establishes the following goals and policies that would apply to this analysis of the proposed project:

**Goal SSI-8: Prevention of noise from interfering with human activities or causing health problems.**

> **Policy SSI-8.5: Traffic Noise Level Standards.** Consider noise level increases resulting from traffic associated with new projects significant if: a) the noise level increase is 5 dBA $L_{dn}$ or greater, with a future noise level of less than 60 dBA $L_{dn}$, or b) the noise level increase is 3 dBA $L_{dn}$ or greater, with a future noise level of 60 dBA $L_{dn}$ or greater.
>
> **Policy SSI-8.6: Stationary Noise Level Standards.** Consider noise levels produced by stationary noise sources associated with new projects significant if they substantially exceed existing ambient noise levels.

## City of Morgan Hill Municipal Code

To implement the City's noise policies, the City adopted Chapter 8.28 Noise (Noise Ordinance) in the Morgan Hill Municipal Code (MHMC). MHMC Section 18.76.090 states that no noise level may be produced so as to exceed the noise level limits shown in Table 4.10-5 below.

**Table 4.10-5 City of Morgan Hill Code of Ordinances Maximum Noise Levels**

| Receiving Land Use | Maximum Noise Level at Lot Line of Receiving Use[1] |
|---|---|
| Industrial and Wholesale | 70 dBA |
| Commercial | 65 dBA |
| Residential or Public/Quasi Public | 60 dBA |

[1] The planning commission may allow an additional 5 dBA noise level at the lot line if the maximum noise level shown in [Table 4.10-5] cannot be achieved with reasonable and feasible mitigation.

Source: City of Morgan Hill 2024.

Section 8.28.040 states unlawful noises applicable to the project, which include:

D. Construction Activities.

1. "Construction activities" are defined as including, but not limited to, excavation, grading, paving, demolition, construction, alteration or repair of any building, site, street or highway, delivery or removal of construction material to a site, or movement of construction materials on a site. Construction activities are prohibited other than between the hours of 7:00 a.m. and 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 may not occur on Sundays or federal holidays. No third person, including, but not limited to, landowners, construction company owners, contractors, subcontractors, or employers, shall permit or allow any person working on construction activities which are under their ownership, control or direction to violate this provision. Construction activities may occur in the following cases without violation of this provision:

b. If the chief building official determines that the public health and safety will not be impaired by the construction activities between the hours of eight p.m. and seven a.m., and that loss or inconvenience would result to any party in interest, the chief building official may grant permission for such work to be done between the hours of eight p.m. and seven a.m. upon an application being made at the time the permit for the work is issued or during the progress of the work.

## City of Morgan Hill Standard Conditions of Approval

The City of Morgan Hill applies the following standard condition of approval to development projects:

**Construction Hours:** The project shall comply with Chapter 8.28 of the Morgan Hill Municipal Code which prohibits construction activities between 8:00 PM and 7:00 AM, Monday through Friday, and between 6:00 PM and 9:00 AM on Saturdays. Construction activities may not occur on Sundays or federal holidays.

**Compliance with Morgan Hill Municipal Code:** Project shall comply with the Morgan Hill Municipal Code (MHMC) including but not limited to:

1. MHMC 15.65 Sustainable Building Regulations
2. MHMC 15.62 Electric Vehicle Charging Infrastructure
3. MHMC 15.40 Building Security
4. MHMC 15.38 Wage Theft Preventions
5. MHMC 18.148 Water Conservation
6. MHMC 15.63 Prohibition of Natural Gas Infrastructure in New Buildings
7. MHMC 18.76.090 Noise Standards – Noise mitigations based on acoustical analysis per Municipal Code and California Codes.

**Acoustical Analysis:** An acoustical analysis report shall be submitted with the building permit documents showing interior and exterior noise mitigations for compliance to the MHMC, California Building code and CAL Green Code.

## 4.10.3 Impact Analysis

### a. Methodology and Thresholds of Significance

### Methodology

*Construction Noise*

Construction noise was estimated using the FHWA Roadway Construction Noise Model (RCNM) (FHWA 2006). RCNM predicts construction noise levels for a variety of construction operations based on empirical data and the application of acoustical propagation formulas. Using RCNM, construction noise levels were estimated at noise sensitive receivers near the annexation sites. RCNM provides reference noise levels for standard construction equipment, with an attenuation of 6 dBA per doubling of distance for stationary equipment.

Variation in power imposes additional complexity in characterizing the noise source level from construction equipment. Power variation is accounted for by describing the noise at a reference distance from the equipment operating at full power and adjusting it based on the duty cycle of the activity to determine the $L_{eq}$ of the operation (FHWA 2011). Each phase of construction has a specific equipment mix, depending on the work to be accomplished during that phase. Each phase also has its own noise characteristics; some will have higher continuous noise levels than others, and some have high-impact noise levels.

Construction activity would result in temporary noise in the project area, exposing surrounding sensitive receivers to increased noise levels. Construction phasing, duration, and grading acreages were estimated in the California Emissions Estimator Model (CalEEMod, see Section 4.2, *Air Quality,* for more information about CalEEMod assumptions) based on the acreages and maximum building areas identified in Chapter 2, *Project Description,* for each land use. The project would involve demolition, site preparation, grading, building construction, paving, and architectural coating. Construction noise would typically be higher during the heavier periods of initial construction (i.e., demolition, grading and site preparation) and would be lower during the later construction phases. Typical heavy construction equipment during project grading could include excavators, scrapers, loaders, and rollers. It is assumed that diesel engines would power all construction equipment. Construction equipment would not all operate at the same time or location. In addition, construction equipment would not be in constant use during the 8-hour operating day.

Construction equipment is typically dispersed in various areas of a site, with only a limited amount of equipment operating near a given location at a particular time. For this reason, the FTA's *Transit Noise and Vibration Impact Assessment* document (page 177) recommends to “assume that all equipment operates at the center of the project.” Therefore, it is standard industry practice to analyze average construction noise from the center of the project site, which represents the approximate center of where noise would be generated because equipment moves around the project site throughout the workday. For the Rose Orchard Court site, this would be 200 feet; for the Condit Sports Facilities Expansion site, this would be 190 feet. Considering the size of the Butterfield Sports Park Expansion site, a distance of 100 feet was conservatively applied from project boundary to represent a possible center of a typical construction day for each construction phase. Therefore, the nearest off-site sensitive receptor to a typical construction day would be the Maple Leaf RV Park and the residence (APN 825-06-022) to the southeast at a distance of 100 feet (RCNM calculations are included in Appendix G).

### *Groundborne Vibration*

Operation of the proposed project would not include any substantial vibration sources. Thus, construction activities have the greatest potential to generate ground-borne vibration affecting nearby receptors. The greatest vibratory source during construction would be a large bulldozer at the Rose Orchard Court site and a vibratory roller at the Condit Sports Facilities Expansion site and the Butterfield Sports Park Expansion site. Neither blasting nor pile driving would be required for construction associated with potential future development on the annexation sites. Construction vibration estimates are based on vibration levels reported by the FTA. Table 4.10-6 shows typical vibration levels for various pieces of construction equipment used in the assessment of construction vibration (FTA 2018).

**Table 4.10-6 Vibration Source Levels for Construction Equipment**

| | Approximate Vibration Level (in/sec PPV) | | |
|---|---|---|---|
| **Equipment** | **25 feet** | **50 feet** | **100 feet** |
| Small Bulldozer | 0.003 | 0.001 | 0.0007 |
| Jackhammer | 0.035 | 0.016 | 0.008 |
| Loaded Truck | 0.076 | 0.036 | 0.017 |
| Large Bulldozer | 0.089 | 0.042 | 0.019 |
| Vibratory Roller | 0.210 | 0.098 | 0.046 |

Source: FTA 2018

### *Operational Noise Sources*

Noise sources associated with operation of future development on the annexation sites would consist of low speed on-site vehicular noise, landscaping maintenance, and general conversations. Due to the distances and low noise levels associated with general site activities such as on-site traffic, conversations, and landscape maintenance, these sources are not considered substantial and are not analyzed further.

Other operational noise sources include noise associated with mechanical equipment (e.g., heating, ventilation, and air conditioning [HVAC] units and public address [PA] systems) and off-site vehicle noise associated with trips to and from the annexation sites. These noise sources are discussed further in the following subsections.

#### Mechanical Equipment - HVAC

According to the conceptual site plans for the park facility (Verde Design 2022), the primary on-site operational noise source from the Condit Sports Facilities Expansion site and the Butterfield Sports Park Expansion site would be one ground-mounted energy-efficient HVAC unit for the proposed sports complex buildings within the site (the proposed public meeting building for the Butterfield site). This analysis assumes the use of a typical 3-ton HVAC system for commercial uses, which has a sound power level of 72 dBA, equivalent to a sound pressure level (SPL) of 64 dBA at 3 feet. This analysis is based on an energy efficient 3-ton Goodman GSXN403010A (see Appendix G for manufacturer's specifications).

The primary on-site operational noise source for the Rose Orchard Court site would also be one ground-mounted energy-efficient HVAC unit at each of the proposed residential properties within the site. This analysis assumes the use of a typical 2-ton HVAC system for residential uses, which has a sound power level of 71 dBA, equivalent to a sound pressure level (SPL) of 63 dBA at 3 feet. This analysis is based on an energy efficient 2-ton Carrier 24ANB7-3PD (see Appendix G for manufacturer's specifications).

#### Mechanical Equipment – PA Speaker System

According to the site plans provided by Verde Design (Verde 2022), an additional source of on-site operational noise source at the Condit Sports Facilities Expansion site and Butterfield Sports Park

Expansion site would be one PA speaker system at each complex. This analysis assumes the use of a typical speaker model (JBL AW266) for this size of facility, which has a sound pressure level (SPL) of 75 dBA at 25 feet (Rincon Consultants, Inc. 2024).

Transportation Noise

Traffic generated by future development on the annexation sites on surrounding roadways would increase traffic noise. Using vehicle trip information from Hexagon Transportation Consultants Inc (Hexagon 2026; Appendix H), the proposed project would generate up to 36 new daily peak vehicle trips at the Rose Orchard Court site, 315 new daily peak vehicle trips at the Condit Sports Facilities Expansion site, and 513 new daily peak vehicle trips at the Butterfield Sports Park Expansion site. The project's increase in traffic noise was estimated by adding the project daily trip generation to the existing average daily traffic (ADT) volume on the surrounding roadways (Replica 2024).

## b. Thresholds of Significance

To determine whether a project would result in a significant impact related to noise, Appendix G of the *CEQA Guidelines* requires consideration of whether a project would:

1. Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
2. Generate excessive groundborne vibration or groundborne noise levels?
3. For a project located within the vicinity of a private airstrip or 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?

The following discussion identifies specific thresholds used to analyze the general CEQA thresholds listed above.

### *Construction Noise Thresholds*

As described under Section 4.10.2, *Regulatory Framework*, MHMC 8.28.040 and the City's Standard Conditions of Approval restricts construction hours to the daytime hours between 7:00 a.m. and 8:00 p.m. Monday through Friday, or between 9:00 a.m. and 6:00 p.m. on Saturdays. The City of Morgan Hill does not establish construction noise level limits during the allowed construction hours. The FTA provides reasonable criteria for assessing construction noise impacts based on the potential for adverse community reaction in their *Transit and Noise Vibration Impact Assessment Manual* (FTA 2018). For residential uses, the daytime noise threshold is 80 dBA $L_{eq(8\text{-}hour)}$. Therefore, for the purposes of this analysis, the construction noise threshold applied is 80 dBA $L_{eq(8\text{-}hour)}$.

### *Operational Noise Thresholds*

The City of Morgan Hill has adopted noise standards in the MHMC that regulate on-site operational noise sources in the city. The proposed project would result in a significant impact if the stationary operational noise sources generate noise in excess of MHMC standards included in Section 18.76.090, (as described under Section 4.10.2, *Regulatory Framework*), which collectively regulate noise from operations that are typical to residential uses (e.g., sound-amplifying devices, HVAC equipment, lawn maintenance equipment, hand tools, wheeled equipment, outdoor activities). The maximum noise level allowed at any receiving residential sensitive receptor is 60 dBA $L_{max}$.

Off-site operational noise (i.e., roadway noise) would result in a significant adverse impact if the noise level increase is 5 dBA $L_{dn}$ or greater, with a future noise level of less than 60 dBA $L_{dn}$, or the noise level increase is 3 dBA $L_{dn}$ or greater, with a future noise level of 60 dBA $L_{dn}$ or greater.

*Groundborne Vibration Thresholds*

The City of Morgan Hill has not adopted a significance threshold to assess vibration impacts during construction and operation. Therefore, vibration limits used in this analysis to determine a potential impact to local land uses from construction activities are based on information contained in the FTA's *Transit Noise and Vibration Impact Assessment*. Maximum recommended vibration limits by the FTA are identified in Table 4.10-7.

**Table 4.10-7 Criteria for Vibration Damage Potential**

| Building Category | PPV (in/sec) |
|---|---|
| I. Reinforced concrete, steel, or timber (no plaster) | 0.5 |
| II. Engineered concrete and masonry (no plaster) | 0.3 |
| III. Nonengineered timber and masonry buildings | 0.2 |
| IV. Buildings extremely susceptible to vibration damage | 0.12 |

in/sec = inches per second; PPV = peak particle velocity
Source: FTA 2018

Based on FTA recommendations, limiting vibration levels to below 0.2 in/sec PPV at residential structures and 0.3 in/sec PPV at industrial or commercial buildings would prevent architectural damage. These limits are applicable regardless of the frequency of the source.

*Airport Noise Thresholds*

Exposure to airport noise would be significant if new housing development and other development are located within the noise contours of an airport that exceeds the City's land use compatibility standards shown in Table 4.10-4 (City of Morgan Hill 2016).

## c. Project Impacts and Mitigation Measures

The proposed project does not include changes to or development on the APN 825-06-022 site. Accordingly, the analyses below focus exclusively on the Rose Orchard Court site, the Butterfield Sports Park Expansion site, and the Condit Sports Facilities Expansion site.

| | |
|---|---|
| **Threshold 1:** | Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? |

**Impact NOI-1 CONSTRUCTION AND OPERATION OF FUTURE DEVELOPMENT ON THE ROSE ORCHARD COURT SITE, CONDIT SPORTS FACILITIES EXPANSION SITE, AND THE BUTTERFIELD SPORTS PARK EXPANSION SITE WOULD NOT GENERATE A SUBSTANTIAL PERMANENT INCREASE IN AMBIENT NOISE LEVELS IN EXCESS OF STANDARDS ESTABLISHED IN THE LOCAL GENERAL PLAN OR NOISE ORDINANCE, OR APPLICABLE STANDARDS OF OTHER AGENCIES. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.**

### Construction

*Rose Orchard Court Site*

Table 4.10-8 shows the construction noise levels attributable to each construction phase modeled for the Rose Orchard Court Site. As shown in Table 4.10-8, noise levels at the nearest residential uses to the southwest would be up to 73 dBA $L_{eq}$ (8 hour) during demolition. Therefore, construction noise levels would not exceed the FTA's residential construction noise threshold of 80 dBA $L_{eq}$ (8 hour). In addition, with compliance with MHMC requirements and the City's Standard Conditions of Approval, construction

would not occur during nighttime hours outside of the allowed hours of the MHMC. Construction noise impacts would be less than significant.

**Table 4.10-8 Estimated Noise Levels by Construction Phase at Sensitive Receptors - Rose Orchard Court Site**

| Construction Activity Phase | $L_{eq}$ dBA | | | |
|---|---|---|---|---|
| | RCNM Reference Noise Level (50 feet) | Single-Family Residential to the Southwest – 1092 Llagas Road (200 feet) [1] | Single-Family Residential to the Northwest – 18195 Rose Orchard Court (230 feet) [1] | Single-Family Residential to the Northwest – 18180 Rose Orchard Court (245 feet) [1] |
| Demolition | 85 | 73 | 72 | 71 |
| Site Preparation | 83 | 71 | 70 | 69 |
| Grading | 84 | 72 | 71 | 70 |
| Building Construction | 79 | 67 | 66 | 65 |
| Paving | 78 | 66 | 65 | 64 |
| Architectural Coating | 74 | 62 | 61 | 60 |

Notes: Calculations performed with the FHWA's RCNM software are included in Appendix G.

Noise levels rounded to the nearest whole number.

[1] Distance from the center of the annexation site to the property line.

*Condit Sports Facilities Expansion Site*

Table 4.10-9 shows the construction noise levels attributable to each construction phase modeled for the Condit Sports Facilities Expansion site. As shown in Table 4.10-9, noise levels at the nearest sensitive receptor (hotel) use to the south would be up to 73 dBA $L_{eq}$ (8 hour) during demolition. Therefore, construction noise levels would not exceed the FTA's residential construction noise threshold of 80 dBA $L_{eq}$ (8 hour). In addition, construction would not occur during nighttime hours outside of the allowed hours of the MHMC. Construction noise impacts would be less than significant.

**Table 4.10-9 Estimated Noise Levels by Construction Phase at Sensitive Receptors - Condit Sports Facilities Expansion site**

| Construction Activity Phase | $L_{eq}$ dBA | | | |
|---|---|---|---|---|
| | RCNM Reference Noise Level (50 feet) | Hampton Inn to the South of Condit Lot 2 (190 feet) [1] | Single-Family Residential to the Northeast – 16270 Murphy Avenue (305 feet) [1] | Single-Family Residential to the Northeast – 16390 Murphy Avenue (390 feet) [1] |
| Demolition | 85 | 73 | 69 | 67 |
| Site Preparation | 83 | 71 | 67 | 65 |
| Grading | 84 | 72 | 68 | 66 |
| Building Construction | 79 | 67 | 63 | 61 |
| Paving | 78 | 66 | 62 | 60 |
| Architectural Coating | 74 | 62 | 58 | 56 |

Notes: Calculations performed with the FHWA's RCNM software are included in Appendix G.

Noise levels rounded to the nearest whole number.

[1] Distance from the center of the annexation site to the property line.

*Butterfield Sports Park Expansion Site*

Table 4.10-10 shows the construction noise levels attributable to each construction phase modeled for the Butterfield Sports Park Expansion site. As shown in Table 4.10-10, noise levels at the nearest sensitive residential receptor (Maple Leaf RV Park) use to the southeast would be up to 79 dBA $L_{eq}$ (8 hour) during demolition. Therefore, construction noise levels would not exceed the FTA's residential construction noise threshold of 80 dBA $L_{eq}$ (8 hour). In addition, construction would not occur during nighttime hours outside of the allowed hours of the MHMC. Construction noise impacts would be less than significant.

**Table 4.10-10 Estimated Noise Levels by Construction Phase at Sensitive Receptors - Butterfield Sports Park Expansion Site**

| | $L_{eq}$ dBA | | | |
|---|---|---|---|---|
| Construction Activity Phase | RCNM Reference Noise Level (50 feet) | Maple Leaf RV Park to the Southeast (100 feet) [1] | Residential to the Southeast – APN 825-06-022 (100 feet) [1] | Residential to the Northwest – 15520 Monterey Road (380 feet) [1] |
| Demolition | 85 | 79 | 79 | 67 |
| Site Preparation | 83 | 77 | 77 | 65 |
| Grading | 84 | 78 | 78 | 66 |
| Building Construction | 79 | 73 | 73 | 61 |
| Paving | 78 | 72 | 72 | 60 |
| Architectural Coating | 74 | 68 | 68 | 56 |

Notes: Calculations performed with the FHWA's RCNM software are included in Appendix G.

Noise levels rounded to the nearest whole number.

[1] Distance from the center of a typical construction day to the property line.

## Operation

*HVAC Equipment*

The primary on-site operational noise source from future development on the annexation sites would be from HVAC units that are anticipated to be on the ground floor of various buildings associated with potential future development on the annexation sites. Potential future ground-mounted HVAC units would be located as close as 60 feet from the nearest residential property line to the east of the Condit Sports Facilities Expansion site. Noise levels generated by ground-mounted HVAC would be approximately 38 dBA $L_{max}$ at 60 feet, which would not exceed exterior noise standards of 60 dBA $L_{max}$ for residential properties. In addition, this is a conservative analysis that does not consider possible mechanical equipment shielding or setback distance away from the project boundary. HVAC equipment would be located further away at Butterfield Sports Park Expansion site and Rose Orchard Court Site properties and noise levels would be lower than the estimated 38 dBA $L_{max}$ at the closest sensitive receptor to the Condit Sports Facilities Expansion site. Therefore, impacts related to HVAC equipment noise would be less than significant.

*PA System*

Another source of on-site operational noise from the project would be from potential PA speakers for the proposed sports facilities at the Condit Sports Facilities Expansion site and Butterfield Sports Park Expansion site. The PA speaker units would be located approximately 150 feet from the nearest residential property line to the east of the center of the nearest sports field of the Condit Sports Facilities Expansion site and approximately 500 feet from the Maple Leaf RV Park to the southeast of the center of the sports field at the Butterfield Sports Park Expansion site. Noise levels generated by PA speakers

would be approximately 59 dBA $L_{max}$ at 150 feet and 49 dBA $L_{max}$ at 500 feet, respectively, which would not exceed exterior noise standards of 60 dBA $L_{max}$ for residential properties. In addition, this is a conservative analysis that does not consider possible mechanical equipment shielding or setback distance away from the project boundary. Residential uses at the Rose Orchard Court site would not include PA speaker systems. Therefore, impacts related to PA speaker system equipment noise would be less than significant.

*Maintenance Activities*

Once operational, future development at the annexation sites would require routine maintenance, which would consist of emptying trash receptacles, cleaning restroom facilities at the parks sites, maintaining landscaped areas, pressure washing (as necessary), restriping and seal coating asphalt (as necessary), changing light fixtures, and repairing facilities (as necessary). These maintenance activities are not expected to generate substantial levels of noise and are a common occurrence in the project area already. Therefore, operational noise impacts associated with maintenance activities would be less than significant

*Traffic Noise*

Rose Orchard Court Site

Shown in Table 4.10-11, the existing ADT on Llagas Road, north of Rose Orchard Court, is 750. The addition of 36 daily vehicle trips from future development at the Rose Orchard Court site would result in an estimated increase in traffic noise of 0.2 dBA $L_{dn}$. All other roadway segments near the Rose Orchard Court Site would have lower traffic noise increases. Therefore, the project would not generate a perceptible increase in roadway noise levels of more than the more stringent traffic noise increase threshold of 3 dBA $L_{dn}$. Off-site traffic noise impacts would be less than significant.

**Table 4.10-11 Predicted Increases in Traffic Noise Levels - Rose Orchard Court Site**

| Roadway Segment | Average Daily Trips (ADT) | | Noise Level Increase (dBA $L_{dn}$) | Significant Impact? |
|---|---|---|---|---|
| | Existing[1] | Existing Plus Project | | |
| Llagas Road – north of Rose Orchard Court | 750 | 786 | 0.2 | No |

Note: The estimated traffic noise increase is based on the following formula: 10xLOG (future traffic volume/existing traffic volume).

[1] Based on data provided by Replica.

Source: Hexagon 2026; Replica 2024

Condit Sports Facilities Expansion site

Shown in Table 4.10-12, the existing ADT on Murphy Avenue, from Tennant Ave to Barret Avenue, is 11,291. The addition of 315 daily vehicle trips from the Condit Sports Facilities Expansion site would result in an estimated increase in traffic noise of 0.7 dBA $L_{dn}$. All other roadway segments near the Condit Sports Facilities Expansion site would have lower traffic noise increases. Therefore, the project would not generate a perceptible increase in roadway noise levels of more than the more stringent traffic noise increase threshold of 3 dBA $L_{dn}$. Off-site traffic noise impacts would be less than significant.

### Table 4.10-12 Predicted Increases in Traffic Noise Levels - Condit Sports Facilities Expansion Site

| Roadway Segment | Average Daily Trips (ADT) | | Noise Level Increase (dBA $L_{dn}$) | Significant Impact? |
|---|---|---|---|---|
| | Existing[1] | Existing Plus Project | | |
| Condit Road – from Tennant Ave to Barret Ave. | 2,353 | 2,667 | 0.6 | No |
| Murphy Avenue – from Tennant Ave to Barret Ave. | 1,709 | 2,024 | 0.7 | No |
| Tennant Avene – Murphy to US-101 | 5,217 | 5,532 | 0.3 | No |

Note: The estimated traffic noise increase is based on the following formula: 10xLOG (future traffic volume/existing traffic volume).

[1] Based on data provided by Replica.

Source: Hexagon 2026

Butterfield Sports Park Expansion site

Shown in Table 4.10-13, the existing ADT on Butterfield Boulevard, east/west of Monterey Road, is 11,291. The addition of 513 daily vehicle trips from development of the Butterfield Sports Park Expansion site would result in an estimated increase in traffic noise of 0.2 dBA $L_{dn}$. All other roadway segments near the Butterfield Sports Park Expansion site would have lower traffic noise increases. Therefore, the project would not generate a perceptible increase in roadway noise levels of more than the more stringent traffic noise increase threshold of 3 dBA $L_{dn}$. Off-site traffic noise impacts would be less than significant.

### Table 4.10-13 Predicted Increases in Traffic Noise Levels - Butterfield Sports Park Expansion Site

| Roadway Segment | Average Daily Trips (ADT) | | Noise Level Increase (dBA $L_{dn}$) | Significant Impact? |
|---|---|---|---|---|
| | Existing[1] | Existing Plus Project | | |
| Monterey Road – South of Butterfield Blvd. | 11,603 | 12,116 | 0.2 | No |
| Butterfield Boulevard – East/west of Monterey Rd. | 11,291 | 11,804 | 0.2 | No |

Note: The estimated traffic noise increase is based on the following formula: 10xLOG (future traffic volume/existing traffic volume).

[1] Based on data provided by Replica.

Source: Hexagon 2026

## Mitigation Measures

This impact would be less than significant without mitigation. No mitigation measures are required.

**Threshold 2:** Would the project result in generation of excessive groundborne vibration or groundborne noise levels?

**Impact NOI-2 PROJECT CONSTRUCTION AT THE ROSE ORCHARD COURT SITE, CONDIT SPORTS FACILITIES EXPANSION SITE, AND THE BUTTERFIELD SPORTS PARK EXPANSION SITE WOULD NOT GENERATE EXCESSIVE GROUNDBORNE VIBRATION OR GROUNDBORNE NOISE LEVELS. SUBSTANTIAL VIBRATION WOULD NOT BE GENERATED DURING PROJECT OPERATION. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.**

## Construction

*Rose Orchard Court Site*

The greatest anticipated source of vibration during general project construction activities at the Rose Orchard Court site would be from a large bulldozer, which may be used within 25 feet from the eastern

project boundary to the nearest offsite residential building (1092 Llagas Road) southwest of the site. A large bulldozer would create approximately 0.089 in/sec PPV at 25 feet (FTA 2018). Therefore, vibration from construction activity would be lower than the nonengineered timber and masonry buildings threshold of 0.2 in/sec PPV for the single-family residence to the southwest and impacts would be less than significant.

*Condit Sports Facilities Expansion site*

The greatest anticipated source of vibration during general project construction activities would be from a vibratory roller, which may be used within 130 feet from the northeastern project boundary to the nearest off-site residential building to the northeast (16270 Murphy Avenue) and the commercial hotel building to the south (Hampton Inn). A vibratory roller would create approximately 0.210 in/sec PPV at 25 feet (FTA 2018) which would result in approximately 0.018 in/sec PPV at 130 feet at the nearest residential building to the northeast and 0.040 in/sec PPV at 75 feet at the hotel to the south. Therefore, vibration from construction activity would be lower than the nonengineered timber and masonry buildings threshold of 0.2 in/sec PPV for the single-family residence to the northeast and the engineered concrete and masonry (no plaster) threshold of 0.3 in/sec PPV for the hotel building to the south. This impact would be less than significant.

*Butterfield Sports Park Expansion site*

The greatest anticipated source of vibration during general project construction activities would be from a vibratory roller, which may be used within 50 feet from the nearest single-family residential building to the south (APN 825-06-022). A vibratory roller would create approximately 0.210 in/sec PPV at 25 feet (FTA 2018) which would result in a vibration level of approximately 0.074 in/sec PPV at 50 feet. Therefore, vibration from construction activity would be lower than the nonengineered timber and masonry buildings threshold of 0.2 in/sec PPV for the single-family residence to the south and impacts would be less than significant.

## Operation

Future development on the annexation sites would involve residential and recreational development which do not generate substantial vibration during operation. Development facilitated by the project would not involve industrial, high-intensity uses that could result in vibration during operation, such as mining operations or manufacturing uses. Therefore, project-related operational vibration impacts would be less than significant.

## Mitigation Measure

This impact would be less than significant without mitigation. No mitigation measures are required.

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|---|---|
| **Threshold 3:** | For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? |

**Impact NOI-3 THE ROSE ORCHARD COURT SITE, CONDIT SPORTS FACILITIES EXPANSION SITE OR THE BUTTERFIELD SPORTS PARK EXPANSION SITE WOULD NOT EXPOSE PEOPLE RESIDING OR WORKING IN THE PROJECT AREA TO EXCESSIVE NOISE LEVELS RELATED TO AIRSTRIP/AIRPORT OPERATION. NO IMPACT WOULD OCCUR.**

The San Martin Airport is the closest airport, located approximately 2.2 miles to the southeast of the of the nearest annexation site. The annexation sites are not located within the airport influence area or noise contour boundaries of this airport (Santa Clara County Airport Land Use Commission 2020). Therefore, construction workers, users, or employees of future development on the annexation sites would not experience substantial noise exposure from airport noise. No impact would occur.

### Mitigation Measure

No impact would occur and no mitigation measures are required.

## d. Cumulative Impacts

### Construction Noise

Construction noise generated by the future development on the annexation sites, in combination with construction activities for other cumulative projects that may be constructed simultaneously, could substantially increase noise levels in the vicinity of the annexation sites. These sources may combine with noise from other nearby cumulative projects to result in higher noise levels. Similar to development under the proposed project proposed project, all cumulative development in the city would comply with the construction hours outlined by MHMC Section 8.28.040 and in accordance with the City's Standard Conditions of Approval. As shown in Impact NOI-1, construction noise from the proposed project would be under FTA's standard of 80 dBA $L_{eq(8\text{-}hour)}$. Therefore, as the proposed project noise level is below the FTA's noise standard and complies with the City's allowable construction hours, just as other cumulative projects would be required to manage their construction noise levels, the proposed project and potential future development on the annexation sites would not result in a cumulatively considerable contribution to cumulative construction noise and impacts would be less than significant.

### On-Site Operational Noise

Development facilitated by the proposed project would introduce new stationary noise sources to the ambient noise environment in and around the annexation sites, including new mechanical ventilation equipment. These sources may combine with noise from other nearby cumulative projects to result in higher noise levels. However, operational noise from these sources is localized and rapidly attenuates within an urbanized setting due to the effects of intervening structures and topography that block the line of sight, and due to other noise sources closer to receptors that obscure project-related noise. Implementation of the City of Morgan Hill maximum noise standards of 60 dBA $L_{max}$ at residential receptors would ensure that noise from new stationary sources as part of cumulative development would be within acceptable levels. Therefore, the cumulative impact related to operational stationary noise would be less than significant.

### Off-Site Operational Noise

As discussed in Impact NOI-1, the project's addition to traffic would not result in a significant off-site traffic noise increase; thus, the project's traffic noise increase would not be cumulatively considerable. No cumulative operational noise impacts would occur.

### Groundborne Vibration

With respect to cumulative groundborne vibration, and in a scenario where development on the annexation sites and adjacent development would be under simultaneous construction, the potential for construction groundborne vibration impacts (i.e., structural damage) would occur if multiple heavy equipment were to operate within relatively close distances to one another (e.g., within approximately 25 feet for a large bulldozer or vibratory roller) and within a relatively close distance to the same off-site structure or wall. Although the annexation sites could potentially share site boundaries with another cumulative project, construction equipment used for each project would remain within the respective project site's boundaries and equipment pertaining to the construction of one project would not cross onto another project site. Therefore, even in a scenario where all projects would be under simultaneous construction, no two or more projects would operate construction equipment within 25 feet of the same off-site structure or wall. Cumulative groundborne vibration impacts would not be considerable and impacts would be less than significant.

## Airport Noise

Aircraft-related noise impacts occur largely in the vicinity of airports or airstrips. Although citywide growth could increase the number of people who are exposed to overhead aircraft-related noise impacts, such impacts would be localized in nature. In addition, new residential development would not result in a direct increase to aircraft operations that would increase noise exposure to aircraft overflight patterns within and outside the city. The proposed project would have no contribution to any cumulative impact related to airport hazards or noise. Impacts related to airport or airstrip noise would not be cumulatively considerable and cumulative impacts would be less than significant.

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# 4.11 Transportation

This section analyzes transportation-related impacts associated with the proposed project, including construction-related and operational traffic hazards and impacts related to vehicle miles traveled (VMT). This section is based on a VMT Assessment prepared by Hexagon Transportation Consultants dated January 9, 2026 (Appendix H).

## 4.11.1 Setting

### Street Network

*Rose Orchard Court Site*

The major roadways in the vicinity of the Rose Orchard Court site include:

- **Llagas Road.** Llagas Road is an east-west collector. Llagas Road connects to Oak Glen Avenue to the west and Old Monterey Road to the east.
- **Hale Avenue.** Hale Avenue is a north-south collector. Hale Avenue connects to Santa Teresa Boulevard to the north and branches off to Spring Avenue and Dewitt Avenue to the south.

*Condit Sports Facilities Expansion Site*

The major roadways in the vicinity of the Condit Sports Facilities Expansion site include:

- **United States Highway 101 (US 101).** US 101 is a north-south highway that traverses through California, Oregon, and Washington. US 101 in Morgan Hill includes three lanes in each direction, which later expands to four lanes in each direction before reaching San Jose.
- **Condit Road.** Condit Road is a north-south collector. Condit Road connects to E Dunne Avenue to the north and connects to Tennant Avenue to the south.
- **Tennant Avenue.** Tennant Avenue is an east-west collector. Tennant Avenue branches off to W Edmunson Avenue and Monterey Road to the west and Foothill Avenue and Carey Avenue to the east.
- **Murphy Avenue.** Murphy Avenue is a north-south collector. Murphy Avenue connects to Diana Avenue to the north and connects to Tennant Avenue to the south.
- **San Pedro Avenue.** San Pedro Avenue is an east-west collector. San Pedro Avenue branches off to Condit Road to the west and terminates shortly after, and connects to Hill Road to the east.
- **Barrett Avenue.** Barrett Avenue is an east-west collector. Barrett Avenue branches off to Condit Road to the west and terminates shortly after, and connects to Hill Road to the east.

*Butterfield Sports Park Expansion Site*

The major roadways in the vicinity of the Butterfield Sports Park Expansion site include:

- **Butterfield Boulevard.** Butterfield Boulevard is a north-south collector. Butterfield Boulevard connects to Cochrane Road to the north and branches off to Monterey Road and Watsonville Road to the south.
- **Monterey Road.** Monterey Road is a north-south collector. Monterey Road turns into State Route (SR) 82 and connects to First Street in San Jose, and branches off to Monterey Frontage Road, Bolsa Road, and US 101 to the south.
- **Watsonville Road.** Watsonville Road is a north-south collector. Watsonville Road connects to Butterfield Boulevard to the north and connects to SR 152 to the south.
- **Railroad Avenue.** Railroad Avenue is a north-south collector. Railroad Avenue connects to San Pedro Avenue to the north and connects to Maple Avenue to the south.

## Transit, Bicycle, and Pedestrian Facilities

### *Rose Orchard Court Site*

The Santa Clara Valley Transportation Authority (VTA) operates several bus stops in the vicinity of the Rose Orchard Court site, with bus routes 68 and 87 along Hale Avenue and Main Avenue approximately 1.2 miles east of the site. Bus route 68 runs from the Gilroy Transit Center to San Jose Diridon and bus route 87 runs from the Morgan Hill Civic Center to Burnett Avenue. The Morgan Hill Caltrain station is located approximately 2.5 miles southeast of this site.

The closest bicycle lanes include a Class III[1] bicycle boulevard along Llagas Street, and a Class II[2] bicycle lane on Hale Avenue approximately 1.2 miles east of the site (VTA 2025).

There are no existing continuous sidewalks along the project site frontage or on the streets in the immediate project site vicinity.

### *Condit Sports Facilities Expansion Site*

The VTA operates several bus stops with bus routes 68, Rapid 568, Express 121, and School 287 along Monterey Road approximately 1.5 miles west of the Condit Sports Facilities Expansion site. Rapid 568 runs from the Gilroy Transit Center to San Jose Diridon; Express 121 runs from the Gilroy Transit Center to Lockheed Martin Transit Center; and School 287 runs from Live Oak High School to Monterey and San Martin. The Morgan Hill Caltrain station is located approximately 2.1 miles northwest of this site.

The closest bicycle lanes include a Class II bicycle lane along Tennant Avenue from the project site frontage to the west, and a Class II bicycle lane along Dunne Avenue approximately 0.8 mile north of the site (VTA 2025).

There are existing continuous sidewalks along the project frontage on Condit Road, but not along Murphy Avenue.

### *Butterfield Sports Park Expansion Site*

The VTA operates several bus stops with bus routes 68 and School 287 along Monterey Road immediately adjacent to the Butterfield Sports Park Expansion site. The Morgan Hill Caltrain station is located approximately 2.3 miles north of this site.

The closest bicycle lanes include Class II bicycle lanes along Butterfield Boulevard, Monterey Road, and Watsonville Road immediately adjacent to the site (VTA 2025).

There are existing continuous sidewalks along the project frontage on Butterfield Boulevard, but not along Monterey Road.

## Vehicle Miles Traveled

Vehicle miles traveled are determined by multiplying the number of vehicular trips by the trip distance in miles. For example, one vehicle that travels ten miles in a day generates 10 VMT. Although the absolute amount of VMT may be reported, transportation impact analysis is typically based on VMT expressed as an efficiency metric. VMT efficiency metrics, such as VMT per resident and VMT per employee, allow the VMT performance of different land use quantities to be compared. Such metrics provide a measure of travel efficiency and help depict whether people are traveling by vehicle more or less over time, across different areas, or across different planning scenarios. A per-capita or per-employee decline in VMT compared to a baseline conditions indicates that the land use patterns and transportation network are operating more efficiently.

[1] Class III Bike Routes are on-road routes sharing use with pedestrians or motor vehicle traffic that are signed but not striped.
[2] Class II Bike Lanes are on-road routes delineated by painted stripes and other identifying features.

As outlined in the Morgan Hill VMT Methodology Memo, the City has a home-based VMT per resident of 24.64 and a home-based VMT per employee of 21.42 in the year 2015; and a home-based VMT per resident of 25.46 and a home-based VMT per employee of 22.65 in the year 2040 (City of Morgan Hill 2023).

## 4.11.2 Regulatory Setting

### a. Federal Regulations

There are no federal regulations related to transportation that are applicable to the project.

### a. State Regulations

#### California Department of Transportation (Caltrans)

Caltrans is the owner and operator of the state highway system, which includes facilities in and around Morgan Hill. In its Vehicle Miles Traveled-Focused Transportation Impact Study Guide (TISG), 2020, Caltrans developed an approach for evaluating the transportation impacts of land use projects and plans on state highway facilities; this document does not address the impacts of transportation projects (Caltrans 2020). In accordance with current CEQA requirements, the TISG does not consider vehicle delay in its evaluation of transportation impacts, instead focusing on VMT. The purposes of the TISG include providing guidance to lead agencies regarding when they should analyze potential impacts to the state highway system; to aid Caltrans staff in reviewing projects; and to ensure consistency in the assessment of impacts and identification of non-capacity increasing mitigation measures.

#### Assembly Bill 1358

Assembly Bill 1358, also known as the California Complete Streets Act of 2008, requires cities and counties to include “complete streets” policies in their general plans. These policies address the safe accommodation of all users, including bicyclists, pedestrians, motorists, public transit vehicles and riders, children, the elderly, and the disabled. These policies can apply to new streets, as well as the redesign of transportation corridors.

#### Senate Bill 743

SB 743, signed into law in September 2013, started a process that changed the way transportation impact analysis is conducted as part of CEQA compliance. These changes include elimination of automobile delay, level of service (LOS), and other similar measures of vehicular capacity or traffic congestion as a basis for determining significant impacts under CEQA. These changes are intended to “more appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions.”

In December 2018, the Natural Resources Agency finalized updates to *CEQA Guidelines* Section 15064.3, including the incorporation of SB 743 modifications. In July 2020 the Office of Administrative Law approved the Guidelines’ changes, putting them in effect statewide.

In April 2018 the Governor’s Office of Planning and Research (OPR) published the *Technical Advisory on Evaluating Transportation Impacts in CEQA*, which provides guidance on a variety of implementation questions with respect to shifting to a vehicle miles traveled (VMT) metric. Key guidance from this document includes:

- VMT is the most appropriate metric to evaluate a project’s transportation impact.
- OPR recommends tour- and trip-based travel models to estimate VMT, but ultimately defers to local agencies to determine the appropriate tools.

- OPR recommends measuring VMT for residential and office projects on a "per rate" basis.
- OPR recommends that a per capita or per employee VMT that is fifteen percent below that of existing regional development may be a reasonable threshold. In other words, a residential project that generates VMT per capita that is not more than 15 percent below the regional VMT per resident could result in a significant impact. OPR notes that this threshold is supported by evidence that connects this level of reduction to the State's emissions goals.
- OPR recommends that where a project replaces existing VMT-generating land uses, if the replacement leads to a net overall decrease in VMT, the project would lead to a less than significant transportation impact. If the project leads to a net overall increase in VMT, then the thresholds described above should apply.
- Lead agencies have the discretion to set or apply their own significance thresholds.

## b. Regional Regulations

### Plan Bay Area 2050

The Regional Transportation Plan and Sustainable Community Strategy (RTP/SCS) for the San Francisco Bay Area, named Plan Bay Area 2050 was jointly produced and adopted by the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) on October 21, 2021. Plan Bay Area 2050 is the strategic update to Plan Bay Area 2040, and it connects the elements of housing, the economy, transportation, and the environment through 35 strategies that will make the Bay Area more equitable for all residents and more resilient in the face of unexpected challenges. It is a roadmap to help Bay Area cities and counties preserve the character of our diverse communities while adapting to the challenges of future population growth.

### Valley Transportation Plan

The 2035 Valley Transportation Plan was prepared by the Santa Clara Valley Transportation Authority (VTA) and serves as the long-range vision plan for transportation in Santa Clara County. The VTP identifies existing and future transportation related needs, considers all modes of travel, and identifies what can be completed within the anticipated available funding for projects and programs. The VTA includes planning initiatives and implementation projects and programs to be pursued to improve the transportation system and built environment (VTA 2012). The 2050 Valley Transportation Plan is currently being drafted.

## c. Local Regulations

### City of Morgan Hill VMT Policy

In November 2024, the City of Morgan Hill adopted its citywide VMT policy, which identifies VMT screening criteria and significance thresholds to be consistent with SB 743. The screening criteria are used to quickly identify when a project is expected to result in a less-than-significant VMT impact and are exempt from further VMT analysis. The screening criteria includes the following (City of Morgan Hill 2023):

- Project Size: Projects that generate less than 110 average daily trips.
- Local Serving Retail: Retail projects that are less than 50,000 square feet (includes fastfood/quick-serve restaurants).
- Low VMT Area: Residential and employment projects located within a low VMT generating area (Morgan Hill has elected to use the low VMT area screening as equal to the City's average home-base VMT per resident or VMT per employee).

- Transit Proximity: Projects (including office, residential, retail, and mixed-use developments) located within close proximity to Transit Priority Areas or High Quality Transit Corridors. Close proximity is defined as a half-mile radius of an existing or planned major transit stop. A major transit stop includes either rail transit with dedicated right of way, a ferry terminal served by bus or rail, or the intersection of two or more bus routes with headways of 15 minutes or less during the morning and afternoon peak commute periods.
- Affordable Housing: 100 percent affordable residential development (or the residential component of a mixed-use development).
- Active Transportation Projects: Transportation projects that promote active transportation, such as transit, bicycle, and pedestrian facilities.

The VMT thresholds of significance are as follows (City of Morgan Hill 2023):

- Residential: VMT per capita does not exceed the City of Morgan Hill's baseline VMT per capita.
- Office and Industrial: VMT per employee does not exceed the City of Morgan Hill's baseline VMT per employee.
- All Other Uses (includes commercial/retail uses over 50,000 square feet): No net increase in total VMT within the City of Morgan Hill.

## City of Morgan Hill 2035 General Plan

Chapter 7, Transportation, of the Morgan Hill 2035 General Plan includes the following goals and policies applicable to the project (City of Morgan Hill 2017a):

**Goal TR-2: A system designed for a healthy, active community based on complete streets, smart growth, and Sustainable Communities strategies; reflecting a balanced, safe, multimodal transportation system for all users, especially in Downtown where pedestrian, bicycle, and transit facilities will be emphasized along with vehicular facilities.**

> **Policy TR-2.1: Multi-Modal System for All Users.** A balanced multi-modal system offers viable choices for residents, employees, customers, visitors, and recreational users. Use smart growth and Sustainable Communities principles throughout the city to provide a balanced transportation system which assures access to all, and which integrates all appropriate modes of transportation into an effectively functioning system, including modes such as auto, ride sharing, public rail and bus transit, paratransit, bicycling, and walking.
>
> **Policy TR-2.2: Integrated Land Use/Transportation Planning.** Integrate planning for land use and transportation development by ensuring that the timing, amount, and location of urban development is consistent with the development of the transportation system capacity. Promote environmental objectives that support smart growth and Sustainable Communities principles, such as safe and uncongested neighborhoods, a pedestrian-friendly vibrant downtown that emphasizes non-auto transportation modes, energy conservation, reduction of air and noise pollution, and the integrity of scenic and/or hillside areas.

**Goal TR-3: A coordinated, continuous network of streets and roads.**

> **Policy TR-3.14: Main/Monterey Intersection Improvements.** Work with property owners of the existing banks on the southwest and southeast corners of the Main/Monterey intersection to explore the feasibility of redevelopment of those properties in a manner that would allow for road and operational improvements to improve traffic flow at that key intersection.
>
> **Policy TR-3.16: Private Development Access along Arterials.** Require development that occurs along arterial streets to obtain access through a local street or major entrance and not through curb cuts directly onto the arterial street wherever possible.

**Policy TR-3.20: Arterial Design and Landscaping.** Require development adjacent to arterial streets to minimize the use of fences and walls wherever possible. Strive to accommodate all modes of travel on arterial streets, and improve the Butterfield Corridor, Monterey Road Corridor, and Hale/Santa Teresa Corridor to the extent feasible as well-landscaped multi-modal boulevards. Continue to implement the program for planting street trees and landscaping arterial streets and major intersections.

