

**MWEST BUTTERFIELD VILLAGE RESIDENTIAL PROJECT**

**INITIAL STUDY/CONSISTENCY CHECKLIST DEMONSTRATING CONSISTENCY WITH:**

**BUTTERFIELD – MWEST GENERAL PLAN AMENDMENT PROJECT GPA 14-04**

**ENVIRONMENTAL IMPACT REPORT AND ADDENDUM**

**(State Clearinghouse No. 2014072009)**

**AND**

**MORGAN HILL 2035 ENVIRONMENTAL IMPACT REPORT**

**(State Clearinghouse No. 2015022074)**

**September 2018**

## **I. Introduction**

This document is an Initial Study/Consistency Checklist to analyze the environmental impacts of the proposed Butterfield Village project, a 389-unit multi-family attached, 100 percent rental, residential development on a 22.8-acre site at the southeasterly quadrant of Monterey Road and Jarvis Drive, 19.5 acres of which consist of the residential uses, and 3.3 acres of which consist of park use (“Project”). This document has been prepared in accordance with the relevant provisions of the California Environmental Quality Act (“CEQA”) of 1970 (as amended) and the State CEQA Guidelines as implemented by the City of Morgan Hill (“City”). According to Section 15168(c)(2) of the State CEQA Guidelines, a program Environmental Impact Report (“EIR”) can be used in compliance with CEQA to address the effects of a subsequent activity so long as the activity is within the scope of the project covered by the program EIR and no new effects are found and no new mitigation measures would be required. As supported by the analysis presented in this document, the Project would not result in new or substantially more severe significant environmental effects than what was analyzed in:

- (1) EIR for the General Plan Amendment (File No. GPA-14-04) (“GPA”) from Industrial to MF Medium Residential (14 – 21 du/acre) for a 19.5 acre portion of the 58-acre property located at Butterfield Boulevard and Jarvis Drive (“GPA EIR”);
- (2) Addendum to the GPA EIR, to study amended application presenting two alternative residential project area reconfigurations for the same total 19.5 residential acres and 409 units (“GPA EIR Addendum”); and
- (3) the City’s 2035 General Plan and Residential Development Control System Update (“GP Update EIR”)

This document includes a description of the Project and a comparison of the potential impacts of the Project to those identified in the GPA EIR, GPA EIR Addendum, and the GP Update EIR (together, “the Prior EIRs”). This document also examines the consistency of the Project with the City’s General Plan for the purposes of CEQA Guidelines 15183, which allows a streamlined environmental review process for projects that are consistent with the densities established by existing zoning, community plan or general plan policies for which an EIR was certified; and discusses streamlining per CEQA Section 21159.28 below in Section I.A. CEQA Background.

### **A. CEQA Background**

#### **GPA EIR:**

In July, 2014, pursuant to the California Environmental Quality Act (Pub. Res. Code § 21000 *et seq.*) (“CEQA”), the City of Morgan Hill (“City”) issued a Notice of Preparation (“NOP”) for the GPA EIR, which contemplated subsequent residential development of a 19.5 acre portion of the 58-acre MWest site with up to 409 residential units (20 more residential units than

the proposed Project). The City then circulated the Draft EIR for public comment in August, 2014 and published the Final EIR in November, 2014. The applicable project area was as follows in *Figure 1 – GPA EIR Area*.

*Figure 1 – GPA EIR Area*



**GPA EIR Addendum:**

MWest subsequently slightly reconfigured the residential and industrial portions of the planned development on their 58-acre parcel, studying two potential reconfigurations in the Addendum to the GPA EIR, dated April, 2015. The GPA EIR Addendum concluded that neither Alternative A nor Alternative B (the two reconfigurations) would result in any new significant impacts or impacts that would be substantially more severe than identified in the GPA EIR, according to CEQA and CEQA Guidelines triggers. Alternative A studied has much the same residential configuration as the Project studied in this Initial Study. Compare *Figure 2 – GPA EIR Addendum Alt. A*, and *Figure 3 – Current Project Area*, below. For a more complete comparison of the proposed Project against what was studied previously in the GPA EIR Addendum, see Section I.B.

*Figure 2 – GPA EIR Addendum Alt. A*



*Figure 3 – Current Project Area*



The City certified the GPA EIR and GPA EIR Addendum on May 6, 2015 in Resolution 15-101.

**GP Update EIR:**

On February 23, 2015, the City issued a NOP for a program EIR for the GP Update EIR. The City then circulated the Draft EIR for public comment in January, 2016 and certified the Final EIR in July, 2016.

CEQA Section 21166 and CEQA Guidelines Sections 15168 and 15162

Per CEQA Guidelines Section 15168, subsequent activities that fit within the scope of a proposed program are examined in the light of one or more Program EIRs to determine whether an additional environmental document must be prepared. The CEQA Guidelines require agencies to use checklists or similar mechanisms to conduct this analysis. An additional environmental document is not required unless the later activity (1) would have effects not examined in the program EIR or (2) would require new mitigation measures. If these two requirements are met, the lead agency may approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document is required. The lead agency shall incorporate applicable mitigation measures and alternatives developed in the program EIR(s) into subsequent actions in the program.

Further, per CEQA Section 21166 and Guidelines Section 15162(a), once an EIR has been certified, no subsequent EIR shall be prepared unless the lead agency determines, on the basis of substantial evidence, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:
  - (A) The project will have one or more significant effects not discussed in the previous EIR;
  - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

### Streamlining Per CEQA Guidelines Section 15183

The Project also is designed to be consistent with the development standards in the General Plan and Zoning Code. CEQA and the CEQA Guidelines mandate that projects consistent with the development density established by existing zoning policies or community plan for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects that are peculiar to the project or its site. Specifically, in approving a project meeting the requirements of CEQA Guidelines section 15183, the City must limit its examination of environmental effects to those that the agency determines, in an initial study or other analysis:

1. Are peculiar to the project or the parcel on which the project would be located;
2. Were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent;
3. Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action; or
4. Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

If an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in a prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, then no additional EIR is required to address that impact. Uniformly applied development policies and standards include those policies in the General Plan, General Plan, and Municipal Code, as well as applicable regional, state, and federal laws.

### Streamlining Per CEQA Section 21159.28

The Project also qualifies for streamlining per CEQA § 21159.28 for residential projects because it: 1) is at least 75% residential; 2) is consistent with the general use designation,

density, building intensity, and applicable policies of Plan Bay Area; and 3) will incorporate applicable mitigation measures required by a prior EIR.

## B. Project/Site Overview

The Project consists of the development of a 389-unit multi-family attached, 100 percent rental, residential development on a 22.8-acre site (19.5 acres of purely residential use and approximately 3.3 acres of park) at the southeasterly quadrant of Monterey Road and Jarvis Drive.<sup>1</sup>

*Figure 4 – Proposed Project Conceptual Site Plan*



### 1. Project Comparison to GPA EIR Addendum Project

The currently proposed Project and that studied in the GPA EIR Addendum are very similar, and the current proposed Project would have a slight reduction in impacts due to more open space, and a smaller number of residential units. The currently proposed Project contains an expanded park site (see Central Park above in Figure 4). The Project proposes 389 residential units, whereas the former GPA EIR Addendum project studied the development

<sup>1</sup> The Project site has no physical address. APNs are 726-25-061, -066, -067, -078, -079.

of 409 units. Finally, the current Project does not propose to make any improvements to the City-owned detention basin for use as open space or a park.

