

**MITIGATION MONITORING AND REPORTING PROGRAM
EAST DUNNE-KYONO (LAS COLINAS) PROJECT
MORGAN HILL, CALIFORNIA**

Prepared for the:



Community Development Department
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MITIGATION MONITORING AND REPORTING PROGRAM

INTRODUCTION

The City of Morgan Hill, as Lead Agency under the California Environmental Quality Act (CEQA) and State CEQA Guidelines, has prepared the Final Mitigated Negative Declaration (MND) for the East Dunne-Kyono (Las Colinas) project (Project). When a lead agency makes findings on significant effects identified in an MND, it must also adopt a program for reporting or monitoring mitigation measures that were adopted or made conditions of project approval (Public Resources Code [PRC] Section 21081.6[a]; State CEQA Guidelines Sections 15091[d], 15097).

This document represents the mitigation monitoring and reporting program (MMRP) prepared by the City of Morgan Hill for the Project. This MMRP includes all measures required to reduce potentially significant environmental impacts to a less-than-significant level. In addition, the MMRP identifies the timing of implementation; the agency responsible for implementing the mitigation; and the agency responsible for monitoring the mitigation. The mitigation measures, timing, and responsibility are summarized in Table 1, and the full text of the mitigation measures follows. The implementation and monitoring of the mitigation measures, in conjunction with the implementation of the City's Standard Measures required for such projects, will ensure the reduction of potentially significant environmental effects to less-than-significant levels.

This MMRP has been prepared by the City of Morgan Hill, with technical assistance from Raney Planning & Management, Inc., an environmental consulting firm. Questions should be directed to Richard Smeaton, Contract Planner, at the City of Morgan Hill.

Contact Information:

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TABLE 1. MITIGATION MONITORING AND REPORTING PROGRAM – SUMMARY OF MITIGATION MEASURES

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility¹	Timing of Implementation
Prior to Approval of Improvement Plans			
BIO-7: For off-site trees (Trees #10866 and #10880) overhanging the project site, prior to approval of Improvement Plans, the project applicant shall implement the tree preservation measures identified in the arborist report prepared for the proposed project by Smith Tree Specialists, Inc.	Project Applicant with Construction Contractor	City of Morgan Hill Community Development Department	Prior to approval of Improvement Plans and implemented during construction
In Conjunction with Approval of Improvement Plans			
NOI-1: In conjunction with submittal of Improvement Plans, the applicant shall show on the Improvement Plans that noise barriers would be installed consistent with the recommendations of the Noise Assessment Study prepared for the proposed project by Edward L. Pack Associates, Inc.	Project Applicant with Construction Contractor	City of Morgan Hill City Engineer	In conjunction with submittal of Improvement Plans
In Conjunction with Submittal of Building Plans			
NOI-2: In conjunction with submittal of building plans, the applicant shall show on the building plans that mechanical ventilation (air conditioning) shall be provided for all residences.	Project Applicant with Construction Contractor	City of Morgan Hill City Engineer and Building Division	In conjunction with submittal of building plans
Prior to Construction			
BIO-1: A qualified Burrowing Owl biologist shall conduct a pre-construction survey no more than 30 days prior to initiation of any ground disturbing (construction) activity.	Project Applicant with Construction Contractor	City of Morgan Hill Community Development Department	No more than 30 days prior to the initiation of any ground disturbing (construction) activity
BIO-4: Pay the Santa Clara Valley Habitat Plan per-acre fee in effect for the appropriate fee zone, as determined by the Santa Clara Valley Habitat Agency, in compliance with Section 18.69.150 of the Morgan Hill Municipal Code.	Project Applicant	City of Morgan Hill Community Development Department and Santa Clara Valley Habitat Plan	No later than submittal of the first construction or grading permit
BIO-5: A qualified biologist shall conduct a pre-construction nesting survey for raptors and other protected migratory birds and submit survey results to the City of Morgan Hill Community Development	Project Applicant with Construction Contractor	City of Morgan Hill Community Development Department	If construction is proposed during breeding season (February 1 to August 31), then no more than 14 days prior to the start of construction