**Goal TR-5: Adequate off-street parking.**

**Policy TR-5.1: Adequate Parking Supply.** Ensure that all developments provide adequate and convenient parking (also see Policy CD-13f). In the Downtown, implement the Parking Resources Supply and Management Strategy in order to monitor and ensure provision of a public parking supply adequate to serve non-residential uses, with no on-site requirement for non-residential development. Continue to identify and implement policies and pricing strategies that encourage alternatives to single-occupant vehicle use.

**Policy TR-5.2: Linkage of Off-Street Parking Facilities.** Design development projects with due consideration to linking off-street parking facilities where applicable.

**Goal TR-6: A safe and efficient transit system that reduces congestion by providing viable non-automotive modes of transportation.**

**Policy TR-6.12: Bus Shelters from Private Development.** Require developers to install bus shelters compatible with City architectural standards, where appropriate.

**Goal TR-8: A useable and comprehensive bikeway system that safely connects neighborhoods with workplaces and community destinations.**

**Policy TR-8.2: Bicycle Commuting.** Encourage increased use of bicycles for adults commuting to work and for students traveling to school through a safe and efficient bikeways system, enhanced bicycle parking facilities, and bicycle safety and promotion programs, including showers for bicycle commuters at places of employment.

**Policy TR-8.7: Bikeways and Private Roads.** Private roads shall be designated as part of the bikeways plan only if there is an agreement between the City and the appropriate owner for such a designation.

**Policy TR-8.8: Priorities for Bikeways Implementation.** Where feasible, implement the bikeways system concurrent with adjacent development. Establish priorities for bikeway implementation based on improving safety and enhancing both commute and recreational cycling. These priorities shall be considered in directing resources and efforts to obtain funding for implementation. Priorities shall be regularly reviewed and updated as implementation proceeds. Current priorities for implementation of the bikeways plan include the following: Live Oak High School Access; Little Llagas Creek Trail; Santa Teresa and Monterey Highway Corridor Improvements; East West Connection to Coyote Creek Trail.

**Policy TR-8.12: Bicycle Parking.** Bicycle parking and other supportive facilities shall be provided at all schools, parks, recreation facilities, commercial centers, civic buildings (including the library), transit centers, and work places based on the recommendations and standards in the Bikeways Master Plan.

**Goal TR-9: Expanded pedestrian opportunities.**

**Policy TR-9.1: Private Development Connections.** Ensure adequate pedestrian access in all developments, with special emphasis on pedestrian connections in the downtown area, in shopping areas, and major work centers, including sidewalks in industrial areas in accordance with the Trails and Natural Resources Master Plan.

**Policy TR-9.2: Walking as an Alternate Mode.** Promote walking as an alternate transportation mode for its contribution to health and the reduction of energy consumption and pollution.

**Policy TR-9.6: Pedestrian Facility Accessibility.** All trails and pedestrian access shall comply with State and Federal accessibility codes and standards, such as those established by the Americans with Disability Act (ADA) and California Access Code (Title 24, California Code of Regulation).

**Policy TR-9.7: Concurrent Implementation.** Where feasible, implement the trails and pedestrian system concurrent with adjacent developments.

**Policy TR-9.10: Sidewalk Connectivity.** Improve sidewalk connectivity by installing new sidewalks where they do not exist, consistent with the Trails and Natural Resources Master Plan.

## Bikeways, Trails, Parks and Recreation Master Plan

The Bikeways, Trails, Parks and Recreation Master Plan, adopted in 2017, describes existing conditions and identifies goals, policies, and planned improvements for bikeways, pedestrian facilities, and recreational facilities in Morgan Hill. The Master Plan is a strategic and practical guide for improving and expanding the City of Morgan Hill's recreation system over the next 20 year. The goals of the Master Plan are as follows (City of Morgan Hill 2017b):

1. Improve connections between residences and the network of City parks and facilities;
2. Diversify the experiences in the City's parks and along its trails;
3. Engage people of all ages and all abilities;
4. Support the health and wellness of all community members;
5. Inspire a sense of community and place through arts, culture, and historic resources;
6. Respond to changing conditions and evolving preferences;
7. Ensure equitable access to programs and places for recreation and activity;
8. Leverage partnerships to maximize community benefit and use resources efficiently;
9. Balance active recreation with unprogrammed open spaces;
10. Continue to provide regional recreation destinations for visitors that support economic growth;
11. Enhance safety and navigation to key recreation destinations and along popular routes;
12. Invest in and maintain existing assets while carefully planning for future growth; and
13. Promote financial stability for operation of City facilities.

## City of Morgan Hill Municipal Code

The following sections of the Morgan Hill Municipal Code (MHMC) relate to transportation requirements:

- Chapter 18.72 outlines requirements for parking and loading.
- Chapter 12.02 provides guidelines for street and sidewalk improvement for projects within or adjacent to an unimproved street.
- Section 17.32.050 outlines requirements for driveway access and design.

## Morgan Hill Fire Prevention Division Standard Details and Specifications

The City's *Fire Prevention Division Standard Details and Specifications* outline guidelines for access roads, construction site fire safety, driveways, and fire lane markings (City of Morgan Hill 2013).

## City of Morgan Hill Standard Conditions of Approval

The City of Morgan Hill applies the following transportation-related Standard Conditions of Approval to development projects:

**Construction Logistics Plan.** A construction logistics plan shall be submitted with the off-site improvement plans that address all impacts to the public road right-of-way, including but not limited to: pedestrian control, traffic control, detours, truck routes, material deliveries, contractor's parking, on-site staging and storage areas, concrete pours, work hours, noise control, dust control, and storm water pollution prevention. It shall include an approved Truck Route Map for construction traffic to and from the site.

**Bicycle Parking.** The project shall provide short-term and long-term bicycle parking spaces in conformance with Section 18.72.080 and Table 18.72-7 of the Morgan Hill Municipal Code.

1. **Short-Term/Class II Bicycle Parking Standards.** Short-term bicycle parking shall be located within one hundred feet of the primary entrance of the structure or use it is intended to serve.
2. **Long-Term Bicycle Parking Standards.** The following standards apply to long-term bicycle parking:
    a. Location. Long-term bicycle parking shall be located on or within seven hundred fifty feet of the use that it is intended to serve.
    b. Security. Long-term bicycle parking spaces shall be secured. Spaces are considered secured if they are:
        i. In a locked room or area enclosed by a fence with a locked gate;
        ii. Within view or within one hundred feet of an attendant or security guard;
        iii. In an area that is monitored by a security camera; or
        iv. Visible from employee work areas.
3. **Parking Space Dimensions.**
    a. Minimum dimensions of two feet by six feet shall be provided for each bicycle parking space.
    b. An aisle of at least five feet shall be provided behind all bicycle parking to allow room for maneuvering.
    c. 2 feet of clearance shall be provided between bicycle parking spaces and adjacent walls, polls, landscaping, pedestrian paths, and other similar features.
    d. Four feet of clearance shall be provided between bicycle parking spaces and adjacent automobile parking spaces and drive aisles.
4. **Rack Design.** Bicycle racks must be capable of locking both the wheels and the frame of the bicycle and of supporting bicycles in an upright position.
5. **Cover.** Required cover for bicycle parking spaces shall be permanent, designed to protect the bicycle from rainfall, and at least seven feet above the floor or ground.

The location of all bicycle parking spaces shall be identified prior to issuance of a building permit.

## 4.11.3 Impact Analysis

### a. Methodology and Significance Thresholds

To determine whether a project would result in a significant impact related to transportation, Appendix G of the *CEQA Guidelines* requires consideration of whether a project would:

1. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, and bicycle and pedestrian facilities;
2. Conflict or be inconsistent with *CEQA Guidelines* Section 15064.3, Subdivision (b);
3. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); and/or
4. Result in inadequate emergency access.

The methodology for assessing impacts under thresholds 1, 3, and 4 is qualitative in nature and considers the existing regulations in place that would minimize potential impacts related to transit, roadway, bicycle and pedestrian facilities; geometric design features; and emergency access.

Impact TRA-2 evaluates whether the project would conflict or be inconsistent with CEQA Guidelines Section 15064.3(b), and is based on the VMT Assessment prepared by Hexagon Transportation Consultants dated January 9, 2026 (Appendix H). The City's VMT screening criteria outlined in the Morgan Hill VMT Methodology Memo was used to determine VMT impacts of the proposed project. The screening thresholds criteria includes the following:

- *Project Size* – projects that generate less than 110 average daily trips.
- *Local Serving Retail* – Retail projects that are less than 50,000 square feet (includes fastfood/quick-serve restaurants).
- *Low VMT Area* – Residential and employment projects located within a low VMT generating area (Morgan Hill has elected to use the low VMT area screening as equal to the City's average home-base VMT per resident or VMT per employee).
- *Transit Proximity* – Projects (including office, residential, retail, and mixed-use developments) located within close proximity to Transit Priority Areas or High Quality Transit Corridors. Close proximity is defined as a half-mile radius of an existing or planned major transit stop. A major transit stop includes either rail transit with dedicated right of way, a ferry terminal served by bus or rail, or the intersection of two or more bus routes with headways of 15 minutes or less during the morning and afternoon peak commute periods.
- *Affordable Housing* – 100 percent affordable residential development (or the residential component of a mixed-use development).
- *Active Transportation Projects* – Transportation projects that promote active transportation, such as transit, bicycle, and pedestrian facilities.

Since the City's screening criteria does not apply directly to recreational uses, the assessment of VMT for the Condit Sports Facilities Expansion site and the Butterfield Sports Park Expansion site is converted to an equivalent amount of retail uses to be compared to the City's screening criteria since it has similar trip generating and trip origin/destination characteristics as the proposed uses.

## b. Project Impacts and Mitigation Measures

The proposed project does not include changes to or development on the APN 825-06-022 site. Accordingly, the analyses below focus exclusively on the Rose Orchard Court site, the Butterfield Sports Park Expansion site, and the Condit Sports Facilities Expansion site.

| | |
|---|---|
| **Threshold 1:** | Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, and bicycle and pedestrian facilities? |

**Impact TRA-1 THE PROPOSED PROJECT WOULD NOT CONFLICT WITH A PROGRAM, PLAN, ORDINANCE, OR POLICY ADDRESSING THE CIRCULATION SYSTEM, INCLUDING TRANSIT, ROADWAY, AND BICYCLE AND PEDESTRIAN FACILITIES. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.**

### *Rose Orchard Court Site*

Future development on the Rose Orchard Court site would be subject to and required to implement 2035 General Plan policies as well as City guidelines, standards, and specifications applicable to the circulation system including transit, roadway, bicycle, and pedestrian facilities. Specifically, future development on this site would be required to comply with 2035 General Plan Policy TR-2.2, which would ensure development is consistent with the development of the transportation system capacity; Policy TR-6.12, which would require developers to install bus shelters if applicable; Policy TR-8.7, which would require

property owners to designate private roads as part of the bikeways plan if there is an agreement with the City; Policy TR-9.1, which would ensure sufficient pedestrian access in all new developments; Policy TR-9.2, which would encourage walking; and Policy TR-9.10, which would require installation of new sidewalks where they currently do not exist to improve sidewalk connectivity. In addition, future development would be required to comply with vehicle and bicycle parking and loading requirements pursuant to MHMC Chapter 18.72 and Standard Conditions of Approval; driveway access requirements pursuant to MHMC Section 17.32.050; and sidewalk improvement requirements pursuant to MHMC Chapter 12.02. Future development would not include modifications to the existing transportation network including the city's trails and bicycles networks, and would be consistent with the Bikeways, Trails, Parks and Recreation Master Plan. Therefore, development on the Rose Orchard Court site would not conflict with a program, plan, ordinance or policy addressing the circulation system, and this impact would be less than significant.

### *Condit Sports Facilities Expansion Site*

Expansion of the Condit Sports Facilities site would be subject to and required to implement the 2035 General Plan policies as well as City guidelines, standards, and specifications applicable to the circulation system including transit, roadway, bicycle, and pedestrian facilities. Specifically, future development on this site would be required to comply with 2035 General Plan Policy TR-2.1, which would ensure a balanced transportation system to provide access to all users; Policy TR-2.2, which would ensure development is consistent with the development of the transportation system capacity; Policy TR-3.14, which would require operational improvements at the Main/Monterey intersection to improve traffic flow; Policy TR-3.20, which would require improvements to the Butterfield Corridor and Monterey Road Corridor; Policy TR-5.1, which would require developments to provide adequate and convenient parking; Policy TR-6.12, which would require developers to install bus shelters if applicable; Policy TR-8.7, which would require property owners to designate private roads as part of the bikeways plan if there is an agreement with the City; Policy TR-8.12, which would require adequate bicycle parking and other supportive facilities to be provided; Policy TR-9.1, which would ensure sufficient pedestrian access in all new developments; Policy TR-9.2, which would encourage walking; and Policy TR-9.10, which would require installation of new sidewalks where they currently do not exist to improve sidewalk connectivity. The proposed project would also align with the goals of the Bikeways, Trails, Parks, and Recreation Master Plan to provide regional recreation destinations that support economic growth and ensure equitable access to programs and facilities. Future development would be required to implement the applicable goals, policies, and actions outlined in this Master Plan. Therefore, development at this site would not conflict with a program, plan, ordinance, or policy addressing the circulation system, and this impact would be less than significant.

### *Butterfield Sports Park Expansion Site*

Similar to the analysis above for the Condit Sports Facilities Expansion Site, expansion of the Butterfield Sports Park site would be subject to and required to implement the same 2035 General Plan policies and City guidelines, standards, and specifications applicable to the circulation system including transit, roadway, bicycle, and pedestrian facilities. The proposed project would also align with the goals of the Bikeways, Trails, Parks, and Recreation Master Plan to provide regional recreation destinations that support economic growth and ensure equitable access to programs and facilities. Future development would be required to implement the applicable goals, policies, and actions outlined in this Master Plan. Therefore, development at this site would not conflict with a program, plan, ordinance, or policy addressing the circulation system, and this impact would be less than significant.

## Mitigation Measures

This impact from development facilitated on the annexation sites would be less than significant without mitigation. No mitigation measures are required.

| **Threshold 2:** | Would the project conflict or be inconsistent with *CEQA Guidelines* Section 15064.3, Subdivision (b)? |
|---|---|

**Impact TRA-2 THE PROPOSED PROJECT WOULD NOT CONFLICT OR BE INCONSISTENT WITH CEQA GUIDELINES SECTION 15064.3, SUBDIVISION (B). THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.**

*Rose Orchard Court Site*

As discussed in the VMT Assessment prepared by Hexagon, the four single-family residences proposed would generate a total of 36 trips (Appendix H). This would be less than the City's Project Size screening thresholds, which states that projects generating less than 110 average daily trips would have a less than significant impact on VMT. Therefore, this impact would be less than significant.

*Condit Sports Facilities Expansion Site*

As discussed in Chapter 2, *Project Description*, on normal weekdays, the existing Outdoor Sports Center has approximately a few hundred users. For 20 to 24 weekends out of the year, regional sports tourism and other events attract 2,500 to 6,500 attendees, while other remaining weekends include local sporting events that attract 1,000 to 2,000 attendees. The expansion would require three employees during regular days and up to 30 employees during major sporting events. As outlined in the VMT Assessment prepared by Hexagon, the soccer and football fields would generate an average of 99 daily trips, which is a conservative estimate since it assumes the sports fields are used every day of the year; and the volleyball courts would generate an average of 216 daily trips (Appendix H). Thus, the Condit Sports Facilities Expansion site would generate on average a total of 315 daily trips.

As outlined under Methodology, the number of trips was converted to an equivalent amount of retail space in order to be compared to the City's VMT screening criteria. Based on the 315 daily trips, the proposed Condit Sports Facilities Expansion is estimated to generate trips equivalent to 9,000 square feet of retail space. Therefore, based on the City's Local Serving Retail screening threshold, which states that retail projects generating less than 50,000 square feet would have a less than significant impact on VMT, VMT impacts related to the Condit Sports Facilities Expansion site would be less than significant.

*Butterfield Sports Park Expansion Site*

As discussed in the VMT Assessment prepared by Hexagon, the baseball fields would generate a total of 235 and 706 daily trips on a weekday and weekend day, respectively; the BMX pump track would generate total of 84 and 132 daily trips on a weekday and weekend day, respectively; and the remaining park and supporting amenities would generate approximately 46 daily trips for both weekdays and weekends. Thus, the Butterfield Sports Park Expansion site would generate on average 513 daily trips.

As outlined under Methodology, the number of trips was converted to an equivalent amount of retail space in order to be compared to the City's VMT screening criteria. Based on the 513 daily trips, the proposed Butterfield Sports Park Expansion is estimated to generate trips equivalent to 14,000 square feet of retail space. Therefore, based on the City's Local Serving Retail screening threshold, which states that retail projects generating less than 50,000 square feet would have a less than significant impact on VMT, VMT impacts related to the Butterfield Sports Park Expansion site would be less than significant.

## Mitigation Measures

This impact from development facilitated on the three sites would be less than significant without mitigation. No mitigation measures are required.

| **Threshold 3:** | Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? |
|---|---|

**Impact TRA-3 THE PROJECT HAS THE POTENTIAL TO RESULT IN TRANSPORTATION HAZARDS. HOWEVER, OPERATIONAL IMPACTS WOULD BE LESS THAN SIGNIFICANT, AND POTENTIAL CONSTRUCTION PHASE IMPACTS CAN BE REDUCED TO A LESS THAN SIGNIFICANT LEVEL WITH ADHERENCE TO THE CITY'S STANDARD CONDITION OF APPROVAL REQUIRING A CONSTRUCTION LOGISTICS PLAN.**

*Rose Orchard Court Site*

Future development on the Rose Orchard Court site does not include modifications to the public right-of-way on streets within the City of Morgan Hill and would not substantially increase hazards due to a design feature.

The design elements of the four proposed single-family residences are currently not known and could include elements such as automobile driveways or sidewalk improvements along project frontage, that may modify the public right-of-way. Each development project would be reviewed and required to be consistent with appropriate regulations and design standards in effect at the time, such as adequate sight lines at new driveways between vehicles entering and exiting the driveways and pedestrians on the adjacent sidewalk, as well as motor vehicles and bicycles on the adjacent street, as required by MHMC Section 18.92.080, and the City's Design Standards and Standards for Construction for construction in the public right-of-way. The proposed single-family residences would be consistent with the existing uses in the area and would not introduce incompatible uses on the Rose Orchard Court site.

Construction activities could involve the use of large haul trucks traveling to and from the project site, generating hauling traffic. The influx of soil hauling trips could concentrate heavy truck traffic on streets that typically experience low volumes of such vehicles. However, incorporation of the City of Morgan Hill Standard Condition of Approval for a Construction Logistics Plan, as listed in the Regulatory Setting above, would reduce potential traffic hazards during construction of the proposed project. With implementation of the Standard Condition of Approval for a Construction Logistics Plan, impacts related to traffic hazards during construction would be less than significant.

*Condit Sports Facilities Expansion Site*

Expansion of the Condit Sports Facilities site would be subject to and designed in accordance with City standards and specifications which address potential design hazards including sight distance, driveway placement, and signage and striping. The Condit Sports Facilities site would be constructed based on industry design standards and best practices consistent with the MHMC, the City's Design Standards and Standards for Construction, and building design and inspection requirements. In addition, the proposed recreational uses would be consistent with the existing uses in the area and would not introduce incompatible uses on the sites.

Similar to the discussion above, construction activities could involve large haul trucks traveling to and from the project site, generating hauling traffic. However, with implementation of the Standard Condition of Approval requiring preparation of a Construction Logistics Plan, impacts would be reduced to a less than significant level.

*Butterfield Sports Park Expansion Site*

Similar to the analysis above for the Condit Sports Facilities Expansion site, expansion of the Butterfield Sports Park site would be subject to and designed in accordance with City standards and specifications which address potential design hazards including sight distance, driveway placement, and signage and striping. The Butterfield Sports Park site would be constructed based on industry design standards and best practices consistent with the MHMC, the City's Design Standards and Standards for Construction, and building design and inspection requirements. In addition, the proposed recreational uses would be consistent with the existing uses in the area and would not introduce incompatible uses on the sites.

Similar to the discussion above, the increase in construction-related truck trips could create a temporary but potentially significant traffic hazard due to incompatible roadway use. However, with implementation of the Standard Condition of Approval requiring a Construction Logistics Plan, impacts would be reduced to a less than significant level.

## Mitigation Measures

This impact from development facilitated on the three sites would be less than significant without mitigation. No mitigation measures are required.

**Threshold 4:** Would the project result in inadequate emergency access?

**Impact TRA-4 THE PROPOSED PROJECT WOULD NOT RESULT IN INADEQUATE EMERGENCY ACCESS. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.**

### *Rose Orchard Court Site*

Site access and circulation for the four proposed single-family residences on the Rose Orchard Court site would be designed to current City standards outlined under MHMC Chapter 17.34 and would be required to accommodate access requirements for emergency and passenger vehicles. In addition, future development would be required to comply with the City's Fire Prevention Division Standard Details and Specifications and provide roadways greater than or equal to 20 feet in width and driveways less than 20 feet in width (City of Morgan Hill 2013).

Emergency response vehicles would be able to access the site via Llagas Road. In addition, all roadway users must yield to the right-of-way of emergency vehicles when emergency sirens and lights are on. Therefore, impacts related to emergency access would be less than significant.

### *Condit Sports Facilities Expansion Site*

Similar to the analysis above, site access and circulation on the Condit Sports Facilities Expansion site would be designed to current City standards and would be required to accommodate access requirements for emergency and passenger vehicles. In addition, development on this site would be subject to the City's Fire Prevention Division Standard Details and Specifications for minimum fire access road widths and fire hydrant placement and color to ensure fire safety and adequate emergency access.

Emergency response vehicles would be able to access the Condit Sports Facilities Expansion site via the US 101, Tennant Avenue, and Condit Road. In addition, all roadway users must yield to the right-of-way of emergency vehicles when emergency sirens and lights are on. Therefore, impacts related to emergency access would be less than significant.

### *Butterfield Sports Park Expansion Site*

Similar to the analysis above, site access and circulation on the Butterfield Sports Park Expansion site would be designed to current City standards and would be required to accommodate access requirements for emergency and passenger vehicles. In addition, development on these sites would be subject to the City's Fire Prevention Division Standard Details and Specifications for minimum fire access road widths and fire hydrant placement and color to ensure fire safety and adequate emergency access.

Emergency response vehicles would be able to access the Butterfield Sports Park Expansion site via the US 101 and Butterfield Boulevard. In addition, all roadway users must yield to the right-of-way of emergency vehicles when emergency sirens and lights are on. Therefore, impacts related to emergency access would be less than significant.

## Mitigation Measures

This impact from development facilitated on the three sites would be less than significant without mitigation. No mitigation measures are required.

## c. Cumulative Impacts

A project's environmental impacts are "cumulatively considerable" if the "incremental effects of an individual project would be significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects" (*CEQA Guidelines* Section 15065[a][3]). The geographic scope for cumulative transportation impacts is limited to development sites in close proximity to the project with potential to affect the City's multimodal transportation network. This geographic scope is appropriate for transportation hazards related to design features and potentially incompatible uses that can affect nearby properties and associated roadways and sidewalks but do not typically impact the regional transportation network in a cumulative manner. Adjacent and nearby development that is considered part of the cumulative analysis includes planned and pending projects in the city, listed in Table 3-1 in Chapter 3, *Environmental Setting*.

Impacts related to traffic hazards, such as geometric design features or incompatible uses, are generally site- or project-specific hazards. The traffic hazards of a particular project are unique to the circumstances of that project within its surroundings and the proposed project type. As discussed above under Impact TRA-3, implementation of the City's Standard Condition of Approval for preparation of a Construction Logistics Plan would ensure that impacts related to construction-related traffic hazards would be reduced to a less than significant level. Because the traffic hazards of cumulative projects generally do not combine and become more severe, and because the project would not substantially increase hazards, there would not be a significant cumulative traffic hazard impact.

As discussed under Impacts TRA-1 and TRA-4, the proposed project would not conflict with a program, plan, ordinance, or policy addressing the circulation system; or result in inadequate emergency access, and impacts would be less than significant and would not be cumulatively considerable. In addition, as discussed under Impact TRA-2, the proposed project would satisfy the City's VMT screening criteria and would result in less than significant impacts related to VMT.

# 4.12 Tribal Cultural Resources

This section describes the existing setting related to tribal cultural resources within the annexation sites and adjacent areas as well as the relevant regulatory framework. This section also analyzes the potential impacts on tribal cultural resources anticipated to result from implementation of the proposed project. Information in this section is based on California Senate Bill 18 and Assembly Bill 52 consultation, conducted by the City of Morgan Hill and consulting Tribes.

## 4.12.1 Setting

The setting of the annexation related to tribal cultural resources is summarized below. A complete discussion of the annexation sites' environmental setting related to tribal cultural resources is included in the Cultural Resources Technical Report, included as Appendix E. Also refer to Section 4.4.1 in Section 4.4, *Cultural Resources*, for additional discussion of the pre-contact setting.

California Native Americans have an extensive history and have been present in California for more than 12,000 years. When the Spanish invaded California in AD 1769, the San Francisco Bay Area was densely inhabited by more than 15,000 Native Californians speaking at least eight languages and living in more than 40 communities with well-defined territories (Byrd and DeArmond 2026). The Project is located in the traditional territory of the Ohlone (or Costanoan) people. According to early ethnographers, Ohlone territory extended along the California coast from the point where the San Joaquin and Sacramento rivers merge into the San Francisco Bay to Point Sur. Their inland boundary was limited to the interior Coast Ranges. The Ohlone language belongs to the Penutian language family and is further divided into eight regional dialects: Karkin, Chochenyo, Ramaytush, Awaswas, Taymen, Mutsun, Rumsen, and Chalon (Milliken et al. 2009; Jones 2015). The Tribe specific to this Project vicinity would have been a part of the Taymen speaking Matalan Ohlone (Milliken et al. 2009; Levanthal personal communication 2025).

The pre-contact Ohlone were semi-sedentary with a settlement system characterized by base camps and seasonal reserve camps composed of tule reed houses with thatched roofs made of matted grass (Schick 1994, Skowronek 1998). Just outside base camps, large sweat houses were built into the ground near stream banks used for spiritual ceremonies and possibly hygiene (Jones 2015, Schick 1994,). Villages were divided into small polities, each of which was governed by a chief responsible for settling disputes, acting as a war leader during times of conflict, and supervising economic and ceremonial activities (Skowronek 1998, Kroeber 1925). Social organization appeared flexible to ethnographers, and any sort of social hierarchy was not apparent to mission priests (Skowronek 1998).

Archaeological investigations helped inform Ohlone mortuary rituals along with ethnographic evidence. Cemeteries were set away from villages and visited during the annual Mourning Anniversary (Leventhal et al. 2009). Ceremonial human grave offerings might include Olivella beads, as well as tools like drills, mortars, pestles, hammerstones, bone awls, and utilized flakes (Leventhal et al. 2009). Ohlone mythology includes animal characterization and animism, which was the basis for several creation narratives. Ritually burying animals, such as a wolf, squirrel, deer, mountain lion, gray fox, elk, badger, grizzly bear, blue goose, and bat ray, was commonly practiced. Similar to human burials, ceremonial offerings were added to ritual animal graves like shell beads, ornaments, and exotic goods (Kroeber 1925, Field and Leventhal 2003, Jones 2010).

Ohlone food sources were based on hunting, gathering, and fishing (Kroeber 1925, Skowronek 1998). Larger animals, like bears, might be avoided, but smaller game was hunted and snared on a regular basis (Schick 1944: 17). The acorn was an important staple and was prepared by leaching acorn meal in openwork baskets and in holes dug into the sand (Kroeber 1925; Levy 1978). The Ohlone also practiced controlled burning to facilitate plant growth (Kroeber 1925, Skowronek 1998). During specific seasons or in times of drought, the reserve camps would be utilized for gathering seasonal food and accessing food storage (Schick 1994). The Ohlone fished from tule reed canoes using nets and gorge hooks (Schick

1994: 16–17). Mussels were a particularly important food resource. Sea mammals such as sea lions and seals were hunted, and beached whales were consumed (Kroeber 1925).

Seven Franciscan missions were built in Ohlone territory in the late 1700s, and all members of the Ohlone group were eventually brought into the mission system (Kroeber 1925, Skowronek 1998; Milliken et al. 2009). The peoples that lived within the current Project vicinity, the Matalan Ohlone, were primarily missionized into Mission Santa Clara (Levanthal et al 2025). Mission Santa Clara was established on January 12, 1777. After the establishment of the missions, Ohlone tribal groups experienced cultural disintegration and the Ohlone population was reduced from approximately 10,000 people in 1770 to 1,300 by 1814 (Arellano et al 2021; Skowronek 1998). Secularization of the missions occurred during the mid-1830s and the surviving missionized Ohlone/Costanoan Indians continued to live and work in several Post-Contact Indian communities within the Santa Clara Valley as well as on the various rancherias and *Californio* ranchos surrounding each of the other greater Bay Area missions (Arellano et al 2021). During this time the mission priest at San Juan Bautista, Felipe Arroyo de la Cuesta, compiled a phrase book and the Mutsun grammar (Golla 2011). Rosenthal et al. (2005) provides a summary of the Franciscan mission records, detailing three independent tribelets that occupied lands in the southern Santa Clara Valley: the *Ausaima* in the eastern side of the valley, the *Mutsun* in the southwestern side of the valley around San Juan Bautista, and the *Unijaima* in the Gilroy area.

Additionally, there are three tribes documented by the Bureau of Indian Affairs (BIA) with ancestral ties to the current Project vicinity. All three tribes are currently listed with the BIA's Office of Federal Acknowledgement as Muwekma Ohlone Tribe of San Francisco Bay Region, Amah-Mutsun Ohlone Tribal Band and the Ohlone/Costanoan-Esselen Nation. These tribal communities are documented as speaking their respective Costanoan/Ohlone languages as late as the 1930s and have since revitalized and reorganized themselves as tribal governments and communities (Arrelano et al. 2021). According to Golla (2011), the dialects associated with the Project are Mutsun-Awaswas, that includes Mutsun (San Juan Bautista Costanoan) and Awaswas (Santa Cruz Costanoan).

As documented by Arellano et al. (2021), the Muwekma Ohlone were previously federally recognized as the Verona Band of Alameda County. The Muwekma Ohlone are the largest Ohlone group, and have been repeatedly denied restoration of federal acknowledgement despite detailed genealogical, ethnohistorical research, and recognition in the 1851-2 treaties (Panich 2020). In 1973, the population of people with Ohlone descent was estimated at fewer than 300. The descendants of the Ohlone united in 1971 and have since arranged political and cultural organizations to revitalize aspects of their culture (Skowronek 1998). Today, the descendant communities of the Ohlone can be found in multiple tribes throughout Northern and Central California.

## 4.12.2 Regulatory Setting

### a. Federal Regulations

There are no federal regulations applicable to tribal cultural resources.

### b. State Regulations

### California Senate Bill 18 of 2004

California Government Code Section 65352.3 (adopted pursuant to the requirements of Senate Bill [SB] 18) requires local governments to contact, refer plans to, and consult with tribal organizations prior to making a decision to adopt or amend a general or specific plan. The tribal organizations eligible to consult have traditional lands in a local government's jurisdiction and are identified, upon request, by the Native American Heritage Commission (NAHC). As noted in the California Office of Planning and Research's Tribal Consultation Guidelines (2005), "the intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the

purpose of protecting, or mitigating impacts to, cultural places." SB 18 refers to PRC Section 5097.9 and 5097.995 to define cultural places as:

- A Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine (PRC Section 5097.9).
- A Native American historic, cultural, or sacred site, that is listed or may be eligible for listing in the California Register of Historical Resources pursuant to Section 5024.1, including any historic or prehistoric ruins, any burial ground, any archaeological or historic site (PRC Section 5097.995).

## Assembly Bill 52 of 2014

AB 52 expanded CEQA by defining a new resource category, "tribal cultural resources." AB 52 establishes, "a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment" (Public Resources Code [PRC] Section 21084.2). It further states the CEQA lead agency shall establish measures to avoid impacts that would alter the significant characteristics of a tribal cultural resource, when feasible (PRC Section 21084.3).

PRC Section 21074 (a)(1)(A) and (B) define tribal cultural resources as "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe" and that meets at least one of the following criteria, as summarized in *CEQA Guidelines* Appendix G:

1) Listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in PRC Section 5020.1(k)
2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. In applying these criteria, the lead agency shall consider the significance of the resource to a California Native American tribe.

AB 52 also establishes a formal consultation process with California Native American tribes that must be completed before a CEQA document can be certified. Under AB 52, lead agencies are required to "begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project." California Native American tribes to be included in the process are those that have requested notice of projects proposed within the jurisdiction of the lead agency.

## California Health and Safety Code

Section 7050.5 of the California Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has determined if the remains are subject to the Coroner's authority. If the human remains are of Native American origin, the coroner must notify the NAHC within 24 hours of this identification.

## California Public Resources Code Section 5097.98

Section 5097.98 of the California PRC states that the NAHC, upon notification of the discovery of Native American human remains pursuant to Health and Safety Code §7050.5, shall immediately notify those persons (i.e., the Most Likely Descendant [MLD]) that it believes to be descended from the deceased. With permission of the landowner or a designated representative, the MLD may inspect the remains and any associated cultural materials and make recommendations for treatment or disposition of the remains and associated grave goods. The MLD shall provide recommendations or preferences for treatment of the remains and associated cultural materials within 48 hours of being granted access to the site.

### c. Local Regulations

The General Plan, which was adopted in 2016, includes goals and polices relating to cultural resources (City of Morgan Hill 2016). As presented in the Open Space/Conservation, Noise and Safety Element these include:

**Goal HC-8: Historic identity and cultural resources that are preserved for future generations.**

**Policy HC-8.1: Identify and Protect Resources.** Identify and protect heritage resources from loss and destruction. (South County Joint Area Plan 15.09)

**Policy HC-8.4: Tribal Consultation.** Consult with Native American tribes that have ancestral ties to Morgan Hill regarding proposed new development projects and land use policy changes.

**Policy HC-8.5: Mitigation.** Require that if cultural resources, including tribal, archaeological, or paleontological resources, are uncovered during grading or other on-site excavation activities, construction shall stop until appropriate mitigation is implemented.

## 4.12.3 Impact Analysis

### a. Methodology and Thresholds of Significance

The presence and significance of a potential TCR is determined through consultation between lead agencies and local California Native American tribes. Impacts to TCRs are highly dependent on the nature of the resource but, in general, could occur if there is destruction or alteration of the resource and its surroundings, restricted access to the resource, or other disturbances.

The City of Morgan Hill initiated SB 18 and AB 52 consultation on October 23, 2025 and October 3, respectively, by sending letters via certified mail with return receipt requested to the 23 Native American contacts representing nine tribal groups identified by the NAHC. Copies of the consultation letters sent to these tribes are included in Appendix E of this EIR.

The Native American tribes that received letters via certified mail included the following:

- Amah Mutsun Tribal Band
- Amah Mutsun Tribal Band of Mission San Juan Bautista
- Indian Canyon Mutsun Band of Costanoan
- Muwekma Ohlone Tribe of the SF Bay Area
- Northern Valley Yokut / Ohlone Tribe
- Tamien Nation
- The Ohlone Indian Tribe
- Wuksachi Indian Tribe/Eshom Valley Band Costanoan Rumsen Carmel Tribe

The letters included a program description and map, and informed tribal contacts that they had 90 days under SB 18 and 30 days under AB 52, from the date of receipt, to submit a written request for formal consultation. The following responses were received:

**Indian Canyon Mutsun Band of Costanoan.** On November 2025, Chairwoman Sayers-Roods responded and confirmed the Tribe is requesting consultation for the project. Chairwoman Sayers-Rood recommended a Native American and archaeological monitor be present for ground disturbing work and provided criteria for the development of commemorable plaques, websites, murals, displays, or an educational/cultural center. On February 2, 2026, a consultation meeting was completed and Chairwoman Sayers-Roods reviewed the City's cultural resource Standard Condition of Approval and will review the Draft Environmental Impact Report and mitigation measures and provide the City with comments, if needed.

**Muwekma Ohlone Tribe of the SF Bay Area.** On October 6, 2025, the Tribe requested AB 52 and SB 18 consultation. On December, 2, 2025 a virtual consultation meeting was completed with Richard Massiatt, Alan Leventhal, and Marni McManus. Mr. Leventhal stated he has reviewed the City's Standard Condition of Approval for cultural resources, will submit written comments, and recommended the Muwekma Ohlone Tribe of the SF Bay Area be added as a monitoring Tribe in addition to the Tamien Nation. On December 29, 2025, the Tribe was provided a draft copy of the Cultural Resources Technical Report and provided recommended revisions on December 31, 2025. The Cultural Resources Technical Report was updated to incorporate the Tribe's response and on March 20, 2026, the Tribe responded that the revisions were acceptable and requested to review the Draft Environmental Impact Report once available.

**Tamien Nation.** On October 23, 2025, the Tribe requested AB 52 and SB 18 consultation and requested additional project information. On March 2, 2025, a virtual consultation meeting was completed. During the meeting the Tribe expressed concern about potential Native American resources on the Condit Sports Facilities Expansion site and Rose Orchard Court site and requested that the Tamien Nation are notified if any resources are identified, if resources are moved to another location and further requested participation any decision of determination of Native American resources.

Appendix G of the *CEQA Guidelines* indicates that a project's impacts to tribal cultural resources would be significant if the project would cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

## b. Project Impacts and Mitigation Measures

| | |
|---|---|
| **Threshold 1:** | Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074 that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)? |
| **Threshold 2:** | Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074 that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? |

**Impact TCR-1** **GRADING AND EXCAVATION REQUIRED FOR THE PROPOSED PROJECT WOULD HAVE THE POTENTIAL TO ADVERSELY IMPACT TRIBAL CULTURAL RESOURCES. IMPACTS WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.**

The SLF search results were received from the NAHC on September 8, 2025; those results were positive for known sacred sites within the vicinity of the annexation sites. Additionally, as part of its tribal cultural resources identification process under SB 18 and AB 52, the City sent letters via certified mail to the Native American contacts in the geographic area that is traditionally and culturally affiliated with the Tribes. As discussed in Section 4.12.3.a, *Methodology*, the City received request for consultation from the Indian Canyon Band of the Costanoan, the Muwekma Ohlone Tribe of the SF Bay Area, and the Tamien Nation and the following recommendations were received:

- Native American and archaeological monitoring, including monitoring provisions that monitoring should be provided by the Muwekma Ohlone Tribe of the SF Bay Area and the Tamien Nation.
- Tamian Nation requested to be notified should Native American resources be identified and provided an opportunity to consult on the treatment of any identified resources.

The Tamien Nation additionally expressed concern for the potential for the project to encounter previously unrecorded Native American resources on the Condit Sports Facilities Expansion site and Rose Orchard Court Site.

Although no tribal cultural resources were identified within the annexation sites, it is possible that ground disturbance during project construction could encounter unknown tribal cultural resources. Therefore, the project has the potential to significantly impact tribal cultural resources through ground disturbance and subsequent damage. Impacts would be potentially significant, and mitigation measures CR-1 and CR-2 and TCR-1 and TCR-2, in addition to the implementation of the City of Morgan Hill's Standard Conditions of Approval are required.

## Mitigation Measures

In addition to mitigation measures CR-1 and CR-2, and the City of Morgan Hill's Standard Conditions of Approval, listed in Section 4.4, *Cultural Resources,* the following mitigation measures are required.

### *TCR-1 Native American Monitoring*

The project proponent shall retain a Tribal representative to monitor initial project-related ground-disturbing activities. The project proponent shall contact the consulting Tribes for this project requesting monitoring services. If more than one consulting Tribe will provide monitoring services, Tribes will be scheduled using a rotating schedule so that no more than one tribal representative is required on site unless multiple work areas are active. Monitors shall have the authority to halt and redirect work, should any tribal/archaeological resources be identified during monitoring. If tribal/archaeological resources are encountered during ground-disturbing activities, work in the immediate area shall halt and Mitigation Measure CR-2 and TCR-2, as appropriate shall be implemented. Native American monitoring may be reduced or halted at the discretion of the monitor, in consultation with the lead agency, as warranted by conditions such as encountering bedrock, sediments being excavated are fill, or negative findings during the first 50 percent of ground disturbance. If monitoring is reduced to spot-checking, spot-checking shall occur when ground disturbance moves to a new location within the annexation site and when ground disturbance will extend to depths not previously reached (unless those depths are within bedrock). The monitor shall submit a report to the City to document compliance within 30 days of completion of all ground-disturbing activities.

### *TCR-2 Post-Review Discovery of Tribal Cultural Resources*

In the event that archaeological resources of Native American origin are identified during implementation of the proposed project, ground-disturbing activities within 50 feet of the find shall be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find as a cultural resource. Once the resource has been confirmed as being Native American in origin, the consulting Tribes for this project will be informed and tribal representatives will be provided the opportunity to complete a site visit and initiate consultation for the treatment of any identified precontact resources. If the City, in consultation with traditionally and culturally affiliated Native American group(s), determines the resource is a tribal cultural resource and thus significant under CEQA, and the resource cannot be avoided, a Treatment and Mitigation Plan (Plan) shall be prepared and implemented in consultation with the consulting tribes for this project. The plan shall include measures to ensure the find is treated in a manner that respectfully retains, to the degree feasible, the qualities that render the resource of significance to the local Native American group(s). The Plan will be developed consistent with requirements in PRC Section 21083.2 and Section 15126.4(b) of the CEQA Guidelines. The Plan will include a research design, field and laboratory methods, and the level of effort of data recovery

excavations and mitigation measures required to mitigate projects impacts on the resource. The Plan will further document the final disposition of any Native American materials. Examples of appropriate mitigation for tribal cultural resources include, but are not limited to, avoidance, protecting the cultural character and integrity of the resource, protecting traditional use of the resource, protecting the confidentiality of the resource, or heritage recovery.

### Significance After Mitigation

Implementation of Mitigation Measures CR-1, CR-2, TCR-1, and TCR-2 would reduce the potential impact to tribal cultural resources to less than significant by ensuring that unanticipated tribal cultural resources identified during construction are adequately mitigated.

## c. Cumulative Impacts

The proposed project, in conjunction with other nearby past, present, and reasonably foreseeable probable future projects in the region as listed in Table 3-1 of Section 3, *Environmental Setting*, would have the potential result in significant cumulative impacts to tribal cultural resources. As described under Impact TCR-1, the proposed project would result in a significant impact without mitigation to unknown tribal cultural resources. Mitigation measures CR-1, CR-2, TCR-1, and TCR-2 would reduce project-level impacts to less than significant. Cumulative development in the region would continue to disturb areas with the potential to contain tribal cultural resources. Cumulative projects are reviewed separately by the appropriate jurisdiction and undergo environmental review when it is determined that the potential for significant impacts exists. If future cumulative projects would result in impacts to known or unknown tribal cultural resources, impacts to such resources would be addressed on a case-by-case basis and would likely be subject to mitigation measures similar to those imposed for the proposed project as a result of the CEQA process. Cumulative impacts to tribal cultural resources would therefore be potentially significant but mitigable. After implementation of mitigation measures CR-1, CR-2, TCR-1, and TCR-2, the project's contribution to cumulative impacts to tribal cultural resources would not be cumulatively considerable.

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# 4.13 Utilities and Service Systems

This section identifies and evaluates impacts related to utilities and service systems associated with implementation of the proposed project.

## 4.13.1 Setting

The environmental setting for utilities and service systems is characterized by the availability and condition of water supplies, existing facilities and capacity for wastewater treatment and disposal, existing stormwater management facilities to control drainage and runoff, existing solid waste collection and disposal systems, and the existing availability of electricity, natural gas, and telecommunications services.

### Water Supply

The City of Morgan Hill provides potable water service to customers within the City's Urban Service Area (USA). The City relies entirely on local groundwater for its water supply source. The City currently does have recycled water infrastructure in place and recycled water does not contribute to the city's supply portfolio. The City of Morgan Hill Water Division operates the municipal water system, including infrastructure design, maintenance, long-range planning, and regulatory compliance. The Water Division operates 17 groundwater wells, nine pumping stations, 10 reservoir sites, 23 pressure zones, and approximately 165 miles of distribution pipeline (City of Morgan Hill 2021).

The City relies entirely on groundwater pumped from the Llagas Subbasin and Coyote Subarea of the Santa Clara Valley Groundwater Basin. The Llagas and Coyote Subbasins are managed by the Santa Clara Valley Water District (Valley Water), which operates a recharge program using local reservoirs for storage and imported water as a supplemental supply source to increase groundwater recharge and maintain reliable aquifer levels. Groundwater resources are managed under Valley Water's Groundwater Management Plan (GWMP) for compliance with the Sustainable Groundwater Management Act (SGMA). Valley Water monitors groundwater levels, water quality, and recharge for long-term sustainability (Valley Water 2021).

#### *Llagas Subbasin*

The Llagas Subbasin (DWR Basin No. 3-003-0.1) underlies the annexation sites and covers approximately 56,000 acres in southern Santa Clara County (Department of Water Resources [DWR] 2025). Primary sources of recharge include percolation from local streams, such as the Uvas and Llagas creeks, infiltration of applied water, and managed recharge via Valley Water percolation facilities supported by local reservoirs and imported supplies (Valley Water 2021). DWR classifies the subbasin as high priority under SGMA and does not designate it as critically overdrafted (DWR 2025). Groundwater levels in the Llagas Subbasin have been maintained in a sustainable range due to Valley Water's recharge operations and conservation programs. In 2020, pumping was above and managed recharge below the five-year average, with December levels approximately 13 feet below the five-year December average at the index well (Valley Water 2021).

#### *Coyote Valley Subarea*

The Coyote Valley Subarea (within DWR Basin No. 2-009-02) lies within the Santa Clara Subbasin and underlies the annexation sites. The subarea occupies approximately 15 square miles, is generally unconfined, and drains northward to the Santa Clara Plain (Valley Water 2021). Sources of recharge include natural percolation from Coyote Creek and tributaries, infiltration of applied water, and managed recharge using Valley Water percolation facilities supplied by local reservoirs and imported supplies (Valley Water 2021). DWR classifies the Santa Clara Subbasin as high priority under SGMA and does not designate it as critically overdrafted (DWR 2025). Groundwater levels in the Coyote Valley subarea have

remained generally stable over the past decade under Valley Water's management. In 2020, pumping was above, and managed recharge below, the five-year average, with December levels approximately at the five-year December average at the Coyote Valley index well (Valley Water 2021).

## Wastewater

The City of Morgan Hill provides wastewater services, including the collection, conveyance, and treatment of municipal sewage to customers within the City's USA. The City's Wastewater Division is responsible for operation of the wastewater system, including the planning, design, maintenance, and repair of wastewater infrastructure.

The City's sewer system consists of 160 miles of gravity sewers, over 3,000 manholes, nearly 3 miles of force mains, and 14 lift stations. Wastewater collected by the City is transported to the South County Regional Wastewater Authority (SCRWA) Treatment Plant for treatment and disposal. This plant is located south of Morgan Hill and is owned and operated by the SCRWA under a Joint Powers Agreement with the City of Morgan Hill and City of Gilroy. The plant has a design capacity of 8.5 million gallons per day (MGD) and currently treats an average daily flow of approximately 6.2 MGD, leaving an available capacity of about 2 MGD. The treatment plant is currently under expansion to increase the facility's capacity by 30 percent, increasing its design capacity to 11 MGD (SCRWA 2024).