## 2. *Project Features*

Amenities includes two centrally-located recreation buildings including a fitness room, club room with kitchen, mail room and leasing/management facilities; a pool, child wading pool, and spa immediately adjacent to the recreation buildings; and other recreational elements. The Project also features an approximately 3.2-acre Central Park with recreational amenities. The park will be privately owned and operated, but open for use by the public during normal park hours through a public access easement.

Project landscaping and irrigation plans have been designed to promote water efficiency with drought-tolerant plants and efficient watering practices, and the vast majority of Project landscaping will be completed with native plants. The Project applicant has committed to exceeding CalGreen minimum requirements for indoor water efficiency and conservation by no less than 10%. The Project conforms to green building standards, and provides green development features above and beyond City requirements. The Project also features a Transportation Demand Management (“TDM”) Program that includes one month free car share membership for residents, on-site cargo bicycle available for residents’ use, and the operation of a commute assistances center offering on-site, one-stop shopping for transit and commute alternatives information.

The Project site is within close proximity to nearby schools, community-serving retail, restaurants, and other services, and is within 0.75 mile of the City’s central core. With regard to infrastructure, existing local water distribution lines, the wastewater collection system, and off-site storm drainage facilities are all sufficient to serve the Project without expansion or new infrastructure development required.

Vehicular circulation shall be provided via a private main street connecting Jarvis Drive to the (future) Sutter Road Extension, which connects to Digital Drive and Butterfield Boulevard. Parking requirements are fulfilled through two primary, centralized parking lots that are screened from surrounding streets; attached and detached garage parking, providing at least one covered space per unit; apron parking; guest parking throughout the Project site; and curbside parking along Main Street and the recreation hub.

The Project site’s General Plan designation is Residential Attached Medium (16-24 DU/AC), and its Zoning District is R-3. On January 18, 2018, the City confirmed in a letter to MWest that its application No. RDCS2017-0013 for the Project is consistent with the City’s General Plan and Zoning Code. The Project is consistent with and implements the policies and visions of the General Plan. More specific Project features related to each topic area are discussed below in Section II.

## II. Analysis of Project Impacts

This Initial Study document provides an analysis of each environmental issue identified in the Prior EIRs with regard to this Project. In the following evaluation, each topic section begins with a checklist comparing Project impacts to the Prior EIRs, followed by subsections discussing Prior EIR analysis, Project analysis, applicable mitigation requirements, and concluding with a finding regarding whether the Project would result in any new significant impacts, impacts that would be substantially more severe than identified in the Prior EIRs, or impacts that would require new and/or different mitigation measures. The full Prior EIRs are available for public review at the City of Morgan Hill Planning Department, 17575 Peak Avenue, in Morgan Hill, CA, and on the internet.<sup>2</sup> The entirety of the Prior EIRs are incorporated by reference into this document. Mitigation measures from the GPA EIR that are applicable to and will be required as conditions of approval for the Project are listed in the below analysis, and have been provided in full at [Attachment A – GPA EIR Mitigation Measures Applicable to the MWest Butterfield Village Residential Project](#) to this document.

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<sup>2</sup> Available at: <https://www.morgan-hill.ca.gov/868/Environmental-Review>. Last accessed September 5, 2018.



**A. AESTHETICS**

<b>AESTHETICS.</b> <i>Compared to the assumptions, analysis and conclusions presented in the certified EIRs, would the Project:</i>	Significant and Unavoidable Impact, new or substantially more severe than in the EIRs <sup>3</sup>	Significant and Unavoidable Impact, consistent with the EIRs	Less Than Significant Impact with Mitigation, consistent with the EIRs	No Impact or Less Than Significant Impact, consistent with the EIRs
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Prior EIR Analysis: Section 2.6 of the GPA EIR (Visual and Aesthetics) concludes that development of up to 409 residential units, with implementation of applicable General Plan and other policies, would not have a significant impact on aesthetics, with no mitigation required.<sup>4</sup> With regard to change in visual character, because development would be typical for suburban residential development and would be surrounded by similar uses, the development would not degrade visual character, and the GPA EIR concluded impacts would be less than significant.<sup>5</sup> The site is approximately 18 miles from the nearest Scenic state highway, and would therefore have no impact with regard to scenic highways.<sup>6</sup> Similarly, the site has no trees, rock outcroppings, or historic buildings, and is not designated a scenic resource; nor is it near a scenic corridor and would therefore have less than significant impacts in that regard. With regard to light and glare, while future residential development would incrementally increase light and glare, it would be consistent with that currently emitted but uses surrounding the site and will be subject to the design review process to ensure consistency with City requirements – impacts would be less than significant.

<sup>3</sup> Please see Section 1.0, Introduction, for further information regarding the standards in CEQA Guidelines Sections 15168 and 15162, and the EIRs compared to the Project in this document.

<sup>4</sup> GPA EIR, pages 86-87, 92.

<sup>5</sup> GAP EIR, pages 87, 92.

<sup>6</sup> GAP EIR, page 92.

Project Analysis: As noted in the GPA EIR Addendum, the slight site reconfiguration between the area analyzed in the GPA EIR and the Project area did not change the conclusions reached in the GPA EIR with respect to Project site conditions and potential impacts. Further, the Project will be subject to applicable General Plan and other City requirements that would ensure appropriate lighting and minimized impacts. The Project would have less than significant impacts with regard to aesthetics.

Applicable Mitigation: None required.

Finding: No supplemental analysis required.

**B. AGRICULTURE AND FOREST RESOURCES**

<b>AGRICULTURE and FOREST RESOURCES.</b> <i>Compared to the assumptions, analysis and conclusions presented in the certified EIR, would the Project:</i>	Significant and Unavoidable Impact, new or substantially more severe than in the EIRs	Significant and Unavoidable Impact, consistent with the EIRs	Less Than Significant Impact with Mitigation, consistent with the EIRs	No Impact or Less Than Significant Impact, consistent with the EIRs
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non- agricultural use or conversion of forestland to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Prior EIR Analysis: Due to a lack of either agricultural or forest resources on the site or nearby, this topic was scoped out of the GPA EIR for in-depth analysis, and there would be no impact.<sup>7</sup> As noted in the GPA EIR, the site had historically been used for agriculture, but not for several decades as the City has become more developed.<sup>8</sup> There is no forest land on or adjacent to the site studied in the GPA EIR.<sup>9</sup> The GPA EIR Addendum confirmed that reconfiguration would not change impacts identified in the GPA EIR.<sup>10</sup>

Project Analysis: Nothing about the Project and/or Project site would cause any different impacts to agricultural or forest resources than what was studied in the GPA EIR. The Project site remains a non-agricultural use in a non-agricultural area, and a non-forested site in a similarly non-forested area. The Project would have no impact on agricultural or forest resources.

Applicable Mitigation: None required.

Finding: No supplemental analysis required.

**C. AIR QUALITY**

<b>AIR QUALITY.</b> <i>Compared to the assumptions, analysis and conclusions presented in the certified EIR, would the Project:</i>	Significant and Unavoidable Impact, new or substantially more severe than in the EIRs	Significant and Unavoidable Impact, consistent with the EIRs	Less Than Significant Impact with Mitigation, consistent with the EIRs	No Impact or Less Than Significant Impact, consistent with the EIRs
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<sup>7</sup> GPA EIR, Appendix A, Notice of Preparation.

<sup>8</sup> GPA EIR, page 13.

<sup>9</sup> GPA EIR, page 13.