TABLE 1. MITIGATION MONITORING AND REPORTING PROGRAM – SUMMARY OF MITIGATION MEASURES

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility¹	Timing of Implementation
Department for review no more than 14 days prior to the start of construction during the breeding season (February 1 to August 31).			
BIO-6: Prior to removal of Tree #10871, as identified in the arborist report prepared for the proposed project by Smith Tree Specialists, Inc., the applicant shall obtain a tree removal permit from the City of Morgan Hill in accordance with the Municipal Code. Tree #10871 shall be subject to a replacement planting(s) as determined by the City of Morgan Hill's Community Development Department.	Project Applicant with Construction Contractor	City of Morgan Hill Community Development Department	Prior to removal of Tree #10871
HAZ-1: Prior to initiation of construction activities, the existing on-site groundwater well shall be abandoned in an approved manner as determined by the Santa Clara County Department of Environmental Health.	Project Applicant with Project Engineer and Construction Contractor	City of Morgan Hill Community Development Department and Santa Clara County Environmental Health Department	Prior to initiation of construction activities
During Construction			
BIO-2: Should burrowing owls be found on the site during the breeding season (February 1 through August 31), exclusion zones, with a 250-foot radius from occupied burrows, shall be established.	Project Applicant with Construction Contractor and City of Morgan Hill	City of Morgan Hill – Community Development Department	If burrowing owls are found on the site during the breeding season (February 1 through August 31)
BIO-3: If pre-construction surveys are conducted during the non-breeding season (September 1 through January 31) and burrowing owls are observed on the site, the owls may be relocated upon approval by the California Department of Fish and Wildlife, in accordance with the Burrowing Owl Mitigation Plan.	Project Applicant with Construction Contractor	City of Morgan Hill Community Development Department	If burrowing owls are found on the site during the non-breeding season (September 1 through January 31)
NOI-3: During construction activities, all internal combustion engines used at the project site shall be equipped with a type of muffler recommended by the vehicle manufacturer and shall be in good mechanical condition. In addition, the project shall comply with the City's standard construction requirements and recommendations.	Project Applicant with Construction Contractor	City of Morgan Hill Community Development Department	During construction activities
¹ The City of Morgan Hill may hire a qualified contractor to conduct mitigation monitoring.			

BIOLOGICAL RESOURCES

The project's construction-related activities, including site preparation and grading, could have potentially significant effects on special-status animal species and/or their habitat. Furthermore, the project would include removal of an on-site tree protected by the City's Municipal Code. Two additional trees, both of which overhang the project site from adjacent properties, would require preservation and/or protection measures. Implementation of the following measures would reduce such potentially significant effects to less-than-significant levels.

- MM BIO-1:** A pre-construction survey shall be conducted by a qualified Burrowing Owl biologist no more than 30 days prior to initiation of any ground disturbing (construction) activity to assure take avoidance of burrowing owls. The survey shall consist of a habitat assessment, burrow survey, owl survey, and completion of a written report. The written report shall be submitted to the Community Development Department. If owls are observed during the preconstruction survey, no impacts to the owls or their habitat will be allowed during the nesting season (February 1 to August 31).
- MM BIO-2:** Should burrowing owls be found on the site during the breeding season (February 1 through August 31), exclusion zones, with a 250-foot radius from occupied burrows, shall be established. All development-related activities shall occur outside of the exclusion area until the young have fledged.
- MM BIO-3:** If pre-construction surveys are conducted during the non-breeding season (September 1 through January 31) and burrowing owls are observed on the site, the owls may be relocated upon approval by the California Department of Fish and Wildlife, in accordance with the Burrowing Owl Mitigation Plan.
- MM BIO-4:** No later than submittal of the first construction or grading permit for the proposed project the owner or designee shall pay the Santa Clara Valley Habitat Plan per-acre fee in effect for the appropriate fee zone of the 5.32-acre site, as determined by the Santa Clara Valley Habitat Agency, in compliance with Section 18.69.150 of the Morgan Hill Municipal Code.
- MM BIO-5:** If construction is proposed during breeding season (February 1 to August 31), a pre-construction nesting survey for raptors and other protected migratory birds shall be conducted by a qualified biologist and submitted to the City of Morgan Hill Community Development Department for review no more than 14 days prior to the start of construction. Pre-construction surveys during the non-breeding season (September 1 to January 31) are not necessary for birds, including roosting raptors, as they are expected to abandon their roosts during construction. If these species are deemed absent from the area, construction may occur within 14 days following the survey during the early nesting season (February to May) and within 30 days following the survey during the late nesting season (June to August).