The SCRWA treatment facility provides secondary and tertiary treatment and produces recycled water for non-potable uses such as irrigation. The facility operates under a National Pollutant Discharge Elimination System (NPDES) permit issued by the Regional Water Quality Control Board (RWQCB). The City requires developers to pay wastewater connection fees and comply with local sewer capacity requirements to offset any net increase in wastewater flow from new development (City of Morgan Hill 2025).

## Stormwater

Stormwater is water that runs across the ground surface following a precipitation event and is typically managed by guiding stormwater runoff into channels, drains, culverts, and other infrastructure that convey it towards a common discharge point or through on-site infiltration and percolation features. The annexation sites are located in an urban area with existing stormwater drainage features, including stormwater lateral lines and stormwater mains. Existing conditions related to stormwater drainage patterns at the annexation site are detailed in Section 4.8, *Hydrology and Water Quality*.

Storm drain infrastructure in Morgan Hill is maintained by the City of Morgan Hill Public Works Department. The storm drainage system consists of a network of catch basins, storm drain inlets, underground storm drainpipes, and culverts that convey runoff to regional channels and creeks. The City is divided into several hydrologically distinct drainage areas, each with its own system of conveyance facilities, pumps, and basins to manage runoff. Stormwater collected from these drainage areas ultimately discharges into creeks that flow through the city and are tributary to either Monterey Bay or San Francisco Bay (Santa Clara County 2025).

Stormwater management in the City is regulated under NPDES permit program. The City is designated as a Phase II Small Municipal Separate Storm Sewer System (MS4) and operates under a General Permit under Central Coast RWQCB. The City implements a Storm Water Management Program (SWMP) to prevent pollution in stormwater and urban runoff from entering the drain system and protect water quality of nearby waterways.

## Solid Waste

Solid waste management for Morgan Hill is provided by Recology South Valley. Recology provides curbside collection of municipal solid waste, recyclables, and organic waste for residential and commercial customers.

In 2019, Morgan Hill generated approximately 42,873 tons of municipal waste (California Department of Resources Recycling and Recovery [CalRecycle] 2019). Waste from the City is primarily disposed of Kirby Canyon Landfill and Monterey Peninsula Landfill, which are permitted under state regulations. Table 4.13-1 summarizes available landfill capacity for facilities serving Morgan Hill.

As shown in Table 4.13-1, Kirby Canyon Landfill can process up to 2,600 tons of waste per day and has a remaining capacity of roughly 36.4 million cubic years through the year 2059. Monterey Peninsula Landfill can process up to 3,500 tons per day and has a remaining capacity of roughly 48.6 million cubic yards through the year 2107.

**Table 4.13-1 Available Landfill Capacity**

| Landfill | Maximum Permitted Daily Throughput (tons per day) | Remaining Permitted Disposal Capacity (cubic yards) | Anticipated Closure Date |
|---|---|---|---|
| Kirby Canyon Landfill | 2,600 | 36,400,000 | 12/31/2059 |
| Monterey Peninsula Landfill | 3,500 | 48,560,000 | 2/28/2107 |

Source: CalRecycle 2023

The California Integrated Waste Management Act of 1989 (Assembly Bill [AB] 939) requires each city or county's source reduction and recycling element to include an implementation schedule showing that a city or county must divert 50 percent of solid waste from landfill disposal or transformation on and after January 1, 2000. Senate Bill (SB) 1016, passed in 2008, now requires the 50 percent diversion requirement to be calculated in a per capita disposal rate equivalent. Target disposal rates are calculated using population (i.e., number of city residents) and employment numbers (i.e., number of employees in the city). Table 4.13-2 shows the city's employment solid waste diversion rates from 2022 through 2024.

**Table 4.13-2 City of Morgan Hill Employment Solid Waste Disposal**

| Reporting Year | Employment Disposal Rate (pounds/person/day) | Target Disposal Rate (pounds/person/day) | Disposal Target Met? |
|---|---|---|---|
| 2022 | 3.1 | 7.4 | Yes |
| 2023 | 3.5 | 8.2 | Yes |
| 2024[1] | 2.2 | 5.1 | Yes |

Source: CalRecycle 2023

## Electricity, Natural Gas, and Telecommunications

The annexation sites have access to existing infrastructure related to electric power, natural gas, and telecommunication facilities. PG&E maintains the electricity distribution lines, natural gas lines, and substations that serve the annexation sites. Electricity is provided by Silicon Valley Clean Energy. Telecommunication and internet service providers are available in the area such as T-Mobile, AT&T, and Verizon.

In California, approximately 96 percent of households have access to telecommunication infrastructure, including telephone and cable access (Public Policy Institute of California 2025). Telecommunications infrastructure within Morgan Hill includes overground and underground telephone wires, underground optical fibers, cell towers, and standard phone equipment and internet routers. Telecommunications providers own and operate infrastructure, such as cellphone towers and fiber optic cables within the city.

## 4.13.2 Regulatory Setting

### a. Federal Regulations

### Water

*Clean Water Act*

The Federal Water Pollution Prevention and Control Act of 1948 was the first major law to address water pollution in the United States and was amended in 1972, at which point it became known as the Clean Water Act, which regulates discharges of pollutants into the waters of the United States. The Clean Water Act gives the United States Environmental Protection Agency (U.S. EPA) the authority to implement federal pollution control programs, such as setting water quality standards for contaminants in surface water, establishing wastewater and effluent discharge limits for various industry contaminants in surface water, establishing wastewater and effluent discharge limits for various industry categories, and imposing requirements for controlling nonpoint-source pollution.

At the federal level, the Clean Water Act is administered by U.S. EPA and United States Army Corps of Engineers (USACE). At the state and regional levels in California, the Clean Water Act is enforced by the State Water Resources Control Board (SWRCB) and the nine RWQCBs. The annexation sites are located within the jurisdiction of the Central Coast RWQCB and is subject to the management direction of the Water Quality Control Plan for the Central Coast RWQCB ("Basin Plan"), discussed further under "Porter-Cologne Water Quality Control Act" in Section 4.1.2(b), *State Regulations*.

Section 402 of the Clean Water Act establishes the NPDES regulations for stormwater and other pollutant discharges. Section 402 prohibits discharge of pollutants to waters of the United States unless they are regulated by an NPDES permit. Stormwater discharges are regulated under a variety of NPDES permits, including municipal, agricultural, industrial, construction, and low-threat discharge permits. Phase I of the NPDES program requires NPDES permits for stormwater discharges from MS4s serving populations of 100,000 or greater, construction sites disturbing greater than five acres of land, and 10 categories of industrial activities. Phase II of the NPDES program requires NPDES permits for stormwater discharges from regulated small MS4s and for construction sites disturbing between one and five acres of land.

Compliance with the NPDES program typically requires implementation of a Stormwater Pollution Prevention Plan (SWPPP) with best management practices (BMPs) to minimize or avoid potentially adverse effects associated with ground disturbance that could alter drainage patterns or affect water quality. Please see Section 4.8, *Hydrology and Water Quality*, for a more detailed discussion of the NPDES permit(s) applicable to the proposed project.

*Safe Drinking Water Act*

Passed in 1974 and amended in 1986 and 1996, the Safe Drinking Water Act grants the U.S. EPA the authority to set drinking water standards. Drinking water standards apply to public water systems that provide water for human consumption through at least 15 service connections or regularly serve at least 25 individuals. There are two categories of drinking water standards: the National Primary Drinking Water Regulations and the National Secondary Drinking Water Regulations. The National Primary Drinking Water Regulations are legally enforceable standards that apply to public water systems. These standards protect drinking water quality by limiting the levels of specific contaminants that can adversely affect public health and are known or anticipated to occur in water. The National Secondary Drinking Water Regulations are nonmandatory guidelines for certain substances that do not present a risk to public health.

## Electric Power

*Energy Independence and Security Act*

The Energy Independence and Security Act, enacted by Congress in 2007, is designed to improve vehicle fuel economy and help reduce the United States' dependence on foreign oil. It expands the production of renewable fuels, reducing dependence on oil and confronting climate change. Specifically, it does the following:

- Increases the supply of alternative fuel sources by setting a mandatory Renewable Fuel Standard that requires fuel producers to use at least 36 billion gallons of biofuel in 2022
- Reduces the United States' demand for oil by setting a national fuel economy standard of 35 miles per gallon by 2020, an increase in fuel economy standards of 40 percent as compared to 2007 levels

The Energy Independence and Security Act of 2007 also set energy efficiency standards for lighting (specifically light bulbs) and appliances. Development would also be required to install photosensors and energy-efficient lighting fixtures consistent with the requirements of 42 United States Code Section 17001 et seq.

*Energy Star Program*

ENERGY STAR® is a joint federal program between the U.S. EPA and the United States Department of Energy that was created in 1992 and authorized by the Energy Policy and Conservation Act. The ENERGY STAR® program is designed to help customers, businesses, and industry adopt energy-efficient products and practices to reduce energy consumption and save money. The ENERGY STAR® label identifies products and buildings, including homes, that meet high energy efficiency standards. U.S. EPA and United States Department of Energy are coordinating to expand the ENERGY STAR® products program, the Home Performance with ENERGY STAR® program, and the National Building Rating Program, also known as the Commercial Building Energy Asset Score program.

## Solid Waste

*Resource Conservation and Recovery Act*

The Resource Conservation and Recovery Act (RCRA), which amends the Solid Waste Disposal Act of 1965, was enacted in 1976 to address municipal and industrial solid waste generated nationwide. The act gives U.S. EPA the authority to control hazardous waste from "cradle to grave," which includes the generation, transportation, treatment, storage, and disposal of hazardous waste. The RCRA also sets forth a framework for the management of nonhazardous solid wastes. The federal Hazardous and Solid Waste Amendments to the RCRA were adopted in 1984 and were aimed at waste minimization and phasing out land disposal of hazardous waste, as well as providing guidance for corrective action of releases. The amendments also allowed for increased enforcement authority for U.S. EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program. Amendments to the RCRA in 1986 further enabled U.S. EPA to address environmental hazards related to underground tank storage of petroleum and other hazardous substances.

# b. State Regulations

## Water

*California Water Plan*

California Water Code Sections 10004 through 10013 describe the components and characteristics of the California Water Plan prepared by DWR. The California Water Plan addresses the coordinated control,

protection, conservation, development, and utilization of the state's water resources. Updated every five years, the most recent water plan is the California Water Plan Update 2023 (DWR 2023a).

## Water Supply

### *Sustainable Groundwater Management Act*

In September 2014, Governor Jerry Brown signed legislation requiring that California's critical groundwater resources be sustainably managed by local agencies. SGMA gives local agencies the power to sustainably manage groundwater and requires groundwater sustainability plans to be developed for medium- and high-priority groundwater basins, as defined by the California Department of Water Resources (DWR). The annexation sites overlies the Llagas Subbasin which is designated as a high priority basin and is therefore required to be managed under a Groundwater Sustainability Plan (GSP), implemented by a Groundwater Sustainability Agency (GSA). Valley Water serves as the GSA for the Llagas Subbasin, and the GWMP implemented by Valley Water for the Llagas Subbasin was approved by DWR as a GSP Alternative, meaning that the GWMP may be implemented in place of a GSP for SGMA compliance.

### *California Plumbing Code, Title 24, Part 5*

The California Plumbing Code is codified in California Code of Regulations Title 24, Part 5. The Plumbing Code contains regulations including, but not limited to, plumbing materials, fixtures, water heaters, water supply and distribution, ventilation, and drainage. More specifically, Part 5, Chapter 4, contains provisions requiring the installation of low-flow fixtures and toilets. Existing development is also required to reduce its wastewater generation by retrofitting existing structures with water efficient fixtures (SB 407 [2009] Civil Code Sections 1101.1 et seq.)

### *Urban Water Management Planning Act*

The Urban Water Management Planning Act of 1983 amended the California Water Code to require all urban water suppliers in California to prepare and adopt a UWMP and update it every five years. This requirement applies to all suppliers providing water to more than 3,000 customers or supplying more than 3,000 AFY of water. The Morgan Hill 2020 Urban Water Management Plan is applicable to the annexation sites and is discussed further in Section 4.13.2(c), *Local Regulations*.

## Electric Power and Natural Gas

### *California Building Energy Efficiency Standards (2022), Title 24, Part 6*

California Code of Regulations Title 24, Part 6, is California's Energy Efficiency Standards for Residential and Non-residential Buildings. The CEC established Title 24 in 1978 in response to a legislative mandate to create uniform building codes to reduce California's energy consumption and provide energy efficiency standards for residential and non-residential buildings. The standards are updated on an approximately three-year cycle to allow consideration and possible incorporation of new efficient technologies and methods.

In 2021, the CEC updated Title 24 standards with more stringent requirements that became effective January 1, 2023. The building efficiency standards are enforced through the local plan check and building permit process. Local government agencies may adopt and enforce additional energy standards for new buildings as reasonably necessary due to local climatologic, geologic, or topographic conditions, provided these standards exceed those provided in Title 24.

The 2022 update to the Building Energy Efficiency Standards under Title 24 applies to buildings for which an application for a building permit is submitted on or after January 1, 2023. The updated standards mainly established electric-ready requirements when natural gas is installed, expanded solar photovoltaic

and battery storage standards, and strengthened ventilation standards to improve indoor air quality (California Energy Commission 2021).

### *California Green Building Standards Code (2022) Title 24, Part 11*

The California Green Building Standards Code, commonly referred to as "CALGreen" originally went into effect on August 1, 2009 and outlines architectural design and engineering principles that are in synergy with environmental resources and public welfare. CALGreen sets minimum standards for buildings, and since 2016, applies to new building construction and some alterations/additions within certain parameters. CALGreen establishes planning and design standards for sustainable site development, including water conservation measures and requirements that new buildings reduce water consumption by 20 percent below a specified baseline. CALGreen requires installation of 1.28 gallons-per-flush toilets and 0.5-gallon-per flush urinals for all non-residential projects as part of the prescriptive method of reducing indoor water use by the required 20 percent.

CALGreen lays out the minimum requirements for newly constructed residential and non-residential buildings to reduce greenhouse gas emissions through improved efficiency and process improvements. It also includes voluntary tiers to encourage building practices that improve public health, safety, and general welfare by promoting a more sustainable design. In addition, CALGreen includes several requirements related to solid waste diversion. New non-residential construction is required to achieve at least 65 percent construction and demolition waste diversion and provide recycling areas for paper, cardboard, glass, plastics, metal, and organic waste.

## Solid Waste

### *Assembly Bill 341*

The purpose of AB 341 is to reduce greenhouse gas emissions by diverting commercial solid waste to recycling efforts and expanding the opportunity for additional recycling services and recycling manufacturing facilities in California. In addition to mandatory commercial recycling, AB 341 set a statewide goal for 75 percent disposal reduction by 2020.

### *Assembly Bill 939*

AB 939 (Public Resources Code 41780) established the California Integrated Waste Management Act of 1989 (Public Resources Code Sections 42900 to 42927), which required all California cities and counties to reduce the volume of solid waste deposited in landfills by 50 percent by the year 2000. It also requires cities and counties to continue to maintain a solid waste diversion rate of 50 percent or higher for each subsequent year. The act is intended to promote the reduction, recycling, and reuse of solid waste generated to the maximum extent feasible.

Under the California Integrated Waste Management Act, California cities and counties are required to implement a source reduction and recycling element, subject to review and approval by CalRecycle, which demonstrates how the jurisdiction will meet the mandated diversion goals. Each jurisdiction's source reduction and recycling element must include specific components as defined in Public Resources Code Sections 41003 and 41303.

### *Senate Bill 1016*

SB 1016 requires that the 50 percent solid waste diversion requirement established by AB 939 (the California Integrated Waste Management Act) be expressed in pounds per person per day. SB 1016 changed the CalRecycle review process for each municipality's integrated waste management plan. After an initial determination of diversion requirements in 2006 and establishment of diversion rates for subsequent calendar years, CalRecycle now reviews a jurisdiction's diversion rate compliance in accordance with a specified schedule. Since 2018, CalRecycle is required to review a jurisdiction's source reduction and recycling element and hazardous waste element once every two years.

*Senate Bill 1383*

SB 1383, California's Short-Lived Climate Pollutants bill, established a methane emissions reduction target for sources in California to reduce organic waste disposal by 75 percent from the 2014 baseline by 2025. Edible food distributors must rescue the maximum amount of their edible food that would otherwise be disposed of by 2025. SB 1383 requires the following:

- Jurisdictions must achieve 100 percent of their annual procurement target for compost, renewable gas (for transportation fuels, electricity, or heating applications) or electricity from biomass conversion produced from organic waste.
- Maintain an edible food recovery program to support infrastructure and partnerships for recovering edible food from Tier 1 and Tier 2 generators.
- Provide organic waste collection to all residents and businesses to ensure compliance with diversion requirements.

*Local Regulations*

## City Council Urban Service Area Amendment Policy (CP-07-05)

This policy establishes the process for amending Morgan Hill's USA. Applicants, including property owners, authorized representatives, or public agencies, may submit requests only during a designated annual filing period in January. The policy ensures that expansions of the USA occur in a controlled manner consistent with infrastructure planning and growth management objectives.

## SCRWA Pretreatment and Sewer Use Ordinance (Ordinance No. 2024-01)

The SCRWA adopted Ordinance No. 2024-01, amending its previous sewer ordinance, to regulate sewer use and establish uniform requirements for discharges into the wastewater collection and treatment system. The ordinance provided SCRWA with the legal authority to implement pretreatment standards, limit pollutant discharges, and enforce compliance with the facility's NPDES permit and federal law. These requirements protect the SCRWA treatment plant from pollutants that could interfere with treatment processes or pass through untreated. The ordinance applies to all users discharging wastewater into the SCRWA, including industrial, commercial, and residential sources.

## Santa Clara Valley Water District Comprehensive Resources Management Plan

Valley Water adopted its Comprehensive Water Resources Management Plan to establish policies and strategies for managing water resources within Santa Clara County. The Plan provides Valley Water with the framework to address water supply reliability, natural flood protection, and water resources stewardship in compliance with state and regional mandates. It identifies shared responsibilities between Valley Water and local jurisdictions, outlines citywide programs and projects related to water resource management, and references applicable elements of local comprehensive plans. The Plan applies to all cities within Santa Clara County and serves as a guiding document for coordinated water resource planning and implementation.

## Central Coast Post-Construction Stormwater Requirements

The Central Coast RWQCB adopted Resolution No. R3-2013-0032 to establish post-construction stormwater management requirements for development and redevelopment projects within the Central Coast Region. These requirements mandate the use of Low Impact Development (LID) practices to retain stormwater on-site and minimize hydromodification impacts. Regulated projects must size stormwater control measures based on the 85th or 95th percentile rainfall depths, using data provided by the Water Board or calculated through U.S. EPA-approved methods. The standards also incorporate watershed management zones and require measures that protect receiving waters, groundwater resources, and

sensitive habitats. Compliance is supported through technical guidance, annual reporting, and design tools to ensure long-term water quality protection.

## Santa Clara County Code

### *Chapter B11 – Garbage and Refuse Ordinance*

This chapter establishes requirements for solid waste management in unincorporated areas of Santa Clara County. It mandates mandatory recycling and organics separation, prohibits illegal dumping, and enforces compliance with state laws including AB 939 (Integrated Waste Management Act) and SB 1383 (Short-Lived Climate Pollutants Reduction Law). It also regulates container use, collection service, and disposal practices.

### *Chapter III – County Green Building Standards Code*

This chapter adopts the 2022 CALGreen with local amendments. It requires sustainable building practices, including construction waste diversion of at least 65 percent, and incorporates electric vehicle (EV) infrastructure requirements such as EV-capable spaces, Level 1 and Level 2 EV Ready spaces, and Automatic Load Management Systems to support electrification goals.

### *Section B11-62 – Sewer Connection Requirement*

Properties located within 300 feet of an approved sanitary sewer must connect to the sewer system when feasible. This provision ensures compliance with public health standards and prevents reliance on onsite wastewater systems where municipal sewer service is available.

### *Onsite Wastewater Treatment Systems (OWTS) Ordinance*

Establishes standards for installation, operation, and maintenance of OWTS in areas without public sewer access. Requirements are consistent with RWQCB regulations and include design criteria to protect groundwater quality.

### *Santa Clara County Stormwater Management Program*

Implements NPDES Phase II requirements for development projects, including stormwater treatment and flow control measures. Projects must incorporate BMPs and LID features to minimize runoff and pollutant discharge.

### *Section C12-563 – Drainage Facility Standards*

Requires drainage facilities to prevent ponding and erosion and mandates installation of energy dissipaters at discharge points to reduce flow velocity and protect downstream resources.

## Morgan Hill Urban Water Management Plan

The City of Morgan Hill adopted its 2020 UWMP in compliance with the California Urban Water Management Planning Act, which requires urban water suppliers to prepare and update plans every five years. The UWMP provides a long-term strategy for ensuring water supply reliability through demand forecasting, conservation measures, and coordination with regional water agencies. It evaluates existing and projected water sources, including groundwater and imported supplies, and outlines actions to meet future demand under normal, single-dry, and multiple-dry year conditions. The Plan also incorporates the City's Water Shortage Contingency Plan, establishing mandatory and voluntary measures to reduce demand during shortages and ensure compliance with state drought response requirements.

## City of Morgan Hill General Plan

The Natural Resources and Environment Element and Safety, Services, and Infrastructure Element of the City's General Plan identifies the City's goals for maintaining existing infrastructure and resources, while assuring an adequate supply to meet future needs. Goals and policies within the General Plan pertaining to water conservation, green building, recycling, wastewater, and solid waste that are applicable to the proposed project include the following:

**Goal NRE-7: Conservation of water resources.**

**Policy NRE-7.1.** Promote water conservation and efficient water use in all private development projects. Require development to exceed State standards for the use of water

**Policy NRE-7.2.** Promote water conservation and efficient water use in all public development projects. All new public buildings shall be designed to exceed State standards for water efficiency.

**Policy NRE-7.5.** Explore installation of dual plumbing in large, new commercial and/or residential developments to enable future use of recycled non-potable water generated on- or off-site.

**Goal NRE-16: Conservation of energy resources.**

**Policy NRE-16.1**. New development, including public buildings, should be designed to exceed State standards for the use of energy.

**Policy NRE-16.2.** Promote energy conservation techniques and energy efficiency in building design, orientation, and construction.

**Policy NRE-16.6**. Encourage landscaping plans for new development to address the planting of trees and shrubs that will provide shade to reduce the need for cooling systems and allow for winter daylighting.

**Policy NRE-16.7**. Encourage new and existing development to incorporate renewable energy generating features, like solar panels and solar hot water heaters.

**Policy NRE**-16.8. Emphasize energy conservation building techniques for new residential construction through the implementation of Chapter 18.78 of the Municipal Code.

**Goal SSI-2: Reduction of potential harm to persons or property from geologic/seismic hazards.**

**Policy SSI-2.8.** Prohibit development in areas where increased runoff from the addition of impervious surfaces and drainage would increase the probability of downslope landsliding, or where additional projects would add to the cumulative effect of increased runoff, unless a downslope drainage improvement plan has been approved. (South County Joint Area Plan 15.02d)

**Goal SSI-13: Infrastructure and urban development that adapts and evolves to respond to a changing climate.**

**Policy SSI-13.1.** Continue to require utilities in subdivisions to be underground, and convert overhead utilities throughout the city to underground facilities.

**Policy SSI-13.2.** Evaluate the capacity and condition of water, wastewater, and stormwater facilities on a regular basis to assess each system's ability to withstand increased wet and dry weather events, meet changes in demand, and determine system deficiencies.

**Goal SSI-14: High quality water resources, managed effectively.**

**Policy SSI-14.2**. Support water conservation measures that comply with State and federal legislation and that are consistent with measures adopted in the Urban Water Management Plan.

**Policy SSI-14.3**. Implement water conservation policies contained within Morgan Hill's Urban Water Management Plan to achieve 20 percent per capita water reductions by 2020

**Policy SSI-14.8**. Ensure that new development does not exceed the water supply. (South County Joint Area Plan 7.08)

**Policy SSI-14.13**. Increase use of recycled water in development projects and landscaping; implement best practices (e.g., dual plumbing) to expand recycled water use when safe, practical, and available.

**Goal SSI-15: Efficient, effective, and sustainable wastewater treatment.**

**Policy SSI 15.2.** Ensure that the total capacity for the Gilroy/Morgan Hill Wastewater Treatment Facility, its timing for expansion, and configuration are consistent with adopted policies for the overall growth of Morgan Hill and Gilroy. Plans for the expansion of the Wastewater Treatment Facility should be based on the flow projections found in the Gilroy and Morgan Hill Sewer Master Plans. (South County Joint Area Plan 6.00)

**Policy SSI-15.4**. Prohibit the use of alternative sewage treatment and disposal systems until a reliable track record for the type of system has been documented and conditions for ongoing safe and effective operation have been established. (South County Joint Area Plan 6.04)

**Goal SSI-16:Minimized adverse effects on property, natural resources, and ground and surface water quality from stormwater runoff.**

**Policy SSI-16.1.** Ensure that those residents who benefit from, as well as those who contribute to the need for, local drainage facilities pay for them. (South County Joint Area Plan 13.02).

**Policy SSI-16.2**. Ensure that the level of detention or retention provided on the site of any new development is compatible with the capacity of the regional storm drainage system.

**Action SSI-16.A.** Require developers of individual projects to mitigate on- and off-site drainage impacts and, where appropriate, install local drainage facilities which would contribute to an eventual area-wide solution to local drainage problems. (South County Joint Area Plan 13.00).

**Action SSI-16.C.** . Require developers of individual projects to mitigate drainage impacts and protect ground-water quality. Such mitigation may include limiting runoff to predevelopment levels and/or complete solutions to local drainage problems in the vicinity of the development or downstream, possibly using detention or retention methods. (South County Joint Area Plan 13.05).

**Goal SSI-17: Reduced generation of solid waste and increased diversion of waste from landfills.**

**Policy SSI-17.12.** Promote the use of recycled materials, including reuse of existing building shells and elements, as part of new construction or renovations.

## City of Morgan Hill Municipal Code

The Morgan Hill Municipal Code (MHMC) includes several sections pertaining to utilities and service systems including:

### *Chapter 13.20 – Sewers and Industrial Waste*

This chapter regulates sewer use and sets uniform requirements for discharges into the City's wastewater collection system. Ordinance No. 2024-71 amends pollutant limitations and definitions for pretreatment standards and prevents illicit discharges, infiltration, and inflow. It also limits fats, oils, and grease and requires proper design, installation, and inspection of sewer connections.

*Chapter 13.28 – Solid Waste Collection and Disposal*

This chapter establishes requirements for solid waste, recycling, and organics collection consistent with SB 1383 regulations. It mandates source separation of recyclables and organic waste, edible food recovery programs, and compliance with state diversion goals.

*Chapter 13.30 – Urban Storm Water Quality Management and Discharge Control*

This chapter prohibits non-stormwater discharges to the storm drain system and requires BMPs to reduce pollutants in stormwater runoff. It provides the City with legal authority to regulate illicit connections and enforce stormwater quality standards.

The intent is to protect and enhance the quality of watercourses, water bodies, and wetlands within the city, aligning with federal and state regulations such as the Clean Water Act and the California Porter-Cologne Water Quality Control Act. The chapter provides legal authority for the city to control discharges to and from its municipal stormwater system, holding dischargers accountable for their contributions of pollutants and flows. In addition, the chapter establishes requirements for the construction and operation of new developments, redevelopments, and other projects to ensure compliance with stormwater mitigation measures outlined in the municipal NPDES permit.

## 4.13.3 Impact Analysis

### a. Methodology and Significance Criteria

To determine whether a project would result in a significant impact related to utilities and service systems, Appendix G of the *CEQA Guidelines* requires consideration of whether a project would:

1. Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects;
2. Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple-dry years;
3. 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;
4. Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; and/or
5. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

Impacts to utilities and service systems were assessed based on the project's potential to result in increases in demand for water, wastewater services, stormwater drainage, solid waste services, electric power, natural gas, or telecommunications services such that new, expanded, modified, or relocated facilities would be required. In addition, the project's estimated demands on utilities and service systems were analyzed in relation to potential impacts to water supplies, wastewater treatment capacity, and solid waste disposal capacity, and the project was evaluated for its adherence to applicable federal, state and local standards, statutes, and regulations related to solid waste.

The annexation sites are currently located outside the City's USA and are not presently served by the City's water or wastewater systems. Annexation and USA amendments would integrate these sites into the City's service area, allowing them to receive water and wastewater service consistent with City policies and infrastructure planning. The City's UWMP and Sewer System Management Plan provides information on projected water supply and wastewater capacity through 2045, which is considered in the analysis.

To calculate water demand, wastewater generation, and solid waste generation, the outputs from the California Emissions Estimator Model (CalEEMod) were used. CalEEMod is further discussed in Section 4.2, *Air Quality,* and output data is provided in Appendix B). As an example of how CalEEMod was used to inform this analysis, CalEEMod outputs include estimates of annual water use based on rates derived from statewide water consumption by sector as reported by the Pacific Institute's *Waste Not, Want Not: The Potential for Urban Water Conservation in California* report. CalEEMod outputs also calculate annual solid waste generation based on land use-based waste disposal rates reported by CalRecycle. These outputs include demolition debris and operational waste generation rates (California Air Pollution Control Officers Association 2021).

## b. Project Impacts and Mitigation Measures

The proposed project does not include changes to or development on the APN 825-06-022 site. Accordingly, the analyses below focus exclusively on the Rose Orchard Court site, the Butterfield Sports Park Expansion site, and the Condit Sports Facilities Expansion site.

| | |
|---|---|
| **Threshold 1:** | Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects? |

**Impact UTIL-1 THE PROPOSED PROJECT WOULD NOT REQUIRE OR RESULT IN THE RELOCATION OR CONSTRUCTION OF NEW OR EXPANDED WATER, WASTEWATER TREATMENT OR STORMWATER DRAINAGE, ELECTRIC POWER, NATURAL GAS, OR TELECOMMUNICATIONS FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.**

### Water Infrastructure

The annexation sites would be annexed into the City's water supply service area, and new connections to the City's existing municipal water distribution system would be constructed for each annexation site, as described below. This analysis focuses on potential impacts associated with the construction of new water supply infrastructure. Impacts related to water supply availability and reliability are discussed in Impact UTIL-2.

#### *Rose Orchard Court Site*

The Rose Orchard Court site would connect to existing City service lines for water service. The City's Water System Master Plan (WSMP) shows that distribution mains are located adjacent to the annexation site within established pressure zones and near storage tanks and pumping facilities. City mains run within the residential area bordering the Rose Orchard Court site, and these facilities are part of the City's planned build-out to serve areas within the City's Sphere of Influence (SOI). The WSMP confirms that the system includes mains of 6 inches or greater, booster stations, and storage reservoirs with a total capacity of 10.5 MG, providing adequate infrastructure and pressure support (City of Morgan Hill 2021b). Water service would be provided through short laterals and meters connecting to existing mains, and the site would not require new backbone infrastructure such as mains, reservoirs, or booster stations, nor would the site's water demands necessitate new regional facilities for production, storage, or treatment.

The site would involve connector pipes and meters which would be installed during ground-disturbing activities assessed in Section 4.8, *Hydrology and Water Quality.* Potential impacts, such as erosion, from installing new connector pipes are analyzed under HYD-1 as part of the discussion of overall site development. Construction of water supply conveyance facilities under the project would not result in significant environmental impacts.

### *Condit Sports Facilities Expansion Site*

The Condit Sports Facilities Expansion site would connect to existing City mains along Condit Road, which provide adequate capacity and pressure as documented in the WSMP. These mains are part of the City's build-out plan and are located within established pressure zones near storage tanks and pumping facilities. The system includes mains of 6 inches or greater, booster stations, and storage reservoirs with a total capacity of 10.5 MG, confirming sufficient infrastructure and pressure support (City of Morgan Hill 2021b). Therefore, water service would be provided through short laterals and meters connecting to existing mains, and the site would not require new backbone infrastructure such as mains, reservoirs, or booster stations, nor would the site's water demands necessitate new regional facilities for production, storage, or treatment.

The site would involve installation of connector pipes and meters during ground-disturbing activities, which are assessed in Section 4.8, *Hydrology and Water Quality*. Potential impacts, such as erosion from installing new connector pipes, are analyzed under Impact HYD-1 as part of the discussion of overall site development. Construction of water supply conveyance facilities at this site would not result in significant environmental impacts.

### *Butterfield Sports Park Expansion Site*

The Butterfield Sports Park Expansion site would connect to existing City mains along Butterfield Boulevard, which provide adequate capacity and pressure as documented in the WSMP. These mains are part of the City's planned build-out to serve areas within the City's SOI and are located within established pressure zones near storage tanks and pumping facilities. The WSMP confirms that the system includes mains of 6 inches or greater, booster stations, and storage reservoirs with a total capacity of 10.5 MG, ensuring sufficient infrastructure and pressure support (City of Morgan Hill 2021b). Therefore, water service would be provided through short laterals and meters connecting to existing mains, and the site would not require new backbone infrastructure such as mains, reservoirs, or booster stations, nor would the site's water demands necessitate new regional facilities for production, storage, or treatment.

Similar to the Condit Sports Facilities Expansion site, the Butterfield Sports Park Expansion site would require installation of connector pipes and meters which would be during ground-disturbing activities, as assessed in Section 4.8, *Hydrology and Water Quality*. Potential impacts, such as erosion, from installing new connector pipes are analyzed under Impact HYD-1 as part of the discussion of overall site development. Therefore, construction of water supply conveyance facilities under the project would not result in significant environmental impacts. This impact would be less than significant.

## Wastewater

### *Rose Orchard Court Site*

SCRWA and the City of Morgan Hill maintain a sanitary sewer collection system and pumping stations that transfer wastewater from Morgan Hill to the SCRWA Treatment Plant. Wastewater from the proposed annexation site would be discharged to the City's existing sewer system. The SCRWA Treatment Plant has a current daily capacity of approximately 8.5 MGD of sewage and currently treats an average daily flow of 6.2 MGD, leaving an available capacity of 2.3 MGD (SCRWA 2024).

The amount of wastewater generated by the project was estimated based on the water demand calculated through CalEEMod and included as Appendix B to this EIR. As shown therein, the annexation site would generate approximately 605,773 gallons per year of wastewater. This would translate to approximately 1,659 gallons per day and would account for 0.085 percent of the total 2 MGD available remaining capacity of the SCRWA Treatment Plant. Therefore, the Rose Orchard Court site would not require or result in the relocation or construction of new or expanded wastewater treatment facilities, the construction of which could cause significant environmental effects, and this impact would be less than significant.

*Condit Sports Facilities Expansion Site and Butterfield Sports Park Expansion Site*

The Condit Sports Facilities and Butterfield Sports Park Expansion sites would be connected to the City's existing sewer system that transfers water from Morgan Hill to the SCRWA Treatment Plant. The SCRWA Treatment Plant has a current daily capacity of approximately 8.5 MGD of sewage and currently treats an average daily flow of 6.2 MGD, leaving an available capacity of 2.3 MGD (SCRWA 2024).

The amount of wastewater generated would be limited to visitor use of restrooms and sinks. Because these uses are intermittent and dependent on visitation rates, precise estimates would be inaccurate. However, even under conservative assumptions, the incremental wastewater load would be negligible compared to the remaining treatment capacity at the SCRWA treatment facility, which is 2.3 MGD. A conservative estimate for the amount of wastewater generated by the project was estimated based on the water demand calculated through CalEEMod and included as Appendix B to this EIR. Based on estimated water demand of 15,750,161 gallons per year, the annexation sites would generate approximately 12,600,129 gallons per year. This would translate to approximately 35,520 gallons per day and would account for 1.7 percent of available remaining capacity. The SCRWA facility provides secondary and tertiary treatment and operates under an NPDES permit issued by the RWQCB. Developers are required to pay wastewater connection fees and comply with local sewer capacity requirements prior to permitting. Therefore, the Condit Sports Facilities and Butterfield Sports Park Expansion sites would not require or result in the relocation or construction of new or expanded wastewater treatment facilities, the construction of which could cause significant environmental effects, and this impact would be less than significant.

## Stormwater

*Rose Orchard Court Site*

As described in Section 4.8, *Hydrology and Water Quality,* the Rose Orchard Court site would increase impervious surfaces. However, the project would be required to comply with the City's Stormwater management Plan, the Municipal Regional Permit, and the NPDES Construction General Permit, including implementation of LID measures such as permeable paving, landscaping infiltration areas, and on-site detention.

Future development at the site would connect to the existing storm drain system, and compliance with applicable federal, state, and local policies would result in adequate management of stormwater on site and downstream. Based on these requirements, the project is not anticipated to require the relocation or construction of new or expanded stormwater drainage facilities. Therefore, as discussed in Section 4.8, *Hydrology and Water Quality,* this impact would be less than significant.

*Condit Sports Facilities Expansion Site and Butterfield Sports Park Expansion Site*

As described in Section 4.8, *Hydrology and Water Quality,* the Condit Sports Facilities Expansion and Butterfield Sports Park Expansion sites would increase impervious surfaces compared to existing conditions. However, the annexation sites would be required to comply with the City's SWMP, the Municipal Regional Permit, and the NPDES Construction General Permit. Compliance includes implementing LID features such as biofiltration areas, vegetated swales, and on-site detention to manage runoff and water quality.

The annexation sites would incorporate on-site drainage improvements consistent with the City standards and would connect to the existing storm drain network. As discussed in Section 4.8, *Hydrology and Water Quality,* these measures and applicable regulatory requirements would ensure that post-development runoff does not exceed pre-development rates and that water quality standards are met. Therefore, compliance with applicable regulations and implementation of required LID measures would avoid the need for new or expanded off-site stormwater drainage facilities that could cause significant environmental effects.

## Electricity, Natural Gas, and Telecommunications

The project area is currently served by existing overhead and underground utilities, including electricity, natural gas, and telecommunication infrastructure. The proposed annexation sites would require connections to these existing utilities for operational needs.

Electricity and natural gas would be provided by PG&E. Telecommunications services would be provided by existing providers such as AT&T, Comcast, or other carriers serving the Morgan Hill area. Infrastructure capable of supporting these utilities is present along adjacent roadways and within the project vicinity.

As discussed in Section 4.15, *Effects Found Not to be Significant*, neither construction nor operation of the proposed project would result in wasteful, inefficient, or unnecessary consumption of energy resources. While the project would need to connect to existing service lines, no additional expansion of electricity, natural gas, or telecommunications facilities would be required beyond standard service connections.

The proposed project would not require or result in the relocation or construction of new or expanded electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects. This impact would be less than significant.

## Mitigation Measures

No mitigation measures required.

| | |
|---|---|
| **Threshold 2:** | Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple-dry years? |

**Impact UTIL-2** **SUFFICIENT WATER SUPPLIES ARE AVAILABLE TO SERVE POTENTIAL FUTURE DEVELOPMENT ON THE ANNEXATION SITES DURING NORMAL, DRY AND MULTIPLE-DRY YEARS. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.**

The proposed project would require water for temporary construction activities and long-term operation and maintenance. Water supply for the project would be provided by the City of Morgan Hill, which relies on local groundwater as its only water supply source. As discussed in Section 4.13.1, *Setting,* the local groundwater basins are managed under a high priority status with Valley Water as the DWR-designated GSA responsible for implementing the GWMP for SGMA compliance and long-term sustainability. The City coordinates its use of local groundwater with Valley Water as the local GSA. The City also assesses its long-term water supply availability and reliability in its 2020 UWMP, which accounts for anticipated demands over a 20-year planning horizon, including with consideration to potential drought conditions.

The annexation sites are within the City's SOI but outside of the City's USA. As part of the proposed project, the annexation sites would be annexed into the City's USA. The City's UWMP accounts for land uses within its SOI based on existing zoning and General Plan land use designations. The Rose Orchard Court site has a Morgan Hill General Plan land use designation of Residential Estate, the Butterfield Sports Park Expansion site has a Morgan Hill General Plan land use designation of Industrial, and the Condit Sports Facilities Expansion site has a Morgan Hill General Plan land use designation of Sports Recreation/Leisure. Under the proposed project, the Rose Orchard Court site would continue to have a General Plan land use designation of Residential Estate but the Butterfield Sports Park Expansion and Condit Sports Facilities Expansion sites would be changed to a General Plan land use designation of Public Facilities. While the project would involve changing the General Plan land use designations for these two sites, the new designations are either similar to or less water intensive than the current General Plan land use designations of Industrial and Sports Recreation/Leisure. Therefore, the amount of water demand that would occur under the proposed project are accounted for in the City's 2020 UWMP. Table 4.13-3 presents water supply and demand under normal, single-dry, and multiple-dry year conditions.

**Table 4.13-3 City of Morgan Hill Projected Water Supply and Demand**

| | Year (AF – acres-feet) | | | | |
|---|---|---|---|---|---|
| | **2025** | **2030** | **2035** | **2040** | **2045** |
| **Normal Year** | | | | | |
| Supply Totals | 24,800 | 25,500 | 26,300 | 27,000 | 27,700 |
| Demand Totals | 8,761 | 10,181 | 11,623 | 13,008 | 14,372 |
| Difference | 16,129 | 15,319 | 14,677 | 13,992 | 13,328 |
| **Single Dry Year** | | | | | |
| Supply Totals | 19,840 | 20,400 | 21,040 | 21,600 | 22,160 |
| Demand Totals | 8,671 | 10,181 | 11,623 | 13,008 | 14,372 |
| Difference | 11,169 | 10,219 | 9,417 | 8,592 | 7,788 |
| | **Year** | | | | |
| **Multiple Dry Years** | **2025** | **2030** | **2035** | **2040** | **2045** |
| **First Year** | | | | | |
| Supply Totals | 19,344 | 19,980 | 20,514 | 21,060 | 21,606 |
| Demand Totals | 8,671 | 10,181 | 11,623 | 13,008 | 14,372 |
| Difference | 10,673 | 9,709 | 8,891 | 8,052 | 7,234 |
| **Second Year** | | | | | |
| Supply Totals | 20,584 | 21,165 | 20,829 | 22,410 | 22,991 |
| Demand Totals | 8,671 | 10,181 | 11,623 | 13,008 | 14,372 |
| Difference | 11,913 | 10,984 | 10,206 | 9,402 | 8,619 |
| **Third Year** | | | | | |
| Supply Totals | 19,096 | 19,635 | 20,251 | 20,790 | 21,329 |
| Demand Totals | 8,671 | 10,181 | 11,623 | 13,008 | 14,372 |
| Difference | 10,425 | 9,454 | 8,628 | 7,782 | 6,957 |
| **Fourth Year** | | | | | |
| Supply Totals | 19,344 | 19,890 | 20,514 | 21,060 | 21,606 |
| Demand Totals | 8,671 | 10,181 | 11,623 | 13,008 | 14,372 |
| Difference | 10,673 | 9,709 | 8,891 | 8,052 | 7,234 |
| **Fifth Year** | | | | | |
| Supply Totals | 19,096 | 19,635 | 20,251 | 20,790 | 21,329 |
| Demand Totals | 8,671 | 10,181 | 11,623 | 13,008 | 14,372 |
| Difference | 10,425 | 9,454 | 8,628 | 7,782 | 6,957 |

Notes: water volumes shown in acre-feet per year
Source: City of Morgan Hill 2021

As shown above, projected supply exceeds projected demand under all scenarios, indicating that the City's groundwater portfolio is sufficient to meet future needs. This forecast accounts for normal, dry, and multiple dry year conditions, demonstrating that sufficient water supply would be available to meet anticipated demands under all climatic scenarios considered.

### *Rose Orchard Court Site*

Temporary water use during construction would primarily be for dust suppression associated with grading, grubbing, and compaction, as well as for stormwater control BMPs such as equipment wheel

washing. Operation water use would consist of typical household water uses. Water demand was estimated using the City's 2020 UWMP per capita water use rate of 150 gallons per capita per day (gpcd), which reflects actual consumption under current conservation practices (City of Morgan Hill 2021a). This rate includes both indoor and outdoor water use.

With four single-family residences and an average household size of approximately three residents per household (DOF 2025), the Rose Orchard Court site would require approximately 657,000 gallons per year, which equates to about 2.02 acre-feet (AFY) per year.[1] This represents less than 0.03 percent of the City's lowest projected surplus of 6,957 AFY, as shown in Table 4.13-3, which would occur in 2045. For reference, if the City's 2020 confirmed target of 159 gpcd (City of Morgan Hill 2021a) were applied, demand would be approximately 695,000 gallons per year (2.13 AFY). However, as discussed above, the types of water uses that would occur on this site under the project are already accounted for in the City's 2020 UWMP projections, which demonstrate sufficient water supply availability over 20 years including under normal, dry, and multiple-dry year conditions. Therefore, the Rose Orchard Court site would not result in a significant impact on water supply availability.

### *Condit Sports Facilities Expansion Site and Butterfield Sports Park Expansion Site*

Water demand for the City Park Annexation sites would be associated with water for landscaping select areas, and water for operation of public toilets, sinks, and drinking fountains at the parks. Sports fields would be surfaced with artificial turf and would not require watering. As discussed above, the annexation sites are within the City's SOI assessed in its 2020 UWMP, which determined that a substantial water supply surplus would be available after all anticipated demands are met for each scenario considered in the 20-year planning horizon. The smallest surplus identified in the City's 2020 UWMP was 6,957 AFY, as shown above in Table 4.13-3, which is substantially more than would be required to support average use of park restrooms and landscaping.

The water demand for the City Park Annexation, which includes the Condit Sports Facilities and Butterfield Sports Park Expansion sites, was calculated through CalEEMod and would be approximately 15,750,161 gallons per year, which is approximately 48.4 AFY. Both sites would connect to existing City of Morgan Hill water service lines. According to the City's UWMP, Morgan Hill projects adequate water supply through 2045 under all scenarios with the smallest margin being 6,957 AFY. Therefore, sufficient water supply is available to serve the proposed park expansions without requiring new or expanded water facilities. The project's CalEEMod analysis quantified water demands using highly conservative land use-based assumptions, indicating that combined annual water demand for the Condit Sports Facilities Expansion and Butterfield Sports Park Expansion sites would be approximately 48 AFY. Even with CalEEMod's highly conservative assumptions (with respect to water demands), the calculated demand for this portion of the project would represent approximately 0.007 percent of the City's lowest projected surplus. Therefore, sufficient water supply would be available to meet the project demands.

## Mitigation Measures

This impact is less than significant without mitigation. No mitigation measures are required.