<sup>10</sup> GPA EIR Addendum, page 5.

e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Prior EIR Analysis: Section 2.4 of the GPA EIR (Air Quality) identifies the only sensitive receptors in the location as the existing residential uses north of Jarvis Drive, and the future residents of the development as part of the project.<sup>11</sup> The GPA EIR evaluates project impacts under BAAQMD’s May 2011 thresholds, which the City evaluated and found to be the best available information for the Bay Area.<sup>12</sup>

With regard to conflict with an applicable air quality plan, the GPA EIR concludes that impacts would be less than significant for the construction of 409 units on the site because such development would not exceed BAAQMD thresholds, development will implement all air quality plan control measures, and will be required to undergo analysis to confirm that impacts would not be significant.<sup>13</sup> The GP Update EIR confirmed that development contemplated under the General Plan would not violate the applicable 2010 Bay Area Clean Air Plan.<sup>14</sup>

With regard to operational impacts, for criteria air pollutants, under the applicable threshold, the development of 409 units in a low-rise residential development would have less than significant impacts, with no mitigation required.<sup>15</sup> Likewise, the development of 409 units would result in carbon monoxide emissions far below the threshold, resulting in a less than significant impact.<sup>16</sup> With regard to objectionable odors, the area is not agricultural and no unusual odor sources surround it; while the area could experience odors from a mushroom farm located 1.3 miles away and/or garlic farm 2.5 miles away, such occurrences have been very rare and impacts are anticipated to be less than significant.<sup>17</sup>

With regard to construction impacts, the GPA EIR assumes impacts for construction of a 409-units, for which there would be less than significant odor-related impacts, but potentially significant impacts related to dust and equipment exhaust on a temporary basis, resulting in a potentially significant impact prior to mitigation.<sup>18</sup> Therefore, mitigation measures MM-AQ-1 and MM-AQ-2.1 and 2.2 are incorporated to reduce construction-related toxic air

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<sup>11</sup> GPA EIR, page 63. Please note that to the extent the GPA EIR analysis considers air quality impacts from existing sources in relation to future residents of the Project, it does so for informational purposes only pursuant to the judicial decisions in *CBIA v. BAAQMD* (2015) 62 Cal.4th 369, 386 and *Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455, 473, which confirm that the impacts of the environment on a project are excluded from CEQA unless the project itself “exacerbates” such impacts. As such, any air quality impacts on the future residents of the Project is not an impact under CEQA.

<sup>12</sup> GPA EIR, page 65.

<sup>13</sup> GPA EIR, page 67.

<sup>14</sup> GP Update EIR, page 4.3-23.

<sup>15</sup> GPA EIR, pages 65, 67.

<sup>16</sup> GPA EIR, page 68.

<sup>17</sup> GPA EIR, pages 73-74.

<sup>18</sup> GPA EIR, pages 67-68.

contaminant and fugitive dust impacts to a less than significant level.<sup>19</sup> The GPA EIR Addendum confirmed that reconfiguration would not change impacts identified in the GPA EIR.<sup>20</sup>

**Project Analysis:** The total residential acreage for the Project site remains the same as studied under the GPA EIR, and the total number of units/density is 20 less than studied. Further, the reconfiguration does not change the distance from the only sensitive receptors to the north of Jarvis Drive or other surrounding sources. Therefore, the Project would have substantially similar impacts as evaluated under the GPA EIR, and may have slightly less impacts due to the reduction in residential units. The Project will be subject to the requirements of MM-AQ-1 and MM-AQ-2.1 and 2.2 to reduce construction-related impacts to a less than significant level.

**Applicable Mitigation:** GPA EIR mitigation measure MM-AQ-1 requires the preparation of a Community Health Risk Analysis for the Project, and the implementation of requirements that would reduce impacts to nearby sensitive receptors related to toxic air contaminants during construction.<sup>21</sup> MM-AQ-2.1 requires the incorporation of specified conditions of Project approval that will ensure best management practices are applied to construction activities.<sup>22</sup> MM-AQ-2.2 requires the creation and implementation of a dust management plan for the Project.<sup>23</sup>

**Finding:** No supplemental analysis required. Applicable mitigation measures set forth appropriate performance standards that are applicable as conditions of approval to ensure Project-related impacts will be reduced to a less than significant level. No new or different mitigation measures are required.

#### D. BIOLOGICAL RESOURCES

<b>BIOLOGICAL RESOURCES.</b> <i>Compared to the assumptions, analysis and conclusions presented in the certified EIR, would the Project:</i>	Significant and Unavoidable Impact, new or substantially more severe than in the EIRs	Significant and Unavoidable Impact, consistent with the EIRs	Less Than Significant Impact with Mitigation, consistent with the EIRs	No Impact or Less Than Significant Impact, consistent with the EIRs
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>19</sup> GPA EIR, page 74-75.

<sup>20</sup> GPA EIR Addendum, page 6.

<sup>21</sup> GPA EIR, page 74.

<sup>22</sup> GPA EIR, pages 74-75.

<sup>23</sup> GPA EIR, page 75.

policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Prior EIR Analysis: Section 2.7 of the GPA EIR (Biological Resources) identifies impacts to nesting birds and burrowing owls, and identifies mitigation measures to reduce all impacts related to biological resources to a less than significant level. The Biological Evaluation prepared by Live Oak Associates, Inc. (Appendix E to the GPA EIR) analyzed not only the project site for the GPA project, but the eight surrounding quadrangles. (See Appendix E at page 3).

With regard to habitat impacts, the biological evaluation indicated there are not suitable soils for special-status species, and there are no jurisdictional waters of the United States in the study area.<sup>24</sup> Further, there are no sensitive habitats, including areas of high biological diversity, on the site or study area.<sup>25</sup> Development of up to 409 residential units therefore would result in less than significant impacts to a Federally-protected wetland, riparian habitat, nor other sensitive natural community.<sup>26</sup> With regard to special-status wildlife species potentially present on the site, the GPA EIR notes that white-tailed kite are likely to occur, while golden eagle, tricolored blackbird, and pallid bird may possibly occur.<sup>27</sup> However, the development of 409 units on the 19.5-acre site and the Central Park would result in a very small reduction of potential foraging and breeding habitat, resulting in a less than significant impact.<sup>28</sup> With regard to trees, there are none on site, and there would therefore be no impact to trees. Further, any future trees associated with planned development would need to be planted per City requirements, ensuring no impact.<sup>29</sup>

With regard to nesting birds and/or burrowing owls, although they were not found on site, they may occupy the site in the future, and/or construction could have impacts on adjacent occupied areas if not mitigated.<sup>30</sup> Therefore, the GPA EIR incorporated mitigation measures MM-BIO-1 and MM-BIO-2 to ensure impacts are less than significant, through requirements to conduct surveys, establish buffers and other avoidance tactics if necessary, and comply with the City's standard requirements for burrowing owl mitigation.<sup>31</sup> The GPA EIR Addendum confirmed that reconfiguration would not change impacts identified in the GPA EIR.<sup>32</sup>

Project Analysis: As discussed in the GPA EIR, the Project site, including the Central Park, is currently vacant, and contains no trees. Site conditions have not substantially changed since the GPA EIR was published. Therefore, the Project would have the same potential impacts identified in the GPA EIR, and would remain subject to the same mitigation measures as conditions of approval to reduce potential impacts to nesting birds and burrowing owls to

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<sup>24</sup> GPA EIR, page 101.

<sup>25</sup> GPA EIR, page 101.

<sup>26</sup> GPA EIR, page 101.

<sup>27</sup> GPA EIR, pages 95-96.

<sup>28</sup> GPA EIR, page 103.

<sup>29</sup> GPA EIR, page 103.

<sup>30</sup> GPA EIR, page 100.

<sup>31</sup> GPA EIR, pages 103-104.

<sup>32</sup> GPA EIR Addendum, page 7.

less than significant levels. No new or more severe impacts have been identified, and no new or different mitigation is required.