If nesting raptors are detected on or adjacent to the site during the survey, a suitable construction-free buffer shall be established around all active nests. The precise dimension of the buffer (250-foot minimum for certain raptors) shall be

determined by the qualified biologist at that time and may vary depending on location, topography, type of construction activity, and species. The buffer areas shall be enclosed with temporary fencing, and construction equipment and workers shall not enter the enclosed setback areas. Buffers shall remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents.

MM BIO-6: Prior to removal of Tree #10871, as identified in the arborist report prepared for the proposed project by Smith Tree Specialists, Inc., the applicant shall obtain a tree removal permit from the City of Morgan Hill in accordance with the Municipal Code. Tree #10871 shall be subject to a replacement planting(s) as determined by the City of Morgan Hill's Community Development Department.

MM BIO-7: For off-site trees (Trees #10866 and #10880) overhanging the project site, prior to approval of Improvement Plans, the project applicant shall implement the tree preservation measures identified in the arborist report prepared for the proposed project by Smith Tree Specialists, Inc. The tree preservation measures include the following:

- Locate structures, grade changes, etc. as far as feasible from the 'dripline' area of the tree.
- Avoid root damage through grading, trenching, compaction, etc., at least within an area 1.5 times the 'dripline' area of trees. Where root damage cannot be avoided, roots encountered (over one inch in diameter) should be exposed approximately 12 inches beyond the area to be disturbed (towards 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. Tearing, or otherwise disturbing the portion of the root(s) to remain, shall be avoided.
- A temporary fence shall be constructed as far from the tree stem (trunk) as possible, completely surrounding the tree, and six to eight feet in height. 'No parking or storage' signs shall be posted outside/on the fencing. Postings shall not be attached to the main stem of the tree.
- Vehicles, equipment, pedestrian traffic, building materials, debris storage, and/or disposal of toxic or other materials shall not be permitted inside of the fenced off area.
- The project applicant shall avoid pruning immediately before, during, or immediately after construction impact. Perform only that pruning which is unavoidable due to conflicts with proposed development. Aesthetic pruning should not be performed for at least one to two years following completion of construction.
- Trees that will be impacted by construction may benefit from fertilization, ideally performed in the fall, and preferably prior to any construction activities, with not more than six pounds of actual nitrogen per 1,000 square feet of accessible 'drip line' area or beyond.
- The 'rooting' area shall be mulched with an acidic, organic compost or mulch.

- The project applicant shall arrange for periodic (Biannual/Quarterly) inspection of tree's condition, and treatment of damaging conditions (insects, diseases, nutrient deficiencies, etc.) as such conditions occur, or as appropriate.
- Subject to the discretion of the Community Development Department, individual trees likely to suffer significant impacts may require specific, more extensive efforts and/or a more detailed specification than those contained within the above general guidelines.

HAZARDS AND HAZARDOUS MATERIALS

The proposed project site contains an existing water supply well that would require proper abandonment prior to development of the proposed project. Implementation of the following mitigation measure would reduce the associated impact to a less-than-significant level.

- MM HAZ-1:** Prior to initiation of construction activities, the existing on-site groundwater well shall be abandoned in an approved manner as determined by the Santa Clara County Department of Environmental Health. Proof of abandonment shall be provided to the City of Morgan Hill Community Development Agency.

NOISE

Implementation of the following mitigation measures would ensure that exterior noise levels at the project site are reduced to below the City's exterior noise level standard. Thus, the following mitigation measures would ensure potentially significant impacts related to such would be reduced to less-than-significant levels.

- MM NOI-1:** In conjunction with submittal of Improvement Plans, the applicant shall show on the Improvement Plans that noise barriers would be installed consistent with the recommendations of the Noise Assessment Study prepared for the proposed project by Edward L. Pack Associates, Inc. The locations of the noise barriers are shown in Figure 12 of this IS/MND. Per the Noise Assessment Study, 7.5-foot noise barriers shall be required along East Dunne Avenue to achieve compliance with the City's 60 dB L_{dn} exterior noise level standard, unless the City determines that the 65 dB L_{dn} can be applied pursuant to General Plan Policy SSI-8.1, in which case six-foot-tall barriers can be constructed along East Dunne Avenue. The height of the flanking barriers noted in the Noise Assessment Study could similarly be reduced to six feet.