[1] 4 residences * 3 persons/residence * 150 gpcd * 365 days/year = 657,000 gallons/year * 1 acre-foot/325,635.05 gallons -= 2.02 AFY

| | |
|---|---|
| **Threshold 3:** | Would the proposed project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? |

**Impact UTIL-3** **THE PROPOSED PROJECT WOULD NOT RESULT IN A DETERMINATION BY THE WASTEWATER TREATMENT PROVIDER WHICH SERVES OR MAY SERVE THE PROJECT THAT IT HAS ADEQUATE CAPACITY TO SERVE THE PROJECT'S PROJECTED DEMAND IN ADDITION TO THE PROVIDER'S EXISTING COMMITMENTS. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.**

As discussed under Impact UTIL-1, the proposed project would not require or result in the expansion or relocation of existing wastewater treatment facilities.

*Rose Orchard Court Site*

Wastewater conveyance, treatment, and disposal services for the Rose Orchard Court site would be provided by the City of Morgan Hill Wastewater Division and the SCRWA Treatment Plant. The SCRWA facility has a design capacity of 8.5 MGD and currently treats an average of 6.2 MGD, leaving approximately 2.3 MGD of available capacity (SCRWA 2024). As stated under Impact UTIL-2, it is assumed project implementation on the Rose Orchard Court site would introduce water demands of up to approximately 2 AFY, based on per-capita water use rates. Applying a standard assumption that 80 percent of water use for residential purposes becomes wastewater, this site would generate approximately 605,773 gallons per year of wastewater, which equates to approximately 1,659 gallons per day of wastewater that would be conveyed to the SCRWA facility for treatment and disposal. The SCRWA facility's current available treatment capacity of approximately 2.3 MGD is sufficient to accommodate the proposed project's estimated wastewater generation rate. Therefore, the site would not result in a determination by SCRWA that it lacks adequate capacity to serve the site in addition to the current service area. This impact would be less than significant.

*Condit Sports Facilities Expansion Site and Butterfield Sports Park Expansion Site*

Wastewater treatment and disposal services for the City Parks Annexation would be provided through the same system and using the same treatment facility as described above for the Rose Orchard Court Site. Wastewater generation rates for this portion of the project have not been developed because they will depend upon visitation rates to the park, and visitor use rates of the toilet and sink facilities. The methodology used to calculate wastewater generation for the Rose Orchard Court Site, which assumed the amount of wastewater generated is equivalent to approximately 80 percent of total water used, does not translate effectively to the City Parks Annexation site because land uses would be outdoor and recreational, with wastewater-generating activities limited to park visitors' use of public toilet and sink facilities. While these uses are intermittent and dependent on visitation rates, a conservative estimate was developed based on CalEEMod water demand assumptions (Appendix B). Based on estimated water demand of 15,750,161 gallons per year, the annexation sites would generate approximately 12,600,129 gallons per year of wastewater, or 35,520 gallons per day, assuming 80 percent of water use becomes wastewater. This represents 1.7 percent of the available 2.3 MGD capacity, which is negligible. The SCRWA facility provides secondary and tertiary treatment and operates under an NPDES permit issued by the RWQCB. Developers are required to pay wastewater connection fees and comply with local sewer capacity requirements prior to permitting. Therefore, the City Parks Annexation would not result in a determination by SCRWA that it lacks adequate capacity to serve the project in addition to existing commitments. This impact would be less than significant.

## Mitigation Measures

This impact is less than significant without mitigation. No mitigation measures are required.

| | |
|---|---|
| **Threshold 4:** | Would the project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? |

**Impact UTIL-4** **THE PROPOSED PROJECT WOULD NOT GENERATE SOLID WASTE IN EXCESS OF STATE OR LOCAL STANDARDS, OR IN EXCESS OF THE CAPACITY OF LOCAL INFRASTRUCTURE, OR OTHERWISE IMPAIR THE ATTAINMENT OF SOLID WASTE REDUCTION GOALS. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.**

As discussed in Section 4.1.1(d), *Solid Waste*, the project area is served by Recology South Valley, which transports waste to regional landfills including Kirby Canyon Landfill and Monterey Peninsula Landfill. Kirby Canyon Landfill can process up to 2,600 tons/day and has a remaining capacity of 36.4 million cubic yards through 2059. Monterey Peninsula Landfill can process up to 3,500 tons per day and has a remaining capacity of 48.6 million cubic yards through 2107.

### *Rose Orchard Court Site*

Potential future development at the Rose Orchard Court site would include development of four single-family residences and dedication of approximately 10 acres of hillside open space. Construction activities would generate solid waste from grading and site preparation, including soil, asphalt, concrete, and packaging materials. No major demolition is anticipated as the future development would be within undeveloped areas of the site. Construction activities would be required to comply with CALGreen and MHMC requirements, which require diversion of at least 65 percent of construction and demolition debris from landfills through recycling and reuse. Operational solid waste would result from residential activities. Based on CalEEMod estimates, future residential development on the site would generate approximately 3.1 tons of solid waste per year from operation. Overall, the amount of construction and operational waste generated by future development of the site is negligible compared to landfill daily throughput and remaining capacity.

### *Condit Sports Facilities Expansion and Butterfield Sports Park Expansion Sites*

Construction associated with future development of recreational uses and amenities on these annexation sites would generate solid waste. However, no major grading or demolition activities are proposed, other than demolition of the single-family residence on the Condit Sports Facilities Expansion site. Future, construction activities would be required to comply with CALGreen and the MHMC, which require diversion of at least 65 percent of construction and demolition debris from landfills through recycling and reuse.

Waste would also be generated during operation of the future parks and recreational facilities. Based on CalEEMod estimates (Appendix B), combined, the City Parks Annexation sites would generate approximately 2.8 tons per year. Overall, the amount of construction and operational waste generated by future development of the site would be negligible compared to landfill daily throughput and remaining capacity.

Overall, sufficient disposal capacity is available to serve future development on the annexation sites. Therefore, the proposed project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. This impact would be less than significant.

## Mitigation Measures

This impact is less than significant without mitigation. No mitigation measures required.

| **Threshold 5:** | Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste? |
|---|---|

**Impact UTIL-5 THE PROPOSED PROJECT WOULD COMPLY WITH FEDERAL, STATE, AND LOCAL MANAGEMENT AND REDUCTION STATUTES AND REGULATIONS RELATED TO SOLID WASTE, AND POTENTIAL IMPACTS WOULD BE LESS THAN SIGNIFICANT.**

*All Annexation Sites*

As discussed in Section 4.1.2, *Regulatory Setting*, the California Integrated Waste Management Act requires that 50 percent of waste is diverted from landfills. In addition, pursuant to CALGreen, the project's construction contractor is required to ensure that 65 percent of non-hazardous construction and demolition debris is recycled or salvaged. CALGreen also requires the project construction contractor(s) to have a waste management plan for on-site sorting of construction debris. With development of the proposed project, it is anticipated that future project residents and recreation users would engage in comparable solid waste disposal practices as present citywide patterns. As a result, the project would not negatively impact the City's ability to comply with the required diversion rate. Therefore, the proposed project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste, and this impact would be less than significant.

## Mitigation Measures

This impact is less than significant without mitigation. No mitigation measures required.

## c. Cumulative Impacts

The geographic scope of analysis for cumulative impacts to utilities and service systems is as follows:

- **Water Supply:** The City of Morgan Hill water service area, which sources water from the Llagas Subbasin, because this would be the water provider for the project.
- **Wastewater:** The City of Morgan Hill Wastewater Division service area and the SCRWA Treatment Plant, because the WWTP would receive wastewater generated during construction and operation of the project.
- **Stormwater** The Little Llagas Creek watershed, because all stormwater drainage facilities would flow to this watershed.
- **Solid Waste:** The City of Morgan Hill solid waste collection and disposal service area, which is served by Recology South Valley and regional landfills including Kirby Canyon and Monterey Peninsula.
- **Electricity, natural gas, and telecommunications:** The service areas for PG&E (electricity and natural gas) and local telecommunications providers such as AT&T and Comcast.

The cumulative context for utilities and service systems is the City of Morgan Hill unless clarified below, as cumulative development and redevelopment in the City would incrementally contribute to increased demand on utilities and service systems. The projects listed in Table 3-1 and regional plans described in Chapter 3, *Environmental Setting*, represent development and redevelopment that has the potential to increase demands on utilities and service systems.

## Water Supply

Cumulative development in Morgan Hill would incrementally contribute to increased demand on existing water supply. However, impacts associated with water supply facility improvements for cumulative projects would have limited potential to result in cumulative impacts due to the site-specific nature of such improvements and their siting in previously disturbed areas. The City's UWMP addresses cumulative water supply issues for existing development and future growth. As shown in Table 4.13-3, the UWMP projects that Morgan Hill will have a surplus of over 13,000 AFY through 2045 under normal, dry, and

multiple-dry-year conditions. The proposed project's water demand, combined with cumulative projects listed in Table 3-1, would be within the surplus noted in the UWMP. Consequently, cumulative impacts associated with the provision of new or expanded water supply facilities would be less than significant.

## Wastewater

Cumulative development would incrementally increase the need for wastewater treatment capacity. The SCRWA treatment plant has a design capacity of 8.5 MGD and currently treats an average of 6.2 MGD, leaving approximately 2 MGD of available capacity. The proposed project would generate approximately 0.036 MGD, and cumulative projects would be accommodated within SCRWA's available capacity and long-term planning. Therefore, cumulative impacts to wastewater systems and infrastructure would be less than significant.

## Stormwater

Individual cumulative projects within the Little Llagas Creek watershed would be subject to the stormwater capture and treatment requirements of project-specific SWPPPs and Water Quality Management Plans in accordance with the City's MS4 Permit. As such, project-specific stormwater drainage features and BMPs to control stormwater runoff would be managed through the implementation of project-specific SWPPPs during construction and project-specific Water Quality Management Plans during operation and maintenance. Where cumulative projects redevelop existing impervious sites, such redevelopment may result in benefits in comparison to existing conditions due to increased on-site stormwater capture. The implementation of project-specific SWPPPs and Water Quality Management Plans would occur in the disturbance footprint of the respective projects. Through the compliance of future projects with applicable stormwater laws and regulations, cumulative impacts associated with stormwater would be less than significant.

## Solid Waste

Cumulative development would increase throughput at regional landfills serving Morgan Hill, including Kirby Canyon Landfill and Monterey Peninsula Landfill, which have substantial remaining capacity and long-term closure dates (2059 and 2107, respectively). Cumulative development in the city, and subsequent population growth, would increase throughput at these landfills that could exceed maximum daily permitted throughputs or overall permitted landfill capacity. Therefore, cumulative impacts to solid waste would be significant. However, as discussed under Impact UTIL-4, the proposed project would generate an incremental increase in solid waste and would not exceed the surplus daily throughput capacities of the two landfills. In addition, the proposed project's contribution to cumulative solid waste impacts would be negligible and would comply with state and local diversion requirements under AB 939, SB 1383, and CALGreen. Therefore, cumulative impacts related to solid waste would be less than significant.

## Electricity, Natural Gas, and Telecommunications

Cumulative development would increase demand for electricity, natural gas, and telecommunications. However, Morgan Hill is an urbanized area with existing infrastructure and utility providers (PG&E, AT&T, Comcast) that plan for regional growth. Therefore, cumulative impacts associated with the provision of new or expanded electrical power, natural gas, and telecommunications facilities would be less than significant.

# 4.14 Wildfire

This section evaluates potential wildfire impacts that could arise from implementation of the proposed project. The wildfire analysis consists of a summary of the existing conditions at the annexation sites and a discussion of the potential wildfire impacts from potential future development of the annexation sites.

## 4.14.1 Setting

### Wildfire Fundamentals

A wildfire is an uncontrolled fire in an area of extensive combustible fuel, including vegetation and structures. Wildfires differ from other fires in that they take place outdoors in areas of grassland, woodlands, brushland, scrubland, peatland, and other wooded areas that act as a source of fuel, or combustible material. Buildings may become involved if a wildfire spreads to adjacent communities. The primary factors that increase an area's susceptibility to wildfire include slope and topography, vegetation type and condition, and weather and atmospheric conditions. Regions of dense dry vegetation, particularly in canyon areas and on hillsides, pose the greatest potential for wildfire risks. Additional factors that increase an urban area's susceptibility to wildfire are development patterns and density, building types, and building materials. The Governor's Office of Land Use and Climate Innovation (Formerly the Governor's Office of Planning and Research [OPR]) has recognized that although high-density structure-to-structure loss can occur, structures in areas with low- to intermediate-density housing are most likely to burn, potentially due to intermingling with wildland vegetation or difficulty of firefighter access (OPR 2020).

The effects of wildland fires can be catastrophic. In addition to stripping the land of vegetation and destroying natural resources, post-fire conditions leave exposed slopes and hillsides vulnerable to surface erosion and runoff. Soil exposed to intense heat may lose its capacity to absorb moisture and support life. Exposed soils erode quickly and enhance siltation of rivers and streams, thereby enhancing flood potential, harming aquatic life, and degrading water quality. Lands stripped of vegetation are also subject to increased debris flow hazards. Slope instability from wildfire scarring of the landscape can result in impacts in the form of more intensive flooding and landslides. Debris flows during post-fire rainy seasons can pose a risk to life and property and occur with little warning. Wildfires also have negative impacts on air quality. Exposure to smoke and particulate matter has immediate and long-term public health impacts; populations may suffer from eye irritations, respiratory problems, and complications to existing lung and heart conditions.

Wildfire has three basic elements: how and where its ignition occurred; how and why it moves across a landscape from its point of origin; and the fire's nature upon arrival at a location important to the City. In general, a fire's nature is defined by eight characteristics:

1. Direction of the advance of the fire front
2. Speed of the advance of the fire front (rate of spread)
3. Mechanism causing the advance
4. Duration at any one location
5. Structure-related consumption of fuels
6. Flame length
7. Intensity
8. Gaining control

A fire front's direction of travel is primarily determined by the direction of prevailing winds, geographic aspect, and condition of the fuels in the advanced direction. The speed of a fire front's advance results from conditions at the site of the currently burning material and conditions of lands in the advance

direction of the fire. As a fire advances, the overriding influences determining its speed are prevailing wind speed, terrain slope gradient, dominant fuel size classes, and fuel continuity.

Wildfires advance by two principal mechanisms, combustion resulting from radiant heating and remote ignition resulting from ember production. Fire stays at one location primarily due to the size and class of the material being consumed. Grass formations are dominated by low volumes of very “fine” fuels and, depending on the level of dryness, can be consumed, with the fire advancing, in a matter of minutes. On the other hand, tree-dominated formations have significantly greater volumes of available fuel and many larger-sized pieces. Fires can remain at these locations for days, often weeks, and sometimes months (on heavily wooded conifer sites).

Fires burn where fuels are available, which can include vegetation and structures. For example, fires in grasslands burn at one level set by the height of the grass, while fires in brushlands can burn surface fuels and typically consume the stems and leafy crowns to the full height of the plants. Fires in tree formations have a much more complex pattern of movement-based primarily on the continuity (or “connectedness”) of the fuels.

Flame lengths are generally determined by the volume of fuels burning, the amount of time to total consumption, and the height of the species in the composition. Grassland produces flame lengths typically ranging from one to three feet as they are composed of low volumes of fine materials that are consumed quickly. Flame lengths are at their maximum when the material is dry. Brush formations can produce flame lengths from 4 to 10 feet. Native oak-dominated hardwood formations can generate 20- to 40-foot flame lengths and stands of exotics, such as *Eucalyptus globulus* or *E. cinerea,* or dense conifer stands, over 100 feet. Flame length is important as it sets the distance over which radiant heating-related combustion can occur.

The temperature achieved in a wildfire is directly related to the amount of cellulosic material available for consumption. Grasslands have very low amounts and attain lower temperatures but woodland, characterized by large amounts of highly concentrated cellulosic material, can attain temperatures on the order of 1,800 degrees Fahrenheit.

Gaining control over a wildfire’s behavioral character is the objective of response efforts. Grassland fires, burning in low fuel volume, rapid consumption, and at a single level are the easiest to bring under control. On the other end, fires that are burning in high fuel volumes, full spectrum size classes, and entire stand structure involvement, can require days, weeks, even months, to bring under complete control.

## Wildfire-Conducive Conditions

### *Vegetation*

Vegetation is fuel to a wildfire, and it changes over time with seasonal growth and die-back. The relationship between vegetation and wildfire is complex, but generally some vegetation is naturally fire resistant, while other vegetation is extremely flammable. Some plant types in California landscapes are fire resistant, while others are fire-dependent for their seed germination cycles.

Wildfire behavior depends on the type of fuels present, such as ladder fuels, surface fuels, and aerial fuels. Surface fuels include grasses, logs, and stumps low to the ground. Ladder fuels, such as tall shrubs, young trees, and the lowest branches of mature trees, provide a path for fire to climb upward into the crowns of trees. Aerial fuels include upper limbs, foliage, and branches not in contact with the ground. Ample spacing in between tree crowns and trimming of lower branches close to the ground is effective at preventing fire from either igniting the crown of a tree or spreading from an ignited tree to adjacent trees; conversely, closely packed trees with low branches are especially susceptible to crown ignition and spread (California Department of Forestry and Fire Protection [CAL FIRE] 2023). Weather and climate conditions, including drought cycles, can lead to dry vegetation with low moisture content, increasing its flammability.

Vegetation communities at the Condit Sports Facilities Expansion site and the Butterfield Sports Park Expansion site include annual grasslands and developed lands. The Rose Orchard Court site includes annual grasslands, coast live oak woodlands, coyote brush scrub, and developed lands (see Section 4.3, *Biological Resources,* for detailed vegetation descriptions).

### *Slope, Elevation and Aspect*

Slope can determine how quickly a fire spreads. Fire typically burns faster uphill, because it can pre-heat the fuels above with rising hot air, and upward drafts are more likely to create fire spots (National Park Service [NPS] 2017). Following severe wildfires, sloping land is also more susceptible to landslide or flooding from increased runoff during substantial precipitation events. Landslides and surficial slope failure are most likely to occur in areas with more than 25 percent slope (hillside areas) and along steep bluffs.

The City of Morgan Hill lies in the south part of the Santa Clara Valley, a mostly flat alluvial plain that extends southward from San Francisco Bay as far as the City of Gilroy. The slope of the Rose Orchard Court site is nearly flat at its northwestern extent, then rises gradually to rolling hills near the center of the site and peaks at the far southeastern border. The slope of both the Condit Sports Facilities Expansion site and the Butterfield Sports Park Expansion site are relatively flat.

### *Climate and Weather Conditions*

Wind, temperature, and relative humidity are the most influential weather elements in fire behavior and susceptibility (National Park Service 2017). Fire moves faster under hot, dry, and windy conditions. Wind may also blow embers ahead of a fire, causing its spread. Further, drought conditions lead to extended periods of excessively dry vegetation, increasing the fuel load and ignition potential.

May through September is typically the driest time of the year and coincides with what has traditionally been considered the fire season in California. However, increasingly persistent drought and climatic changes in California have resulted in drier winters, and fires during the autumn, winter, and spring months are becoming more common. Extreme wildfire events are expected to increase in frequency with the effects of increased global temperature, although changes in specific fire-prone areas are difficult to predict with any certainty (United States Forest Service 2023).

In Morgan Hill, the hottest months generally extend from May through October, with most precipitation occurring between November and April (Western Regional Climate Center 2025). Winds in the Morgan Hill area are primarily out of the southeast between May and October, with some winds originating from the northwest, averaging 7.2 miles per hour (mph) and gusts between 15 and 20 mph (Iowa State University 2025a). Between the months of October and April, wind almost entirely originates from the northwest, with speeds averaging 4.2 mph and gusts exceeding 20 mph (Iowa State University 2025b).

### *Fuel and Energy Lines*

Above-ground power lines have the potential to contribute to wildfire risk, especially when they are near or traverse wilderness areas. In some instances, high winds can blow nearby trees and branches into powerlines, sparking fires. Wind can also snap wooden poles, causing live wires to fall onto nearby grass or other fuel, igniting it. While the California Public Utilities Commission (CPUC) estimates only about 10 percent of California's wildfires are triggered by power lines, the frequency and severity of these wildfires has spurred the agency to make new requirements for power line safety practices (CPUC 2023). Natural gas poses a lower risk of causing a fire than petroleum products, because it is transported at lower pressures and, when released, rises, and dissipates into the atmosphere (United States Department of Energy 2023).

## Wildfire Hazard Designations

In California, State and local agencies share responsibility for wildfire prevention and suppression and federal agencies take part as well. Federal agencies are responsible for federal lands in Federal Responsibility Areas (FRA). The State of California has determined that some non-federal lands in unincorporated areas with watershed value are of statewide interest and have classified those lands as State Responsibility Areas (SRA). CAL FIRE manages SRAs. All incorporated areas and unincorporated lands not in FRAs or SRAs are classified as Local Responsibility Areas (LRA).

While nearly all of California is subject to some degree of wildfire hazard, there are specific features that make certain areas more hazardous. CAL FIRE is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors (Public Resources Code [PRC] 4201-4204, California Government Code 51175-89). As described above, the primary factors that increase an area's susceptibility to fire hazards include slope, vegetation type and condition, and atmospheric conditions. CAL FIRE maps fire hazards based on zones, referred to as Fire Hazard Severity Zones (FHSZ). There are three levels of severity: 1) Moderate FHSZs; 2) High FHSZs; and 3) Very High FHSZs. Only the Very High FHSZs are mapped for LRAs in the currently adopted CAL FIRE FHSZ maps. As of January 2022, California State Law requires CAL FIRE to map the Moderate and High FHSZ in addition to the Very High FHSZ for LRAs.

Each of the zones influence how people construct buildings and protect property to reduce risk associated with wildland fires. However, none of the fire zones specifically prohibit development or construction. To reduce fire risk, under State regulations, areas in Very High FHSZs must comply with specific building and vegetation management requirements intended to reduce property damage and loss of life in those areas.

### *Wildland-Urban Interface*

The Wildland Urban Interface (WUI) is the area where human development meets wildland vegetation, and it is typically characterized by a mix of residential, commercial, and natural land uses. TCAL FIRE uses a combination of housing density, FHSZ classification, and vegetation lifeform criteria for mapping WUIs as part of their Fire and Resource Assessment Program. The WUI is particularly vulnerable to wildfire because it combines the presence of human-built structures with the presence of combustible vegetation and other wildfire fuels. Pursuant to CAL FIRE, an area must meet all of the following criteria in order to be considered a WUI (CAL FIRE 2019):

- Minimum housing density of one unit per 20 acres
- In a moderate, high, or very high FHSZ
- Not dominated by wildland vegetation (herbaceous, hardwood, conifer, shrub)

The Wildland Urban Intermix is a similar term commonly used interchangeably with WUI, although it is typically represented by areas with much higher vegetation density among built infrastructure. Pursuant to CAL FIRE, an area must meet all of the following criteria in order to be considered Wildland Urban Intermix (CAL FIRE 2019):

- Areas not designated WUI
- Minimum housing density between one unit per 20 acres and one unit per five acres OR greater than one unit per five acres in areas dominated by wildland vegetation
- In a Moderate, High, or Very High FHSZ
- Includes improved parcels only

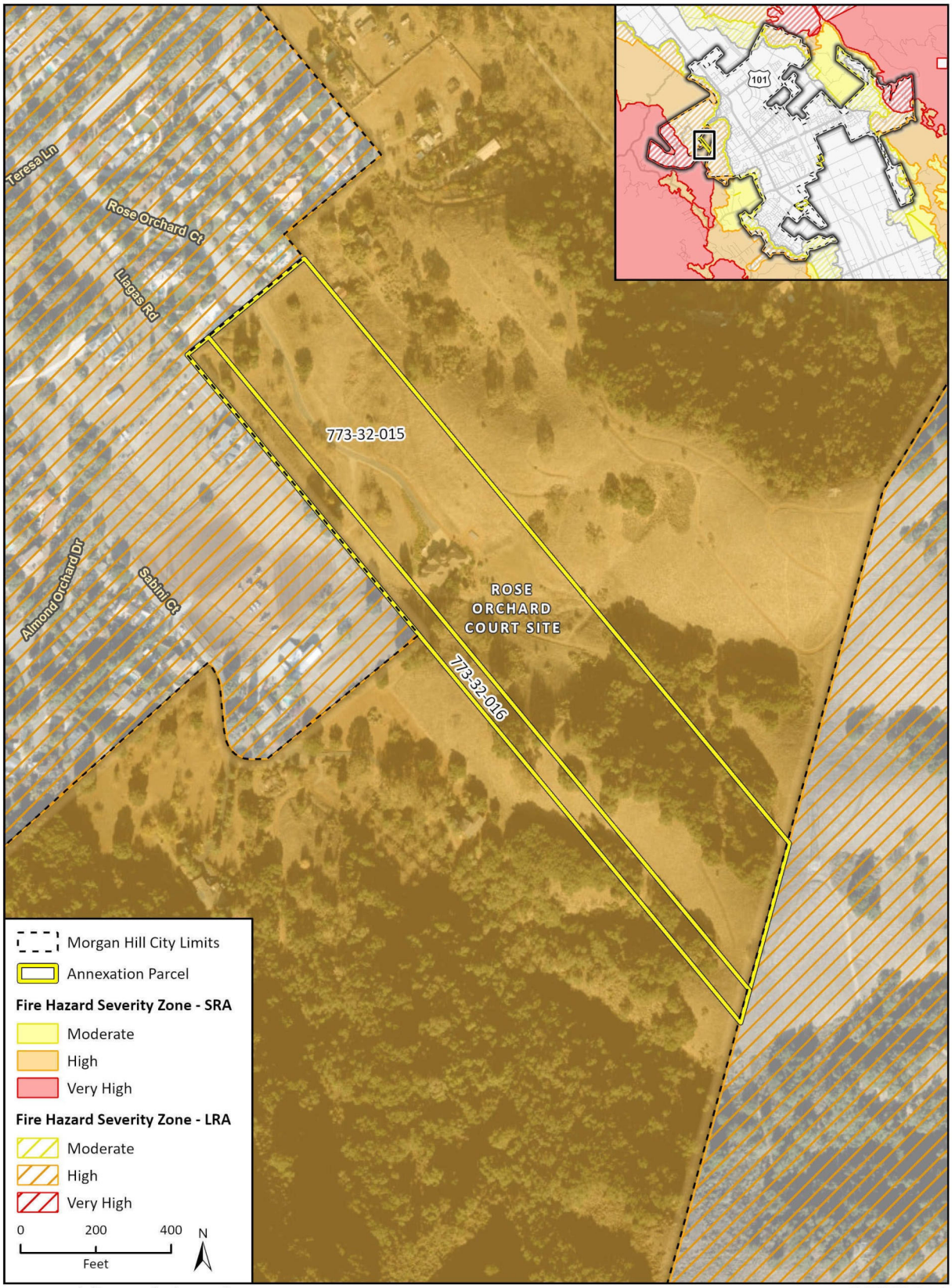
CAL FIRE has also identified Wildfire Influence Zones as wildfire-susceptible vegetation up to 1.5 miles from areas designated as a WUI or Wildland Urban Intermix (CAL FIRE 2019). These zones essentially serve as a buffer to these two designations.

*Annexation Sites*

Figure 4.14-1 through Figure 4.14-3 show the fire hazard severity zones for the three annexation sites. As shown on Figure 4.14-1, the Rose Orchard Court site is within a High FHSZ within an SRA (CAL FIRE 2025). The nearest Very High FHSZ to the Rose Orchard Court site is approximately 0.3 miles southwest. As shown on Figure 4.14-2 and Figure 4.14-3, the Condit Sports Facilities Expansion site and the Butterfield Sports Park Expansion site are not within or surrounded by any FHSZ (CAL FIRE 2025). The nearest Very High FHSZ the Butterfield Sports Park Expansion site is approximately 1.9 miles southwest and the nearest Very High FHSZ to the Condit Sports Facilities Expansion site is approximately 2.5 miles southwest.

The Santa Clara County Community Wildfire Protection Plan (CWPP) indicates that the western side of Morgan Hill contains areas designated as WUI areas (Santa Clara County 2017a). The Rose Orchard Court site is within this area. The east side of Morgan Hill contains the communities of Holiday Lake Estates and Jackson Oaks subdivisions which are also within the WUI. The Condit Sports Facilities Expansion site and the Butterfield Sports Park Expansion site are not within these areas.

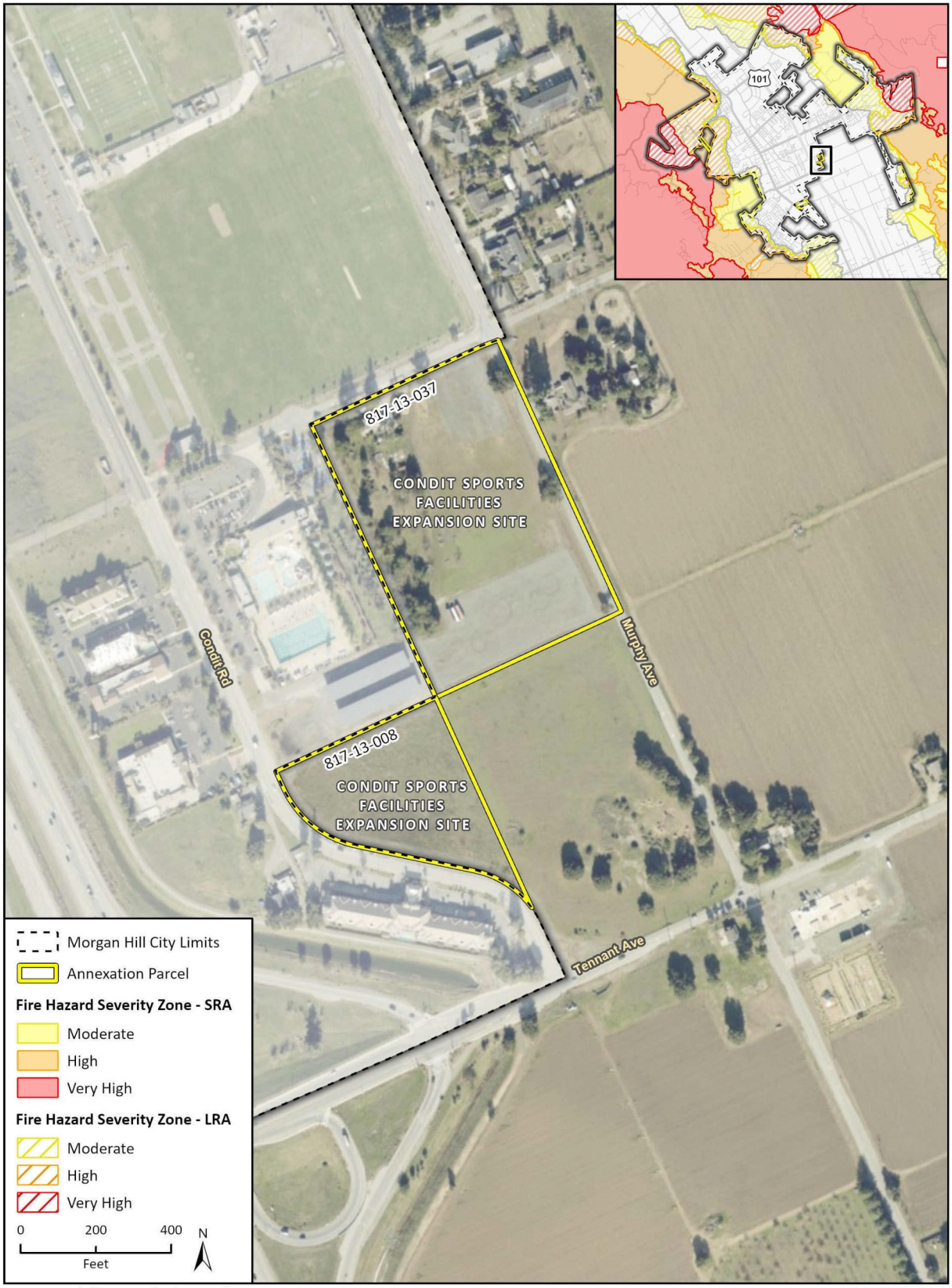
## Figure 4.14-1 Fire Hazard Severity Zones - Rose Orchard Court Site




*Imagery provided by ESRI and its licensors © 2025.*
*Additional data provided by Santa Clara County, 2025; Calfire, 2025.*

25-17449 EPS - Portrait
Fig X Fire Hazard Severity Zones

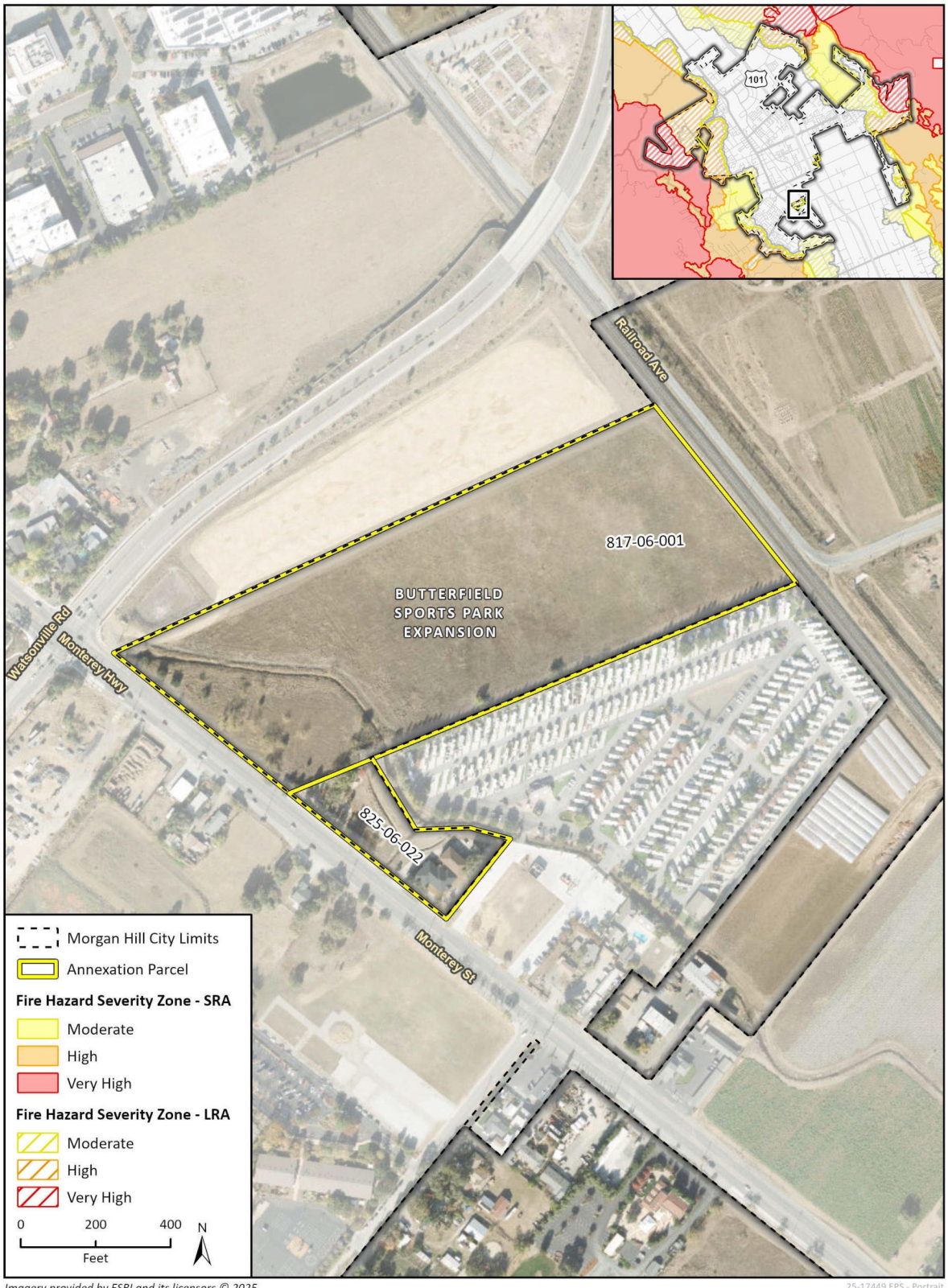
## Figure 4.14-2 Fire Hazard Severity Zones - Condit Sports Facilities Expansion Site




*Imagery provided by ESRI and its licensors © 2026.*
*Additional data provided by Santa Clara County, 2025; Calfire, 2025.*

25-17449 EPS - Portrait
Fig X Fire Hazard Severity Zones

## Figure 4.14-3 Fire Hazard Severity Zones - Butterfield Sports Park Expansion Site and APN 825-06-022




*Imagery provided by ESRI and its licensors © 2025.*
*Additional data provided by Santa Clara County, 2025; Calfire, 2025.*

25-17449 EPS - Portrait
Fig X Fire Hazard Severity Zones

### Post-fire Slope Instability and Drainage Pattern Changes

Vegetation loss from wildfire scarring of the landscape can result in slope instability in the form of more intensive flooding and landslides. These post-fire slope soils and altered drainage patterns can result in soil creep on downslope sides of foundations and reduce lateral support.

The Rose Orchard Court site contains few rolling hills and generally slopes uphill toward the southeast. As described in Section 4.5, *Geology and Soils*, a small section on the northwestern portion and western central boundary of the Rose Orchard Court site has high landslide risk, while the remainder of the site has low to medium landslide risk. The Condit Sports Facilities Expansion site, the Butterfield Sports Park Expansion site, and APN 825-06-022 are relatively flat and have very low to no landslide risk.

### Fire History

Fire history within a 10 mile radius of Morgan Hill includes the 2011 McDonald Fire (27 acres), the 2013 Uvas Fire (50 acres), the 2016 Oak Fire (25 acres), the 2017 Felipe Fire (70 acres), the 2017 Tilton Fire (100 acres), the 2018 Park Fire (62 acres), the 2019 Hale Fire (50 acres), the 2020 Park Fire (353 acres), and the 2021 Paseo Fire (37 acres). Additionally, the 2016 Loma Fire burned 4,474 acres and destroyed 12 residences and 16 outbuildings off Loma Prieta Road and Loma Chiquita Road, 10 miles northwest of the city, and the 2007 Lick Fire burned 47,760 acres at Henry Coe State Park, including four residences and 20 outbuildings approximately 4.8 miles northeast of the city (Santa Clara County 2023).

### Fire Protection Services

The City of Morgan Hill contracts with the CAL FIRE to provide emergency medical services, fire prevention, and fire suppression from three city-owned fire stations and a CAL FIRE station within City limits. The three city-owned fire stations include Butterfield Fire Station, located at 17285 Butterfield Boulevard, El Toro Fire Station, located at 18300 Old Monterey Road, and Dunne Hill Fire Station, located at 2100 East Dunne Avenue, and the CAL FIRE station is located at 15670 Monterey Street. Additionally, mutual aid fire resources are available from other Santa Clara County fire agencies, including fire officers, fire engines, air tankers, helicopters, and hand crews (Santa Clara County 2017a).

## 4.14.2 Regulatory Setting

### a. Federal Regulations

### Disaster Mitigation Act of 2000

The Disaster Mitigation Act of 2000 provided a new set of mitigation plan requirements for state and local jurisdictions that encourage them to coordinate disaster mitigation planning and implementation. States are encouraged to complete either a “Standard” or “Enhanced” Natural Mitigation Plan. Enhanced plans demonstrate increased coordination of mitigation activities at the state level and, if completed and approved, increase the amount of federal funding available through the Hazard Mitigation Grant Program. The State of California Multi-Hazard Mitigation Plan complies with this act.

### National Fire Plan

The National Fire Plan was developed in response to Executive Order 11246 in August 2000, following a historic wildland fire season. Its intent was to establish plans for active response to severe wildland fires and their impacts to communities, while ensuring sufficient firefighting capacity. The plan addresses firefighting, rehabilitation hazardous fuels reduction, community assistance, and accountability. The plan promotes close coordination among local, state, tribal, and federal firefighting resources by conducting training, purchasing equipment, and providing prevention activities on a cost-share basis. To help protect people and their property from potential catastrophic wildfire, the National Fire Plan directs funding to be provided for projects designed to reduce the fire risks to communities. High-risk communities identified

in the wildland-urban interface, the area where homes and wildlands intermix, were published in the Federal Register in 2001. CAL FIRE incorporates concepts from this plan into state fire planning efforts (CAL FIRE 2024).

## a. State Regulations

### California Fire Code

The California Fire Code (Title 24 of the CCR, Part 9) establishes minimum requirements to safeguard public health, safety, and general welfare from the hazards of fire, explosion, or dangerous conditions in new and existing buildings. Chapter 33 of the CCR contains requirements for fire safety during construction and demolition as follows:

**3304.1 Smoking.** Smoking shall be prohibited except in approved areas. Signs shall be posted in accordance with Section 310. In approved areas where smoking is permitted, approved ashtrays shall be provided in accordance with Section 310.

**3304.2 Combustible debris, rubbish, and waste.** Combustible debris, rubbish, and waste material shall comply with the requirements of Sections 3304.2.1 through 3304.2.4.

**3304.2.1 Combustible waste material accumulation.** Combustible debris, rubbish, and waste material shall not be accumulated within buildings.

**3304.2.2 Combustible waste material removal.** Combustible debris, rubbish, and waste material shall be removed from buildings at the end of each shift of work.

**3304.2.3 Rubbish containers.** Where rubbish containers with a capacity exceeding 5.33 cubic feet (40 gallons) (0.15 $m^3$ [cubic meter]) are used for temporary storage of combustible debris, rubbish, and waste material, they shall have tight-fitting or self-closing lids. Such rubbish containers shall be constructed entirely of materials that comply with either of the following:

- Noncombustible materials.
- Materials that meet a peak rate of heat release not exceeding 300 $kW/m^2$ when tested in accordance with American Society for Testing Materials E1354 at an incident heat flux of 50$kW/m^2$ in the horizontal orientation.

**3304.2.4 Spontaneous ignition.** Materials susceptible to spontaneous ignition, such as oily rags, shall be stored in a listed disposal container.

**3304.6 Cutting and welding.** Operations involving the use of cutting and welding shall be done in accordance with Chapter 35.

**3304.7 Electrical.** Temporary wiring for electrical power and lighting installations used in connection with the construction, alteration, or demolition of buildings, structures, equipment, or similar activities shall comply with the California Electrical Code.

**3308.1 Program superintendent.** The owner shall designate a person to be the fire prevention program superintendent who shall be responsible for the fire prevention program and ensure that it is carried out through completion of the Project. The fire prevention program superintendent shall have the authority to enforce the provisions of this chapter and other provisions, as necessary, to secure the intent of this chapter. Where guard service is provided, the superintendent shall be responsible for the guard service.

**3308.2 Prefire plans.** The fire prevention program superintendent shall develop and maintain an approved prefire plan in cooperation with the fire chief. The fire chief and the fire code official shall be notified of changes affecting the utilization of information contained in such prefire plans.

**3310.1 Required access.** Approved vehicle access for firefighting shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 100 feet of temporary or permanent fire department connections. Vehicle access shall be provided by either temporary or permanent roads,

capable of support vehicle loading under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available.

**3316.1 Conditions of use.** Internal combustion–powered construction equipment shall be used in accordance with all of the following conditions:

1. Equipment shall be located so that exhausts do not discharge against combustible material.
2. Exhausts shall be piped to the outside of the building.
3. Equipment shall not be refueled while in operation.
4. Fuel for equipment shall be stored in an approved area outside of the building.

CCR Title 14, Division 1.5, Chapter 7, Subchapter 2 contains the SRA Fire Safe regulations. These regulations apply to all new construction within SRAs. Local agencies may adopt ordinances that meet or exceed these minimum standards. Chapter 15.44 of the Morgan Hill Municipal Code (MHMC) adopts the 2022 California Fire Code: however, the Morgan Hill Building and Fire Prevention website indicates projects with building permits submitted after January 1, 2026 will be subject to the 2025 California Fire Code.

## California Building Code

On September 20, 2007, the California Building Standards Commission approved the Office of the State Fire Marshal's emergency regulations amending CCR, Title 24, Part 2, known as the California Building Code (CBC), to include wildland-urban interface standards. The provisions of the CBC apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached to such building structures throughout California. The wildland-urban interface standards include provisions for ignition-resistant construction standards in the wildland-urban interface and use a hazard classification system to determine what protective measures are required to ensure fire safety and protect lives. Specifically, CBC Chapter 7A addresses materials and construction methods for exterior wildfire exposure. The California Building Code is adopted as MHMC Chapter 15.08.

## California Strategic Fire Plan

The 2024 Strategic Plan prepared by CAL FIRE lays out central goals for reducing and preventing the impacts of fire in the state. The goals are meant to establish a natural environment that is more resilient and human-made assets that are more resistant to the occurrence and effects of wildland fire through local, state, federal, and private partnerships (CAL FIRE 2024).

## California Public Resource Code

The California Public Resource Code (PRC) includes fire safety regulations for forest, range, and forage lands that restrict the use of equipment that may produce a spark, flame, or fire; require the use of spark arrestors on construction equipment that use an internal combustion engine; specify requirements for the safe use of gasoline-powered tools in fire hazard areas; and specify fire suppression equipment that must be provided on-site for various types of work in fire-prone areas. These regulations include the following:

- On days when a burning permit is required, flammable materials shall be removed to a distance of 10 feet from any equipment that could produce a spark, fire, or flame, and fire suppression equipment shall be available in the immediate area (PRC Section 4427)
- During the highest fire danger period from April 1 to December 1, no person except for an emergency crew member or those under or contracted with a publicly or privately-owned utility shall use tools powered by an internal combustion engine in any industrial operation located on or near any forest, brush, or grass-covered land, and appropriate fire suppression equipment shall be made immediately available (PRC Section 4428)

- On days when a burning permit is required, portable tools powered by gasoline-fueled internal combustion engines shall not be used within 25 feet of any flammable materials (PRC Section 4431)
- Earthmoving and portable equipment with internal combustion engines must be equipped with a spark arrestor to reduce the potential for igniting a wildland fire (PRC Section 4442)

In addition, PRC Section 4290 establishes minimum wildfire protection standards in conjunction with building, construction, and development in SRAs and Very High FHSZs in LRAs. Under PRC Section 4290, the design and construction of structures, subdivisions, and developments in SRAs must provide for basic emergency access and specified perimeter wildfire protection measures. These measures provide for road standards for emergency access, signing and building numbering, water supply reserves, and fuel breaks and greenbelts and are known as the State Minimum Fire Safe Regulations.

### California Public Utilities Commission

The California Public Utilities Commission (CPUC) has a significant role in permitting investor-owned utility transmission and substation facilities. This oversight applies to the utility, transmission lines, and substations operated under the jurisdiction of the CPUC. General Order (GO) 95 applies to the construction, operation, and maintenance of overhead lines that are subject to CPUC jurisdiction.