Applicable Mitigation: GPA EIR mitigation measures MM-BIO-1 and MM-BIO-2.

Finding: No supplemental analysis required.

**E. CULTURAL RESOURCES**

<b>CULTURAL RESOURCES.</b> <i>Compared to the assumptions, analysis and conclusions presented in the certified EIR, would the Project:</i>	Significant and Unavoidable Impact, new or substantially more severe than in the EIRs	Significant and Unavoidable Impact, consistent with the EIRs	Less Than Significant Impact with Mitigation, consistent with the EIRs	No Impact or Less Than Significant Impact, consistent with the EIRs
a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, features, 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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



<p>local register of historical resources as defined in Public Resources Code Section 5020.1(k), or cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5(k); or</p> <p>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.</p>				
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Prior EIR Analysis: Section 2.8 of the GPA EIR (Cultural Resources) concludes the project site does not contain any historic resources, and only a potential for discovery of subsurface archeological resources during construction.<sup>33</sup> It therefore identifies standard mitigation measures to reduce any potential impact related to any potential subsurface cultural resources to a less than significant level.<sup>34</sup> The GPA EIR analyzed potential impacts to all historic and archaeological resource including tribal cultural resources, and to human remains including tribal remains, and the conclusion is that with legal requirements and standard mitigation incorporated, impacts would be less than significant. The GPA EIR Addendum confirmed that reconfiguration would not change impacts identified in the GPA EIR.<sup>35</sup>

Project Analysis: The City’s Archaeological Sensitivity Map does not identify any cultural resources on the Project area, including the Central Park, as noted in the GPA EIR Addendum.<sup>36</sup> The applicable legal requirements and standard measure from the GPA EIR would similarly be applied to the Project, and impacts would be less than significant with such mitigation implemented. No new or more severe impacts would occur, and no new or different mitigation is required.

Applicable Mitigation: GPA EIR Standard Measure SM CUL-1.1.

Finding: No supplemental analysis required.

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<sup>33</sup> GPA EIR, page 107.

<sup>34</sup> GPA EIR, pages 107-109.

<sup>35</sup> GPA EIR Addendum, page 8.

<sup>36</sup> GPA EIR Addendum, page 8.

**F. GEOLOGY AND SOILS**

<b>GEOLOGY AND SOILS –</b> <i>Compared to the assumptions, analysis and conclusions presented in the certified EIR, would the project:</i>	Significant and Unavoidable Impact, new or substantially more severe than in the EIRs	Significant and Unavoidable Impact, consistent with the EIRs	Less Than Significant Impact with Mitigation, consistent with the EIRs	No Impact or Less Than Significant Impact, consistent with the EIRs
a) 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 (Division of Mines and Geology Special Publication 42)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

where sewers are not available for the disposal of wastewater?				
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Prior EIR Analysis: Section 2.9 of the GPA EIR (Geology and Soils) concludes that project area development would not require septic tanks or alternative wastewater disposal systems, and there would therefore be no impact in this regard.<sup>37</sup> The project site is not within any landslide area, any liquefaction hazard zone, or any Alquist-Priolo earthquake fault zone, and impacts in that regard would therefore be less than significant.<sup>38</sup> While the site is in a seismically active region, the EIR concludes that future development will be required to follow applicable construction standards to ensure safety, and the project therefore would not expose people or structures to adverse effects from rupture of a known earthquake fault, strong seismic ground shaking, or expansive soils, and impacts would be less than significant.<sup>39</sup> Future construction-related grading could result in a significant impact from soil erosion without mitigation.<sup>40</sup> The GPA EIR therefore incorporates standard mitigation measure SM GEO-1 to reduce impacts related to soil erosion during construction to a less than significant level. The GPA EIR Addendum confirmed that reconfiguration would not change impacts identified in the GPA EIR.<sup>41</sup>

Project Analysis: The total residential development acreage remains the same as in the GPA EIR, and the soil and geological conditions are substantially the same as identified in the GPA EIR. The reconfigured areas, including the Central Park, are similarly not in any landslide, fault zone, or liquefaction hazard zone. Therefore, the Project would not change the conclusions reached in the GPA EIR, and would remain subject to the same standard mitigation measure SM GEO-1 to reduce potential soil erosion impacts.

Applicable Mitigation: GPA EIR mitigation measure SM GEO-1.

Finding: No supplemental analysis required.

## G. GREENHOUSE GAS EMISSIONS AND ENERGY

<b>GREENHOUSE GAS EMISSIONS &amp; ENERGY.</b> <i>Compared to the assumptions, analysis and conclusions presented in the certified EIR, would the Project:</i>	Significant and Unavoidable Impact, new or substantially more severe than in the EIRs	Significant and Unavoidable Impact, consistent with the EIRs	Less Than Significant Impact with Mitigation, consistent with the EIRs	No Impact or Less Than Significant Impact, consistent with the EIRs
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>37</sup> GPA EIR, page 112.

<sup>38</sup> GPA EIR, pages 110-111, 113.

<sup>39</sup> GPA EIR, page 112.

<sup>40</sup> GPA EIR, page 113.

<sup>41</sup> GPA EIR Addendum, page 10.

significant impact on the environment?				
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a wasteful, inefficient, and unnecessary consumption of energy?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in a substantial increase in demand upon energy resources in relation to projected supplies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in longer distances between housing and jobs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## GREENHOUSE GAS

Prior EIR Analysis: Section 2.5 of the GPA EIR (Greenhouse Gas Emissions) applies BAAQMD thresholds to the project because the City analyzed the thresholds and determined they were the best information available for the San Francisco Bay Area Basin.<sup>42</sup> Analysis assumes operation and construction emissions from buildout of 409 residential units on the site, with operations assumed to begin in 2017.<sup>43</sup> The GPA 14-04 EIR concluded the project would not exceed the BAAQMD efficiency threshold of 4.6 MT CO<sub>2</sub> per service population and therefore would have a less than significant impact related to greenhouse gas emissions.<sup>44</sup> With regard to applicable plans, policies, and regulations, the GPA EIR studies project compliance with the Climate Change Scoping Plan and relevant greenhouse-gas related General Plan policies, and determines it will be consistent with both.<sup>45</sup> Further, the EIR concludes that the project will comply with the Bay Area 2010 Clean Air Plan because the 409 units will generate emissions below the BAAQMD thresholds, future development will need to incorporate control measures, and future project analysis will confirm that it will not hinder compliance and implementation. Impacts are therefore less than significant.<sup>46</sup>

Project Analysis: Because total residential acreage is the same and number of residential units is 20 units less than studied under the GPA EIR, the modeling assumptions or results with respect to greenhouse gas operational or construction emissions and the conclusions reached in the GPA EIR would remain substantially the same. Emissions are likely lower than assumed in the GPA EIR because there are fewer units, green building and efficient technology has advanced since 2014, the Project will be constructed and operated after the assumed operational timeline of 2017 under the GPA EIR, and the Project will be required to

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<sup>42</sup> GPA EIR, page 82.

<sup>43</sup> GPA EIR, page 83.

<sup>44</sup> GPA EIR, pages 83-84.

<sup>45</sup> GPA EIR, pages 84-85.

<sup>46</sup> GPA EIR, page 85.

comply with more stringent legal mandates than existed in 2014. Further, with regard to transportation demand management and alternative modes of travel, the Project has committed to providing no less than four EV charging stations; one month free car share membership or transit pass for each unit; one on-site cargo bicycle available for residents' use; and establishment and operation of a commute assistance center offering on-site, one-stop shopping for transit and commute alternatives information.

Applicable Mitigation: None required.

Finding: No supplemental analysis required.