The required noise barriers shall be constructed air-tight, i.e., without cracks, gaps or other openings, and must provide for long term durability. Barriers shall be constructed of masonry, wood, concrete, stucco, earth berm, or a combination thereof, and must have a minimum surface weight of 2.5 pounds per square foot. If wood fencing is used, homogeneous sheet materials are preferable to conventional wood fencing as the latter has a tendency to warp and form openings with age. However, high quality air-tight tongue-and-groove, board and batten or shiplap construction may be used. All connections with posts, pilasters or building shells shall be sealed air-tight. Openings shall not be permitted

between the upper barrier components and the ground. Gates may be incorporated into the barriers; however, such gates must be of the same weight material as the main barrier and must seal tight when closed. Astragals shall be placed over the gaps at the hinge jamb and at the closure jamb. The gap at the bottom of the gate shall be one inch wide or smaller.

The specific height, design, and location of the noise barrier(s) shall be confirmed based upon the final approved site and grading plans to the satisfaction of the City Engineer.

MM NOI-2: In conjunction with submittal of building plans, the applicant shall show on the plans that mechanical ventilation (air conditioning) shall be provided for all residences to allow the occupants to close doors and windows as desired to achieve compliance with the applicable interior noise level criteria. The building plans shall be subject to review and approval by the City Building Division.

MM NOI-3: During construction activities associated with the proposed project, all internal combustion engines used at the project site shall be equipped with a type of muffler recommended by the vehicle manufacturer. All equipment shall be in good mechanical condition so as to minimize noise created by faulty or poorly maintained engine, drive-train, and other components. In addition, the project applicant shall comply with the following:

- Noise-generating construction activities shall be limited to the daytime hours of 7:00 AM to 8:00 PM Monday through Friday and from 9:00 AM to 6:00 PM Saturday, consistent with Chapter 8.28 of the Morgan Hill Municipal Code;
- All diesel-powered equipment shall be located more than 200 feet from any noise-sensitive use if the equipment is to operate for more than several hours per day; and
- Mobile equipment (haul trucks, concrete trucks, etc.) shall avoid local streets near residences and other noise-sensitive uses to the maximum extent feasible.

Furthermore, subject to equipment availability and cost considerations, the project applicant shall implement the following recommendations:

- Earth Removal: Scrapers shall be used as much as possible for earth removal, rather than the noisier loaders and hauling trucks.
- Backfilling: Backhoes shall be used for backfilling, as such equipment is less costly and quieter than either dozers or loaders.
- Ground Preparation: Graders shall be used rather than bulldozers for final grading.
- Building Construction: Power saws shall be shielded or enclosed where practical to decrease noise emissions. Nail guns shall be used where possible as they are less noisy than manual hammering.
- Construction Phasing: Buildings and/or other significant structures at the site perimeter shall be constructed as early as feasible to help shield existing sensitive receptors from noise generated on the site.

- **Generators, Compressors, and Other Stationary Equipment:** The project applicant shall ensure that generators, compressors and other stationary equipment that are housed in acoustical enclosures are used rather than equipment housed in weather enclosures or not housed in enclosures at all. Acoustical enclosures are often available with rented equipment. The equipment shall be placed as far from sensitive receptors as feasible.
- The project applicant shall provide a noise disturbance coordinator with a phone line and voicemail/answering machine. Signs with the noise disturbance coordinators contact information shall be posted on the project site at a highly visible location.
- Vehicle paths within the project site shall be graded smooth, as rough roads and paths can cause significant noise and vibration from trucks (particularly empty trucks) rolling over rough surfaces.

FINDING

The City of Morgan Hill Community Development Director hereby finds that the proposed project could have a significant effect on the environment; however, there would not be a significant effect in this case because mitigation measures summarized above and described in the MND are included in the project.

Jennifer Carman
Community Development Director

Date: _____