#### *Government Code Section 51182*

According to California Government Code Section 51182, a person who owns, leases, controls, operates, or maintains an occupied dwelling or occupied structure in, upon, or adjoining a mountainous area, forest-covered land, brush-covered land, grass-covered land, or land that is covered with flammable material, or land that is in a Very High FHSZ shall, at all times, do all of the following:

1. Maintain defensible space of 100 feet from each side and from the front and rear of the structure.
2. Remove that portion of trees that extends within 10 feet of the outlet of a chimney or stovepipe.
3. Maintain trees, shrubs, or other plants adjacent to or overhanging a building free of dead or dying wood.
4. Maintain the roof of a structure free of leaves, needles, or other vegetative materials.
5. Prior to constructing a new dwelling or structure that will be occupied or rebuilding an occupied dwelling or occupied structure damaged by a fire in that zone, the construction or rebuilding of which requires a building permit, obtain a certification from the local building official that the dwelling or structure, as proposed to be built, complies with all applicable state and local building standards.

## b. Local Regulations

### Santa Clara County Emergency Operations Plan and Wildfire Annex

The Santa Clara Office of Emergency Management updated the County EOP in 2017 (Santa Clara County 2017b). The EOP provides a comprehensive, single source of guidance and procedures for the County to prepare for, respond to, and manage significant or catastrophic natural or man-made threats, crises, incidents, or events that produce situations requiring a coordinated response.

The Santa Clara County Emergency Operations Plan Wildfire Annex (Wildfire Annex) was updated in 2019 (Santa Clara County 2019). The Wildfire Annex is intended as a reference guide for readers to consult at key moments during preparedness and response, as well as by organizational planners during annex review and revision. In addition, the Wildfire Annex includes resources and tools available for use to successfully manage a wildfire event and includes a section on evacuation considerations. Under the procedures outlined in the Wildfire Annex, field-level Unified Command will act as the lead in evacuating the public from designated evacuation areas with support from the Santa Clara County Fire Department and other mutual aid partners.

## Santa Clara County Community Wildfire Protection Plan

The Santa Clara County CWPP was developed in 2016 to provide a countywide strategic plan with goals for creating a safer WUI community, accompanied by report annexes that address specific issues and projects by jurisdiction and stakeholder organizations to meet the strategic goals. The City of Morgan Hill is included as Annex 11 of the Santa Clara CWPP, wherein the City's fire history and fuel, structure, and neighborhood characteristics are detailed along with applicable regulatory context and a wildfire hazard assessment (Santa Clara County 2017a).

Annex 11 of the Santa Clara County CWPP also identifies WUI areas within Morgan Hill and discusses general plan policies SSI-3.1, SSI-3.2, SSI-3.6, and SSI-12.A which are described in detail within the discussion of the City of Morgan Hill General Plan, below.

## Santa Clara County Multijurisdictional Hazard Mitigation Plan

Santa Clara County's Multijurisdictional Hazard Mitigation Plan (MJHMP) provides a comprehensive review of hazard history, risk, and vulnerability throughout Santa Clara County (Santa Clara County 2023). The wildfire component of the MJHMP was informed, in part, by the Santa Clara County CWPP, and provides a risk profile including, but not limited to, detailed past wildfire events, WUI areas, FHSZs, wildfire frequency, smoke and air quality, and climate change impacts on wildfire.

## City of Morgan Hill Emergency Operations Plan

The City of Morgan Hill Emergency Operations Plan (EOP) was developed to establish emergency organization, assign tasks and roles, specify policies and general emergency procedures, and provide for coordination of planning efforts of the various emergency staff and service elements using the Standardized Emergency Management System and meet the requirements established by the National Incident Management System (City of Morgan Hill 2025). The Morgan Hill EOP also details its mutual aid system with surrounding agencies within the State and Santa Clara County and identifies the City of Morgan Hill as being within Mutual Aid Region II.

## City of Morgan Hill General Plan

The City of Morgan Hill General Plan Health Community, Transportation, and Safety, Services, and Infrastructure Elements (City of Morgan Hill 2016) include the following goals and policies related to wildfire and emergency access applicable to the proposed project:

**Policy HC-3.20: Safety.** Incorporate fire and police services into the design review process for new parks, recreation facilities, and trails.

**Policy TR-8.9: Emergency Services Review for Bikeways.** Incorporate emergency services (fire and police) into the review process for new bikeways.

**Policy TR-9.8: Emergency Services Review for Trails.** Incorporate emergency services (fire and police) into the review process for new trails.

**Goal SSI-3: Minimal threat to persons, property, and the environment from fire hazards.**

**Policy SSI-3.1: Development in Fire Hazard Areas.** Minimize development in fire hazard areas and plan and construct permitted development so as to reduce exposure to fire hazards and to facilitate fire suppression efforts in the event of a wildfire. (South County Joint Area Plan 15.04)

**Policy SSI-3.2: Wildfire Risks.** Avoid actions which increase fire risk, such as increasing public access roads in fire hazard areas, because of the great environmental damage and economic loss associated with a large wildfire. (South County Joint Area Plan 15.04)

**Policy SSI-3.4: Adequate Infrastructure.** Design adequate infrastructure if a new development is located in a state responsibility area (SRA) or in a very high fire hazard severity zone (VHFHSZ) or high fire hazard severity zone (HFHSZ) as indicated on the City of Morgan Hill Wildland Urban Interface map (adopted March 18, 2009), including safe access for emergency response vehicles, visible street signs, and water supplies for structural fire suppression.

**Policy SSI-3.5:** Work cooperatively with CAL FIRE and other public agencies with responsibility for fire protection to reduce fire risks in Morgan Hill.

**Policy SSI-3.6: Fire Hazard Severity Zones.** Continue to support special High Fire Hazard Severity Zone requirements.

**Policy SSI-4.18: High-Pressure Gas Lines.** Ensure that appropriate precautions are taken during development to minimize the risk of fire and/or explosion associated with high-pressure gas lines.

**Policy SSI-11.1: Prevention through Design.** Promote police and fire security considerations in all structures by ensuring that crime and fire prevention concepts are considered in development and design.

**Goal SSI-12: Reduce risk to life and property associated with emergencies and natural and manmade disasters.**

**Policy SSI-12.4: Maintenance of Emergency Access Routes.** Require that emergency access routes be kept free of traffic impediments.

**Policy SSI-12.A: Emergency Access.** Where appropriate, allow development in areas where a second improved access road has been provided for emergency escape. (South County Joint Area Plan 15.07)

**Policy SSI-13.1: Underground Utilities.** Continue to require utilities in subdivisions to be underground, and convert overhead utilities throughout the city to underground facilities.

### City of Morgan Hill Municipal Code

The MHMC includes Chapter 15.44 which adopts the California Fire Code. Within this Chapter Section 15.44.130 includes requirements for wildland urban interface fire areas such as maintenance of hazardous vegetation and fuels around buildings, roads, driveways, and structures in accordance with the Public Resources code, California Government Code, California Code of Regulations, and the rest of the MHMC.

### Morgan Hill Fire Prevention Division Standard Details and Specifications

The City's Fire Prevention Division Standard Details and Specifications outline guidelines for access roads, construction site fire safety, driveways, and fire lane markings (City of Morgan Hill 2013).

## 4.14.3 Impact Analysis

### a. Methodology and Thresholds of Significance

To determine whether a project would result in a significant impact related to wildfire, Appendix G of the *CEQA Guidelines* requires consideration of whether a project is located in or near SRAs or lands classified as Very High FHSZs and would:

1. Substantially impair an adopted emergency response plan or emergency evacuation plan;
2. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire;

3. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; and/or
4. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

Impacts related to wildfire hazards and risks were evaluated using CAL FIRE's FHSZ maps effective in 2024 (SRA) and 2025 (LRA), mapping, aerial imagery, and topographic mapping. In addition, weather patterns related to prevailing winds and precipitation trends were evaluated as they relate to the spread and magnitude of wildfire. CEQA does not generally require an agency to consider the effects of existing environmental conditions on a proposed project's future users or residents. Consequently, impacts under the thresholds identified below would only be considered significant if the proposed project risks exacerbating those existing environmental conditions.

## b. Project Impacts and Mitigation Measures

The proposed project does not include changes to or development on the APN 825-06-022 site. Accordingly, the analyses below focus exclusively on the Rose Orchard Court site, the Butterfield Sports Park Expansion site, and the Condit Sports Facilities Expansion site.

| | |
|---|---|
| **Threshold 1:** | If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan? |

**Impact W-1 THE CONDIT SPORTS FACILITIES EXPANSION SITE AND THE BUTTERFIELD SPORTS PARK EXPANSION SITE ARE NOT LOCATED WITHIN, OR NEAR, AN SRA OR LANDS CLASSIFIED AS VERY HIGH FHSZ; THEREFORE, NO IMPACT WOULD OCCUR. THE ROSE ORCHARD COURT SITE IS WITHIN A HIGH FHSZ AND SRA AND NEAR A VERY HIGH FHSZ. FUTURE DEVELOPMENT AT THE ROSE ORCHARD COURT SITE WOULD BE SUBJECT TO THE REQUIREMENTS OF THE CALIFORNIA FIRE CODE, MORGAN HILL GENERAL PLAN AND THE CITY'S FIRE PREVENTION DIVISION STANDARD DETAILS AND SPECIFICATIONS. WITH COMPLIANCE WITH EXISTING REGULATIONS, THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.**

### *Butterfield Sports Park Site and the Condit Sports Facilities Expansion Site*

As shown above in Figure 4.14-2 and Figure 4.14-3, the Condit Sports Facilities Expansion site and the Butterfield Sports Park Expansion site are not located within, or near, an SRA or lands classified as Very High FHSZ. Thus, no impacts associated with these sites would occur.

### *Rose Orchard Court Site*

As shown above in Figure 4.14-1, the Rose Orchard Court site is located within a High FHSZ within an SRA and 0.3 miles from the nearest Very High FHSZ within an SRA. Additionally, the site is within the WUI according to the Santa Clara CWPP. The Santa Clara County CWPP, MJHMP, and the City of Morgan Hill EOP do not specify emergency evacuation routes or requirements for the city. Existing access to the site is provided by Rose Orchard Court and Llagas Road. As detailed in Section 4.11, *Transportation,* site access and circulation for the four proposed single-family residences on the Rose Orchard Court site would be designed to current City standards and would be required to accommodate access requirements for emergency and passenger vehicles. Future development would be required to comply with the City's Fire Prevention Division Standard Details and Specifications and provide roadways greater than or equal to 20 feet in width and driveways less than 20 feet in width (City of Morgan Hill 2013).

Additionally, future development would be implemented in accordance with the City of Morgan Hill General Plan policies SSI-3.2, SSI-3.4, SSI-11.1, SSI-12.4, and SSI-12.A, all of which pertain to the development and maintenance of access routes and consideration of emergency access during project

design on sites near Very High FHSZs and within the WUI. Compliance with these regulations would ensure emergency access is adequate to the site and that the site design is conducive to evacuation of individuals on site. Construction activities associated with future development of the site would be subject to Chapter 33 of the CFC which includes regulations to ensure fire safety during construction and demolition. Specifically, Chapter 33 of the CFC includes requirements for adequate egress on a construction site in the event of a wildfire. With compliance with City's General Plan and Fire Prevention Division Standard Details and Specifications as well as state regulations such as those included in the CFC, impacts would be less than significant.

## Mitigation Measures

This impact would be less than significant without mitigation. No mitigation would be required.

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|---|---|
| **Threshold 2:** | If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project due to slope, prevailing winds, and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? |

**Impact W-2 THE CONDIT SPORTS FACILITIES EXPANSION SITE AND THE BUTTERFIELD SPORTS PARK EXPANSION SITE ARE NOT LOCATED WITHIN, OR NEAR, AN SRA OR LANDS CLASSIFIED AS VERY HIGH FHSZ; THEREFORE, NO IMPACT WOULD OCCUR. THE ROSE ORCHARD COURT SITE IS WITHIN A HIGH FHSZ AND SRA AND NEAR A VERY HIGH FHSZ. FUTURE DEVELOPMENT OF THE ROSE ORCHARD COURT SITE WOULD OCCUR ON A SLOPE, BUT WITH ADHERENCE TO EXISTING REGULATORY REQUIREMENTS FUTURE DEVELOPMENT WOULD NOT EXACERBATE WILDFIRE RISKS, IN AND OF ITSELF, SUCH THAT OCCUPANTS WOULD BE EXPOSED TO POLLUTANT CONCENTRATIONS FROM WILDFIRE OR UNCONTROLLED SPREAD OF WILDFIRE. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.**

### *Butterfield Sports Park Site and the Condit Sports Facilities Expansion Site*

As shown above in Figure 4.14-2 and Figure 4.14-3, the Condit Sports Facilities Expansion site and the Butterfield Sports Park Expansion site are not located within, or near, an SRA or lands classified as Very High FHSZ. Thus, no impacts associated with these sites would occur.

### *Rose Orchard Court Site*

As shown in Figure 4.14-1, the Rose Orchard Court site is located within a High FHSZ within an SRA, and 0.3 miles to the nearest Very High FHSZ within an SRA. Additionally, the site is within the WUI according to the Santa Clara CWPP. The slope of the Rose Orchard Court site is nearly flat at its northwestern extent, then rises gradually to rolling hills near the center of the site and peaks at the far southeastern border. The proposed residential development would occur on the flatter portion in the northwestern extents of the site, and the steeper hillside areas are proposed to be conserved as open space. Wildfire smoke produced from combustion of natural biomass contains thousands of individual compounds, including particulate matter, $CO_2$, water vapor, CO, hydrocarbons and other organic chemicals, $NO_x$, and trace minerals that can be carried by the wind. As described in Section 4.14.1, above, prevailing winds are variable and shift throughout on the seasons, ranging from northwest to southeast, and intermittent gusts potentially exceeding 20 mph. Winds have the potential to push a potential wildfire and wildfire smoke through areas of low-fuel volumes and to areas with substantial development, thereby exposing residents to pollutant concentrations associated with wildfire.

Future development would be designed and implemented in accordance with the policies of the City of Morgan Hill General Plan, including HC-3.20, TR-8.9, and TR-9.8 which require review and consideration of fire and emergency services input for project review as well as SSI-3.1 through SSI-3.6, SSI-12.4, SSI-12.A, and SSI-11.1 which minimize wildfire threats to development through design features, adequate emergency access and infrastructure. Additionally, prior to future development on the Rose Orchard Court site, a building permit would be required pursuant to California Government Code Section 51182, which would require the project applicant obtain certification from the local building official that the building

complies with all applicable state and local fire standards. Development would also be required to adhere to State and federal regulations related to wildfire. This includes approval of plans and specifications to verify compliance with applicable codes, including the following:

- Title 24, CCR, Building Regulations
- International Fire Code/California Fire Code (CFC)
- National Fire Codes of the National Fire Protection Association
- Title 19, CCR, Public Safety
- Title 8, CCR, Occupational Safety
- California Health and Safety Code

The CFC includes safety measures that minimize the threat of fire, including ignition-resistant construction with exterior walls of noncombustible or ignition resistant material from the surface of the ground to the roof system and sealing any gaps around doors, windows, eaves and vents to prevent intrusion by flame or embers. Development would also be required to meet California Building Code requirements, including CCR Title 24, Part 2, which includes specific requirements related to exterior wildfire exposure. CCR Title 14 sets forth the minimum development standards for emergency access, fuel modification, setback, signage, and water supply, which help prevent loss of structures or life by reducing wildfire hazards risk.

Additionally, construction activities on site would be subject to Chapter 33 of the CFC which includes regulations to ensure fire safety during construction and demolition. Specifically, this chapter requires the creation of a fire prevention program on site to reduce the risk of fire during construction.

Compliance with State and federal regulations and County and City policies, such as Policy SSI-3.4 in the Morgan Hill General Plan, and MHMC Section 15.44.130 which includes regulations for development within the WUI, would ensure that the proposed project would not exacerbate wildfire risk due to slope, prevailing winds, or other factors which could expose occupants to substantial pollutant concentrations or the uncontrolled spread of a wildfire. This impact would be less than significant.

## Mitigation Measures

This impact would be less than significant without mitigation. No mitigation would be required.

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|---|---|
| **Threshold 3:** | If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? |

**Impact W-3 THE CONDIT SPORTS FACILITIES EXPANSION SITE AND THE BUTTERFIELD SPORTS PARK EXPANSION SITE ARE NOT LOCATED WITHIN, OR NEAR, AN SRA OR LANDS CLASSIFIED AS VERY HIGH FHSZ; THEREFORE, NO IMPACT WOULD OCCUR. THE ROSE ORCHARD COURT SITE IS WITHIN A HIGH FHSZ AND SRA AND NEAR A VERY HIGH FHSZ. FUTURE DEVELOPMENT OF THE ROSE ORCHARD COURT SITE WOULD NOT NECESSITATE THE CONSTRUCTION OR MAINTENANCE OF ROADWAYS OR UTILITY INFRASTRUCTURE THAT MAY EXACERBATE FIRE RISK. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.**

### *Butterfield Sports Park Site and the Condit Sports Facilities Expansion Site*

As shown above in Figure 4.14-2 and Figure 4.14-3, the Condit Sports Facilities Expansion site and the Butterfield Sports Park Expansion site are not located within, or near, an SRA or lands classified as Very High FHSZ. Thus, no impacts associated with these sites would occur.

*Rose Orchard Court Site*

As shown in Figure 4.14-1, the Rose Orchard Court site is located within a High FHSZ within an SRA, and 0.3 miles from the nearest Very High FHSZ within an SRA. Additionally, the site is within the WUI according to the Santa Clara CWPP. This site currently has an existing residence on site. Under the proposed project, the site would be developed with up to four additional residences. As discussed in Section 4.13, *Utilities and Service Systems*, future development on this site would connect to existing utility infrastructure and would not require the construction of additional infrastructure other than minor extensions to serve the proposed future residences. Additionally, while future development on the site could require creation of new roads and driveways, these would be constructed according to existing regulations, as described under Impact W-1, to ensure adequate emergency access and evacuation on site. Furthermore, construction activities associated with the installation of new roadways or utility connections would be subject to Chapter 33 of the CFC which requires creation and implementation of a Fire Prevention Program on site to reduce the risk of wildfire during construction activities. Additionally, while the proposed development on the Rose Orchard Court site would involve electric utility connections which could be above ground, due to the small size of the development no major infrastructure such as new high voltage transmission lines would be required. Any utility connections installed on site would be subject to the CPUC regulations including General Order 95 which contains rules for the design, construction, maintenance, inspection, repair, and replacement of overhead utility facilities, including electric utility facilities, communication facilities, and cable television facilities. Compliance with these regulations would reduce wildfire risk from the construction of new utility connections. Therefore, development of this site would not require the installation or maintenance of infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. Impacts would be less than significant.

## Mitigation Measures

This impact would be less than significant without mitigation. No mitigation would be required.

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| **Threshold 4:** | If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslopes or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? |

**Impact W-4 THE CONDIT SPORTS FACILITIES EXPANSION SITE AND THE BUTTERFIELD SPORTS PARK EXPANSION SITE ARE NOT LOCATED WITHIN, OR NEAR, AN SRA OR LANDS CLASSIFIED AS VERY HIGH FHSZ; THEREFORE, NO IMPACT WOULD OCCUR. THE ROSE ORCHARD COURT SITE IS WITHIN A HIGH FHSZ AND SRA AND NEAR A VERY HIGH FHSZ. FUTURE DEVELOPMENT ON THE ROSE ORCHARD COURT SITE COULD BE AT RISK OF DOWNSLOPE LANDSLIDES AS A RESULT OF POST FIRE INSTABILITY. HOWEVER, COMPLIANCE WITH EXISTING STATE AND LOCAL REGULATIONS WOULD REDUCE THIS IMPACT TO LESS THAN SIGNIFICANT LEVEL.**

*Butterfield Sports Park Site and the Condit Sports Facilities Expansion Site*

As shown above in Figure 4.14-2 and Figure 4.14-3, the Condit Sports Facilities Expansion site and the Butterfield Sports Park Expansion site are not located within, or near, an SRA or lands classified as Very High FHSZ. Thus, no impacts associated with these sites would occur.

*Rose Orchard Court Site*

As shown in Figure 4.14-1, the Rose Orchard Court site is located within a High FHSZ within an SRA, and 0.3 miles from the nearest Very High FHSZ within an SRA. Additionally, the site is within the WUI according to the Santa Clara CWPP. The slope of the Rose Orchard Court site is nearly flat at its northwestern extent, then rises gradually to rolling hills near the center of the site and peaks at the far southeastern border. The proposed residential development would occur on the flatter portion in the

northwestern extents of the site, and the steeper hillside areas are proposed to be conserved as open space.

As described in Section 4.8, *Hydrology and Water Quality*, the Rose Orchard Court site is not located within a flood hazard zone. Therefore, no impact related to downstream flooding as a result of post fire instability or drainage changes would occur.

If a severe wildfire were to occur in the southeastern portion of the site which is more steep, downslope structures could be at risk of landslides. When supporting vegetation is burned away, hillsides become destabilized and prone to erosion. The charred surface of the earth is hard and absorbs less water. When winter rains come, this leads to increased runoff, erosion, and landslides in hilly areas. Erosion and land slippage after fires can also lead to temporary or permanent displacement and property damage or loss. As discussed in Section 4.5, *Geology and Soils*, a small section on the northwestern portion and western central boundary of the Rose Orchard Court site has high landslide risk, while the remainder of the site has low to medium landslide risk. Therefore, development on the Rose Orchard Court site could expose people and structures to landslides by facilitating increased residential development near a Very High FHSZ and in hilly areas where landslides could occur and could be exacerbated after a wildfire. However, future development would be required to comply with PRC Section 2690-2699.6, Seismic Hazards Mapping Act, CBC requirements as adopted in the MHMC, and Policies SSI-2.2, SSI-2.9, and SSI-2.11 of the City's 2035 General Plan Safety, Services, and Infrastructure Element would require site-specific geotechnical investigations for individual development projects within the landslide-susceptible portions of the Rose Orchard Court site to identify the degree of potential hazards, design parameters for development based on the hazard, and describe appropriate design measures to address hazards. With adherence to these regulations and policies, impacts would be less than significant.

### Mitigation Measures

This impact would be less than significant without mitigation. No mitigation would be required.

## c. Cumulative Impacts

A project's environmental impacts are "cumulatively considerable" if the "incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects" (*CEQA Guidelines* Section 15065[a][3]). Table 3-1 in Chapter 3, *Environmental Setting*, shows all the development projects considered as part of the cumulative projects list. This includes mostly residential development within the vicinity of the project as well as one commercial and one industrial development. As discussed in Section 4.14.1, development within one mile of the Butterfield Sports Park Expansion site and the Condit Sports Facilities Expansion site would not be within a FHSZ. Therefore, no cumulative wildfire impacts would occur related to those sites and this analysis focuses on development within one mile of the Rose Orchard Court site.

Future development within one mile of the Rose Orchard Court site could be within a Very High FHSZ. All new development and infrastructure would be subject to statewide standards for fire safety in the California Fire Code, as well as proposed policies in the Morgan Hill General Plan. As discussed under Impacts W-1 through W-4 above, compliance with the California Fire Code and General Plan policies would reduce the risk of wildfire to less than significant on the annexation sites. Therefore, cumulative development under the proposed project would not result in a significant cumulative wildfire impact and the proposed project would not have a considerable contribution to a cumulative impact.

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# 4.15 Effects Found Not to be Significant

*CEQA Guidelines* Section 15128 requires an EIR to briefly describe effects that have been determined not to be significant and were, therefore, not discussed in detail in the EIR. This section addresses the potential environmental effects of the proposed project that were found not to be significant. The CEQA topics listed below that were not found to be significant are contained in the environmental checklist form included in Appendix G of the CEQA Guidelines.

## 4.15.1 Agriculture and Forestry Resources

### a. Setting

For the purposes of CEQA, as defined under California Public Resources Code (PRC) Section 21060.1, "agricultural land" means Prime Farmland, Farmland of Statewide Importance, or Unique Farmland as classified by the California Department of Conservation (DOC). As defined in PRC Section 12220(g), "forest land" is defined as land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. The setting for each annexation site as it pertains to agricultural and forestry resources is discussed below.

#### *Rose Orchard Court Site*

The DOC Farmland Mapping and Monitoring Program (FMMP) classifies a northwestern portion of the Rose Orchard Court site as *Farmland of Local Potential* and the rest of the site as *Grazing Land* (DOC 2025a). The site is not under a Williamson Act contract (DOC 2025b). The site has a Santa Clara County General Plan land use designation of Hillside Plan and a Santa Clara County zoning designation of Hillside Santa Clara Valley Viewshed. The site also has a City of Morgan Hill General Plan land use designation of Residential Estate. The site is not actively used for commercial agriculture or forestry, and surrounding parcels are primarily developed or designated for residential or open space uses.

#### *Condit Sports Facilities Expansion Site*

The northern parcel (APN 817-13-037) on the Condit Sports Facilities site is classified as *Other Land* by the DOC and the southern parcel (APN 817-13-008) is classified as *Farmland of Local Importance* (DOC 2025a). The site is not under a Williamson Act contract (DOC 2025b). The site has a Santa Clara County General Plan land use designation of Agriculture – Medium Scale under the Santa Clara County General Plan and a Santa Clara County zoning designation of Exclusive Agriculture. The site also has a City of Morgan Hill General Plan land use designation of Sports Recreation/Leisure. The site is mostly undeveloped but includes one single-family residence. The site is not actively used for commercial agriculture or forestry, and adjacent land uses include recreational facilities, hotel uses, and low-density residential development.

#### *Butterfield Sports Park Expansion Site*

The Butterfield Sports Park Expansion site is classified as *Farmland of Local Importance* by the DOC (DOC 2025a). The site is not subject to a Williamson Act contract (DOC 2025b). The site has a Santa Clara County General Plan land use designation of Agriculture Medium Scale and a Santa Clara County zoning designation of Exclusive Agriculture. The site also has a City of Morgan Hill General Plan land use designation of Industrial. The Butterfield site is undeveloped and is not actively used for commercial agriculture or forestry. Surrounding parcels are primarily developed with residential or commercial uses or planned for recreational uses.

*APN 825-06-022*

This site is classified as *Urban and Built-Up Land* by the DOC (DOC 2025a). The site is not subject to a Williamson Act contract (DOC 2025b). The site has a Santa Clara County General Plan land use designation of Agriculture Medium Scale and a Santa Clara County zoning designation of Exclusive Agriculture. The site also has a City of Morgan Hill General Plan land use designation of Residential Attached Low. The site is developed with a single-family residence and is not actively used for commercial agriculture. Surrounding parcels are primarily developed with residential or commercial uses or planned for recreational uses.

## b. Checklist Questions

To determine whether a project would result in a significant impact related to agriculture and forestry resources, Appendix G of the *CEQA Guidelines* requires consideration of whether a project would:

1. Convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use;
2. Conflict with existing zoning for agricultural use, or a Williamson Act contract;
3. 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. Result in the loss of forest land or conversion of forest land to non-forest use; or
5. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use.

## c. Answers to Checklist Questions and Conclusions

The proposed project does not include changes to or development on the APN 825-06-022 site. Accordingly, the analyses below focus exclusively on the Rose Orchard Court site, the Butterfield Sports Park Expansion site, and the Condit Sports Facilities Expansion site.

*Rose Orchard Court Site*

1. The Rose Orchard Court site is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance according to the DOCs FMMP. While the site currently contains a black walnut orchard, it is not under active commercial agricultural production. Therefore, the project would not convert Farmland. No impact would occur.
2. As stated under Section 4.15.1a, the Rose Orchard Court site is not zoned for agricultural use and is not subject to a Williamson Contract. Therefore, the project would not conflict with agricultural zoning or Williamson Act contracts. No impact would occur.
3. As stated under Section 4.15.1a, the Rose Orchard Court site is not zoned as forest land, timberland, or Timberland Production. Therefore, the project would not conflict with forest land zoning. No impact would occur.
4. The Rose Orchard Court site contains a black walnut orchard located within a wooded area that could meet the definition of forest land as defined under PRC Section 12220(g). However, the project would not remove or replace the orchard. Ten acres of the site that contains wooded areas would be dedicated as open space. Therefore, the project would not result in the loss or conversion of forest land or conflict with forest land zoning. This impact would be less than significant.
5. The Rose Orchard Court site is not currently used for agriculture and is not surrounded by lands used for agriculture. The proposed project involves preserving 10 acres of wooded area as open space. The proposed future residential and open spaces uses would not result in indirect or off-site conversion of farmland or forest land. No impact would occur.

*Condit Sports Facilities Expansion Site*

1. The Condit Sports Facilities Expansion site is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Therefore, the site would not convert Farmland to non-agricultural use. This impact would be less than significant.
2. The Condit Sports Facilities Expansion site is not under a Williamson Act contract. The site has a Santa Clara County zoning designation of Exclusive Agriculture. The proposed project would involve annexing the site into the City of Morgan Hill and providing a Morgan Hill zoning designation of Public Facilities. Therefore, the project would involve changing the zoning designation of the site from an agricultural zoning to a non-agricultural zoning. However, once this change is made future development of the sports facilities on the site following annexation would be consistent with the Morgan Hill zoning for the site. The site is not actively used for agriculture and is surrounded by non-agricultural uses. Further, the site is already designated for non-agricultural uses under the City's General Plan. This impact would be less than significant.
3. The Condit Sports Facilities Expansion site is not zoned as forest land, timberland, or Timberland Production and does not contain forest resources. Therefore, the project would not conflict with existing zoning for forest land or timberland, nor would it cause rezoning of such lands. No impact would occur.
4. The Condit Sports Facilities Expansion site does not contain forest land as defined by CEQA. Therefore, the project would not result in the loss or conversion of forest land to non-forest use. No impact would occur.
5. The Condit Sports Facilities Expansion site is not used for agriculture or forestry, and the proposed recreational development is consistent with surrounding land uses. Therefore, the site would not result in indirect or off-site conversion of farmland or forest land. This impact would be less than significant.

*Butterfield Sports Park Expansion Site*

1. The Butterfield Sports Park Expansion site is not designated as Prime Farmland, Unique Farmland, Farmland of Statewide Importance. Therefore, the site would not convert Farmland to non-agricultural use. This impact would be less than significant.
2. The Butterfield Sports Park Expansion site is not under a Williamson Act contract. The site has a Santa Clara County zoning designation of Exclusive Agriculture. The proposed project would involve annexing the site into the City of Morgan Hill and providing a Morgan Hill zoning designation of Public Facilities. Therefore, the project would involve changing the zoning designation of the site from an agricultural zoning to a non-agricultural zoning. However, once this change is made future development of the sports facilities on the site following annexation would be consistent with the Morgan Hill zoning for the site. The site is not actively used for agriculture and is surrounded by non-agricultural uses. Further, the site is already designated for non-agricultural uses under the City's General Plan. This impact would be less than significant.
3. The Butterfield Sports Park Expansion site is not zoned as forest land, timberland, or Timberland Production and does not contain forest resources. Therefore, the project would not conflict with existing zoning for forest land or timberland, nor would it cause rezoning of such lands. No impact would occur.
4. The Butterfield Sports Park Expansion site does not contain forest land as defined by CEQA. Therefore, the project would not result in the loss or conversion of forest land to non-forest use. No impact would occur.
5. The Butterfield Sports Park Expansion site is not used for agriculture or forestry, and the proposed zoning changes are consistent with surrounding urban development. Therefore, the site would not result in indirect or off-site conversion of farmland or forest land. This impact would be less than significant.

## 4.15.2 Energy

### a. Setting

Energy is generally transmitted either in the form of electricity, measured in kilowatts or megawatts; natural gas, measured in British thermal units, cubic feet, or therms; or fuel (such as gasoline or diesel), measured in gallons or liters. Electricity is used primarily for lighting, appliances, cooking purpose, heating, ventilation, and air conditioning (HVAC) equipment, and other uses associated with building and vehicle operations. Electricity sources range from renewable (e.g., hydroelectric, solar, wind, geothermal, biomass) to nonrenewable (e.g., natural gas, oil, nuclear, coal). Natural gas is used primarily for space and water heating, as well as cooking purposes and industrial processes. Natural gas is typically associated with building operations. Fuel is used primarily for powering on-road and off-road vehicles and equipment. Typical fuel types are diesel and gasoline.

According to the California Energy Commission (CEC), California generated approximately 216,181 gigawatt-hours of electricity in 2024. Approximately 40 percent of this electricity was sourced from natural gas, 46 percent from renewable sources, 12 percent from large hydroelectric sources, and the remaining two percent was sourced from coal, oil, and other/ unspecified sources (CEC 2025a).

Natural gas is a dispatchable energy resource that provides load when the availability of hydroelectric power generation and/or other energy sources decreases. Therefore, distribution varies from year to year. The availability and distribution of hydroelectric-sourced energy, increasing renewable-source energy, and overall consumer demand shape the need for natural gas. In 2024, total California natural gas demand for industrial, residential, commercial, and electric power generation was 11,104 million therms per year.

The main category of fuel use in California is transportation fuel, specifically gasoline and diesel. Gasoline is the most used transportation fuel in California: 97 percent of all gasoline sold in California is consumed by light-duty cars, pickup trucks, and sport utility vehicles. In 2024, an estimated 13,400 million gallons of gasoline annually were used (CEC 2025b). Diesel is the second largest transportation fuel used in California. Many heavy duty-trucks, delivery vehicles, buses, trains, ships, boats and barges, along with farm, construction, and heavy-duty military vehicles and equipment have diesel engines. According to the 2010-2024 California Annual Retail Fuel Outlet Report Results (CEC-A15), in 2024, 2,212 million gallons of diesel annually, including off-road diesel were sold (CEC 2025c).

### b. Checklist Questions

To determine whether a project would result in a significant impact related to energy, Appendix G of the *CEQA Guidelines* requires consideration of whether a project would:

1. Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; or
2. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

### c. Answers to Checklist Questions and Conclusions

The proposed project does not include changes to or development on the APN 825-06-022 site. Accordingly, the analyses below focus exclusively on the Rose Orchard Court site, the Butterfield Sports Park Expansion site, and the Condit Sports Facilities Expansion site.

1. Future development facilitated by the proposed project on the annexation sites would involve construction activities that would consume fuel (e.g., gasoline and diesel fuel) to operate heavy equipment, light-duty vehicles, machinery, and generators for lighting. In addition, temporary grid power may also be required to support construction trailers or electric construction equipment. Energy consumption during the construction of future development on the annexation sites would be temporary in nature, and equipment used would be typical of construction projects in the region. In addition, construction contractors are required to demonstrate compliance with applicable California

Air Resources Board regulations that restrict the idling of heavy-duty diesel motor vehicles and govern the accelerated retrofitting, repowering, or replacement of heavy-duty diesel on- and off-road equipment. Construction activities would be required to utilize fuel-efficient equipment consistent with State and federal regulations and would comply with State measures to reduce inefficient, wasteful, or unnecessary consumption of energy.

Development facilitated by the project on the annexation sites would be 100 percent electric and would not include natural gas connections. Additionally, development would be required to comply with Title 15 of the City's Code of Ordinances, which adopts the State's energy efficiency regulations, including the California Energy Code and the California Green Building Standards Code—Part 11, Title 24, California Code of Regulations, to ensure development in Morgan Hill promotes the State's energy efficiency goals through project design. The General Plan includes the following proposed goals and policies that would ensure that wasteful, inefficient, or unnecessary consumption of energy resources would not occur from development facilitated by the proposed project:

- **Policy NRE-15.2 Linking Land Use and Transportation.** Encourage land use and transportation patterns that reduce dependence on automobiles.
- **Policy NRE 15.11 Green Building.** Promote green building practices in new development.
- **Policy NRE 16.1 Energy Standards for New Development.** New development, including public buildings, should be designed to exceed State standards for the use of energy.
- **Policy NRE 16.2 Energy Conservation.** Promote energy conservation techniques and energy efficiency in building design, orientation, and construction.
- **Policy NRE 16.7 Renewable Energy.** Encourage new and existing development to incorporate renewable energy generating features, like solar panels and solar hot water heaters.

Implementation of General Plan goals and policies would ensure that development facilitated by the proposed project would not result in wasteful, inefficient, or unnecessary consumption of energy resources. Therefore, this impact would be less than significant.

2. While the City of Morgan Hill has not adopted a local plan for renewable energy or energy efficiency, there are several state plans that include energy conservation and energy efficiency strategies intended to enable the State and the City to achieve greenhouse gas reduction and energy conservation goals. A full discussion of the project's consistency with greenhouse gas reduction plans is included in Section 4.6, *Greenhouse Gas Emissions*. Implementation of the project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency. Furthermore, adherence to the State's energy efficiency regulations, including the California Energy Code and California Green Building Standards Code, as well as energy procurement requirements set forth by SB 100, would ensure the project would not result in the wasteful, inefficient, or unnecessary consumption of energy resources. Therefore, these impacts would be less than significant.

## 4.15.3 Mineral Resources

### a. Setting

The annexation sites are located adjacent to developed areas of the City of Morgan Hill. The sites are not known to contain significant aggregate deposits, and the California Geological Survey has not designated any areas within Morgan Hill as containing mineral resources of statewide or regional significant (DOC 2021; City of Morgan Hill 2016).

### b. Checklist Questions

To determine whether a project would result in a significant impact related to mineral resources, Appendix G of the *CEQA Guidelines* requires consideration of whether a project would:

1. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or

2. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

### c. Answers to Checklist Questions and Conclusions

The proposed project does not include changes to or development on the APN 825-06-022 site. Accordingly, the analyses below focus exclusively on the Rose Orchard Court site, the Butterfield Sports Park Expansion site, and the Condit Sports Facilities Expansion site.

1-2. There are no known mineral resources on the annexation sites or in the vicinity of the annexation sites, and the project does not propose mineral extraction (DOC 2021, City of Morgan Hill 2016). The project would result in no impact on the availability or recovery of mineral resources.

## 4.15.4 Population and Housing

### a. Setting

The Butterfield Sports Park Expansion site is undeveloped while the Rose Orchard Court site and Condit Sports Facilities Expansion site both contain one single-family residence. As of January 1, 2025, Morgan Hill had an estimated population of 46,599 and contained 16,387 housing units, with an average of 2.91 persons per household (California Department of Finance 2025). Morgan Hill's General Plan presents population and housing forecasts between 2010 and 2034. The General Plan forecasts that the City would have a population of 48,400 residents and 15,500 housing units by 2035 (City of Morgan Hill 2016). Additionally, the Association of Bay Area Governments/ Metropolitan Transportation Commission (2021) projects an increase of 8,000 households in South Santa Clara County by 2050, which includes Morgan Hill.

### b. Checklist Questions

To determine whether a project would result in a significant impact related to population and housing, Appendix G of the *CEQA Guidelines* requires consideration of whether a project would:

1. Induce substantial unplanned 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); or
2. Displace substantial amounts of existing people or housing, necessitating the construction of replacement housing elsewhere.

### c. Answers to Checklist Questions and Conclusions

The proposed project does not include changes to or development on the APN 825-06-022 site. Accordingly, the analyses below focus exclusively on the Rose Orchard Court site, the Butterfield Sports Park Expansion site, and the Condit Sports Facilities Expansion site.

#### Individual Annexation Sites

*Rose Orchard Court Site*

1. The Rose Orchard Court site is planned to be developed with four additional single-family residences. Using the existing average number of persons per household of 2.91, and conservatively assuming that all future project residents would relocate to Morgan Hill from outside the city, the project could lead to a population increase of approximately 12 people (DOF 2025). Based on a 2025 population of 45,599, a 12 resident increase would result in a total population of 45,611 persons, representing a 0.02 percent increase. The additional population would remain within the General Plan and Plan Bay Area 2050 population forecasts and could be accommodated by the City's growth projections. This impact would be less than significant.

2. The Rose Orchard Court site currently contains one single-family residence, but the existing residence is planned to remain on the annexation site. The site would not result in the displacement of housing units or people. The project would not induce substantial unplanned population growth or displace existing people or housing. This impact would be less than significant.

*Condit Sports Facilities Expansion Site*

1. The Condit Sports Facilities Expansion site is not proposed for new residential development. The site would involve the expansion of recreational facilities and would not induce population growth through new housing. However, the expansion of recreational facilities would result in an incremental increase in employment. The addition of two sports fields is expected to increase use of the Morgan Hill Outdoor Sports Center by approximately 22 percent, as discussed in Chapter 2, *Project Description.* To accommodate this increase, the site would require approximately 3 employees during regular days and up to 30 employees during major sporting events. Assuming a conservative scenario of 30 new employees that all relocate to Morgan Hill with families, and assuming an average number of persons per household of 2.91, the city could see an increase of approximately 88 residents.

   Morgan Hill's General Plan anticipates continued employment and housing growth, and the City forecasts 1,037 new housing units under the 6th Cycle RHNA, with 1,819 units already in development. The City's unemployment rate is approximately 2.9 percent, indicating available labor capacity (City of Morgan Hill 2016). The additional population would remain within the General Plan and Plan Bay Area 2050 population forecasts and could be accommodated by the City's growth projections. This impact would be less than significant.
2. The Condit Sports Facilities Expansion site currently contains one single-family residence that the City rents to a tenant on a short-term lease. This residence would need to be vacated during construction. While this would result in the relocation of one residence, it does not represent a substantial displacement, and no off-site housing loss would occur. The short-term lease also specifies that no relocation costs are provided and that the lease may be terminated with notice. Therefore, impact would be less than significant.

*Butterfield Sports Park Expansion Site*

1. The Butterfield Sports Park Expansion site would involve the expansion of recreational facilities and would not include residential development. However, the expansion of recreational facilities would require one to three staff during regular days and three to 10 staff during major sporting events. Assuming a conservative scenario of 10 new employees that all relocate to Morgan Hill with families, and assuming an average number of persons per household of 2.91, the city would see an increase of 30 residents.

   Morgan Hill's General Plan anticipates continued employment and housing growth, and the City forecasts 1,037 new housing units under the 6th Cycle RHNA, with 1,819 units already in development. The City's unemployment rate is approximately 2.9 percent, indicating available labor capacity (City of Morgan Hill 2016). The additional population would remain within the General Plan and Plan Bay Area 2050 population forecasts and could be accommodated by the City's growth projections. This impact would be less than significant.
2. The Butterfield Sports Park Expansion site does not contain any residences. Therefore, the project would not displace housing or people. No impact would occur.

## All Annexation Sites

When considered collectively, future development of the annexation sites could result in a population increase of up to an estimated 130 residents. Based on a 2025 population of 45,599, a 130 resident increase would result in a total population of 45,729 persons, representing a 0.29 percent increase. The additional population would remain within the General Plan and Plan Bay Area 2050 population forecasts. This incremental growth would not constitute substantial unplanned growth or displacement of housing

or people. Therefore, the combined impact on population and housing of all annexation sites would be less than significant.

## 4.15.5 Public Services

### a. Setting

*Fire Protection Services*

The Morgan Hill Fire Department (MHFD), in coordination with the California Department of Forestry and Fire Protection and the South Santa Clara County Fire District, provides fire protection and emergency medical services in Morgan Hill. MHFD maintains four fire stations: Headquarters (Monterey Road), Butterfield Station, Dunne Hill Station, and El Toro Station (City of Morgan Hill 2025e). The department maintains a fleet that includes multiple Type 1 engines, a ladder truck, water tenders, wildland engines, and command vehicles. Daily staffing includes three personnel per engine company and one Battalion Chief shared with SCCFD, supported by a Fire Marshal and EMS/Training Captain (City of Morgan Hill 2017a). The opening of the Butterfield Station improved emergency response coverage citywide, improving four-minute travel time coverage by 7 percent (City of Morgan Hill 2025f). All development projects are subject to MHFD review to ensure compliance with emergency access and fire protection standards.

*Police Protection Services*

The Morgan Hill Police Department (MHPD) provides police protective services with headquarters at 16200 Vineyard Boulevard. MHPD includes several divisions: Field Operations (patrol), Special Operations (investigations), Support Services (records and dispatch), and Administration (including the Office of Emergency Services). The department also offers community programs such as online crime reporting, emergency preparedness resources, and volunteer opportunities.

*Public Schools*

The proposed project is located within the Morgan Hill Unified School District (District). The District has six elementary schools, four middle schools, two comprehensive high schools, one continuation high school, and a community adult school. In the 2024-2025 school year, the District served approximately 8,500 students (California Department of Education 2024).

*Parks*

The City currently operates approximately 193 acres of public parkland, encompassing local parks, special-use recreational facilities, and trails, with a planned expansion to 351 acres by 2035. The current parkland system dedicates 10.4 acres to trails (City of Morgan Hill 2017b). Notable facilities include the Morgan Hill Aquatics Center, Centennial Recreation Center, Community and Cultural Center, and the 40-acre Outdoor Sports Center. The City also maintains over 20 miles of trails and linear parks. In addition to City-operated facilities, residents have access to regional parks such as Anderson Lake County Park, Harvey Bear County Park, Henry Coe State Park, and the Coyote Creek park chain (City of Morgan Hill 2025d).

### b. Checklist Questions

To determine whether a project would result in a significant impact related to public services Appendix G of the *CEQA Guidelines* requires consideration of whether a project would:

1. Result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, or the need for new or physically altered governmental facilities, the

construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a. FIRE protection;
b. Police protection;
c. Schools;
d. Parks;
e. Other public facilities.

## c. Answers to Checklist Questions and Conclusions

The proposed project does not include changes to or development on the APN 825-06-022 site. Accordingly, the analyses below focuses exclusively on the Rose Orchard Court site, the Butterfield Sports Park Expansion site, and the Condit Sports Facilities Expansion site.

## Individual Annexation Sites

*Rose Orchard Court Site*

1a. The Rose Orchard Court site is planned for development of up to four new single-family residences. As discussed in Section 4.15.4, *Population and Housing*, the project would result in an increase of approximately 12 residents, representing a 0.02 percent increase in the City's population, which is within the Morgan Hill General Plan growth forecasts. Annexation would expand MHFD's service area to include the site. However, the increase in demand would be incremental and within the capacity of existing resources. The site would be served by El Toro Station, approximately one mile from the site. Per General Plan Policy SSI-11.1, MHFD is required to maintain adequate staffing and facilities, and Policy HC-3.20 ensures fire service considerations are incorporated into design review. Future construction would comply with the California Building Code and California Fire Code adopted by MHMC Section 14.01.020, as well as the City's Standard Conditions of Approval for fire protection, which require installation of fire apparatus access roads, hydrants and water supply prior to combustible construction, fire lane markings, and automatic sprinkler fire systems per National Fire Protection Association (NFPA) standards. These conditions ensure adequate emergency access and firefighting infrastructure is in place before occupancy. Compliance with applicable regulations and the incremental increase in population would not require new or physically altered fire protection facilities. This impact would be less than significant.

1b. Annexation would expand MHPD's service area to include the Rose Orchard Court site, but the addition of approximately 12 residents would represent an incremental increase in demand. The site is located approximately 2 miles from the Morgan Hill Police Station. Per General Plan Policy SSI-11.1, police service adequacy is maintained through staffing and facility planning. The City's Standard Conditions of Approval for police services also requires preparation and approval of a Safety and Security Plan, including a security camera plan, prior to issuance of building or site development permits. For residential projects, these requirements are applied as appropriate to the scale and nature of the development, ensuring that basic security measures are incorporated without imposing unnecessary burdens. Compliance with applicable regulations and the incremental increase in population would not require new or physically altered police protection facilities. This impact would be less than significant.