#### ENERGY:

Section 2.13 of the GPA EIR (Energy) concludes that while project uses will consume energy, applicable legal requirements and the nature of the use will ensure that the project does not consume energy in a wasteful or inefficient manner, and the impact would be less than significant.<sup>47</sup> With regard to a substantial increase in demand, the GPA EIR concludes that the project would result in a significant unavoidable impact related to annual increase in Vehicle Miles Traveled (VMT) by 6,357,935 VMT/year, consuming 269,404 gallons per year compared to existing site conditions (vacant), and this impact is without feasible mitigation to reduce it because the site is not downtown or ideally placed for sufficient reductions in vehicle miles traveled through shift to alternative fuels or modes of transportation.<sup>48</sup>

Project Analysis: The total acres of the residential development area remains the same as studied under the GPA EIR, while the total number of units is 20 less. Therefore, the Project would not substantially change the energy or VMT conclusions reached in the GPA EIR, though some reduction in comparison is anticipated due to increased efforts to implement TDM measures, further buildout of the surrounding area since 2014 that could shorten some estimated trips, and the lower unit count. There are no Project updates since the GPA EIR that would create new or more severe energy impacts, and no new or different mitigation is feasible or required.

Applicable Mitigation: None feasible with regard to demand, and none required with regard to other impacts.

Finding: No supplemental analysis required.

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<sup>47</sup> GPA EIR, pages 143-145.

<sup>48</sup> GPA EIR, pages 145-147.

**H. HAZARDS AND HAZARDOUS MATERIALS**

<b>HAZARDS AND HAZARDOUS MATERIALS.</b> <i>Compared to the assumptions, analysis and conclusions presented in the certified EIR, would the Project:</i>	Significant and Unavoidable Impact, new or substantially more severe than in the EIRs	Significant and Unavoidable Impact, consistent with the EIRs	Less Than Significant Impact with Mitigation, consistent with the EIRs	No Impact or Less Than Significant Impact, consistent with the EIRs
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

residing or working in the project area?				
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Prior EIR Analysis:** Section 2.11 of the GPA EIR (Hazards and Hazardous Materials) concludes that the project site does not have a history of hazardous waste spills, releases, or hazardous waste incidents, and project uses would not handle hazardous wastes, resulting in a less than significant impact in this regard.<sup>49</sup> The site is not located within the South County Airport Influence Area, nor is it in the vicinity of a private airstrip, and not near wildlands or otherwise subject to wildfire risk – it would therefore have no impact in those regards.<sup>50</sup> The site does not contain any recognized environmental concerns, but due to the project site’s previous agricultural uses, residual chemicals could be hazardous to future construction workers and residents and result in potentially significant impacts without mitigation.<sup>51</sup> Therefore, the GPA EIR identifies mitigation measures MM HAZ-1.1 through 1.4 to reduce any potential impacts related to agricultural residual chemicals to a less than significant level.<sup>52</sup> The GPA EIR Addendum confirmed that reconfiguration would not change impacts identified in the GPA EIR.<sup>53</sup>

**Project Analysis:** The total residential development acreage remains the same, and proposed Project would not impact any new type of hazardous material or increase the severity of any impact related to potential residual agricultural chemicals identified in the GPA EIR. The Phase I prepared by Blackstone Consulting in August 2012 (GPA EIR Appendix F), to investigate and identify recognized environmental conditions (RECs) which analyzed a larger 88.5 acre area, including the 19.5 acre residential development area and the Central Park, does not identify any RECs within the Project area. There are also no Project details that would result in new or more severe impacts. Therefore, the Project is subject to the same conclusions reached in the GPA EIR, is subject to the same mitigation measure requirements

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<sup>49</sup> GPA EIR, page 130.

<sup>50</sup> GPA EIR, page 130.

<sup>51</sup> GPA EIR, page 130.

<sup>52</sup> GPA EIR, pages 131-132.

<sup>53</sup> GPA EIR Addendum, page 13.

to confirm that no RECs are present, and would have less than significant impacts with regard to agricultural chemical residue with mitigation incorporated.

**Applicable Mitigation:** GPA EIR mitigation measures MM HAZ-1.1 through 1.4. The Project may be required to collect soil samples per MM HAZ-1.1 to confirm the lack of RECs and carry out appropriate remediation requirements only if necessary, per MM HAZ-1.2 through 1.4.

**Finding:** No supplemental analysis required. Mitigation measures MM HAZ-1.1 through 1.4 set forth appropriate performance standards for implementation that would be applied as conditions of approval, and no new or different mitigation measures are required.

### I. HYDROLOGY AND WATER QUALITY

<b>HYDROLOGY AND WATER QUALITY.</b> <i>Compared to the assumptions, analysis and conclusions presented in the certified EIRs, would the Project:</i>	Significant and Unavoidable Impact, new or substantially more severe than in the EIRs	Significant and Unavoidable Impact, consistent with the EIRs	Less Than Significant Impact with Mitigation, consistent with the EIRs	No Impact or Less Than Significant Impact, consistent with the EIRs
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Prior EIR Analysis: Section 2.10 of the GPA 14-04 EIR (Hydrology and Water Quality) concludes the project site is not within the 100 year flood zone, has no waterways, or any potential for seiche, tsunami or mudflow, and less than significant impacts to groundwater recharge.<sup>54</sup> However, development of the site will increase the amount of impervious surfaces in the area, creating potential runoff issues prior to mitigation, and project development could propose removal of the detention pond, potentially further increasing drainage impacts.<sup>55</sup> The EIR therefore incorporates standard conditions of approval as mitigation measures related to the removal of the detention pond and related to construction and post construction stormwater quality, to reduce them a less than significant level.<sup>56</sup> The

<sup>54</sup> GPA EIR, pages 120-122.

<sup>55</sup> GPA EIR, pages 120-121.

<sup>56</sup> GPA EIR, pages 123-124.

GPA EIR Addendum confirmed that reconfiguration would not change impacts identified in the GPA EIR.<sup>57</sup>

Project Analysis: The total residential development acreage remains the same, and the reconfiguration would not result in any new impacts related to hydrology or water quality, or increase the severity of any impact identified in the GPA EIR because site conditions remain substantially the same now as previously. The Project does not propose the removal of the detention pond. Therefore, the Project would not result in the potential detention pond impact identified in the GPA EIR, and likewise it would not result in new or more severe impacts with regards to drainage. It would remain subject to the same applicable, standard conditions of approval as mitigation measures with regards to drainage generally. A report prepared by Schaaf & Wheeler<sup>58</sup> concludes the City’s temporary stormwater easement is no longer necessary and can be removed, that the City’s regional detention basis is appropriate to serve the stormwater for the Project, and recommends appropriate design criteria. The Project has also committed to providing off-site infrastructure improvements to improve the City’s infrastructure but not required for the Project. See Section II.Q below for further details.

Applicable Mitigation: GPA EIR mitigation measures SM HYD-1.1 through 1.4.

Finding: No supplemental analysis required. The standard mitigation measures applicable to the Project set forth appropriate performance standards for the preparation of drainage studies and implementation of appropriate requirements that can be applied as conditions of approval to ensure impacts are less than significant, and no new or different mitigation is required.

**J. LAND USE AND PLANNING**

<b>LAND USE AND PLANNING.</b> <i>Compared to the assumptions, analysis and conclusions presented in the certified EIRs, would the Project:</i>	Significant and Unavoidable Impact, new or substantially more severe than in the EIRs	Significant and Unavoidable Impact, consistent with the EIRs	Less Than Significant Impact with Mitigation, consistent with the EIRs	No Impact or Less Than Significant Impact, consistent with the EIRs
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>57</sup> GPA EIR, page 14.

<sup>58</sup> Schaaf & Wheeler, Butterfield Village Site Hydraulics and Water Quality, 9/22/2016 page 21.

for the purpose of avoiding or mitigating an environmental effect? (Note: the Airport Land Use Plan is discussed in Section VIII.)				
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Prior EIR Analysis:** Section 2.1 of the GPA EIR (Land Use) concludes that given surrounding uses and with the approval of the GPA, the development of up to 409 residential units would be in conformance with applicable land use plans, policies, and the project would be compatible with surrounding uses and result in less than significant land use impacts with no mitigation required.<sup>59</sup> Because the site is vacant, the project would have a less than significant impact with regard to dividing an established community.<sup>60</sup> With regard to the Santa Clara Valley HCP, the site is covered and future activities will be required to comply with requirements, ensuring less than significant impacts.<sup>61</sup> The GPA EIR Addendum confirmed that reconfiguration would not change impacts identified in the GPA EIR.<sup>62</sup>

**Project Analysis:** The total residential development acreage remains the same as does overall proposed use, with 20 fewer units. The Project site’s current General Plan designation is Residential Attached Medium (16-24 DU/AC), and its Zoning District is R-3. On January 18, 2018, the City confirmed in a letter to MWest that its application No. RDCS2017-0013 for the Project is consistent with the City’s General Plan and Zoning Code. The Project is consistent with and implements the policies and visions of the General Plan. Further, the Project helps to meet the City’s goals for smart growth that is affordable and provides a mixture of housing. The Project will consist of 20% units affordable to Very Low Income Households as defined by State Housing and Urban Development Guidelines; it includes a diversity of two housing types, including multi-family units and single family attached townhomes; it includes both one- and two-bedroom apartments; the Project is 100% multi-family rental, which will increase the City’s housing stock diversity; The Project will comply with HCP requirements, and this impact is less than significant. The Project site is still vacant, and there would be a less than significant impact with regards to dividing an existing community. Therefore, the Project would not result in new or more severe impacts as identified in the GPA EIR, and no mitigation is required.

**Applicable Mitigation:** None required.

**Finding:** No supplemental analysis required.

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<sup>59</sup> GPA EIR, pages 15-16.

<sup>60</sup> GPA EIR, page 16.

<sup>61</sup> GPA EIR, page 15.

<sup>62</sup> GPA EIR Addendum, page 15.

**K. MINERAL RESOURCES**

<b>MINERAL RESOURCES.</b> <i>Compared to the assumptions, analysis and conclusions presented in the certified EIRs, would the Project:</i>	Significant and Unavoidable Impact, new or substantially more severe than in the EIRs	Significant and Unavoidable Impact, consistent with the EIRs	Less Than Significant Impact with Mitigation, consistent with the EIRs	No Impact or Less Than Significant Impact, consistent with the EIRs
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Prior EIR Analysis: Due to a lack of mineral resources on the site or nearby, this topic was scoped out of the GPA EIR for in-depth analysis, and there would be no impact.<sup>63</sup> As noted in the GPA EIR, the site is developed and does not contain any known or designated mineral resources.<sup>64</sup> The GPA EIR Addendum confirmed that reconfiguration would not change impacts identified in the GPA EIR.<sup>65</sup>

Project Analysis: Nothing about the Project and/or Project site would cause any different impacts to mineral resources than what was studied in the GPA EIR. The entire Project site remains in a developed area where there are no known mineral resources, and the Project would have no impact.

Applicable Mitigation: None required.

Finding: No supplemental analysis required.

**L. NOISE**

<b>NOISE.</b> <i>Compared to the assumptions, analysis and conclusions presented in the certified EIRs, would the Project:</i>	Significant and Unavoidable Impact, new or substantially more severe than in the EIRs	Significant and Unavoidable Impact, consistent with the EIRs	Less Than Significant Impact with Mitigation, consistent with the EIRs	No Impact or Less Than Significant Impact, consistent with the EIR
a) Expose persons to or generate noise levels in	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<sup>63</sup> GPA EIR, Appendix A, Notice of Preparation.

<sup>64</sup> GPA EIR, page 13.

<sup>65</sup> GPA EIR Addendum, page 16.

excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				
b) Expose persons to or generate excessive ground-borne vibration or ground-borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Prior EIR Analysis:** Per Section 2.3 of the GPA EIR (Noise and Vibration), the project area is not located within an airport land use plan area, within two miles of a public airports or public use airport, or private airstrip, and therefore would have no impact in that regard.<sup>66</sup> With regard to vibration, project construction activities including drilling, jackhammering, rock drills and other high-powered equipment could generate substantial, temporary vibration, but they would be below the threshold of 0.3 in/sec PPV, resulting in a less than significant impact.<sup>67</sup> The existing noise environment on the project<sup>68</sup> results primarily from

<sup>66</sup> GPA EIR, page 54.

<sup>67</sup> GPA EIR, pages 56-57.

<sup>68</sup> Please note that to the extent this analysis considers noise impacts in relation to future residents of the Project, it does so for informational purposes only pursuant to the judicial decisions in *CBIA v. BAAQMD* (2015) 62 Cal.4th 369, 386 and *Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455, 473, which confirm

vehicular traffic along Butterfield Boulevard and Monterey Road, as well as intermittent railroad noise along the UPRR rail corridor to the west of Monterey Road.<sup>69</sup> The GPA EIR identified potentially significant impacts prior to mitigation, related to interior noise exposure for the residential units adjacent to Butterfield Road and the UPRR rail corridor, and related to exterior noise impacts for the residential units adjacent to Butterfield Road, Monterey Road and the UPRR rail corridor.<sup>70</sup> The GPA EIR also identified short term construction noise impacts that would be potentially significant prior to mitigation.<sup>71</sup> The GPA EIR therefore incorporated mitigation measures to reduce all impacts related to interior, exterior, and construction noise to a less than significant level.<sup>72</sup> The GPA EIR Addendum confirmed that reconfiguration would not change impacts identified in the GPA EIR.<sup>73</sup>

Project Analysis: The Project proposed is substantially similar to that studied in the GPA EIR, and would not change the conclusions reached in the GPA EIR with respect to anticipated impacts due to distance to sources of exterior noise and interior noise, as discussed in the GPA EIR Addendum.<sup>74</sup> The amount and duration of construction is substantially the same as studied in the GPA EIR, and therefore construction-related noise and vibration impact conclusions are unchanged. The Project would not have any new or more severe impacts than identified in the GPA EIR, and the applicable mitigation measures identified in the GPA EIR would reduce impacts to a less than significant level.

Applicable Mitigation: Per GPA EIR mitigation measures MM NOI-1 through 3. Per MM NOI-1, the Project will be required to prepare a detailed acoustical analysis, and incorporate sound control treatment to meet City standards in the final design. Per MM NOI-2, the Project will need to incorporate design to reduce exterior noise impacts to a less than significant level, and MM NOI-3 requires compliance with a list of standard measures to reduce construction noise levels.

Finding: No supplemental analysis required. Mitigation measures set forth appropriate performance standards for the implementation of requirements necessary to reduce Project impacts to a less than significant level will be applied as conditions of approval, and no new or different mitigation measures are required.

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that the impacts of the environment on a project are excluded from CEQA unless the project itself “exacerbates” such impacts. As such, any noise impacts on the future residents of the Project is not an impact under CEQA.

<sup>69</sup> GPA EIR, page 49.

<sup>70</sup> GPA EIR, pages 54-55.

<sup>71</sup> GPA EIR, page 56.

<sup>72</sup> GPA EIR, pages 57-58.