1c. Based on California Department of Education enrollment data, total enrollment in the 2024-2025 school year within the District was 8,027 students. The District uses student generation rates to estimate the number of new students generated by new housing development. For single-family units, the District uses a student generation rate of 0.3776 per residence (Morgan Hill Unified School District 2024). Using that rate, the proposed four new single-family residences would generate approximately two students. This represents a negligible increase compared to the District's current enrollment. Therefore, the project would not require new or expanded school

facilities and would not result in physical impacts associated with school construction. In addition, the project would also be subject to payment of school impact fees in accordance with Government Code Section 65995, which would further reduce potential impacts. This impact would be less than significant.

1d-e. The site has the potential to add approximately 12 residents to Morgan Hill. The City currently operates approximately 193 acres of public parkland, providing a service ratio of approximately 3.45 acres per 1,000 residents (City of Morgan Hill 2017b). The addition of 12 residents would not substantially alter this ratio or require new park facilities. The site would not substantially increase the use of libraries or other public facilities such that new construction would be needed. Impacts would be less than significant.

### *Condit Sports Facilities Expansion Site*

1a. The Condit Sports Facilities Expansion site would expand the field complex by two sports fields, increasing the use of the adjacent Outdoor Sports Center by approximately 22 percent. Annexation would expand MHFD's service area to include the site, but the increase in demand would be incremental and typical of existing park operations. The Butterfield Fire Station, approximately 1.16 miles away, was recently developed to improve travel-time coverage citywide and address deployment gaps. Future construction would comply with the California Building Code and California Fire Code adopted by MHMC Section 14.01.020, as well as the City's Standard Conditions of Approval for fire protection, which require installation of fire apparatus access roads, hydrants and water supply prior to combustible construction, fire lane markings, and automatic sprinkler systems per NFPA standards. In addition, General Plan Policy SSI-11.1 and HC-3.20 would guide safety integration and design review, ensuring new facilities would be adequately served. Compliance with applicable regulations and the incremental increase in population would not require new or physically altered fire protection service. Therefore, the increased demand remains within the capacity of existing MHFD resources and does not require new/altered facilities to maintain performance objectives. This impact would be less than significant.

1b. Annexation would expand MHPD's service area to include the Condit Sports Facilities Expansion site. The site would increase employment to approximately three employees on regular days and up to 30 employees during major sporting events. With the increased number of attendees, the site could incrementally increase calls for service. The site is approximately 0.94 miles from the Morgan Hill Police Station. Annexation would expand MHPD's service area, but the increase is incremental. Police considerations are addressed during design review and event permitting under General Plan Policy SSI-11. Future development would also comply with the City's Standard Conditions of Approval for police services, which require preparation and approval of a Safety and Security Plan, including a security camera plan, prior to issuance of building or site development permits. Compliance with applicable regulations and the incremental increase in population would not require new or physically altered police protection facilities. This impact would be less than significant.

1c. The site would not include residential development and would not result in substantial population or employment growth within the area, and new employment positions would be anticipated to be filled by the local labor force. Substantial numbers of people would not be expected to have to relocate into the project area to fill employment generated by the project (see Section 4.15.4, *Population and Housing*). Thus, a substantial increase in the number of school-aged children as a result of the project would not occur. No impact would occur.

1d-e. The Condit Sports Facilities Expansion site would encompass approximately 13.03 acres and is proposed for recreational expansion under the City's Park Master Plan. Planned improvements include two synthetic turf fields, a playground, and volleyball courts, with a maximum building area of 15,060 square feet. These improvements would enhance existing park facilities and accommodate anticipated recreational demand without requiring the use of libraries or other public facilities such that new construction would be needed. Therefore, the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered park or public facilities. Impacts would be less than significant.

*Butterfield Sports Park Expansion Site*

1a. The Butterfield Sports Park Expansion site would expand recreational facilities, increasing potential calls for service. Annexation would expand MHFD's service area to include the site, but the increase would be incremental and consistent with existing park operations. The Butterfield Fire Station, approximately 1.16 miles away, was recently developed to improve travel-time coverage citywide and address deployment gaps. Future construction would comply with the California Building Code and California Fire Code adopted by MHMC Section 14.01.020, as well as the City's Standard Conditions of Approval for fire protection, which require installation of fire apparatus access roads, hydrants and water supply prior to combustible construction, fire lane markings, and automatic sprinkler systems per NFPA standards. In addition, General Plan Policy SSI-11.1 and HC-3.20 would guide safety integration and design review, ensuring new facilities would be adequately served. Compliance with applicable regulations and the incremental increase in population would not require new or physically altered fire protection service. This impact would be less than significant.

1b. Annexation would expand MHPD's service area to include the site. The expansion proposed by the site would increase on-site activity, requiring one to three employees on regular days and three to 10 employees during major sporting events, which could incrementally increase calls for service. The site is approximately 0.81 miles from the Morgan Hill Police Station. Annexation would expand the MHPD service area, however, this increase is incremental and consistent with City park/event operations. Police considerations are addressed during design review and event permitting under General Plan Policy SSI-11. Future development would also comply with the City's Standard Conditions of Approval for police services, which require preparation and approval of a Safety and Security Plan, including a security camera plan, prior to issuance of building or site development permits. Compliance with applicable regulations and the incremental increase in population would not require new or physically altered police protection facilities. This impact would be less than significant.

1c. The site would not include residential development and would not result in substantial population or employment growth within the area, and new employment positions would be anticipated to be filled by the local labor force. Substantial numbers of people would not be expected to have to relocate into the project area to fill employment generated by the project (see Section 4.15.4, *Population and Housing*). Thus, a substantial increase in the number of school-aged children as a result of the project would not occur. No impact would occur.

1d-e. The Butterfield Sports Park Expansion site would encompass 19.61 acres and is proposed for recreational expansion under the City's Park Master Plan. Planned improvements include three multi-use fields, walking paths, a bicycle pump track, picnic areas, and a public meeting room, with a maximum building area of approximately 1,900 square feet. These improvements would enhance existing park facilities and accommodate anticipated recreational demand without requiring additional parkland beyond what is planned under the Park Master Plan. The site would not substantially increase the use of libraries or other public facilities such that new construction would be needed. Therefore, the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered park or public facilities. Impacts would be less than significant.

## All Annexation Sites

Although the analyses above consider each annexation site individually, the combined effect of all sites would not result in substantial adverse physical impacts associated with the provision of fire protection, police protection, schools, parks, or other public facilities. The incremental increases in population and site activity would remain within the capacity of existing public service providers and would not necessitate new or physically altered facilities to maintain acceptable service ratios or performance objectives. Therefore, even when considered together, the impact on public services for all annexation sites would be less than significant.

## 4.15.6 Recreation

### a. Setting

The City currently operates approximately 193 acres of public parkland, encompassing local parks, special-use recreational facilities, and trails, with a planned expansion to 351 acres by 2035. The current parkland system dedicates 10.4 acres to trails (City of Morgan Hill 2017b). Park types include community parks, neighborhood parks, mini parks, and special-use recreational facilities. Notable facilities include the Morgan Hill Aquatics Center, Centennial Recreation Center, Community and Cultural Center, and the 40-acre Outdoor Sports Center (City of Morgan Hill 2016). The City also maintains over 20 miles of trails and linear parks. In addition to City-operated facilities, residents have access to regional parks such as Anderson Lake County Park, Harvey Bear County Park, Henry Coe State Park, and the Coyote Creek park chain (City of Morgan Hill 2025d).

### b. Checklist Questions

In accordance with Appendix G of the CEQA Guidelines, the proposed project would result in a significant impact if it would:

1. 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; or
2. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

### c. Answers to Checklist Questions and Conclusions

The proposed project does not include any changes to or development on the APN 825-06-022 site. Accordingly, the analyses below focus exclusively on the Rose Orchard Court site, the Butterfield Sports Park Expansion site, and the Condit Sports Facilities Expansion site.

*Rose Orchard Court Site*

1-2. The Rose Orchard Court site would include four single-family residences and approximately 10 acres of open space. The potential addition of approximately 12 new residents represents a 0.02 percent increase in the City's population. This minor increase would not substantially increase demand for existing parks or recreational facilities such that physical deterioration would occur or be accelerated. The project would not require construction or expansion of off-site recreational facilities. Impacts would be less than significant.

*Condit Sports Facilities Expansion Site*

1-2. The Condit Sports Facilities site would include approximately 15,060 square feet of new recreational buildings, contributing to the City's public sports and recreation infrastructure. The site would not increase demand for existing facilities but would provide additional recreational opportunities, rather it would expand recreational capacity and enhance service levels. The City of Morgan Hill currently meets its adopted standard of 5 acres of parkland per 1,000 residents, based on a total of approximately 208 acres of qualifying parkland (City of Morgan Hill 2016). Because the site would involve construction of new recreational facilities, potential adverse physical effects on the environment are addressed and analyzed throughout this EIR. All improvements would occur within an established recreational area and would be subject to City design review and compliance with applicable regulations. The site would not result in substantial physical deterioration of existing facilities, and environmental effects associated with construction and operation have been analyzed and mitigated as appropriate. This impact would be less than significant.

*Butterfield Sports Park Expansion Site*

1-2. The Butterfield Sports Park Expansion site would expand existing sports facilities within the park boundary. Similar to the Condit Sports Facilities site, improvements would occur within an established recreational area and not increase demand on other existing facilities but would enhance the City's recreation system. The City of Morgan Hill currently meets its adopted standard of 5 acres of parkland per 1,000 residents, based on a total of approximately 208 acres of qualifying parkland (City of Morgan Hill 2016). Because the site would involve construction of new recreational facilities, potential adverse physical effects on the environment are addressed and analyzed throughout this EIR. All improvements would occur within an established recreational area and would be subject to City design review and compliance with applicable regulations. The site would not result in substantial physical deterioration of existing facilities, and environmental effects associated with construction and operation have been analyzed and mitigated as appropriate. This impact would be less than significant.

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# 5 Other CEQA Considerations

This section discusses growth-inducing impacts, irreversible environmental impacts, and potential significant environmental effects that cannot be avoided that would be caused by the proposed project.

## 5.1 Growth Inducement

*CEQA Guidelines* Section 15126(d) requires a discussion of a proposed project's potential to foster economic or population growth, including ways in which a project could remove an obstacle to growth. Growth does not necessarily create significant physical changes to the environment. However, depending upon the type, magnitude, and location of growth, it can result in significant adverse environmental effects. The proposed project's growth inducing potential is therefore considered significant if project-induced growth could result in significant physical effects in one or more environmental issue areas.

### 5.1.1 Population Growth

As noted in Section 4.15, *Effects Found Not to Be Significant*, the Rose Orchard Court site would involve construction of four single-family residences, adding approximately 12 new residents to the City of Morgan Hill. This would increase the city's population to 45,611[1], which remains within the General Plan Environmental Impact Report's (EIR) forecast of 68,057 residents by 2035. Additionally, the Association of Bay Area Governments/Metropolitan Transportation Commission's (ABAG/MTC) Plan Bay Area 2050 projects an increase of 8,000 households in South Santa Clara County by 2050, which includes Morgan Hill (ABAG/MTC 2021). The Rose Orchard Court site would increase the number of households in South Santa Clara County by four and therefore would be consistent with Plan Bay Area 2050 forecasts.

As discussed in Section 4.15, *Effects Found Not to be Significant*, the Condit Sports Facilities Expansion and Butterfield Sports Park Expansion sites would not directly generate population growth because they do not include residential uses. However, these projects could indirectly increase population if new employees relocate to Morgan Hill. As described in Chapter 2, *Project Description*, the Condit site would employ three staff on regular days and up to 30 during major events, while the Butterfield site would require one to three staff regularly and three to 10 during major events. Assuming a conservative scenario of 40 new employees and that all relocate to Morgan Hill with families, the city could see an increase of approximately 120 residents. The additional population would remain within the General Plan and Plan Bay Area 2050 population forecasts and could be accommodated by the City's growth projections.

When considered collectively, development of the annexation sites under the proposed project could result in a population increase of up to approximately 132 residents. Based on a 2025 population of 45,599, a 132 resident increase would result in a total population of 45,731 persons, representing a 0.3 percent increase. The additional population would remain within the General Plan EIR and Plan Bay Area 2050 population forecasts and would not constitute substantial unplanned growth.

### 5.1.2 Economic Growth

The proposed project would facilitate the development of park facilities, which could generate employment opportunities. As described in Section 5.1.1, both park facilities are estimated to require up to 40 employees. Plan Bay Area 2050 projects an increase of approximately 18,000 jobs in South Santa Clara County by 2050. The addition of up to 40 jobs associated with the proposed project would be consistent with ABAG/MTC's employment forecast.

[1] 45,599 (current population) + 11 new residents = 45,610 residents.

Development facilitated by the project would also generate temporary construction-related employment; however, these workers are expected to come from the existing regional labor force. Therefore, construction activities would not be considered growth-inducing from a temporary employment perspective. Therefore, the proposed project would not induce substantial economic expansion that would result in direct physical environmental effects.

### 5.1.3 Removal of Obstacles to Growth

The proposed project involves annexing four sites in Santa Clara County into the City of Morgan Hill in order to facilitate additional residential development and expansion of City park facilities. Therefore, the project is designed to facilitate such growth. However, the project would not have substantial growth-inducing effects that have not already been contemplated by the City. The environmental impacts associated with the annexations are analyzed throughout this EIR.

Further, development of annexation sites would require new utility connections, including connections to water, hydrants, sewers, electricity, telecommunications, or other utilities like stormwater facilities. However, these connections would generally occur within the annexation sites or rights-of-way that were previously disturbed, minimizing the impact of development on existing infrastructure and services. As described in Section 4.13, *Utilities and Service Systems*, development on the annexation sites would use existing facilities and major infrastructure extensions would not occur in or be designed to serve areas beyond the sites analyzed in this EIR. The proposed project would remove an obstacle to growth by establishing and supplying public services and utilities to an area that currently does not have such services.

## 5.2 Irreversible Environmental Effects

*CEQA Guidelines* Section 15126.2(c) requires a discussion of any significant irreversible environmental changes that would be caused by a proposed project. Specifically, Section 15126.2(c) states:

> Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irreversible commitments of resources should be evaluated to assure that such current consumption is justified.

This section addresses non-renewable resources, the commitment of future generations to the proposed uses, and irreversible impacts associated with the proposed project.

Construction activities related to future development facilitated by the project would involve an irreversible commitment of construction materials and non-renewable energy resources. Future development on the annexation sites would involve the use of building materials and energy, some of which are non-renewable resources, to construct the proposed four single-family residences on the Rose Orchard Court site and sports facilities and amenities on the Condit Sports Facilities Expansion and Butterfield Sports Park Expansion sites. Consumption of these resources would occur with any development in the region and are not unique to the proposed project. As discussed in the discussion of potential impacts related to energy in Section 4.15, *Effects Found Not to be Significant*, use of such resources would not be unusual compared to common construction projects and would not substantially affect the availability of such resources.

Once constructed, future development on the annexation sites would also irreversibly increase local demand for non-renewable energy resources such as petroleum products. However, increasingly efficient building design would offset this demand to some degree by reducing energy demands of the proposed project. As discussed in Section 4.15, *Effects Found Not to be Significant*, development on the annexation

sites would be required to comply with Title 15 of the City's Code of Ordinances, which adopts the State's energy efficiency regulations, including the California Energy Code and the California Green Building Standards Code—Part 11, Title 24, California Code of Regulations. The California Energy Code provides energy conservation standards for all new and renovated commercial and residential buildings constructed in California, and the Green Building Standards Code requires solar access, natural ventilation, and stormwater capture. The proposed project would also be required to comply with policies NRE 15.2, 15.11, 16.1, 16.2 and 16.7 of the City's General Plan, which would ensure that wasteful, inefficient, or unnecessary consumption of energy resources would not occur from development facilitated by the proposed project. Consequently, the project would not use unusual amounts of energy or construction materials and impacts related to consumption of non-renewable and slowly renewable resources would be less than significant. Again, consumption of these resources would occur with any development in the region and is not unique to the proposed project.

Additional vehicle trips associated with the proposed project would incrementally increase local traffic and regional air pollutant and GHG emissions. However, as discussed in Section 4.2, *Air Quality*, and Section 4.6, *Greenhouse Gas Emissions*, development and operation of the proposed project would not generate air quality or GHG emissions that would result in a significant impact.

Furthermore, as discussed in Section 4.15, *Effects Found Not to be Significant*, with implementation of State and local regulations potential accidents related to the spills of hazardous materials would be reduced to a less than significant level. Therefore, the project would not lead to significant irreversible environmental changes due to environmental accidents.

Moreover, Section 4.11, *Transportation*, concludes that VMT impacts associated with the proposed project would be less than significant based on City thresholds.

The project would also require a commitment of law enforcement, fire protection, water supply, wastewater treatment, and solid waste disposal services. However, as discussed in Section 4.13, *Utilities and Service Systems*, and Section 4.15, *Effects Found Not to be Significant*, impacts to these service systems would not be significant.

## 5.3 Significant and Unavoidable Impacts

The environmental effects of the proposed project, along with recommended mitigation measures, are discussed in detail in Chapter 4, *Environmental Impact Analysis*, of this EIR and summarized in the Executive Summary. The following environmental issues were determined to be less than significant, or can be reduced to less than significant with the incorporation of mitigation measures:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise

- Population and Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

*CEQA Guidelines* Section 15126.2(b) requires that an EIR describe any significant impacts, including those that can be mitigated but not reduced to less than significant levels, as a result of implementation of the proposed project. Implementation of the proposed project would not result in significant and unavoidable impacts to any issue area.

# 6 Alternatives

As required by Section 15126.6 of the *CEQA Guidelines*, this EIR examines a range of reasonable alternatives to the proposed project that would attain most of the basic project objectives but would avoid or substantially reduce significant adverse impacts. As discussed in Chapter 2, *Project Description*, the objectives for the proposed project are as follows:

## Condit Sports Facilities and Butterfield Sports Park Expansion

- Expand regional recreational capacity by developing multi-use sports and community facilities that serve Morgan Hill and surrounding areas.
- Provide new and enhanced large sports facilities, consisting of ball fields, sport fields, volleyball courts, and bicycle pump tracks, with accessory recreational amenities that enhance community health, accessibility, and active use.
- Efficiently cluster new and enhanced large sports facilities near other large existing and planned sports facilities to optimize land use and existing infrastructure efficiency (including roads, utility lines, parking lots, etc.).
- Maximize land use efficiency by co-locating recreational uses near existing infrastructure and complementary facilities.
- Support youth and adult athletic programming through the provision of flexible-use fields and amenities designed for organized sports and informal recreation.
- Design sports facilities that support equitable access, safety, and sustainability.
- Promote equity in access by ensuring facilities are designed for diverse users, including youth leagues, adult recreation, and regional tournaments.
- Enhance recreational equity by providing high-quality sports infrastructure accessible to underserved populations and community groups.
- Strengthen community identity and cohesion by creating a public gathering space that supports events, meetings, and intergenerational activities.
- Diversify recreational offerings by introducing beach volleyball courts and stadium-style fields not currently available in nearby parks.

## Rose Orchard Court

- Provide market-rate housing as envisioned in the City of Morgan Hill General Plan.
- Facilitate low-density housing production in a manner that preserves Morgan Hill's rural character and scenic hillside views.
- Conserve approximately 10 acres of hillside land on El Toro either by a deed restriction or dedication to a conservation agency to increase passive open space and protect the flanks of El Toro from future development.
- Protect ecological and visual resources by permanently conserving hillside land on El Toro.
- Support long-term climate resilience by preserving open space that contributes to habitat connectivity, carbon sequestration, and watershed health on El Toro.

Included in this analysis are four alternatives, including the CEQA-required "no project" alternative and one alternative for each annexation site, that involve changes to the project that may reduce the project-related environmental impacts as identified in this EIR. Alternatives have been developed to provide a reasonable range of options to consider that would help decision makers and the public understand the general implications of revising or eliminating certain components of the proposed project.

The following alternatives are evaluated in this EIR:

- Alternative 1: No Project/No Annexation
- Alternative 2: Increased Development at the Rose Orchard Court Site
- Alternative 3: Industrial Use at the Butterfield Sports Park Expansion Site
- Alternative 4: Alternative Park Facilities at the Condit Sports Facilities Expansion Site
- Alternative 5: Additional Annexations East and Northeast of the Rose Orchard Court Site

Detailed descriptions of the alternatives are included in the impact analysis for each alternative. The potential environmental impacts of each alternative are analyzed in Sections 6.1 through 6.4.

# 6.1 Alternative 1: No Project/No Annexation Alternative

## 6.1.1 Description

The No Project/No Annexation Alternative assumes that the annexation sites are not annexed into the City of Morgan Hill and the existing Santa Clara County General Plan land use designations and zoning would remain. Although this alternative would not preclude future development of the annexation sites consistent with the Santa Clara County General Plan land use designations and zoning, this alternative assumes that the current uses on the annexation sites would remain. No additional residential development on the Rose Orchard Court site and no new recreational development on the Condit Sports Facilities Expansion site and Butterfield Sports Park Expansion site would occur. This alternative would not accomplish any of the project objectives.

## 6.1.2 Impact Analysis

Under the No Project Alternative, the annexation sites would not be annexed into the City and no development of additional residences on the Rose Orchard Court site or recreational uses on the Condit or Butterfield sites would occur. Therefore, the No Project Alternative would avoid the project's environmental effects as well as the need to implement mitigation measures. While this Alternative would reduce all impacts, it would not advance any of the project objectives.

# 6.2 Alternative 2: Increased Development at the Rose Orchard Court Site

## 6.2.1 Description

Similar to the proposed project, under this alternative the annexation sites would be annexed into the City limits and the City's Urban Service Area (USA) would be amended to include the annexation sites. Like the proposed project, the Condit Sports Facilities Expansion Site and Butterfield Sports Park Expansion site would be developed with park and recreational facilities and APN 825-06-022 would not be developed. However, under this alternative, additional development as potentially allowed under the proposed City of Morgan Hill zoning designation would occur at the Rose Orchard Court site. Development on this site would be consistent with the site's City of Morgan Hill General Plan land use designation of Residential Estate. The Residential Estate designation permits residential development at a density of up to one unit per acre; therefore, this alternative would involve construction of approximately 10 new single-family residences on 10 acres of the site. Similar to the proposed project, this alternative would include the conservation of 10 acres of upper hillside land outside of the City's Urban Growth Boundary to either a deed restriction on the property or donation to the Open Space Authority or the Santa Clara Valley Habitat Agency.

Alternative 2 would meet the Project Objectives for the Rose Orchard Court site by providing low-density residential development while permanently preserving a portion of the site as open space. In addition, Alternative 2 would be consistent with the City's Housing Element and would provide a greater number of residential units than the proposed project, thereby contributing toward meeting the City's Regional Housing Needs Allocation goals.

## 6.2.2 Impact Analysis

Alternative 2 involves increased development at the Rose Orchard Court site and the same development as under the proposed project for the Butterfield Sports Park Expansion site and Condit Sports Facilities Expansion site. Therefore, the impact analysis focuses on impacts at the Rose Orchard Court site only.

### a. Aesthetics

As discussed in Section 4.1, *Aesthetics*, El Toro Mountain is a landmark natural feature surrounding the city. Although Alternative 2 would include the development of six additional residences on six additional acres compared to the proposed project, Alternative 2 would also be required to comply with General Plan Policy NRE-2.4 and development would occur more than 500 feet in elevation below the peak of El Toro Mountain, the tallest point within the hillside area. Alternative 2 would also conserve 10 acres on the southern portion of the site, including the existing designated Greenbelt area, in order to preserve the high priority Greenbelt area adjacent to El Toro Mountain as open space available for public recreation in accordance with General Plan policies. Similar to the proposed project, conservation of open space land would act to preserve public views of El Toro Mountain and the surrounding hillside area. Regarding public views of scenic resources, Alternative 2 would result in a less-than-significant impact on scenic vistas as it would not substantially affect the quality of public views of scenic resources higher upslope, similar to the proposed project.

This alternative would increase the amount of development as viewed from the terminus of Rose Orchard Court and so would result in an incrementally greater effect on the visual character and quality of the site but, like the proposed project, most of the site would retain its visual character and the site gets few public views due to its location at the terminus of Rose Orchard Court. Therefore, like the proposed project, impacts related to visual character would be less than significant.

As with the proposed project, Alternative 2 would introduce new sources of light and glare from exterior lighting, interior sources, and sun shining on windows and reflective or light-colored building materials or from cars parked outside. Nonetheless, lighting would be congruous with the existing light sources from the existing residence on the site and associated with the residences located north and south of the site, and would be subject to applicable City regulations and would be designed to minimize light spillover onto adjacent properties. Therefore, although impacts would be incrementally greater due to the increase in development, Alternative 2 would result in a less-than-significant impact related to light and glare.

Overall, aesthetic impacts would be generally the same as under the proposed project and would be less than significant.

### b. Air Quality

Similar to the proposed project, Alternative 2 would be consistent with the California Air Resources Board's (CARB) 2017 Clean Air Plan's control measures since it would be required to implement applicable 2035 General Plan policies and City guidelines, standards, and specifications related to the circulation system, including transit, roadway, bicycle, and pedestrian facilities, as discussed in Section 4.2, *Air Quality*. In addition, Alternative 2 would be required to comply with existing City parking standards, including electric-vehicle (EV) parking requirements consistent with the latest CALGreen standards, as well as the 2025 Building Energy Efficiency Standards (or the most recent version of the California Building Code) and would include an all-electric design. Therefore, Alternative 2 would not conflict with or obstruct implementation of the applicable air quality plan, and this impact would be less than significant, similar to the proposed project.

Project construction and operational emissions for Alternative 2 were modeled using California Emissions Estimator Model (CalEEMod) and shown below.

### Table 6-1 Alternative 2 Construction Emissions

| | Average Daily Emissions (lbs/day) | | | | | |
|---|---|---|---|---|---|---|
| **Construction Year** | **ROG** | **$NO_X$** | **CO** | **$SO_X$** | **$PM_{10}$ (exhaust)** | **$PM_{2.5}$ (exhaust)** |
| Alternative 2 Maximum Daily Emissions | 1.8 | 13.7 | 14.6 | <0.1 | 0.6 | 0.5 |
| Bay Area Air District Thresholds (average daily emissions) | 54 | 54 | N/A | <0.1 | 82 | 54 |
| **Threshold Exceeded?** | **No** | **No** | **N/A** | <0.1 | **No** | **No** |
| **Proposed Project Maximum Daily Emissions** | 1.8 | 13.7 | 14.6 | <0.1 | 0.6 | 0.5 |

Source: See CalEEMod worksheets in Appendix B. Numbers may not add up due to rounding.

N/A = not applicable (no Air District threshold for CO or $SO_X$)

### Table 6-2 Alternative 2 Operational Emissions

| | Average Daily Emissions (lbs/day) | | | | | |
|---|---|---|---|---|---|---|
| **Sources** | **ROG** | **$NO_X$** | **CO** | **$SO_X$** | **$PM_{10}$** | **$PM_{2.5}$** |
| Mobile | 2.5 | 1.5 | 15.1 | <0.1 | 3.8 | 1.0 |
| Area | 1.3 | <1 | 0.3 | <0.1 | <0.1 | <0.1 |
| Energy | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Total Alternative 2 Emissions | 3.8 | 1.6 | 15.5 | <0.1 | 3.8 | 1.0 |
| Bay Area Air District Thresholds | 54 | 54 | N/A | N/A | 82 | 54 |
| **Threshold Exceeded?** | **No** | **No** | **N/A** | **N/A** | **No** | **No** |
| **Proposed Project Total Emissions** | 3.3 | 1.5 | 14.8 | <0.1 | 3.6 | 1.0 |

Source: See CalEEMod worksheets in Appendix B. Numbers may not add up due to rounding.

N/A = not applicable (no Air District threshold for CO or $SO_X$)

As shown in Table 6-1, construction emissions would be the same as the proposed project and would not exceed Bay Area Air District (Air District) thresholds for a criteria pollutant. As shown in Table 6-2, reactive organic compound (ROG), nitrogen oxide ($NO_x$), carbon monoxide (CO), and particulate matter with diameters of 10 micrometer ($PM_{10}$) emissions would be slightly higher than those of the proposed project, but similarly would not exceed Air District thresholds for a criteria pollutant. Therefore, impacts would be less than significant, similar to the proposed project.

The increase of six dwelling units under Alternative 2 would not be expected to increase vehicle traffic at Llagas Road at the intersection of Rhodi Lane to 44,000 vehicles per hour or 24,000 vehicles per hour where vertical and/or horizontal mixing is limited. As a result, similar to the proposed project, Alternative 2 would not increase CO concentrations at nearby intersections to levels that would create or worsen a CO hotspot. Alternative 2 would also be required to implement the Air District's applicable dust-control best management practices and comply with the City of Morgan Hill's Standard Conditions of Approval for construction. Therefore, Alternative 2 would not expose sensitive receptors to substantial toxic air contaminant (TAC) emissions during construction, similar to the proposed project.

Alternative 2 would result in the development of six residences, which is below the Air District's recommended operational screening level of 638 dwelling units. Therefore, similar to the proposed project, Alternative 2 would not expose sensitive receptors to substantial concentrations of TACs, and impacts would be less than significant.

Similar to the proposed project, Alternative 2 would not include odor-generating land uses and therefore would not generate objectionable odors affecting a substantial number of people. This impact would be less than significant, consistent with the proposed project.

Overall, air quality impacts would be slightly increased compared to the proposed project but would remain less than significant.

## c. Biological Resources

As discussed in Section 4.3, *Biological Resources*, no state- or federally listed plant species are expected to occur within the annexation site. All special-status plant species are considered to have a low potential or are not expected to occur due to the absence of species-specific habitat requirements and the lack of known occurrences in the surrounding area. Because Alternative 2 would occur on the same site as the proposed project, although the development footprint would be larger on the Rose Orchard Court site, impacts to special-status plant species would be less than significant.

Several special-status wildlife species have the potential to occur within the Rose Orchard Court site, including California tiger salamander, Crotch's bumble bee, burrowing owl, loggerhead shrike, grasshopper sparrow, Swainson's hawk, white-tailed kite, nesting birds, San Francisco dusky-footed woodrat, mountain lion, pallid bat, and American badger. As discussed in Section 4.3, *Biological Resources*, higher-quality habitat occurs along the slope above the existing residence. Alternative 2 would increase the number of residences by six and would expand the development footprint upslope, up to the 10-acre upper hillside area proposed for donation. As a result, Alternative 2 could increase the potential for impacts to special-status wildlife species compared to the proposed project. However, like the proposed project, with implementation of mitigation measures BIO-1 through BIO-5, impacts would be reduced to a less-than-significant level.

As described in Section 4.3, *Biological Resources*, sensitive valley oak woodland and coast live oak woodland alliances are present on the slope above the existing residence, where the six additional residences under Alternative 2 would be located. Consequently, Alternative 2 could result in potentially significant impacts to sensitive natural communities. In addition, Coyote Valley, located along the slope above the existing residence, has been identified as an important regional wildlife movement corridor. Because Alternative 2 would facilitate construction of six additional residential, it could potentially interfere with wildlife movement. However, like the proposed project, development would not occur along the ridgetop, and this would be a less than significant impact.

There are no jurisdictional waters or wetlands within the Rose Orchard Court site. Therefore, there would be no impact, similar to the proposed project.

Alternative 2 would be required to comply with the City's Standard Condition of Approval for Tree Protection, including preparation of a tree removal permit application for tree removal. Because the site is within the Santa Clara Valley Habitat Plan (SCVHP) permit area, Alternative 2 would be required to obtain coverage under the SCVHP, implement applicable Avoidance and Minimization Measures (AMMs), and adhere to permit conditions designed to avoid and minimize impacts to covered species. The applicant would be required to submit a Habitat Plan Application Package, pay all associated fees prior to issuance of a grading permit, and demonstrate compliance with all applicable SCVHP conditions, consistent with MHMC Chapter 18.132 and the City's "Habitat Plan" Standard Condition of Approval. As a result, impacts to trees and consistency with the SCVHP would be less than significant, similar to the proposed project.

Overall, biological resources impacts would be slightly increased compared to those under the proposed project but would remain less than significant with mitigation.

## d. Cultural Resources

Alternative 2 would be located on the same site as the proposed project. Therefore, site-specific impacts would generally be the same as the proposed project. However, since development footprint would be larger on the Rose Orchard Court site, impacts to cultural resources would be slightly increased under this

alternative. As discussed in Section 4.4, *Cultural Resources*, no built environment historical resources, previously recorded cultural resources, or archaeological were identified within or adjacent to the site. Nonetheless, there is potential for encountering intact subsurface archaeological deposits. Similar to the proposed project, with implementation of the City's Standard Conditions of Approval and mitigation measures CR-1 and CR-2, impacts to archaeological resources would be less than significant.

Additionally, no human remains are known to be present within the site. With adherence to the California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98, impacts would be less than significant, the same as those of the proposed project.

Overall, cultural resources impacts would be slightly increased compared to those under the proposed project but would remain less than significant with mitigation.

## e. Geology and Soils

Alternative 2 would be developed on the same site as the proposed project; therefore, site-specific environmental impacts would generally be similar. However, because Alternative 2 would involve development of a greater portion of the site, the intensity of certain impacts could be greater than those associated with the proposed project.

As discussed in Section 4.5, *Geology and Soils*, the site would not be subject to surface or ground rupture and Alternative 2 would have less than significant impacts related to seismic shaking, liquefaction, landslides, unstable soils, expansive soils, and erosion. Similar to the proposed project, Alternative 2 would be required to comply with the NPDES permit, the Construction General Permit, the California Building Code (CBC), MHMC, and 2035 General Plan Safety, Services, and Infrastructure Element policies, which would reduce impacts to a less-than-significant level. Additionally, wastewater on the site would be collected in the City's sewer collection system and treated at the South County Regional Wastewater Authority (SCRWA). Alternative 2 would not include septic tanks or alternative wastewater disposal systems, and would have no potential for adverse effects due to soil incompatibility.

As discussed in Section 4.5, *Geology and Soils*, the site is underlain by geologic units with FPMS 4 (high, i.e. Qpf) and FPMS 1 (very low, i.e. fpv) potential for paleontological resources. Ground-disturbing activities associated with construction could have the potential to damage or destroy paleontological resources that may be present on or below the ground surface in areas of high paleontological sensitivity. Nonetheless, with implementation of Mitigation Measure GEO-1, paleontological impacts would be less than significant, similar to the proposed project.

Overall, geology and soils impacts would be slightly increased compared to the proposed project but would remain less than significant with mitigation.

## f. Greenhouse Gas Emissions

Similar to the proposed project, Alternative 2 would be required to comply with applicable construction equipment standards and the City's Standard Conditions of Approval for construction activities, which would minimize unnecessary greenhouse gas (GHG) emissions. In addition, implementation of Mitigation Measure GHG-1, including the Air District's construction best management practices, would reduce construction-related GHG emissions to a less-than-significant level, consistent with the proposed project.

As discussed in Section 4.6, *Greenhouse Gas Emissions*, the Air District has established operational GHG thresholds for both building energy use and transportation. The proposed project would generate approximately 36 daily trips, which is below the City's vehicle miles traveled (VMT) project size screening threshold of 110 daily trips. Since Alternative 2 would facilitate the development of six additional residences, it can be assumed that Alternative 2 would generate a total of 90 daily trips[1], which is still below the City's VMT project size screening threshold of 110 daily trips. Similar to the proposed project, Alternative 2 would be consistent with the Air District's transportation-related GHG thresholds.

[1] (36 daily trips / 4 residences (proposed project)) x 10 residences (Alternative 2) = 90 daily trips

Additionally, like the proposed project, unless future development under this alternative meets CALGreen Tier 2 electric vehicle (EV) parking standards, this alternative may not be consistent with Air District's building energy use thresholds. However, also like the proposed project, with implementation of Mitigation Measure GHG-2, to require Tier 2 EV parking, impacts would be less than significant. Further, Alternative 2 would not result in the wasteful or inefficient use of energy and, like the proposed project, the six additional residences are assumed to include an all-electric design as a project design feature. Therefore, similar to the proposed project, Alternative 2 would be consistent with the Air District's building thresholds.

Since Alternative 2 would not conflict with the Air District's GHG thresholds, it would be consistent with California Air Resources Board's (CARB) 2022 Scoping Plan and Plan Bay Area 2050. Accordingly, impacts related to conflicts with adopted plans, policies, or regulations intended to reduce GHG emissions would be less than significant.

Overall, GHG impacts would be generally the same as under the proposed project and would be less than significant with mitigation.

## g. Hazards and Hazardous Materials

Alternative 2 would be required to comply with the same applicable federal, State, and local regulations governing the transportation, storage, and use of fuels, lubricants, and solvents, as described in Section 4.7, *Hazards and Hazardous Materials*. Compliance with these regulations would ensure that impacts related to hazardous materials handling would be less than significant. In addition, Alternative 2 would be required to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the Statewide Construction General Permit to prevent the discharge of pollutants during construction activities. Furthermore, implementation of Mitigation Measure HAZ-1 would require preparation of a Soil Management Plan (SMP), which would reduce impacts during construction to a less-than-significant level, similar to the proposed project.

Alternative 2 would facilitate the development of six additional residences compared to the proposed project. However, residential uses do not typically use hazardous materials other than small amounts for cleaning and landscaping. Those using these products would be required to comply with all applicable regulations regarding the disposal of household waste. Therefore, Alternative 2 would not expose the public to hazardous materials and impacts would be less than significant, similar to the proposed project.

As discussed in Section 4.7, *Hazards and Hazardous Materials*, the Rose Orchard Court site is located within a High Fire Hazard Severity Zone (FHSZ) and within a State Responsibility Area (SRA).The additional six residences would be required to comply with the City's Fire Prevention Division Standard Details and Specifications and would be designed to current City standards and accommodate emergency and passenger vehicles. In addition, Alternative 2 would be subject to the California Fire Code and General Plan policies and would not impair an adopted emergency response plan or emergency evacuation plan or expose people or structures to a significant risk of loss, injury, or death involving wildland fires. Similar to the proposed project, no impact would occur.

As discussed in Section 4.7, *Hazards and Hazardous Materials*, San Martin Airport is not located in proximity to the annexation site. Accordingly, Alternative 2 would not expose people or structures to safety hazards or excessive noise associated with airport operations, and no impact would occur, similar to the proposed project.

Overall, hazards and hazardous materials impacts would be generally the same as under the proposed project and would be less than significant with mitigation.

## h. Hydrology and Water Quality

Alternative 2 would be developed on the same site as the proposed project; therefore, site-specific environmental impacts would generally be similar. However, because Alternative 2 would involve

development of a greater portion of the site, the intensity of certain impacts could be greater than those associated with the proposed project.

The greater extent of development would result in additional impervious surfaces compared to the proposed project. Nonetheless, Alternative 2 would be required to comply with the Construction General Permit which would require implementation of a project-specific SWPPP with BMPs to manage stormwater runoff and erosion. Alternative 2 would be required to comply with the same MHMC regulations as outlined in Section 4.8, *Hydrology and Water Quality*, which would ensure the six additional residences would not substantially degrade surface or groundwater quality or substantially increase erosion or siltation, create flooding risks, exceed stormwater system capacity, generate substantial polluted runoff, or impede or redirect flood flows. Although the low-density design and large lot sizes would retain substantial pervious surface area and allow for continued groundwater recharge, development of six residential units would increase overall site disturbance. Accordingly, hydrology and water quality impacts would remain less than significant, but would be incrementally greater than those associated with the proposed project.

Construction of six additional residential units would result in increased impervious area due to greater site development. However, similar to the proposed project, Alternative 2 would be required to manage post-development stormwater through low impact development (LID) features such as infiltration basins, detention areas, and bioswales, consistent with MHMC Chapters 18.140 and 18.148. As a result, operational impacts would be less than significant, though greater than those anticipated under the proposed project.

As discussed in Section 4.8, *Hydrology and Water Quality*, the Rose Orchard Court site is not located within a flood hazard or seiche zone, and Alternative 2 would not risk the release of pollutants due to project inundation. No impact would occur.

The Rose Orchard Court site is within the planning area for the Water Quality Control Plan for the Central Coastal Basin (Basin Plan). As discussed in Section 4.8, *Hydrology and Water Quality*, with compliance with the State CGP, requiring a SWPPP and BMPs to prevent pollutant discharge, as well as the MHMC, the proposed project would not conflict with or obstruct the Basin Plan. Alternative 2 would be required to comply with the same regulations. Therefore, this impact would be less than significant, similar to the proposed project.

Overall, hydrology and water quality impacts would be increased compared to the proposed project but would remain less than significant.

## i. Land Use and Planning

Alternative 2 would be located on the same site as the proposed project. Therefore, site-specific impacts would generally be the same as the proposed project. The site is mostly undeveloped with one existing residence and the development of six additional residences would not physically divide an established community. Similar to the proposed project, there would be no impact.

Alternative 2 would maintain the Residential Estate General Plan land use designation and would pre-zone the site as Residential Estate under the City's zoning. With City and LAFCO approval of the annexation, pre-zoning, and USA amendment, the additional six residences and open space on the site would be consistent with the applicable zoning and General Plan designations for the site. Similar to the proposed project, Alternative 2 would provide housing within the city to help meet the City's RHNA goals, and therefore would be consistent with Plan Bay Area 2050 and the General Plan goals and policies. Similar to the proposed project, impacts would be less than significant.

Overall, land use and planning impacts would be generally the same as under the proposed project and would be less than significant.

## j. Noise

Alternative 2 would allow development of six additional residences, which could potentially result in increased construction noise. As discussed in Section 4.10, *Noise*, construction noise was analyzed from the center of the project site (FTA 2018), which represents the approximate location of noise generation because construction equipment would move throughout the site during the workday. The center of the site would remain unchanged with development of the six additional residences and would continue to be located approximately 200 feet from the project boundary. As discussed in Section 4.10, *Noise*, even when the three loudest pieces of equipment operate simultaneously, construction noise levels at the nearest residential uses to the southwest would be up to 73 dBA $L_{eq}$ (8-hour) during demolition. Therefore, construction noise under Alternative 2 would be comparable to the proposed project because development would occur on the same site. Noise levels would likely continue for a longer period due to a longer construction duration; however, noise levels at the nearest sensitive residential receptors would remain similar. Construction noise would not exceed the Federal Transit Administration's (FTA) residential construction noise threshold of 80 dBA $L_{eq}$ (8-hour). Alternative 2 would also be required to comply with MHMC requirements regarding allowable construction hours. Additionally, as discussed in Section 4.10, *Noise*, use of a large bulldozer during construction, identified as the greatest anticipated source of vibration, would not exceed the FTA threshold of 0.2 inches per second peak particle velocity (PPV) for non-engineered timber and masonry structures at the single-family residence to the southwest. Therefore, construction-related noise and vibration impacts under Alternative 2 would be less than significant and similar to those of the proposed project.

Operationally, although Alternative 2 would increase the number of residences on the site by six, HVAC equipment would not exceed the City's exterior noise standards of 60 dBA $L_{max}$ for residential properties due to large lot sizes, distance between lots, and mechanical equipment shielding. In addition, Alternative 2 would not generate a perceptible increase in roadway noise levels of more than the more stringent traffic noise increase threshold of 3 dBA $L_{dn}$. Accordingly, operational noise impacts under Alternative 2 would be slightly increased compared to the proposed project but would remain less than significant.

As discussed in Section 4.10, *Noise*, San Martin Airport is not located in proximity to the annexation sites. Therefore, Alternative 2 would not expose people to substantial airport-related noise, and no impact would occur, similar to the proposed project.

Overall, noise impacts would be slightly increased compared to the proposed project but would remain less than significant.

## k. Transportation

As discussed above under Section 6.2.2e, Alternative 2 could be assumed to generate a total of 90 daily trips, which is below the City's VMT project size screening threshold of 110 daily trips. Therefore, similar to the proposed project, VMT impacts would be less than significant.

Like the proposed project, this alternative would not conflict with applicable policies addressing transit, roadway, bicycle, or pedestrian facilities; would not introduce design features or incompatible uses that could increase traffic hazards; and would not result in inadequate emergency access with adherence to the MHMC, General Plan goals and policies, and the City's Design Standards and Standards for Construction. Therefore, impacts would be less than significant, similar to the proposed project.

Overall, transportation impacts would be generally the same as under the proposed project and would be less than significant.

## l. Tribal Cultural Resources

Alternative 2 would be located on the same site as the proposed project. Therefore, site-specific impacts would generally be the same as the proposed project. However, since development footprint would be larger on the Rose Orchard Court site, potential impacts to tribal cultural resources would be slightly increased under this alternative. As discussed in Section 4.12, *Tribal Cultural Resources*, no tribal cultural

resources were identified within the Rose Orchard Court site. However, ground disturbance during project construction could encounter unknown tribal cultural resources. With implementation of the City's Standard Conditions of Approval and mitigation measures CR-1, CR-2, TCR-1, and TCR-2, impacts would be less than significant, similar to the proposed project.

Overall, potential tribal cultural resources impacts would be slightly increased compared to those under the proposed project but would remain less than significant with mitigation.

## m. Utilities and Service Systems

Alternative 2 would facilitate the development of six additional residences and would similarly require new connections to water, wastewater, and stormwater infrastructure. As outlined in CalEEMod (Appendix B), Alternative 2 would result in an estimated annual water demand of approximately 1,893,081 gallons, or about 5.8 acre-feet per year (AFY). This would be increased compared to the proposed project on the Rose Orchard Court site, which would require approximately 657,000 gallons per year or 2.02 AFY. As discussed in Section 4.13, *Utilities and Service Systems*, the City's Urban Water Management Plan (UWMP) demonstrates that Morgan Hill has adequate water supplies to meet projected demand through 2045 under all modeled scenarios, with the lowest projected surplus being 6,957 AFY. The water demand associated with Alternative 2 would represent approximately 0.1 percent of this lowest projected surplus. Therefore, sufficient water supply would be available to serve the industrial development facilitated under Alternative 2, and impacts would be less than significant, similar to the proposed project.

Assuming that approximately 80 percent of water usage would be discharged as wastewater, Alternative 2 would generate an estimated 1,514,465 gallons of wastewater annually, which would be an increase compared to the proposed project, which would generate approximately 605,773 gallons of wastewater per year. The volume of wastewater generated under Alternative 2 would represent approximately 0.7 percent of the available 2.3 million gallons per day (MGD) capacity at the SCRWA facility. Future development under Alternative 2 would also be required to pay applicable wastewater connection fees and comply with all local sewer capacity and permitting requirements. Accordingly, the SCRWA facility would have sufficient capacity to serve Alternative 2, and impacts related to wastewater collection and treatment would be less than significant, consistent with the proposed project.