<sup>73</sup> GPA EIR Addendum, page 18.

<sup>74</sup> GPA EIR Addendum, page 18.

**M. Population and Housing**

<b>POPULATION &amp; HOUSING.</b> <i>Compared to the assumptions, analysis and conclusions presented in the certified EIRs, would the Project:</i>	Significant and Unavoidable Impact, new or substantially more severe than in the EIRs	Significant and Unavoidable Impact, consistent with the EIRs	Less Than Significant Impact with Mitigation, consistent with the EIRs	No Impact or Less Than Significant Impact, consistent with the EIRs
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Prior EIR Analysis: The GPA EIR notes that the site is vacant, and approval of the project would therefore not displace any people or housing, and there is no impact in that regard.

Project Analysis: As noted in the GPA EIR, the Project site is currently vacant – that includes the portion not specifically studied in the GPA EIR. It would therefore similarly have no impact with regard to displacing people or homes. Further, the Project has the same residential development acreage and 20 fewer units, and as such would have the same analysis with regard to induced growth through the construction of new residential units. While the Project is exempt from the RDCS program, it will still need to meet City requirements for sufficient services and infrastructure for development approval, ensuring less than significant impacts. Further, the Project helps to meet the City’s goals for smart growth that is affordable and provides a mixture of housing. The Project will consist of 20% units affordable to Very Low Income Households as defined by State Housing and Urban Development Guidelines; it includes a diversity of two housing types, including multi-family units and single family attached townhomes; it includes both one- and two-bedroom apartments; the Project is 100% multi-family rental, which will increase the City’s housing stock diversity. There are therefore no new or more severe Project-related impacts than studied in the GPA EIR.

Applicable Mitigation: None required.

Finding: No supplemental analysis required.

**N. Public Services**

<b>PUBLIC SERVICES.</b> <i>Compared to the assumptions, analysis and conclusions presented in the certified EIRs, would the Project:</i>	Significant and Unavoidable Impact, new or substantially more severe than in the EIRs	Significant and Unavoidable Impact, consistent with the EIRs	Less Than Significant Impact with Mitigation, consistent with the EIRs	No Impact or Less Than Significant Impact, consistent with the EIRs
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental 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:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Prior EIR Analysis: Section 2.14 of the GPA EIR (Public Services) concludes that the GPA will not result in a significant impact to any public services.<sup>75</sup> With regard to fire protection, future residences must be constructed in compliance with building and fire codes, and review of the specific design by CalFire and the City’s Police Department will ensure that appropriate safety features are incorporated to result in less than significant impacts; further, the GPA EIR concludes that construction of 409 units would not result in a significant increase in service or facility demand.<sup>76</sup> With regard to police protection, while the increased population would result in increased service calls, future plans would be reviewed by the City’s police department to ensure that development does not adversely affect service times; development of 409 units is not anticipated to require construction of new or expanded facilities, and the impact would therefore be less than significant.<sup>77</sup> With regard to school facilities, the GPA EIR concludes that development of up to 409 units would increase demand on local schools, generating approximately 168 students, but it is anticipated that schools serving future development will have capacity to serve the additional students generated by

<sup>75</sup> GPA EIR, pages 153-154.

<sup>76</sup> GPA EIR, page 153.

<sup>77</sup> GPA EIR, page 153.



this development, resulting in a less than significant impact.<sup>78</sup> The GPA EIR Addendum confirmed that reconfiguration would not change impacts identified in the GPA EIR.<sup>79</sup>

**Project Analysis:** The total residential development acreage is the same for the Project as studied in the GPA EIR, in substantially the same location, with 20 less units, resulting in a slightly lower demand for services. Therefore, the Project would not change the conclusions reached in the GPA EIR with respect to Project impacts, and would not result in new or more severe impacts. Further, the Project has committed to the construction of off-site school-related improvements valued at \$1,000 per unit, including sidewalks along the industrial frontage of Butterfield Blvd. (west side), along Jarvis Drive (south side) to provide safe routes for students.

**Applicable Mitigation:** None required.

**Finding:** No supplemental analysis required.

**O. RECREATION**

<b>RECREATION.</b> <i>Compared to the assumptions, analysis and conclusions presented in the certified EIRs, would the Project:</i>	Significant and Unavoidable Impact, new or substantially more severe than in the EIRs	Significant and Unavoidable Impact, consistent with the EIRs	Less Than Significant Impact with Mitigation, consistent with the EIRs	No Impact or Less Than Significant Impact, consistent with the EIRs
a) Result in an increased use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Include recreational facilities, or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Prior EIR Analysis:** Section 2.14 of the GPA EIR (Public Services) concludes that the residential development will not result in a significant impact to parkland, because while future development will generate additional residents requiring parkland and recreational facilities, developers will be required to comply with requirements for parkland impact fees

<sup>78</sup> GPA EIR, page 154.

<sup>79</sup> GPA EIR Addendum, page 19.

for the development of public parkland.<sup>80</sup> Impacts would therefore be less than significant.<sup>81</sup> The GP Update EIR confirmed that with implementation of updated General Plan and other requirements, impacts would be less than significant.<sup>82</sup> The GPA EIR Addendum confirmed that reconfiguration would not change impacts identified in the GPA EIR.<sup>83</sup>

**Project Analysis:** As noted in the Prior EIRs, the Project is required to comply with City park and open space requirements. While the City’s parkland dedication requirements do not apply to rental projects, the Project is nonetheless voluntarily providing a total of 5.82 acres of open space and recreational areas, exceeding the City’s parkland requirements by more than 50%. The open space includes the 3.2 acre Central Park which is proposed to be privately owned and maintained, but open to the public. The Project also provides two centrally-located private recreation buildings including a fitness room, club room with kitchen, mail room and leasing/management facilities; a pool, child wading pool, and spa immediately adjacent to the recreation buildings; and other recreational elements such as tot lots provided within the development. The Project will therefore voluntarily meet and exceed City requirements for parkland and recreational facilities, and there would be a less than significant impact. The Project would not result in new or more severe impacts than identified in the Prior EIRs.

**Applicable Mitigation:** None required.

**Finding:** No supplemental analysis required.

**P. TRANSPORTATION/TRAFFIC**

<b>TRANSPORTATION/TRAFFIC.</b> <i>Compared to the assumptions, analysis and conclusions presented in the certified EIRs, would the Project:</i>	Significant and Unavoidable Impact, new or substantially more severe than in the EIRs	Significant and Unavoidable Impact, consistent with the EIRs	Less Than Significant Impact with Mitigation, consistent with the EIRs	No Impact or Less Than Significant Impact, consistent with the EIRs
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<sup>80</sup> GPA EIR, page 154.

<sup>81</sup> GPA EIR, page 154.

<sup>82</sup> GP Update EIR, pages 4.13-39-42.

<sup>83</sup> GPA EIR Addendum, page 21.

mass transit?				
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Prior EIR Analysis: Section 2.2 of the GPA EIR (Transportation) assumes and analyzes impacts for up to 410<sup>84</sup> residential units (21 more than proposed), with a calculated estimated 2,727 daily trips, with 209 occurring during the AM peak hour and 254 trips occurring during the PM peak hour.<sup>85</sup> This analysis likely overstate trip counts, because the “apartment” category in the model was used, rather than lower trip count “condo/townhouse” or “low-rise apartment” categories.<sup>86</sup> Applying assumptions and specific estimates based on proposed use, the GPA EIR concluded that under existing plus project conditions, the project would not result in significant level of service impacts to roadway intersections, but would result in significant and unavoidable freeway impacts, with no feasible mitigation because Caltrans would be required to widen US 101 between Morgan Hill and Gilroy.<sup>87</sup> Otherwise with regard to congestion, project impacts would be mitigated to a less than significant level with the implementation of improvements identified

<sup>84</sup> While the majority of GPA EIR and GPA EIR Addendum assumed up to 409 units, the traffic analysis conducted by Hexagon Transportation Consultants, Inc. dated June 25, 2014 (GPA EIR, Appendix B), conservatively assumed up to 410 units.