Similar to the proposed project, Alternative 2 would be required to comply with the City's Stormwater Management Program (SWMP), the Municipal Regional Permit, and the NPDES Construction General Permit during construction activities. In addition, Alternative 2 would incorporate on-site drainage infrastructure consistent with City standards and connect to the existing storm drain system. Therefore, stormwater-related impacts would be less than significant, similar to the proposed project.

As with the proposed project, Alternative 2 would not result in wasteful, inefficient, or unnecessary consumption of energy resources with compliance with applicable State and local regulations. While the additional six residences would require connections to existing electricity and telecommunications systems, no expansion of off-site facilities beyond standard service connections would be required. Accordingly, impacts related to energy use and utilities would be less than significant, consistent with the proposed project.

As estimated in CalEEMod (Appendix B), Alternative 2 would generate approximately 7.8 tons of solid waste annually, which would be an increase compared to the proposed project, which would generate approximately 3.1 tons of solid waste annually. The Kirby Canyon Landfill has an estimated remaining capacity of approximately 36.4 million cubic yards through 2059, and the Monterey Peninsula Landfill has an estimated remaining capacity of approximately 48.6 million cubic yards through 2107. Both facilities would have sufficient remaining capacity to accommodate solid waste generated under Alternative 2. Therefore, impacts related to solid waste disposal would be less than significant, similar to the proposed project.

Overall, utilities and service system impacts would be slightly increased compared to the proposed project but would remain less than significant.

### n. Wildfire

Alternative 2 would be located on the same site as the proposed project. Therefore, site-specific impacts would generally be the same as the proposed project. As discussed in Section 4.14, *Wildfire*, the Rose Orchard Court site is located within a High FHSZ in a SRA and 0.3 miles from the nearest Very High FHSZ within an SRA. Alternative 2 would facilitate the development of six additional residences and could potentially expose an increased number of occupants to wildfire and exacerbate wildfire risk. However, similar to the proposed project, Alternative 2 would be required to comply with the CFC, the CBC, General Plan policies, and the MHMC, which would reduce impacts related to wildfire to a less than significant level.

Overall, wildfire impacts would be generally the same as under the proposed project and would be less than significant.

### o. Impact Areas Addressed in Effects Found Not to be Significant

Alternative 2 would be located on the same site as the proposed project. Therefore, site-specific impacts would generally be the same as the proposed project. Similar to the proposed project, there would be less than significant impacts related to agriculture and forestry resources, and no impact related to mineral resources.

The six additional residences under Alternative 2 would also include an all-electric design, and would be required to comply with the California Energy Code; the California Green Building Standards Code (Part 11, Title 24, California Code of Regulations); and General Plan policies related to energy, which would ensure that wasteful, inefficient, or unnecessary consumption of energy resources would not occur. Energy impacts would be less than significant, similar to the proposed project.

Alternative 2 would increase the number of residents by 18 people compared to the proposed project, for a total of 30 new residents in the city. However, this would represent a 0.07 percent increase in the city's population and therefore impacts would be less than significant, similar to the proposed project.

Like the proposed project, Alternative 2 would result in an incremental increase in demand for fire and police services, schools, and parks and recreational facilities. As discussed in Section 4.15, *Effects Found Not to be Significant*, new or physically altered public services and recreational facilities would not be required, and this conclusion would also apply to the incremental increase in residential units. Therefore, impacts would be less than significant, similar to the proposed project.

## 6.3 Alternative 3: Industrial Use at the Butterfield Sports Park Expansion Site

### 6.3.1 Description

Similar to the proposed project, under this alternative, the annexation sites would be annexed into the City limits and the City's USA. Like the proposed project, the Rose Orchard Court site would be developed with four single-family residences; the Condit Sports Facilities Expansion site would be developed with park and recreational facilities; and APN 825-06-022 would not be developed. However, under this alternative, development on the Butterfield Sports Park Expansion site would accommodate industrial uses in the form of warehouses or industrial parks instead of park and recreational facilities. This would be consistent with the pre-designated Morgan Hill General Plan land use designation of Industrial (I). The Industrial designation permits development at a floor area ratio (FAR) of up to 0.6, which would allow for approximately 500,000 square feet of industrial uses on the 19.6-acre site. This development intensity is generally consistent with the scale and character of industrial development within the city. Alternative 3 could potentially include the use of natural gas. Alternative 3 would not fulfill any Project Objectives since it would not provide recreational or sports facilities or expand regional recreational capacity.

## 6.3.2 Impact Analysis

Alternative 3 involves development of industrial uses at the Butterfield Sports Park Expansion site and the same development as under the proposed project for the Rose Orchard Court site and Condit Sports Facilities Expansion site. Therefore, the impact analysis focuses on impacts at the Butterfield Sports Park Expansion site only.

### a. Aesthetics

As discussed in Section 4.1, Aesthetics, the Butterfield Sports Park Expansion site is not designated as a scenic resource or located within a recognized scenic vista, nor is it adjacent to a State scenic highway. However, the rolling hills to the west provide a potential scenic backdrop, and Little Llagas Creek, which runs along the western edge of the site, functions as a visual resource. Under Alternative 3, the existing and planned sports fields would be replaced with an industrial building and associated facilities. Unlike the proposed sports park, which would maintain open recreational space, low structural massing, and broad sight lines toward Little Llagas Creek and the western hills, industrial development would introduce a substantially larger and more visually prominent structure. The increased building height, bulk, and massing would create a prominent built form that could obstruct or substantially narrow public views of both the creek corridor and the hillside backdrop from Monterey Road, Butterfield Boulevard, and nearby pedestrian routes.

The transition from open, recreational uses to an expansive industrial building would alter the site's visual character by reducing the sense of openness and replacing natural and recreational visual elements with a more intensive development type. Instead of providing ground-level transparency and long sight lines across playing fields, the introduction of a solid building mass would impose a more intensive and visually incompatible development type adjacent to a natural resource area. Although the industrial building would be set back from the creek and would not directly disturb the creek channel, its size, vertical scale, and visual presence would encroach upon the creek's existing visual setting. This could diminish the scenic quality of the creek environment and reduce opportunities for unobstructed views across the site. Furthermore, the increased massing and height associated with industrial development would further obstruct existing views of the western hillsides along Monterey Road and from locations within and around the project site. The introduction of a large, visually imposing structure in an area currently characterized by open space and recreational uses would therefore alter the overall visual experience for the public. As a result, Alternative 3 would generate more substantial adverse aesthetic effects compared to the proposed sports park expansion. Therefore, impacts related to scenic vistas and visual character would be more substantial compared to those of the proposed project and would be significant and unavoidable.

As with the proposed project, Alternative 3 would introduce new sources of glare and nighttime lighting associated with vehicle parking areas and security or safety lighting. However, the industrial use under Alternative 3 would likely result in more continuous and widespread nighttime lighting compared to the sports park use proposed under the project. Industrial operations typically require consistent exterior lighting for building access, loading areas, truck circulation zones, and security purposes, many of which may remain illuminated throughout nighttime hours. By comparison, sports park lighting, while potentially intense during active use, would generally be limited to specific field areas and only operate during scheduled events or permitted recreation hours. As a result, Alternative 3 would be expected to create a more expansive and persistent pattern of nighttime illumination than the proposed project. Despite the increased presence of nighttime lighting relative to the sports park use, compliance with City lighting standards would ensure that illumination is appropriately shielded, directed downward, and designed to minimize off-site glare. Therefore, while Alternative 3 would incrementally increase lighting intensity and duration in comparison to the proposed project, the resulting impacts related to light and glare would remain less than significant, consistent with the conclusions reached for the proposed project.

Overall, aesthetic impacts would be increased compared to the proposed project but would remain less than significant.

## b. Air Quality

Similar to the proposed project, Alternative 3 would be consistent with the California Air Resources Board's (CARB) 2017 Clean Air Plan's control measures since it would be required to implement applicable 2035 General Plan policies and City guidelines, standards, and specifications related to the circulation system, including transit, roadway, bicycle, and pedestrian facilities, as discussed in Section 4.2, *Air Quality*. In addition, Alternative 3 would be required to comply with existing City parking standards, including EV parking requirements consistent with the latest CALGreen standards, as well as the 2025 Building Energy Efficiency Standards (or the most recent version of the California Building Code) and would include an all-electric design. Therefore, Alternative 3 would not conflict with or obstruct implementation of the applicable air quality plan, and this impact would be less than significant, similar to the proposed project.

Project construction and operational emissions for Alternative 3 were modeled using CalEEMod and shown below.

### Table 6-3 Alternative 3 Construction Emissions

| | Average Daily Emissions (lbs/day) | | | | | |
|---|---|---|---|---|---|---|
| **Construction Year** | **ROG** | **$NO_X$** | **CO** | **$SO_X$** | **$PM_{10}$ (exhaust)** | **$PM_{2.5}$ (exhaust)** |
| 2026 | 2.1 | 14.6 | 16.9 | <0.1 | 0.6 | 0.5 |
| 2027 | 1.5 | 9.0 | 14.7 | <0.1 | 0.3 | 0.2 |
| 2028 | 1.4 | 8.5 | 14.5 | <0.1 | 0.2 | 0.2 |
| 2029 | 15.8 | 4.7 | 8.1 | <0.1 | 0.1 | 0.1 |
| Maximum Daily Emissions | 15.8 | 14.6 | 16.9 | <0.1 | 0.6 | 0.5 |
| Bay Area Air District Thresholds (average daily emissions) | 54 | 54 | N/A | <0.1 | 82 | 54 |
| **Threshold Exceeded?** | **No** | **No** | **N/A** | <0.1 | **No** | **No** |
| **Proposed Project Maximum Daily Emissions** | 1.8 | 13.7 | 14.6 | <0.1 | 0.6 | 0.5 |

Source: See CalEEMod worksheets in Appendix B. Numbers may not add up due to rounding.

N/A = not applicable (no Air District threshold for CO or $SO_X$)

### Table 6-4 Alternative 3 Operational Emissions

| | Average Daily Emissions (lbs/day) | | | | | |
|---|---|---|---|---|---|---|
| **Sources** | **ROG** | **$NO_X$** | **CO** | **$SO_X$** | **$PM_{10}$** | **$PM_{2.5}$** |
| Mobile | 6.9 | 4.3 | 42.4 | <0.1 | 10.5 | 2.7 |
| Area | 14.8 | 0.1 | 10.8 | <0.1 | <0.1 | <0.1 |
| Energy | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Total Project Emissions | 21.7 | 4.4 | 53.3 | <0.1 | 10.5 | 2.7 |
| Bay Area Air District Thresholds | 54 | 54 | N/A | N/A | 82 | 54 |
| **Threshold Exceeded?** | **No** | **No** | **N/A** | **N/A** | **No** | **No** |
| **Proposed Project Total Emissions** | 3.3 | 1.5 | 14.8 | <0.1 | 3.6 | 1.0 |

Source: See CalEEMod worksheets in Appendix B. Numbers may not add up due to rounding.

N/A = not applicable (no Air District threshold for CO or $SO_X$)

As shown in Table 6-3, during construction, ROG, $NO_x$, and CO emissions would be higher than those of the proposed project, but similarly would not exceed Air District thresholds for a criteria pollutant. As shown in Table 6-4, all criteria air pollutants with the exception of sulfur oxide ($SO_x$) would be significantly

higher than those of the proposed project, but similarly would not exceed Air District thresholds for a criteria pollutant. Therefore, impacts would be less than significant, similar to the proposed project.

Based on information provided by Hexagon Transportation Consultants, Inc., the industrial use under Alternative 3 would not satisfy the City's VMT screening criteria. The project site is located within a low VMT area that would generate VMT per employee that is below the citywide baseline VMT. As a result, similar to the proposed project, Alternative 3 would not increase CO concentrations at nearby intersections to levels that would create or worsen a CO hotspot. Alternative 3 would also be required to implement the Air District's applicable dust-control best management practices and comply with the City of Morgan Hill's Standard Conditions of Approval for construction. Therefore, Alternative 3 would not expose sensitive receptors to substantial TAC emissions during construction, similar to the proposed project.

Alternative 3 would result in the development of approximately 500,000 square feet of industrial uses, which is below the Air District's recommended operational screening level of 1,423,000 square feet for industrial warehouse uses. However, the specific type of industrial use and associated operational characteristics are unknown. As a result, the intensity of operational activities and the inclusion of stationary equipment have potential to generate operational TAC emissions that exceed Air District Thresholds, and could adversely impact the single-family residence and Maple Leaf RV Park to the south of the site. In the absence of an operational health risk assessment, this impact may be significant and potentially unavoidable and would be increased compared to impacts identified for the proposed project.

As discussed in Section 4.2, *Air Quality*, the Air District lists the following as odor-generating land uses: wastewater treatment plant, wastewater Pumping Facilities, sanitary landfill, transfer station , composting facility, petroleum refinery, asphalt batch plant, chemical manufacturing, fiberglass manufacturing, painting/coating operations, rendering plant, coffee roaster, food processing facility, confined animal facility/feed lot/dairy, green waste and recycling operations, and metal smelting plants. Alternative 3 would allow development of up to 500,000 square feet of industrial uses, which could potentially include an odor-generating facility. While Alternative 3 would involve industrial uses that could involve odors, it is assumed that the specific use would not be an odor-generating use according to the Air District and therefore impacts would be less than significant, the same as the proposed project.

Overall, air quality impacts would be increased compared to the proposed project and operational TAC impacts would be significant.

## c. Biological Resources

As discussed in Section 4.3, *Biological Resources*, no state- or federally listed plant species are expected to occur within the project site. All special-status plant species are considered to have a low potential or are not expected to occur due to the absence of species-specific habitat requirements and the lack of known occurrences in the surrounding area. Because Alternative 3 would occur on the same site as the proposed project, impacts to special-status plant species would be less than significant.

Several special-status wildlife species have the potential to occur within the Butterfield Sports Park Expansion site, including California tiger salamander, Crotch's bumble bee, burrowing owl, Swainson's hawk, and nesting birds. Similar to the proposed project, development under Alternative 3 would result in the loss of some marginal foraging habitat; however, higher-quality foraging habitat is present in the foothills to the east and west of the valley floor. Like the proposed project, with implementation of mitigation measures BIO-1 through BIO-5, impacts would be reduced to a less-than-significant level, consistent with the proposed project.

Little Llagas Creek within the site is designated as a Category 2 stream under MHMC Section 18.92.110. Industrial development proposed within 35 feet of the creek would conflict with the MHMC. As with the proposed project, implementation of Mitigation Measure BIO-6 would ensure compliance and reduce impacts to a less-than-significant level. The site is also located within the 100-year floodplain, where development is permitted subject to specific standards in MHMC Chapter 15.80, including obtaining a floodplain development permit supported by engineering documentation of flood risk. Similar to the

proposed project, implementation of Mitigation Measure BIO-7 would reduce related impacts to a less-than-significant level.

As described in Section 4.3, *Biological Resources*, construction activities associated with Alternative 3 could affect aquatic habitat through disturbance to Little Llagas Creek or inadvertent encroachment of equipment, workers, debris, or spills into the creek corridor. However, Alternative 3 would be required to comply with the SCVHP AMM and conditions; the NPDES General Permit (CAS000002) for construction stormwater discharges; the Municipal Separate Storm Sewer System (MS4) Permit; and the Central Coast Regional Water Quality Control Board's Resolution R3-2013-0032 and the related Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements. Compliance with these requirements would reduce impacts to the creek to a less-than-significant level.

Alternative 3 would also be required to comply with the City's Standard Condition of Approval for Tree Protection, including preparation of a tree removal permit application for tree removal. Because the site is within the SCVHP permit area, Alternative 3 would be required to obtain coverage under the SCVHP, implement applicable AMMs, and adhere to permit conditions designed to avoid and minimize impacts to covered species. The applicant would be required to submit a Habitat Plan Application Package, pay all associated fees prior to issuance of a grading permit, and demonstrate compliance with all applicable SCVHP conditions, consistent with MHMC Chapter 18.132 and the City's "Habitat Plan" Standard Condition of Approval. As a result, impacts to trees and consistency with the SCVHP would be less than significant, similar to the proposed project.

As noted in Section 4.3, *Biological Resources*, no sensitive natural communities or riparian corridors occur within the Butterfield Sports Park Expansion site. Therefore, Alternative 3 would result in no impact, the same as the proposed project.

Overall, biological resources impacts would be generally the same as under the proposed project and would be less than significant with mitigation.

## d. Cultural Resources

Alternative 3 would be located on the same site as the proposed project. Therefore, site-specific impacts would generally be the same as the proposed project. As discussed in Section 4.4, *Cultural Resources*, no built environment historical resources, previously recorded cultural resources, or archaeological were identified within or adjacent to the site. Nonetheless, there is potential for encountering intact subsurface archaeological deposits. Similar to the proposed project, with implementation of the City's Standard Conditions of Approval and mitigation measures CR-1 and CR-2, , impacts to archaeological resources would be less than significant.

Additionally, no human remains are known to be present within the site. With adherence to the California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98, impacts would be less than significant, the same as those of the proposed project.

Overall, cultural resources impacts would be generally the same as under the proposed project and would be less than significant with mitigation.

## e. Geology and Soils

Alternative 3 would be located on the same site as the proposed project. Therefore, site-specific impacts would generally be the same as the proposed project. As discussed in Section 4.5, *Geology and Soils*, the site would not be subject to surface or ground rupture and Alternative 3 would have less than significant impacts related to seismic shaking, liquefaction, landslides, unstable soils, expansive soils, and erosion. Similar to the proposed project, Alternative 3 would be required to comply with the NPDES permit, the Construction General Permit, the MHMC, and 2035 General Plan Safety, Services, and Infrastructure Element policies, which would reduce impacts to a less-than-significant level. Additionally, wastewater on the site would be collected in the City's sewer collection system and treated at the SCRWA. Alternative 3

would not include septic tanks or alternative wastewater disposal systems, and would have no potential for adverse effects due to soil incompatibility.

Section 4.5, *Geology and Soils*, the site is underlain by geologic units with FPMS 4 (high, i.e. Qpf) potential for paleontological resources. Ground-disturbing activities associated with construction could have the potential to damage or destroy paleontological resources that may be present on or below the ground surface in areas of high paleontological sensitivity. Nonetheless, with implementation of Mitigation Measure GEO-1, paleontological impacts would be less than significant, similar to the proposed project.

Overall, geology and soils impacts would be generally the same as under the proposed project and would be less than significant with mitigation.

## f. Greenhouse Gas Emissions

Similar to the proposed project, Alternative 3 would be required to comply with applicable construction equipment standards and the City's Standard Conditions of Approval for construction activities, which would minimize unnecessary GHG emissions. In addition, implementation of Mitigation Measure GHG-1, including the Air District's construction best management practices, would reduce construction-related GHG emissions to a less-than-significant level, consistent with the proposed project.

As discussed in Section 4.6, *Greenhouse Gas Emissions*, the Air District has established operational GHG thresholds for both building energy use and transportation. With implementation of Mitigation Measure GHG-2, impacts related to CALGreen Tier 2 electric-vehicle parking requirements would be less than significant. In addition, based on information provided by Hexagon Transportation Consultants, the Butterfield Sports Field Expansion site is located within a low VMT area and would generate VMT per employee that is below the citywide baseline, and would have less than significant impacts on VMT. However Alternative 3 could include the use of natural gas for building operations, which would not meet the Air District's threshold for all-electric development. As a result, operational GHG emissions under Alternative 3 would be significant and unavoidable.

Because Alternative 3 would exceed applicable Air District GHG thresholds, it would not be consistent with the California Air Resources Board's 2022 Scoping Plan or Plan Bay Area 2050. Accordingly, impacts related to conflicts with adopted plans, policies, or regulations intended to reduce GHG emissions would be significant and unavoidable.

Overall, GHG impacts would be increased compared to the proposed project and would be significant and unavoidable.

## g. Hazards and Hazardous Materials

Alternative 3 would be required to comply with the same applicable federal, State, and local regulations governing the transportation, storage, and use of fuels, lubricants, and solvents, as described in Section 4.7, *Hazards and Hazardous Materials*. Compliance with these regulations would ensure that impacts related to hazardous materials handling would be less than significant. In addition, Alternative 3 would be required to prepare and implement a SWPPP in accordance with the Statewide Construction General Permit to prevent the discharge of pollutants during construction activities.

Alternative 3 would involve the development of approximately 500,000 square feet of industrial uses, which could result in an increase in the use and storage of hazardous materials at the site, depending on the specific tenants, compared to the recreational uses proposed under the project. The transport, use, and storage of hazardous materials would be subject to applicable federal and State regulations, and, depending on the type and quantity of materials, may require additional oversight or permitting through the City. These regulatory requirements would ensure that hazardous materials are properly managed, stored, and disposed of in a manner that minimizes potential risks to human health and the environment. Industrial uses are assumed to accommodate warehouses or industrial parks, which do not have the facilities for manufacturing or refinement of hazardous materials, such as a chemical factory or oil refinery, which would pose a substantial risk of release of pollutants if inundated. Warehouse structures

or light industrial parks typically do not routinely use or store large quantities of hazardous materials and pollutants other than those typically used for office cleaning, maintenance, and landscaping. In addition, implementation of Mitigation Measure HAZ-4, which requires preparation and implementation of a Soil Management Plan, would further reduce the potential for exposure to contaminated soils. With implementation of Mitigation Measure HAZ-4, Alternative 3 would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, or through reasonably foreseeable upset or accident conditions. Accordingly, operational impacts related to hazardous materials would be increased compared to the proposed project, but would remain less than significant.

As described in Section 4.7, *Hazards and Hazardous Materials*, the Butterfield Sports Park Expansion site is located within an urbanized area served by an existing roadway network with multiple access points to major arterials, providing adequate emergency access and evacuation routes. Alternative 3 would be required to comply with the City of Morgan Hill's Design Standards and Standard Details for Construction, including minimum requirements for street rights-of-way, alignments, and driveway approaches, which ensure that on-site and adjacent circulation infrastructure can accommodate emergency vehicle access. In addition, industrial development facilitated by Alternative 3 would be required to comply with the 2025 California Fire Code, as adopted by the City, which establishes standards for emergency vehicle access, fire apparatus road widths, clearances, and turnarounds. Therefore, similar to the proposed project, Alternative 3 would not impair implementation of, or physically interfere with, an adopted emergency response or evacuation plan, and impacts would be less than significant.

As discussed in Section 4.7, *Hazards and Hazardous Materials*, the San Martin Airport is not located in proximity to the annexation sites. Accordingly, Alternative 3 would not expose people or structures to safety hazards or excessive noise associated with airport operations, and no impact would occur, similar to the proposed project.

As discussed in Section 4.7, *Hazards and Hazardous Materials*, the Butterfield Sports Park Expansion site is not located within or adjacent to wildland areas. Therefore, Alternative 3 would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires, and no impact would occur, similar to the proposed project.

Overall, hazards and hazardous materials impacts would be increased compared to the proposed project but would remain less than significant with mitigation.

## h. Hydrology and Water Quality

Alternative 3 would be located on the same site as the proposed project. Therefore, site-specific impacts would generally be the same as the proposed project. Like the proposed project, with implementation of Mitigation Measure BIO-6, which prohibits construction within 35 feet of the Little Llagas Creek, as well as adherence to the Construction General Permit, which would require implementation of a project-specific SWPPP with BMPs to manage stormwater runoff and erosion, would protect the creek from water quality degradation associated with project activities. Alternative 3 would be required to comply with the same MHMC regulations as outlined in Section 4.8, *Hydrology and Water Quality*, which would ensure the industrial use would not substantially degrade surface or ground water quality or substantially increase erosion or siltation, create flooding risks, exceed stormwater system capacity, generate substantial polluted runoff, or impede or redirect flood flows. Additionally, the industrial use would include less landscaping when compared to the proposed project, which would reduce the use of fertilizers and irrigation required, thereby reducing impacts on water quality. Similar to the proposed project, impacts would be less than significant.

Similar to the proposed project, Alternative 3 would be required to manage post-development stormwater through LID features such as infiltration basins, detention areas, and bioswales, consistent with MHMC Chapters 18.140 and 18.148. Therefore, operational impacts related to water quality would be less than significant.

As discussed in Section 4.8, *Hydrology and Water Quality*, the Butterfield Sports Park Expansion site is located within a FEMA Special Flood Hazard Area (Zone AE), corresponding to the 100-year floodplain, and within an inundation zone associated with a potential Leroy Anderson Reservoir dam failure. Industrial uses could potentially involve substantial quantities of hazardous materials or pollutants when compared to the proposed recreational use. However, industrial uses are assumed to accommodate warehouses or industrial parks, which do not have the facilities for manufacturing or refinement of hazardous materials, such as a chemical factory or oil refinery, which would pose a substantial risk of release of pollutants if inundated. Warehouse structures or industrial parks typically do not routinely use or store large quantities of hazardous materials and pollutants other than those typically used for office cleaning, maintenance, and landscaping. Wastewater generated from the industrial use would immediately be conveyed to the City's existing sanitary sewer system. In addition, the transport, use, and storage of hazardous materials would be regulated by existing federal, State, and local regulations as outlined under section 6.3.2g above. Therefore, the project would not risk release of pollutants due to project inundation, and impacts would be less than significant, similar to the proposed project.

The Butterfield Sports Park Expansion site is located in the Water Quality Control Plan for the Central Coastal Basin (Basin Plan). As discussed in Section 4.8, *Hydrology and Water Quality*, with compliance with the State CGP, requiring a SWPPP and BMPs to prevent pollutant discharge, as well as the MHMC, the proposed project would not conflict with or obstruct the Basin Plan. Alternative 3 would be required to comply with the same regulations. Therefore, this impact would be less than significant, similar to the proposed project.

Overall, hydrology and water quality impacts would be slightly increased compared to the proposed project but would remain less than significant with mitigation.

## i. Land Use and Planning

Alternative 3 would be located on the same site as the proposed project. Therefore, site-specific impacts would generally be the same as the proposed project. The site is currently vacant and development of 500,000 square feet of industrial uses would not physically divide an established community. Similar to the proposed project, there would be no impact.

Alternative 3 would be consistent with the City's pre-designated General Plan designation of Industrial and would not require an amendment to the City's General Plan. The Industrial designation was originally applied due to the site's historical adjacency to industrial uses; however, those industrial uses have since been removed, and the surrounding area has transitioned to existing and planned predominantly residential neighborhoods and park or recreational uses.

While Alternative 3 would remain consistent with applicable General Plan goals and policies and would not conflict with plans adopted for the purpose of avoiding or mitigating environmental effects, it would introduce industrial uses into a setting that has largely evolved away from industrial activity. As a result, although Alternative 3 would be consistent with the City's land use designation and policy framework, it would be less compatible with the existing character of surrounding land uses, which are now primarily residential and recreational in nature. Therefore, land use and planning impacts would be less than significant but slightly increased compared to the proposed project.

Overall, land use and planning impacts would be slightly increased compared to the proposed project but would remain less than significant.

## j. Noise

Alternative 3 would facilitate development of approximately 500,000 square feet of industrial uses in lieu of recreational and sports park uses. As discussed in Section 4.10, *Noise*, construction noise was analyzed from the center of the project site (FTA 2018), which represents the approximate location of noise generation because construction equipment would move throughout the site during the workday. As discussed in Section 4.10, *Noise*, even when the three loudest pieces of equipment operate simultaneously, construction noise levels at the Maple Leaf RV Park and the residence (APN 825-06-022)

to the southeast would be up to 79 dBA $L_{eq}$ (8-hour) during demolition. Therefore, similar to the proposed project, construction noise under Alternative 3 would be comparable because development would occur on the same site, and noise levels at the nearest sensitive residential receptors would remain similar. Construction noise would not exceed the Federal Transit Administration's (FTA) residential construction noise threshold of 80 dBA $L_{eq}$ (8-hour). Alternative 3 would also be required to comply with MHMC requirements regarding allowable construction hours. Additionally, as discussed in Section 4.10, *Noise*, use of a vibratory roller during construction, identified as the greatest anticipated source of vibration, would not exceed the FTA threshold of 0.2 inches per second PPV or non-engineered timber and masonry structures at the nearest single-family residence to the south. Therefore, similar to the proposed project, construction-related noise and vibration impacts under Alternative 3 would be less than significant.

Operationally, Alternative 3 would not include sports or recreational facilities and therefore would not generate noise from public address (PA) systems or organized events. In addition, industrial uses are permitted under the site's General Plan land use designation and noise generated during operations would be consistent with the existing industrial development surrounding the project site. As shown in Table 6-5, the existing ADT on Butterfield Boulevard, east/west of Monterey Road, is 11,291. The addition of 513 daily vehicle trips from development of the Butterfield Sports Park Expansion site would result in an estimated increase in traffic noise of 0.2 dBA $L_{dn}$. All other roadway segments near the Butterfield Sports Park Expansion site would have lower traffic noise increases. Therefore, the project would not generate a perceptible increase in roadway noise levels of more than the more stringent traffic noise increase threshold of 3 dBA $L_{dn}$. Off-site traffic noise impacts would be less than significant, similar to the proposed project.

**Table 6-5 Alternative 3 Predicted Increases in Traffic Noise Levels**

| Roadway Segment | Average Daily Trips (ADT) | | Noise Level Increase (dBA $L_{dn}$) | Significant Impact? |
|---|---|---|---|---|
| | Existing[1] | Existing Plus Project | | |
| Monterey Road – South of Butterfield Blvd. | 11,603 | 12,116 | 0.2 | No |
| Butterfield Boulevard – East/west of Monterey Rd. | 11,291 | 11,804 | 0.2 | No |

Note: The estimated traffic noise increase is based on the following formula: 10xLOG (future traffic volume/existing traffic volume).

[1] Based on data provided by Replica.

Source: CalEEMod (Appendix B)

Accordingly, operational noise impacts under Alternative 3 would be less than significant and slightly increased the proposed project.

As discussed in Section 4.10, *Noise*, San Martin Airport is not located in proximity to the annexation sites. Therefore, Alternative 3 would not expose people to substantial airport-related noise, and no impact would occur, similar to the proposed project.

Overall, noise impacts would be slightly increased compared to the proposed project and would remain less than significant.

## k. Transportation

Alternative 3 would facilitate development of approximately 500,000 square feet of industrial uses in lieu of recreational and sports park uses. The City of Morgan Hill's VMT policy includes screening criteria for projects and Alternative 3 would not meet the City's screening criteria for presuming a less than significant impact related to VMT. Nonetheless, the project is within a low VMT area and therefore would generate VMT per employee that is below the citywide baseline VMT. Therefore, VMT impacts would be less than significant, similar to the proposed project.

Like the proposed project, this alternative would not conflict with applicable policies addressing transit, roadway, bicycle, or pedestrian facilities; would not introduce design features or incompatible uses that could increase traffic hazards; and would not result in inadequate emergency access with adherence to the MHMC, General Plan goals and policies, and the City's Design Standards and Standards for Construction. Therefore, impacts would be less than significant, similar to the proposed project.

Overall, transportation impacts would be similar compared to the proposed project and would be less than significant.

## l. Tribal Cultural Resources

Alternative 3 would be located on the same site as the proposed project. Therefore, site-specific impacts would generally be the same as the proposed project. As discussed in Section 4.12, *Tribal Cultural Resources*, no tribal cultural resources were identified within the Butterfield Sports Park Expansion site. However, ground disturbance during project construction could encounter unknown tribal cultural resources. With implementation of the City's Standard Conditions of Approval and mitigation measures CR-1, CR-2, TCR-1, and TCR-2, impacts would be less than significant, similar to the proposed project.

Overall, tribal cultural resources impacts would be generally the same as under the proposed project and would be less than significant with mitigation.

## m. Utilities and Service Systems

Alternative 3 would facilitate the development of approximately 500,000 square feet of industrial uses in place of recreational and sports park uses and would similarly require new connections to water, wastewater, and stormwater infrastructure. As outlined in the CalEEMod modeling results (Appendix B), Alternative 3 would result in an estimated annual water demand of approximately 115,625,000 gallons, or about 354.8 AFY on the Butterfield Sports Park Expansion site. This would be increased compared to the proposed project, which would require approximately 7,968,218 gallons per year[2] or 2.02 AFY, on the Butterfield Sports Park Expansion site. As discussed in Section 4.13, *Utilities and Service Systems*, the City's UWMP demonstrates that Morgan Hill has adequate water supplies to meet projected demand through 2045 under all modeled scenarios, with the lowest projected surplus being 6,957 AFY. The water demand associated with Alternative 3 would represent approximately 5 percent of this lowest projected surplus. Therefore, sufficient water supply would be available to serve the industrial development facilitated under Alternative 3, and impacts would be less than significant, similar to the proposed project.

Assuming that approximately 80 percent of water usage would be discharged as wastewater, Alternative 3 would generate an estimated 92,500,000 gallons of wastewater annually, which would be an increase compared to the proposed project, which would generate approximately 6,374,574 gallons of wastewater per year. The volume of wastewater generated under Alternative 3 would represent approximately 11 percent of the available 2.3 MGD capacity at the SCRWA facility. Future development under Alternative 3 would also be required to pay applicable wastewater connection fees and comply with all local sewer capacity and permitting requirements. Accordingly, the SCRWA facility would have sufficient capacity to serve Alternative 3, and impacts related to wastewater collection and treatment would be less than significant, consistent with the proposed project.

Similar to the proposed project, Alternative 3 would be required to comply with the City's SWMP, the Municipal Regional Permit, and the NPDES Construction General Permit during construction activities. In addition, Alternative 3 would incorporate on-site drainage infrastructure consistent with City standards and connect to the existing storm drain system. Therefore, stormwater-related impacts would be less than significant, similar to the proposed project.

[2] 15,750,161 gallons per year required for both Butterfield Sports Park Expansion site and Condit Sports Facilities Expansion site – 7,781,943 gallons per year required for the Condit Sports Facilities Expansion site = 7,968,218 gallons per year required for the Butterfield Sports Park Expansion site.

As with the proposed project, Alternative 3 would not result in wasteful, inefficient, or unnecessary consumption of energy resources with compliance with applicable State and local regulations. While industrial development would require connection to existing electricity, natural gas, and telecommunications systems, no expansion of off-site facilities beyond standard service connections would be required. Accordingly, impacts related to energy use and utilities would be less than significant, consistent with the proposed project.

As estimated in CalEEMod (Appendix B), Alternative 3 would generate approximately 620 tons of solid waste annually, which would be an increase compared to the proposed project, which would generate approximately 1.7 tons of solid waste annually[3] The Kirby Canyon Landfill has an estimated remaining capacity of approximately 36.4 million cubic yards through 2059, and the Monterey Peninsula Landfill has an estimated remaining capacity of approximately 48.6 million cubic yards through 2107. Both facilities would have sufficient remaining capacity to accommodate solid waste generated under Alternative 3. Therefore, impacts related to solid waste disposal would be less than significant, similar to the proposed project.

Overall, utilities and service system impacts would be slightly increased compared to the proposed project but would remain less than significant.

## n. Wildfire

Alternative 3 would be located on the same site as the proposed project. Therefore, site-specific impacts would generally be the same as the proposed project. As discussed in Section 4.14, *Wildfire*, the Butterfield Sports Park Expansion site is not located within, or near, a SRA or lands classified as Very High FHSZ. Accordingly, there would be no impacts related to wildfire, similar to the proposed project.

Overall, wildfire impacts would be generally the same as under the proposed project and would be less than significant.

## o. Impact Areas Addressed in Effects Found Not to be Significant

Alternative 3 would be located on the same site as the proposed project; therefore, site-specific impacts would generally be the same as those associated with the proposed project. Similar to the proposed project, Alternative 3 would result in less than significant impacts related to agriculture and forestry resources, and no impact related to mineral resources.

The industrial development proposed under Alternative 3 would be required to comply with the California Energy Code; the California Green Building Standards Code (Part 11, Title 24, California Code of Regulations) and applicable General Plan policies related to energy. Compliance with these regulations and policies would ensure that wasteful, inefficient, or unnecessary consumption of energy resources would not occur. Accordingly, energy impacts under Alternative 3 would be less than significant, similar to the proposed project.

Alternative 3 would include the construction of approximately 500,000 square feet of industrial uses and would not include new residential units. As no housing would be developed, Alternative 3 would not directly induce population growth in the city. While the development could generate employment opportunities that may indirectly contribute to population growth through employee relocation to the project area, many employees would likely be drawn from the existing local labor force. Even if some employees relocated to the area, Alternative 3 would not result in a substantial increase in employment or population growth. In addition, Alternative 3 would be consistent with the site's Industrial General Plan designation and would not induce growth beyond what was anticipated in the General Plan assumptions for the area. Therefore, Alternative 3 would remain within the growth levels envisioned under the City's

[3] 2.8 tons of waste per year generated by both Butterfield Sports Park Expansion site and Condit Sports Facilities Expansion site – 1.1 tons per year generated by the Condit Sports Facilities Expansion site = 1.7 tons per year generated by the Butterfield Sports Park Expansion site.

General Plan and would not result in substantial population growth. Impacts would be less than significant, similar to the proposed project.

Like the proposed project, Alternative 3 would result in incremental increases in demand for fire and police services, schools, and parks and recreational facilities. As discussed in Section 4.15, *Effects Found Not to Be Significant*, the project would not require new or physically altered public services or recreational facilities. Accordingly, impacts related to public services and recreation would be less than significant, similar to the proposed project.

# 6.4 Alternative 4: Alternative Park Facilities at the Condit Sports Facilities Expansion Site

## 6.4.1 Description

Similar to the proposed project, under this alternative, the annexation sites would be annexed into the City limits and the City's USA. Like the proposed project, the Rose Orchard Court site would be developed with four single-family residences; the Butterfield Sports Park Expansion site would be developed with park and recreational facilities; and APN 825-06-022 would not be developed. This alternative involves recreational uses at the Condit Sports Facilities Expansion site but with different recreational offerings than the proposed project. Similar to the proposed project, this alternative would also include the development of a 75 yard by 110 yard lighted synthetic turf soccer field with shaded bleachers on one side; a 75 yard by 120 yard stadium lighted synthetic turf football and soccer field with shaded bleachers on both sides; vehicle and bicycle parking; restrooms; a playground; and an outdoor dining structure on the northern parcel of the Condit Sports Facilities Expansion site at APN 817-13-037. However, the 15 beach volleyball courts including shaded spectator areas and a staging area located on the southern parcel at APN 817-13-008 would not be constructed, while the corp yard, overhead parking structure, storage containers and material bins, and BBQ area would remain. The 15 beach volleyball courts would be replaced by a surface parking lot. Alternative 4 would fulfill most Project Objectives since it would provide recreational and sports facilities and expand regional recreational capacity. However, Alternative 4 would only partially satisfy the Project Objective of diversifying recreational offerings, as it would provide stadium-level fields but would not include beach volleyball courts, which are currently unavailable at nearby parks.

## 6.4.2 Impact Analysis

Alternative 4 involves different offerings of recreational uses at the Condit Sports Facilities Expansion site and the same development as under the proposed project for the Rose Orchard Court site and Butterfield Sports Park Expansion site. Therefore, the impact analysis focuses on impacts at the Condit Sports Facilities Expansion site only.

### a. Aesthetics

As discussed in Section 4.1, *Aesthetics*, the Condit Sports Field Expansion site is not considered a scenic resource and is not located adjacent to a State scenic highway. Alternative 4 would include the same buildout as the proposed project, with the exception of the 15 beach volleyball courts, which would be replaced by a surface parking lot. Therefore, like the proposed project, Alternative 4 would result in a less than significant impact on scenic vistas and resources and would not degrade the visual character of the site or the quality of public views.

As with the proposed project, Alternative 4 would introduce new sources of glare and nighttime lighting associated with parked cars, safety lighting, and sports fields lighting. The 15 beach volleyball courts would be replaced by a surface parking lot, which would similarly include standard lighting. All lighting would be required to comply with applicable City regulations and would be designed to minimize light

spillover onto adjacent properties. Therefore, similar to the proposed project, Alternative 3 would result in a less than significant impact related to light and glare.

Overall, aesthetic impacts would be generally the same as the proposed project and would be less than significant.

## b. Air Quality

Similar to the proposed project, Alternative 4 would be consistent with the California Air Resources Board's (CARB) 2017 Clean Air Plan's control measures since it would be required to implement applicable 2035 General Plan policies and City guidelines, standards, and specifications related to the circulation system, including transit, roadway, bicycle, and pedestrian facilities, as discussed in Section 4.2, *Air Quality*. In addition, Alternative 4 would be required to comply with existing City parking standards, including electric-vehicle (EV) parking requirements consistent with the latest CALGreen standards, as well as the 2025 Building Energy Efficiency Standards (or the most recent version of the California Building Code) and would include an all-electric design. Therefore, Alternative 4 would not conflict with or obstruct implementation of the applicable air quality plan, and this impact would be less than significant, similar to the proposed project.

Alternative 4 would include the same buildout as the proposed project, with the exception of the 15 beach volleyball courts, which would be replaced with a surface parking lot. Construction and operational emissions would be similar when compared to the proposed project. As discussed in Section 4.2, *Air Quality,* both construction and operational emissions would not exceed Air District thresholds for a criteria pollutant. Additionally, similar to the proposed project, impacts related to CO hotspots, TACs, and odors would also be less than significant.

Overall, air quality impacts would be generally the same compared to the proposed project and would remain less than significant.

## c. Biological Resources

As discussed in Section 4.3, *Biological Resources*, no state- or federally listed plant species are expected to occur within the project site. All special-status plant species are considered to have a low potential or are not expected to occur due to the absence of species-specific habitat requirements and the lack of known occurrences in the surrounding area. Because Alternative 3 would occur on the same site as the proposed project, impacts to special-status plant species would be less than significant.

Several special-status wildlife species have the potential to occur within the Condit Sports Facilities Expansion site, including the Crotch's bumble bee, burrowing owls, Swainson's hawk, and nesting birds. Similar to the proposed project, development of Alternative 4 would result in some loss of marginal foraging habitat, although higher quality foraging habitat is present in the foothills to the east and west of the valley floor. Like the proposed project, with implementation of mitigation measures BIO-1 through 5, impacts would be reduced to a less than significant level, similar to the proposed project.

No streams protected under Municipal Code Section 18.92.110 occur within 150 feet of the Condit Sports Facilities Expansion site and the site is not located within the 100-year floodplain. This impact would be less than significant, the same as the proposed project.

Alternative 4 would be required to comply with the City's Standard Condition of Approval for Tree Protection and prepare a tree removal permit application for trees to be removed. Furthermore, since the site is within the Santa Clara Valley Habitat Conservation Plan (SCVHP) covered area, Alternative 4 would be required to obtain coverage under the plan and follow all applicable Avoidance and Minimization Measures and conform to the permit conditions, including avoiding and minimizing impacts to listed species. The future applicant would be required to complete and submit a Habitat Plan Application Package, pay all required fees prior to the issuance of a grading permit, comply with the applicable SCVHP conditions, and state conditions required by the SCVHP on all plans that involve ground disturbing activity in accordance with the MHMC Chapter 18.132 and the City's "Habitat Plan" Standard Condition of

Approval. Therefore, impacts to trees and conflict with the SCVHP would be less than significant, the same as those under the proposed project.

As discussed in Section 4.3, *Biological Resources*, no sensitive natural communities or riparian corridors or jurisdictional waters or wetlands occur within the Condit Sports Facilities Expansion site. There would be no impact, the same as the proposed project.

Overall, biological resources impacts would be generally the same as under the proposed project and would be less than significant with mitigation.

## d. Cultural Resources

Alternative 4 would replace the 15 beach volleyball courts proposed on the southern parcel with a surface parking lot. The corp yard, overhead parking structure, storage containers and material bins, and BBQ area would remain. Therefore, site-specific impacts would be similar when compared to the proposed project. As discussed in Section 4.4, *Cultural Resources*, no built environment historical resources, previously recorded cultural resources, or archaeological were identified within or adjacent to the site. Nonetheless, there is potential for encountering intact subsurface archaeological deposits. Similar to the proposed project, with implementation of the City's Standard Conditions of Approval and mitigation measures CR-1 and CR-2, impacts to archaeological resources would be less than significant.

Additionally, no human remains are known to be present within the site. With adherence to the California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98, impacts would be less than significant, the same as those of the proposed project.

Overall, cultural resources impacts would be generally the same as under the proposed project and would be less than significant with mitigation.

## e. Geology and Soils

Alternative 4 would replace the 15 beach volleyball courts proposed on the southern parcel with a surface parking lot. The corp yard, overhead parking structure, storage containers and material bins, and BBQ area would remain. Therefore, site-specific impacts would be similar when compared to the proposed project. As discussed in Section 4.5, *Geology and Soils*, the site would not be subject to surface or ground rupture and Alternative 4 would have less than significant impacts related to seismic shaking, liquefaction, landslides, unstable soils, expansive soils, and erosion. Similar to the proposed project, Alternative 4 would be required to comply with the NPDES permit, the Construction General Permit, the CBC, MHMC, and 2035 General Plan Safety, Services, and Infrastructure Element policies, which would reduce impacts to a less-than-significant level. Additionally, wastewater on the site would be collected in the City's sewer collection system and treated at the SCRWA. Alternative 4 would not include septic tanks or alternative wastewater disposal systems, and would have no potential for adverse effects due to soil incompatibility.

As discussed in Section 4.5, *Geology and Soils*, the site is underlain by geologic units with FPMS 4 (high, i.e. Qpf) potential for paleontological resources. Ground-disturbing activities associated with construction could have the potential to damage or destroy paleontological resources that may be present on or below the ground surface in areas of high paleontological sensitivity. Nonetheless, with implementation of Mitigation Measure GEO-1, paleontological impacts would be less than significant, similar to the proposed project.

Overall, geology and soils impacts would be generally the same as under the proposed project and would be less than significant with mitigation.

## f. Greenhouse Gas Emissions

Similar to the proposed project, Alternative 4 would be required to comply with applicable construction equipment standards and the City's Standard Conditions of Approval for construction activities, which

would minimize unnecessary GHG emissions. In addition, implementation of Mitigation Measure GHG-1, including the Air District's construction best management practices, would reduce construction-related GHG emissions to a less-than-significant level, consistent with the proposed project.

As discussed in Section 4.6, *Greenhouse Gas Emissions*, the Air District has established operational GHG thresholds for both building energy use and transportation. The Condit Sports Facilities Expansion site would generate approximately 315 daily trips, equivalent to 9,000 square feet of retail space, which is below the City's VMT project size screening threshold for retail of less than 50,000 square feet. Since Alternative 4 would not include the 15 beach volleyball courts, it would be expected to generate fewer daily trips than the proposed project, and impacts would be less than significant, as with the proposed project. Additionally, like the proposed project, implementation of Mitigation Measure GHG-2 would reduce impacts related to CALGreen Tier 2 electric-vehicle parking requirements to a less-than-significant level. Similar to the proposed project, Alternative 4 would be consistent with the Air District's transportation thresholds.

Alternative 4 would not result in the wasteful or inefficient use of energy and would be assumed to include an all-electric design as a project design feature. Therefore, similar to the proposed project, Alternative 4 would be consistent with the Air District's building thresholds.

Since Alternative 4 would not conflict with the Air District's GHG thresholds, it would be consistent with CARB's 2022 Scoping Plan and Plan Bay Area 2050. Accordingly, impacts related to conflicts with adopted plans, policies, or regulations intended to reduce GHG emissions would be less than significant, similar to the proposed project.

Overall, GHG impacts would be slightly reduced compared to the proposed project and would remain less than significant with mitigation.

## g. Hazards and Hazardous Materials

Alternative 4 would be required to comply with the same applicable federal, State, and local regulations governing the transportation, storage, and use of fuels, lubricants, and solvents, as described in Section 4.7, *Hazards and Hazardous Materials*. Compliance with these regulations would ensure that impacts related to hazardous materials handling would be less than significant. In addition, Alternative 2 would be required to prepare and implement a SWPPP in accordance with the Statewide Construction General Permit to prevent the discharge of pollutants during construction activities.

Alternative 4 would replace the 15 beach volleyball courts proposed on the southern parcel with a surface parking lot. The corp yard, overhead parking structure, storage containers and material bins, and BBQ area would remain. Therefore, site-specific impacts related to the release of hazardous materials and exposure of the public to hazardous materials would be the same as the proposed project. Like the proposed project, implementation of mitigation measures HAZ-2 and HAZ-3 would require regulatory agency notification and preparation of a SMP to reduce risks associated with petroleum hydrocarbons and organochlorine pesticides, which would reduce impacts to a less than significant level.

Alternative 4 would be required to comply with the City's Fire Prevention Division Standard Details and Specifications and would be designed to current City standards and accommodate emergency and passenger vehicles. In addition, Alternative 2 would be subject to the California Fire Code and General Plan policies, and would not impair an adopted emergency response plan or emergency evacuation plan. Similar to the proposed project, no impact would occur.

As discussed in Section 4.7, *Hazards and Hazardous Materials*, the San Martin Airport is not located in proximity to the annexation sites. Accordingly, Alternative 4 would not expose people or structures to safety hazards or excessive noise associated with airport operations, and no impact would occur, similar to the proposed project.

As discussed in Section 4.7, *Hazards and Hazardous Materials*, the Condit Sports Park Facilities site is not located within or adjacent to wildland areas. Therefore, Alternative 3 would not expose people or

structures to a significant risk of loss, injury, or death involving wildland fires, and no impact would occur, similar to the proposed project.

Overall, hazards and hazardous materials impacts would be generally the same as under the proposed project and would be less than significant with mitigation.

## h. Hydrology and Water Quality

Alternative 4 would replace the 15 beach volleyball courts proposed on the southern parcel with a surface parking lot. The corp yard, overhead parking structure, storage containers and material bins, and BBQ area would remain. Therefore, site-specific impacts would be similar when compared to the proposed project. Alternative 4 would be required to comply with the Construction General Permit which would require implementation of a project-specific SWPPP with BMPs to manage stormwater runoff and erosion, as well as the same MHMC regulations as outlined in Section 4.8, *Hydrology and Water Quality*, which would ensure Alternative 4 would not substantially degrade surface or groundwater quality or substantially increase erosion or siltation, create flooding risks, exceed stormwater system capacity, generate substantial polluted runoff, or impede or redirect flood flows. Similar to the proposed project, impacts would be less than significant.

Similar to the proposed project, Alternative 4 would be required to manage post-development stormwater through low impact development (LID) features such as infiltration basins, detention areas, and bioswales, consistent with MHMC Chapters 18.140 and 18.148. The 15 beach volleyball courts proposed under the project would be replaced by a surface parking lot. Therefore, the amount of impervious surfaces and runoff would be slightly increased. Nonetheless, with adherence to stormwater management requirements, operational impacts related to water quality would be less than significant, the same as the proposed project.

As discussed in Section 4.8, *Hydrology and Water Quality*, the Condit Sports Facilities Expansion site is not located within a FEMA designated flood hazard area. However, the southwest portion of the site lies within an inundation risk zone associated with a potential Leroy Anderson Reservoir dam failure. Nonetheless, in the event of a dam failure, projected flooding at the site would be minimal, as the site is geographically separated from the larger downstream inundation area primarily by Highway 101, which acts as a physical barrier. As a result, inundation impacts would be generally the same as the proposed project and would be less than significant.

The Condit Sports Facilities Expansion site is in the planning area for the Water Quality Control Plan for the Central Coastal Basin (Basin Plan). As discussed in Section 4.8, *Hydrology and Water Quality*, with compliance with the State CGP, requiring a SWPPP and BMPs to prevent pollutant discharge, as well as the MHMC, the proposed project would not conflict with or obstruct the Basin Plan. Alternative 4 would be required to comply with the same regulations. Therefore, this impact would be less than significant, similar to the proposed project.

Overall, hydrology and water quality impacts would be generally the same as the proposed project and would be less than significant

## i. Land Use and Planning

Alternative 4 would replace the 15 beach volleyball courts proposed on the southern parcel with a surface parking lot. The corp yard, overhead parking structure, storage containers and material bins, and BBQ area would remain. Therefore, site-specific impacts would be similar when compared to the proposed project. The site is mostly vacant with one existing residence on the northern parcel. Alternative 4 would not physically divide an established community. Similar to the proposed project, there would be no impact.

Alternative 4 would include changing the land use designation of the site from Agriculture Medium Scale to Public Facilities and rezoning the site from Exclusive Agriculture to Public Facilities. With City and LAFCO approval of the annexation, pre-zoning, and USA amendment, Alternative 4 would be consistent

with the applicable zoning and General Plan designations for the site. Similar to the proposed project, Alternative 4 would help expand regional recreational capacity and provide new and enhanced sports facilities for diverse users. Similar to the proposed project, impacts would be less than significant.

Overall, land use and planning impacts would be generally the same as under the proposed project and would be less than significant.

## j. Noise

Alternative 4 would replace the 15 beach volleyball courts proposed on the southern parcel with a surface parking lot. Therefore, construction noise levels at the nearest sensitive receptor (the hotel) located to the south would be generally the same compared to the proposed project. As discussed in Section 4.10, *Noise*, noise levels at the hotel would be up to 73 dBA $L_{eq}$ (8 hour) during demolition and would not exceed FTA's residential construction noise threshold of 80 dBA Leq (8-hour). Alternative 4 would also be required to comply with MHMC requirements regarding allowable construction hours. Additionally, as discussed in Section 4.10, *Noise*, use of a vibratory roller would not exceed the FTA threshold of 0.2 in/sec PPV for the single-family residence to the northeast and the engineered concrete and masonry (no plaster) threshold of 0.3 in/sec PPV for the hotel building to the south. Similar to the proposed project, construction-related noise and vibration impacts under Alternative 4 would be generally the same compared to the proposed project and would be less than significant.

Operationally, Alternative 4 would not include 15 beach volleyball courts which would be replaced by a surface parking lot. Noise impacts related to HVAC equipment, PA equipment, and outdoor noise would be slightly reduced compared to the proposed project. Impacts would be less than significant.

As discussed in Section 4.10, *Noise*, San Martin Airport is not located in proximity to the annexation sites. Therefore, Alternative 4 would not expose people to substantial airport-related noise, and no impact would occur, similar to the proposed project.

Overall, noise impacts would be slightly reduced compared to the proposed project and would be less than significant.

## k. Transportation

As discussed above under Section 6.4.2e, Alternative 4 would generate approximately 315 daily trips, equivalent to 9,000 square feet of retail space, which is below the City's VMT project size screening threshold for retail of less than 50,000 square feet. Since Alternative 4 would not include the 15 beach volleyball courts, it would be expected to generate fewer daily trips than the proposed project, and VMT impacts would be less than significant, reduced compared to the proposed project.

Like the proposed project, this alternative would not conflict with applicable policies addressing transit, roadway, bicycle, or pedestrian facilities; would not introduce design features or incompatible uses that could increase traffic hazards; and would not result in inadequate emergency access with adherence to the MHMC, General Plan goals and policies, and the City's Design Standards and Standards for Construction. Therefore, impacts would be less than significant, similar to the proposed project.

Overall, transportation impacts would be reduced compared to the proposed project and would be less than significant.

## l. Tribal Cultural Resources

Alternative 4 would replace the 15 beach volleyball courts proposed on the southern parcel with a surface parking lot. The corp yard, overhead parking structure, storage containers and material bins, and BBQ area would remain. Therefore, site-specific impacts would be similar when compared to the proposed project. As discussed in Section 4.12, *Tribal Cultural Resources*, no tribal cultural resources were identified within the Condit Sports Facilities Expansion site. However, ground disturbance during project construction could encounter unknown tribal cultural resources. With implementation of the City's

Standard Conditions of Approval and mitigation measures CR-1, CR-2, TCR-1, and TCR-2, impacts would be less than significant, similar to the proposed project.

Overall, tribal cultural resources impacts would be generally the same as under the proposed project and would be less than significant with mitigation.

## m. Utilities and Service Systems

Alternative 4 would replace the 15 beach volleyball courts proposed on the southern parcel with a surface parking lot. The corp yard, overhead parking structure, storage containers and material bins, and BBQ area would remain. As a result, water demand, wastewater and stormwater generation, electricity demand, and solid waste generation would be slightly reduced compared to the proposed project. As discussed in Section 4.13, *Utilities and Service Systems*, new or expanded utilities facilities would not be required; sufficient water supplies are available to serve the project; the Santa Clara Regional Wastewater Facility has adequate collection and treatment capacity to serve the project; and the Kirby Canyon Landfill and Monterey Peninsula landfills have sufficient remaining capacity to accommodate project-related solid waste. Therefore, impacts related to utilities and service systems under Alternative 4 would be slightly reduced compared to the proposed project and would be less than significant.

Overall, utilities and service system impacts would be slightly reduced compared to the proposed project and would remain less than significant.

## n. Wildfire

As discussed in Section 4.14, *Wildfire*, the Condit Sports Facilities Expansion site is not located within, or near, a SRA or lands classified as Very High FHSZ. Accordingly, there would be no impacts related to wildfire, similar to the proposed project.

Overall, wildfire impacts would be generally the same as under the proposed project and would be less than significant.

## o. Impact Areas Addressed in Effects Found Not to be Significant

Alternative 4 would be primarily located on Condit Lot 1 and would not include the 15 beach volleyball courts proposed for Condit Lot 2. Similar to the proposed project, Alternative 4 would result in less-than-significant impacts related to agriculture and forestry resources and would have no impact on mineral resources.

Alternative 4 would incorporate an all-electric design and would be required to comply with the California Energy Code; the California Green Building Standards Code (Part 11, Title 24, California Code of Regulations); and applicable General Plan policies related to energy. Compliance with these regulations and policies would ensure that wasteful, inefficient, or unnecessary consumption of energy resources would not occur. Because Alternative 4 would not include the 15 beach volleyball courts, energy impacts would be less than significant and would be slightly reduced compared to the proposed project.

Alternative 4 would result in a reduction in employees and would therefore result in less-than-significant impacts related to population and housing, similar to the proposed project. In addition, the removal of the 15 beach volleyball courts would reduce demand for fire and police services and would similarly expand recreational capacity and enhance service levels within the city. As discussed in Section 4.15, *Effects Found Not to Be Significant*, new or physically altered public services and recreational facilities would not be required. Accordingly, impacts related to public services and recreation would be slightly reduced compared to the proposed project and would remain less than significant and.

# 6.5 Alternative 5: Additional Annexations

## 6.5.1 Description

Similar to the proposed project, under this alternative the annexation sites would be incorporated into the City limits and the City's USA. As with the proposed project, the Rose Orchard Court site would be developed with four single-family residences; the Butterfield Sports Park Expansion site and the Condit Sports Facilities Expansion site would be developed with park and recreational facilities; and APN 825-06-022 would remain undeveloped.

However, unlike the proposed project, Alternative 5 would avoid the creation of a "county island" – an area of unincorporated land surrounded by city limits – that would result from the annexation of the Rose Orchard Court site. Under the proposed project, annexation of the Rose Orchard Court site alone would result in unincorporated Santa Clara County parcels becoming completely surrounded by incorporated City of Morgan Hill parcels. The formation of such "county islands" is generally discouraged by the Santa Clara County LACFO because they can lead to inefficient service delivery, jurisdictional conflicts, and long-term governance challenges. Alternative 5 would avoid this issue by including the annexation of the surrounding unincorporated "county island" parcels into the City and City's USA as part of the same LAFCO action. Figure 6-1 shows the additional parcels to be annexed under Alternative 5 and Table 6-6 shows land use details of the additional annexation sites.

There are currently no known plans to develop the additional annexations sites. Future development on the additional annexations sites would be required to be consistent with Section 18.30.040 (Hillside Combining District) of the City's Municipal Code, which provides for the orderly development of hillside areas while preserving significant environmental features and protecting public safety in geologically unstable areas and identifies the minimum percentage of lot area to remain in open space with no grading or terrain alteration. As such, development is not considered substantially more likely as a result of annexation under this alternative. Nonetheless, taking into account the proposed General Plan designations of the additional annexations sites and allowed development density, slope conditions, and the requirements of Section 18.30.040 (Hillside Combining District) of the City's Municipal Code, it is estimated that there would be potential for development of up to 10 new residential units on APNs 764-31-0005, 764-31-0009, 764-31-0020, and 764-31-0021. Therefore, this alternative is conservatively assumed to facilitate construction of an additional 10 residential units on the additional annexation sites compared to development potential under the proposed project.

This alternative would ensure jurisdictional consistency and eliminate the "county island" condition. By incorporating the county island parcels, Alternative 5 would achieve greater consistency with LAFCO policies and practices regarding orderly growth and efficient provision of municipal services. At the same time, because the scope and intensity of development on the primary annexation sites would remain identical to the proposed project, Alternative 5 would meet all of the project objectives.

## Figure 6-1 Alteranative 5 Additional Annexation Parcels

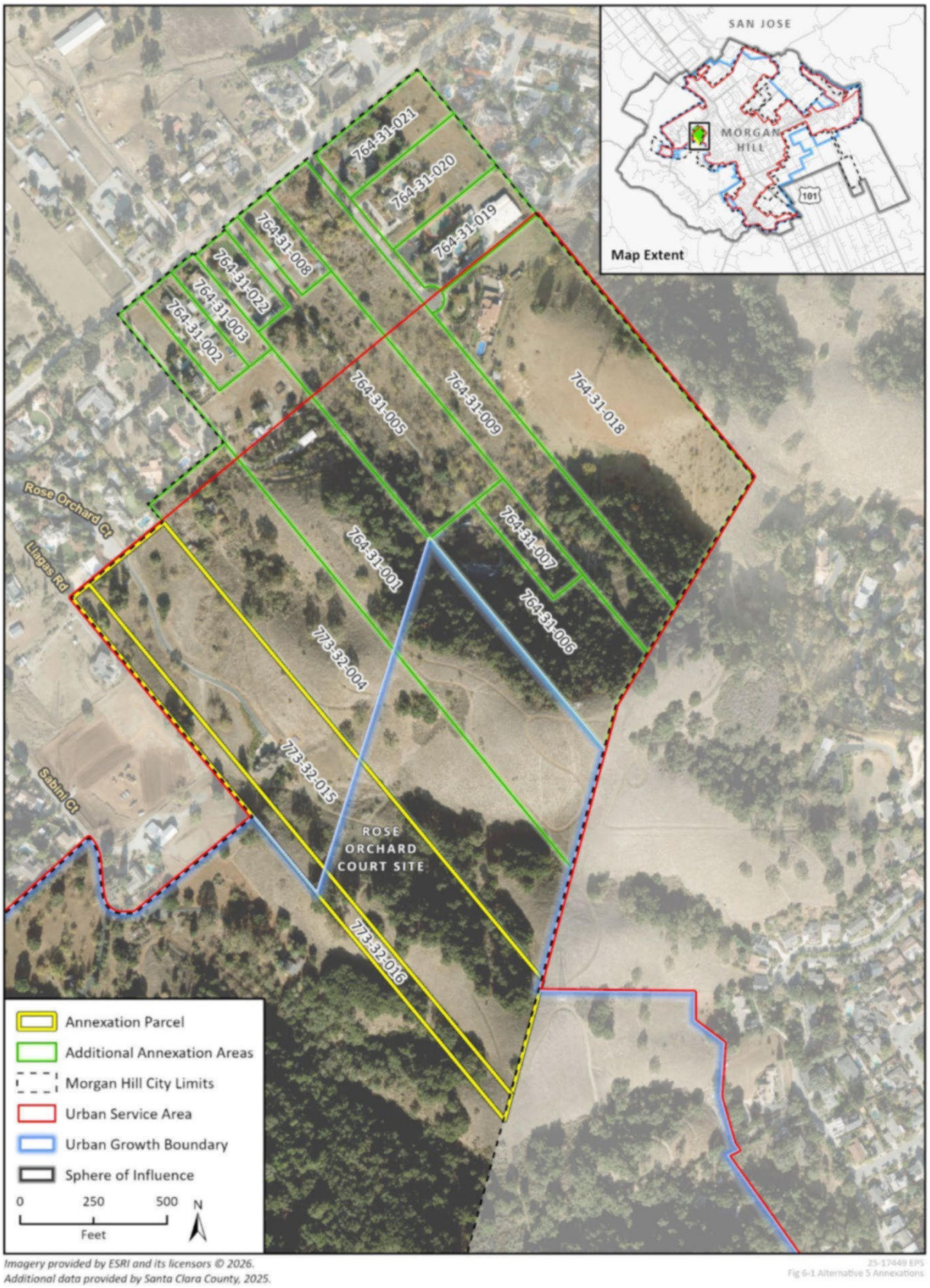


**Table 6-6 Alternative 5 Additional Annexation Parcels Characteristics**

| Annexation/ Expansion Site Address | Parcel Numbers | Size (acres) | Existing Use | Existing Santa Clara County General Plan Land Use Designation[1] | Existing Morgan Hill General Plan Land Use Designation[2] | Proposed Land Use/Zoning[3] |
|---|---|---|---|---|---|---|
| 980 Llagas Road | 764-31-001 | 15.34 | Single-Family Residence | Hillside Plan | Residential Estate | Residential Estate/ Residential Estate |
| 960 Llagas Road | 764-31-002 | 1.24 | Single-Family Residence | Hillside Plan | Residential Estate | Residential Estate/ Residential Estate |
| 940 Llagas Road | 764-31-003 | 1 | Single-Family Residence | Hillside Plan | Residential Estate | Residential Estate/ Residential Estate |
| – | 764-31-005 | 7.23 | None | Hillside Plan | Residential Estate | Residential Estate/ Residential Estate |
| 910 Llagas Road | 764-31-006 | 4.73 | Single-Family Residence | Hillside Plan | Residential Estate | Residential Estate/ Residential Estate |
| 900 Llagas Road | 764-31-007 | 1.26 | Single-Family Residence | Hillside Plan | Residential Estate | Residential Estate/ Residential Estate |
| 890 Llagas Road | 764-31-008 | 1 | Single-Family Residence | Hillside Plan | Residential Estate | Residential Estate/ Residential Estate |
| 850 Llagas Road | 764-31-009 | 7.87 | Single-Family Residence | Hillside Plan | Residential Estate | Residential Estate/ Residential Estate |
| 18260 Enderson Court | 764-31-018 | 13.96 | Single-Family Residence | Hillside Plan | Residential Estate | Residential Estate/ Residential Estate |
| 18270 Enderson Court | 764-31-019 | 2.3 | Single-Family Residence | Hillside Plan | Residential Detached Low | Residential Detached Low / Residential Detached Low Density |
| 18280 Enderson Court | 764-31-020 | 2.38 | Single-Family Residence | Hillside Plan | Residential Detached Low | Residential Detached Low / Residential Detached Low Density |
| 18290 Enderson Court | 764-31-021 | 2.01 | Single-Family Residence | Hillside Plan | Residential Detached Low | Residential Detached Low / Residential Detached Low Density |
| 920 Llagas Road | 764-31-022 | 0.96 | Single-Family Residence | Hillside Plan | Residential Estate | Residential Estate/ Residential Estate |
| 1020 Llagas Road | 773-32-004 | 15.05 | Single-Family Residence | Hillside Plan | Residential Estate | Residential Estate/ Residential Estate |

[1] Santa Clara County General Plan Land Use Designations without Alternative 5.

[2] Morgan Hill General Plan Designations without Alternative 5. The additional annexation sites do not have Zoning Designations for Morgan Hill.

[3] Morgan Hill General Plan and Zoning Designations with Alternative 5

## 6.5.2 Impact Analysis

Alternative 5 involves the same development as under the proposed project for the Rose Orchard Court site, Butterfield Sports Park Expansion site, and Condit Sports Facilities Expansion site. Therefore, the impact analysis focuses on impacts at the additional annexation sites only.

### a. Aesthetics

As discussed in Section 4.1, *Aesthetics*, El Toro Mountain is a prominent natural landmark that contributes to the scenic character of the surrounding area and the City as a whole. Like the Rose Orchard Court site, additional annexation sites included under Alternative 5 are also located on the flanks of El Toro Mountain. Alternative 5 would involve the annexation of additional parcels into the City limits and the City's USA and could facilitate development of up to 10 additional residential units on the additional annexation parcels. Therefore, this alternative could incrementally increase the amount of visible development from Llagas Road and from other public view points; however, any additional development would be limited to approximately 10 residential units distributed across four parcels ranging in size from approximately two to seven acres. As a result, development would be sparse and dispersed on sites where residential development already exists, reducing the overall intensity of visual change. Overall, this alternative would lead to additional residential development on sites where residential development already exists and therefore would not substantially alter public views or scenic vistas or substantially degrade the visual character of the annexation sites. Impacts would be slightly increased compared to the proposed project but would remain less than significant.

As with the proposed project, Alternative 5 would introduce new sources of light and glare from exterior lighting, interior sources, and sun shining on windows and reflective or light-colored building materials or from cars parked outside. Nonetheless, lighting would be congruous with the existing light sources from existing development on the sites and would be subject to applicable City regulations and would be designed to minimize light spillover onto adjacent properties. Therefore, although impacts would be incrementally greater due to the increase in development, Alternative 5 would result in a less-than-significant impact related to light and glare.

Overall, aesthetics impacts would be slightly increased compared to the proposed project but would remain less than significant..

### b. Air Quality

Alternative 5 could involve the annexation of additional parcels into the City limits and the City's USA and could potentially result in the development of 10 additional units on APNs 764-31-0005, 764-31-009, 764-31-020, and 764-31-021. Similar to Alternative 2, the increase in development potential of 10 residential units under this alternative would not result in construction or operational emissions exceeding Air District thresholds.

Similar to the proposed project, Alternative 5 would be required to implement the Air District's applicable dust-control best management practices and comply with the City of Morgan Hill's Standard Conditions of Approval for construction. Therefore, Alternative 2 would not expose sensitive receptors to substantial TAC emissions during construction, similar to the proposed project.

Similar to the proposed project, Alternative 5 would not include odor-generating land uses and therefore would not generate objectionable odors affecting a substantial number of people. This impact would be less than significant, consistent with the proposed project.

Overall, air quality impacts would be slightly increased compared to the proposed project but would remain less than significant.

## c. Biological Resources

Alternative 5 would involve the annexation of additional parcels into the City limits and the City's USA and could potentially result in the development of 10 additional units on APNs 764-31-0005, 764-31-009, 764-31-020, and 764-31-021. Alternative 5 could result in greater land disturbance compared to the proposed project, which could potentially result in increased impacts related to special-status species and habitats. Nonetheless, similar to the proposed project, Alternative 5 would be required to implement mitigation measures BIO-1 through BIO-5 as well as the City's Standard Condition of Approval for Tree Protection, including preparation of a tree removal permit application for tree removal. Because the site is within the SCVHP permit area, Alternative 2 would be required to obtain coverage under the SCVHP, implement applicable AMMs, and adhere to permit conditions designed to avoid and minimize impacts to covered species. The applicant would be required to submit a Habitat Plan Application Package, pay all associated fees prior to issuance of a grading permit, and demonstrate compliance with all applicable SCVHP conditions, consistent with MHMC Chapter 18.132 and the City's "Habitat Plan" Standard Condition of Approval. In addition, future development on the parcels that requires discretionary approval would be subject to project-specific CEQA review to evaluate potential impacts to biological resources and ensure such impacts are reduced to a less-than-significant level.

Overall, biological resources impacts would be slightly increased compared to those under the proposed project but would remain less than significant with mitigation.

## d. Cultural Resources

Alternative 5 would involve the annexation of additional parcels into the City limits and the City's USA and could potentially result in the development of 10 additional units on APNs 764-31-0005, 764-31-009, 764-31-020, and 764-31-021. Alternative 5 could result in greater land disturbance compared to the proposed project, which could potentially result in increased impacts related to cultural resources. Nonetheless, similar to the proposed project, Alternative 5 would be required to comply with the City's Standard Conditions of Approval, mitigation measures CR-1 and CR-2, and the California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98, which would reduce impacts related to archaeological resources and human remains to a less than significant level. In addition, any future development on the site that requires discretionary approval would be subject to project-specific CEQA review to evaluate potential impacts to historical and archaeological resources and ensure such impacts are reduced to a less-than-significant level.

Overall, cultural resources impacts would be slightly increased compared to those under the proposed project but would remain less than significant with mitigation.

## e. Geology and Soils

Alternative 5 would involve the annexation of additional parcels into the City limits and the City's USA and could potentially result in the development of 10 additional units on APNs 764-31-0005, 764-31-009, 764-31-020, and 764-31-021. As shown in Figure 4.5-4 in Section 4.5, *Geology and Soils*, most of the additional parcels to be annexed under Alternative 5 are characterized by low to moderate landslide risk and very low to moderate liquefaction risk, and no known faults are located in proximity to the annexation sites. Because the additional parcels to be annexed under Alternative 5 are adjacent to the Rose Orchard Court site, the underlying geologic conditions and paleontological sensitivity would be similar. As with the proposed project, development under Alternative 5 would be required to comply with the NPDES permit, Construction General Permit, CBC, MHMC, and applicable 2035 General Plan Safety, Services, and Infrastructure Element policies, which would reduce potential geology and soils impacts to a less-than-significant level. In addition, Alternative 5 would be required to implement Mitigation Measure GEO-1, which would further reduce potential impacts related to paleontological resources to a less-than-significant level. Any future development requiring discretionary approval would also be subject to project-specific CEQA review to evaluate geology and soils impacts and ensure such impacts remain less than significant.

Overall, geology and soils impacts would be slightly increased compared to those under the proposed project but would remain less than significant with mitigation.

## f. Greenhouse Gas Emissions

Alternative 5 would involve the annexation of additional parcels into the City limits and the City's USA and could potentially result in the development of 10 additional units on APNs 764-31-0005, 764-31-009, 764-31-020, and 764-31-021. Similar to the proposed project, Alternative 5 would be required to comply with applicable construction equipment standards and the City's Standard Conditions of Approval for construction activities, which would minimize unnecessary GHG emissions. In addition, implementation of Mitigation Measure GHG-1, including the Air District's construction best management practices, would reduce construction-related GHG emissions to a less-than-significant level, consistent with the proposed project.

As discussed in Section 4.6, *Greenhouse Gas Emissions*, the Air District has established operational GHG thresholds for both building energy use and transportation. Similar to the proposed project, Alternative 5 would be consistent with the Air District's transportation-related GHG thresholds.

Like the proposed project, unless future development under this alternative meets CALGreen Tier 2 electric vehicle (EV) parking standards, this alternative may not be consistent with Air District's building energy use thresholds. However, also like the proposed project, with implementation of Mitigation Measure GHG-2, to require Tier 2 EV parking, impacts would be less than significant. Further, Alternative 5 would not result in the wasteful or inefficient use of energy and, like the proposed project, the 10 additional residences are assumed to include an all-electric design as a project design feature. Therefore, similar to the proposed project, Alternative 5 would be consistent with the Air District's building thresholds. As discussed in Section 0(k), VMT impacts associated with this alternative would be less than significant. Similar to the proposed project, Alternative 5 would be consistent with the Air District's transportation-related GHG thresholds and impacts would be less than significant.

Since Alternative 5 would not conflict with the Air District's GHG thresholds, it would be consistent with CARB's 2022 Scoping Plan and Plan Bay Area 2050. Accordingly, impacts related to conflicts with adopted plans, policies, or regulations intended to reduce GHG emissions would be less than significant.

Overall, GHG impacts would be generally the same as under the proposed project and would be less than significant with mitigation.

## g. Hazards and Hazardous Materials

Alternative 5 would involve the annexation of additional parcels into the City limits and the City's USA and could potentially result in the development of 10 additional units on APNs 764-31-0005, 764-31-009, 764-31-020, and 764-31-021. Alternative 5 would be subject to the same applicable federal, State, and local regulations governing the transportation, storage, and use of fuels, lubricants, and solvents, as described in Section 4.7, *Hazards and Hazardous Materials* Compliance with these requirements would ensure that potential impacts related to hazardous materials handling during construction are reduced to a less-than-significant level. In addition, residential land uses typically involve only small quantities of hazardous materials for household cleaning and landscaping purposes and would not expose the public to hazardous materials. Accordingly, similar to the proposed project, impacts would be less than significant.

As shown on the SWRCB's GeoTracker and Department of Toxic Substances Control's EnviroStor databases, the additional parcels to be annexed under Alternative 5 are not located on or adjacent to a known hazardous waste site (SWRCB 2026; DTSC 2026). Therefore, similar to the proposed project, impacts would be less than significant.

The additional parcels to be annexed under Alternative 5 are located adjacent to the Rose Orchard Court site and are located within a HFHSZ and SRA (CALFire 2026). The potential 10 additional units would be subject to the CFC and General Plan policies and would be required to comply with the City's Fire

Prevention Division Standard Details and Specifications and would be designed to current City standards and accommodate emergency and passenger vehicles. As a result, Alternative 5 would not impair implementation of an adopted emergency response or evacuation plan, nor would it expose people or structures to a substantial risk of loss, injury, or death involving wildland fires. These impacts would be less than significant, similar to the proposed project.

Overall, hazards and hazardous materials impacts would be generally the same as under the proposed project and would be less than significant with mitigation.

## h. Hydrology and Water Quality

Alternative 5 would involve the annexation of additional parcels into the City limits and the City's USA and could potentially result in the development of 10 additional units on APNs 764-31-0005, 764-31-009, 764-31-020, and 764-31-021, resulting in greater ground disturbance. Compared to the proposed project, Alternative 5 would result in a greater extent of development and an associated increase in impervious surfaces. Nonetheless, Alternative 5 would be required to comply with the Construction General Permit which would require implementation of a project-specific SWPPP with BMPs to manage stormwater runoff and erosion. Alternative 5 would be required to comply with the same MHMC regulations as outlined in Section 4.8, *Hydrology and Water Quality*, which would ensure the 10 additional residences, if constructed, would not substantially degrade surface or groundwater quality or substantially increase erosion or siltation, create flooding risks, exceed stormwater system capacity, generate substantial polluted runoff, or impede or redirect flood flows. Although the low-density design and large lot sizes would retain substantial pervious surface area and allow for continued groundwater recharge, development of 10 units would increase overall site disturbance. Accordingly, hydrology and water quality impacts would remain less than significant but would be incrementally greater than those associated with the proposed project.

Construction of 10 additional units would result in increased impervious area due to greater site development. However, similar to the proposed project, development under Alternative 5 would be required to manage post-development stormwater through LID features such as infiltration basins, detention areas, and bioswales, consistent with MHMC Chapters 18.140 and 18.148. As a result, operational impacts would be less than significant, though greater than those anticipated under the proposed project.

The additional parcels to be annexed under Alternative 5 are located within FEMA Flood Zone X, which represents areas of minimal flood risk (FEMA 2026). Therefore, Alternative 5 would not expose development to significant flood hazards or result in pollutant releases due to inundation, and no flood-related impacts would occur, similar to the proposed project.

The additional parcels to be annexed under Alternative 5 are within the planning area for the Water Quality Control Plan for the Basin Plan. As discussed in Section 4.8, *Hydrology and Water Quality*, with compliance with the State CGP, requiring a SWPPP and BMPs to prevent pollutant discharge, as well as the MHMC, the proposed project would not conflict with or obstruct the Basin Plan. Alternative 5 would be required to comply with the same regulations. Therefore, this impact would be less than significant, similar to the proposed project.

Overall, hydrology and water quality impacts would be increased compared to the proposed project but would remain less than significant.

## i. Land Use and Planning

As discussed in Section 6.5.1, the proposed project would result in the formation of a "county island" which is generally discouraged by the Santa Clara County LAFCO. Alternative 5 would involve the annexation of additional parcels in the "county island" into the City limits and the City's USA. By incorporating the "county island" parcels, Alternative 5 would be consistent with LAFCO policies and practices regarding orderly growth and efficient provision of municipal services, and the annexations would be approved by LAFCO. Alternative 5 would change the land use designations and zoning

designations of the site from Single-Family Detached Dwellings to Residential Detached Low Density and Residential Estate. With City and LAFCO approval of the annexation, pre-zoning, and USA amendment, Alternative 5 would be consistent with the applicable zoning and General Plan designations for the site. Therefore, impacts would be reduced compared to the proposed project. There would be no impact related to land use and planning.

## j. Noise

Alternative 5 would involve the annexation of additional parcels into the City limits and the City's USA and could potentially result in the development of 10 additional units on APNs 764-31-0005, 764-31-009, 764-31-020, and 764-31-021. The increase in development potential of 10 residential units could potentially result in increased construction noise. Because the annexation sites are adjacent to the Rose Orchard Court site, construction noise and vibration levels would be similar in nature and intensity and are not expected to exceed the FTA's residential construction noise threshold of 80 dBA $L_{eq}$ (8-hour) or vibration threshold of 0.2 inches per second PPV for non-engineered timber and masonry structures. In addition, any construction activity would be required to comply with MHMC requirements regarding allowable construction hours, which would further limit potential impacts. Future development on the site that requires discretionary approval would be subject to project-specific CEQA review to evaluate potential impacts to noise and ensure such impacts are reduced to a less-than-significant level.

During operation, although Alternative 5 could increase the number of residences by approximately 10 units, noise generated by mechanical equipment, such as HVAC systems, would not be expected to exceed the City's exterior noise standard of 60 dBA dBA $L_{max}$ for residential properties due to the large lot sizes, separation distances between structures, and shielding of mechanical equipment. In addition, traffic associated with the additional residential units would not generate a perceptible increase in roadway noise levels exceeding the more stringent traffic noise threshold of 3 dBA $L_{dn}$. Accordingly, operational noise impacts under Alternative 5 would be slightly increased compared to the proposed project but would remain less than significant.

As discussed in Section 4.10, *Noise*, San Martin Airport is not located in proximity to the annexation sites. Therefore, Alternative 5 would not expose people to substantial airport-related noise, and no impact would occur, similar to the proposed project.

Overall, noise impacts would be slightly increased compared to the proposed project but would remain less than significant.

## k. Transportation

Alternative 5 would involve the annexation of additional parcels into the City limits and the City's USA and could potentially result in the development of 10 additional residential units on APNs 764-31-0005, 764-31-009, 764-31-020, and 764-31-021. The proposed project would generate approximately 36 daily trips, which is below the City's vehicle miles traveled (VMT) project size screening threshold of 110 daily trips. Since Alternative 5 would facilitate the development of 10 additional residences, it is estimated that Alternative 5 would generate a total of 90 daily trips[4], which is still below the City's VMT project size screening threshold of 110 daily trips. Therefore, similar to the proposed project, VMT impacts would be less than significant.

Like the proposed project, this alternative would not conflict with applicable policies addressing transit, roadway, bicycle, or pedestrian facilities; would not introduce design features or incompatible uses that could increase traffic hazards; and would not result in inadequate emergency access with adherence to the MHMC, General Plan goals and policies, and the City's Design Standards and Standards for Construction. Future development on the site that requires discretionary approval would be subject to project-specific CEQA review to evaluate potential impacts to transportation and ensure such impacts are reduced to a less-than-significant level.

[4] (36 daily trips / 4 residences (proposed project)) x 10 residences (Alternative 5) = 90 daily trips

Overall, transportation impacts would be generally the same as under the proposed project and would be less than significant.

## l. Tribal Cultural Resources

Alternative 5 would involve the annexation of additional parcels into the City limits and the City's USA and could potentially result in the development of 10 additional units on APNs 764-31-0005, 764-31-009, 764-31-020, and 764-31-021. Since this alternative could result in greater ground disturbance, potential impacts to tribal cultural resources would be slightly increased under this alternative. However, development under Alternative 5 would be required to implement the City's Standard Conditions of Approval and mitigation measures CR-1, CR-2, TCR-1, and TCR-2 which would reduce impacts related to tribal cultural resources to a less than significant level. In addition, any future development on the site that requires discretionary approval would be subject to project-specific CEQA review to evaluate potential impacts to tribal cultural resources and ensure such impacts are reduced to a less-than-significant level.

Overall, potential tribal cultural resources impacts would be slightly increased compared to those under the proposed project but would remain less than significant with mitigation.

## m. Utilities and Service Systems

Alternative 5 would involve the annexation of additional parcels into the City limits and the City's USA and could potentially result in the development of 10 additional units on APNs 764-31-0005, 764-31-009, 764-31-020, and 764-31-021. Upon annexation, existing development could transition from reliance on County or private systems to City-provided utilities and services. This change in service provider and the additional 10 units would incrementally increase demand on City facilities, including water supply, wastewater conveyance and treatment, and solid waste disposal. However, as discussed in Section 4.13, *Utilities and Service Systems*, the City's existing utility infrastructure has sufficient capacity to accommodate this increased demand. No new or expanded water, wastewater, or solid waste facilities would be required. Adequate water supplies are available to serve existing development within the additional annexation areas; the Santa Clara Regional Wastewater Facility has sufficient collection and treatment capacity to serve the project area; and the Kirby Canyon Landfill and Monterey Peninsula landfills have adequate remaining capacity to accept project-related solid waste. In addition, any future development on the site that requires discretionary approval would be subject to project-specific CEQA review to evaluate potential impacts to utilities and service systems and ensure such impacts are reduced to a less-than-significant level.

Overall, utilities and service system impacts would be slightly increased compared to the proposed project but would remain less than significant.

## n. Wildfire

As discussed above under Section 6.5.2g, additional parcels to be annexed under Alternative 5 are located within a High FHSZ. Similar to the proposed project, Alternative 2 would be required to comply with the CFC, the CBC, General Plan policies, and the MHMC, which would reduce impacts related to wildfire to a less than significant level.

Overall, wildfire impacts would be generally the same as under the proposed project and would be less than significant.

## o. Impact Areas Addressed in Effects Found Not to be Significant

Alternative 5 would involve the annexation of additional parcels into the City limits and the City's USA and could potentially result in the development of 10 additional units on APNs 764-31-0005, 764-31-009, 764-31-020, and 764-31-021. The additional parcels to be annexed under Alternative 5 are located on Urban and Built-Up land and land designated as Farmland of Local Potential (DOC 2026). None of the

annexation sites are designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, and are not zoned for agricultural use or subject to a Williamson Contract (DOC 2016). Additionally, none of the annexation sites are zoned as forest land, timberland, or Timberland Production (CDFW 2026). Therefore, similar to the proposed project, there would be no impacts related to agricultural resources.

The increase in development potential of 10 residential units under Alternative 5 would be assumed to include an all-electric design, and would be required to comply with the California Energy Code; the California Green Building Standards Code (Part 11, Title 24, California Code of Regulations); and General Plan policies related to energy, which would ensure that wasteful, inefficient, or unnecessary consumption of energy resources would not occur. Energy impacts would be less than significant, similar to the proposed project.

Alternative 5 would have the potential to increase the number of residents by 30. However, this would represent a 0.07 percent increase in the city's population and therefore impacts would be less than significant, similar to the proposed project.

Like the proposed project, Alternative 5 would result in an incremental increase in demand for fire and police services, schools, and parks and recreational facilities. As discussed in Section 4.15, *Effects Found Not to be Significant*, new or physically altered public services and recreational facilities would not be required, and this conclusion would also apply to the incremental increase in units. Therefore, impacts would be less than significant, similar to the proposed project.

## 6.6 Alternatives Considered but Rejected

No additional project alternatives or alternative sites were considered or analyzed for the proposed project due to the fundamental nature and purpose of the project. The project is specifically intended to facilitate the annexation of designated properties into the City limits and USA. As such, the project objectives are inherently site-specific and cannot be applied to an alternative site. Because annexation applies only to land adjacent to and eligible for inclusion within the city's boundary, alternative locations outside the city's Sphere of Influence or USA would not achieve the project objectives and are therefore not feasible. In addition, one of the primary objectives of the proposed project is to expand existing parks and recreational facilities in proximity to the Condit Sports Facilities Expansion site and the planned facilities at the Butterfield Sports Park Expansion site. Because the proposed expansion is location-dependent, alternative park sites were not considered.

## 6.7 Environmentally Superior Alternative

Table 6-7 indicates whether each alternative's environmental impact is greater than, less than, or similar to that of the proposed project for each of the issue areas studied. CEQA requires the identification of the environmentally superior alternative among the options studied. When the "No Project" alternative is determined to be environmentally superior, CEQA also requires identification of the environmentally superior alternative among the development options. In this case, the proposed project does not result in any significant and unavoidable impacts. Based on the alternatives analysis provided above, Alternative 4 would be the environmentally superior alternative.

**Alternative 1 (*No Project/No Annexation)*** assumes that the annexation sites would not be annexed into the city. Since no construction would occur, mitigation measures associated with biological resources, cultural resources, greenhouse gas emissions, and tribal cultural resources would not be required. Based on the alternatives analysis provided above, Alternative 1 would be the environmentally superior alternative. However, Alternative 1 would not fulfill the Project Objectives because the existing conditions would not provide additional housing or expand recreational facilities within the city.

**Alternative 2 (*Increased Development at the Rose Orchard Court Site*)** would include construction of six additional residential units on the Rose Orchard Court site. Compared to the proposed project, this alternative would result in incrementally increased impacts related to air quality, biological resources, hydrology and water quality, noise, and utilities and service systems. However, none of these impacts would be significant and unavoidable. All mitigation measures identified in the EIR for the Rose Orchard Court site would continue to apply under Alternative 2. Alternative 2 would better meet the Project Objectives by providing a greater number of residential units than the proposed project, thereby contributing more substantially to the City's RHNA goals. Nevertheless, because Alternative 2 would result in increased environmental impacts relative to the proposed project, it would not be considered the environmentally superior alternative.

**Alternative 3 (*Industrial Use at the Butterfield Sports Park Expansion Site*)** would exclude all proposed recreational and sports facilities and instead accommodate approximately 500,000 square feet of industrial uses, consistent with the site's General Plan designation of Industrial. Compared to the proposed project, this alternative would result in increased impacts related to aesthetics, air quality, GHG, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, transportation, and utilities and service systems. Of these increased impacts, aesthetics impacts would be significant and unavoidable due to degradation of the visual environment and scenic views, operational air quality impacts would be significant and unavoidable in the absence of an operational health risk assessment, and GHG impacts would be significant and unavoidable due to inconsistency with the Air District's building and transportation thresholds. All mitigation measures identified in the EIR for the Butterfield Sports Park Expansion site would continue to apply under Alternative 3. Because impacts would be greater than under the proposed project, it would not be considered the environmentally superior alternative. Additionally, Alternative 3 would not meet the Project Objectives, as it would neither provide recreational or sports facilities nor expand regional recreational capacity.

**Alternative 4 (*Removal of Beach Volleyball Courts at the Condit Sports Facilities Expansion Site*)** would retain the development proposed on the northern parcel as well as the corp yard, overhead parking structure, storage containers and material bins, and BBQ area on the southern parcel. However, the 15 beach volleyball courts including shaded spectator areas and a staging area located on the southern parcel would not be constructed. Compared to the proposed project, this alternative would not result in any increased environmental impacts and would instead reduce impacts related to GHG, noise, transportation, and utilities and service systems. All mitigation measures identified throughout the EIR for the Condit Sports Facilities Expansion site would continue to apply under this alternative. Alternative 4 would meet most of the Project Objectives by providing recreational and sports facilities and expanding regional recreational capacity. However, it would only partially meet the objective of diversifying recreational opportunities, as it would provide stadium-level fields but would not include beach volleyball courts, which are not currently available at nearby parks. Nonetheless, since this alternative would result in reduced impacts compared to the proposed project, Alternative 4 would be considered the environmentally superior alternative.

**Alternative 5 (*Additional Annexations*)** would retain all development as proposed under the project and would include the annexation of additional parcels east and northeast of the Rose Orchard Court site into city limits and the USA. Compared to the proposed project, this alternative would result in slightly increased impacts related to aesthetics, air quality, biological resources, cultural resources, geology and soils, hydrology and water quality, noise, tribal cultural resources, utilities and service systems, and public services and recreation. All mitigation measures identified throughout the EIR for the overall project would continue to apply under this alternative. The proposed project would result in the creation of a "county island" while Alternative 5 would eliminate the county island by annexing the affected parcels into the City, thereby promoting orderly growth and development in greater consistency with LAFCO policies. Furthermore, Alternative 5 would meet all Project Objectives, as no changes to the proposed development would occur, and the project would continue to provide additional housing as well as parks and recreational facilities within the City. However, because impacts would be greater than under the proposed project, it would not be considered the environmentally superior alternative.

## Table 6-7 Impact Comparison of Alternatives

| Issue | Proposed Project Impact Classification | Alternative 1: No Project/No Annexation | Alternative 2: Increased Development at the Rose Orchard Court Site | Alternative 3: Industrial Use at the Butterfield Sports Park Expansion Site | Alternative 4: Removal of Beach Volleyball Courts at the Condit Sports Facilities Expansion Site | Alternative 5: Additional Annexations |
|---|---|---|---|---|---|---|
| Aesthetics | Less than Significant | + | = | - | = | - |
| Air Quality | Less than Significant | + | - | - | = | - |
| Biological Resources | Less than Significant with Mitigation | + | - | = | = | - |
| Cultural Resources | Less than Significant with Mitigation | + | = | = | = | - |
| Geology and Soils | Less than Significant | + | = | = | = | - |
| Greenhouse Gas Emissions | Less than Significant with Mitigation | + | = | - | + | = |
| Hazards and Hazardous Materials | Less than Significant | + | = | - | = | = |
| Hydrology and Water Quality | Less than Significant | + | - | - | = | - |
| Land Use and Planning | Less than Significant | + | = | - | = | + |
| Noise | Less than Significant | + | - | - | + | - |
| Transportation | Less than Significant | + | = | = | + | = |
| Tribal Cultural Resources | Less than Significant with Mitigation | + | = | = | = | - |
| Utilities and Service Systems | Less than Significant | + | - | - | + | - |
| Wildfire | Less than Significant | + | = | = | = | = |
| Other Issue Areas | Less than Significant | + | = | = | + | - |

+ Superior to the proposed project (reduced level of impact)

- Inferior to the proposed project (increased level of impact)

= Similar level of impact to the proposed project

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There are no references in this section.

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