<sup>85</sup> GPA EIR, page 35.

<sup>86</sup> GPA EIR, page 35.

<sup>87</sup> GPA EIR, pages 36 to 39.

in GPA EIR mitigation measures MM TRAN-2.1 and MM TRAN-3.1, as they become required for future development.<sup>88</sup>

With regard to transit, pedestrian, and bicycle facilities, the GPA EIR concludes that existing transit facilities and service can serve the development, that future development would improve pedestrian and bicycle circulation, and impacts would be less than significant with no mitigation required.<sup>89</sup> Further, City requirements for review of site design would ensure that site access and circulation requirements are met and impacts would be less than significant in that regard.<sup>90</sup> The GPA EIR Addendum confirmed that reconfiguration would not change impacts identified in the GPA EIR.<sup>91</sup>

Project Analysis: The total residential development acreage remains the same, with 21 fewer units than analyzed and very similar proposed use pattern, resulting in substantially similar Project trip estimates and impacts. Further, the Project has committed to transportation improvements, including: dedication and improvements to the off-site industrial serving portion of the Sutter Extension from Main Street to Digital Drive; aligning Main Street with the opposing Jarvis entrance to Madrone Plaza and connecting to the new Sutter Extension to be constructed by the Project; extending streets to the adjoining undeveloped industrial land to provide future access; dedicating/constructing the Sutter Extension, which will provide access to the adjacent industrial land via Butterfield Blvd.; off-street bicycle and pedestrian connections including the Monterey/Sutter Greenways and Central Park (aka Butterfield Park) trails; the construction of “complete streets” for the Project; treated pavement at all primary pedestrian street crossings; direct pedestrian access from units to common open space, recreational facilities, and the Central Park. With regard to transportation demand management and alternative modes of travel, the Project has committed to providing no less than four EV charging stations; one month free car share membership or transit pass for each unit; one on-site cargo bicycle available for residents’ use; and establishment and operation of a commute assistance center offering on-site, one-stop shopping for transit and commute alternatives information. The Project is likewise subject to City review requirements to ensure sufficient circulation and access to the Project site, ensuring less than significant impacts. In the event the Project triggers the necessary improvements identified in mitigation measures MM TRAN-2.1 and MM-TRAN-2, such mitigation measures would apply to the Project and be required to reduce impacts to a less than significant levels.

Applicable Mitigation: GPA EIR mitigation measures MM-TRAN-2.1 and MM-TRAN-3.1, if triggered by Project development would be applied as conditions of approval.

Finding: No supplemental analysis required. Applicable mitigation sets forth standards for the City to require a warrant analysis to determine whether such mitigation is necessary to

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<sup>88</sup> GPA EIR, pages 45-46.

<sup>89</sup> GPA EIR, page 45.

<sup>90</sup> GPA EIR, page 45.

<sup>91</sup> GPA EIR Addendum, pages 22-23.

reduce impacts as part of final project design and conditions of approval. No new or different mitigation is required.

**Q. UTILITIES AND SERVICE SYSTEMS**

<b>UTILITIES AND SERVICES SYSTEMS.</b> <i>Compared to the assumptions, analysis and conclusions presented in the certified EIRs, would the Project:</i>	Significant and Unavoidable Impact, new or substantially more severe than in the EIRs	Significant and Unavoidable Impact, consistent with the EIRs	Less Than Significant Impact with Mitigation, consistent with the EIRs	No Impact or Less Than Significant Impact, consistent with the EIRs
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment or distribution facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of a new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider that serves the project area that it does not have adequate capacity to serve the project area's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

g) Fail to comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Prior EIR Analysis: Section 2.12 of the GPA EIR (Utilities and Service Systems) concludes that development of up to 409 residential units on the site will not result in a significant impact to any utilities or service systems.<sup>92</sup> With regard to water service and supply, the GPA EIR estimates that approximately 1,243 residents would live in the 409 units, creating a demand of 241,724 gallons per day, for which developers would need to demonstrate appropriate water service and supplies per City requirements, ensuring a less than significant impact.<sup>93</sup> Further, as demonstrated in the GP Update EIR, even while under long-term drought conditions, the City has planned for and would have sufficient water supplies to serve buildout under the General Plan from existing entitlements and resources, and new or expanded entitlements would not be required.<sup>94</sup> Similarly, the GP Update EIR concludes that in the event any new development requires the expansion of water facilities or new facilities, City requirements would ensure that such facilities are constructed and that impacts would be less than significant.<sup>95</sup>

With regard to wastewater treatment and sewer capacity, the GPA EIR concludes that based on available capacity at the existing wastewater treatment facility, combined with City approval processes to ensure appropriate facilities for wastewater treatment and sewers are provided for all development, impacts would be less than significant.<sup>96</sup> With regard to the storm drainage system, the GPA EIR notes that all development is subject to City drainage requirements, ensuring that impacts would be less than significant; further, capacity of off-site drainage facilities and the potential requirement for new facilities will be confirmed for future development, ensuring less than significant impacts.<sup>97</sup>

With regard to solid waste impacts, the GPA EIR concludes that development of 409 units would result in approximately 2,180 pounds of waste per day.<sup>98</sup> Per a study, the City’s waste diversion rate exceeds the 50 percent standard set by AB 939, and is 62 percent; further, City requirements would ensure appropriate solid waste capacity for any development, and future development would need to comply with all local, state, and federal regulations, ensuring less than significant impacts.<sup>99</sup> The GPA EIR Addendum confirmed that reconfiguration would not change impacts identified in the GPA EIR.<sup>100</sup>

<sup>92</sup> GPP EIR, pages 133-139.

<sup>93</sup> GPA EIR, page 136

<sup>94</sup> GP Update EIR, pages 4.15-16 to -20.

<sup>95</sup> GP Update EIR, page 4.15-21.

<sup>96</sup> GPA EIR, page 137.

<sup>97</sup> GPA EIR, page 138.

<sup>98</sup> GPA EIR, page 139.

<sup>99</sup> GPA EIR, page 139.

<sup>100</sup> GPA EIR Addendum, pages 23-24.

Project Analysis: The Project residential development acreage is the same as studied in the GPA EIR, and Project is 20 less units than studied in the GPA EIR. The Project would therefore not result in new or more severe impacts than identified in the GPA EIR, and no mitigation is required. Further, analysis has shown that the Project can be served by existing water distribution lines, the Project has committed to installing a new main in the Sutter Road Extension to contribute toward the City’s grid system. Analysis has also shown that the existing wastewater collection system is sufficient to serve the Project, the Project has committed to providing off-site sewer service in the new Sutter Road Extension. With regard to water efficiency, the Project has committed to exceed minimum requirements for indoor water efficiency and conservation by no less than 10% and outdoor per 20% per CalGreen standards, that it will contain no natural turf outside common areas used for active play, and that it will install appropriate subsurface irrigation for all private natural turf areas within the Project.

Applicable Mitigation: None required.

Finding: No supplemental analysis required.

### **III. DETERMINATION:**

On the basis of this evaluation, for the reasons described herein, we conclude that although the Project could have a potentially significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to the Prior EIRs to the greatest extent feasible, including mitigation measures that are imposed upon the proposed project, nothing further is required. In summary, for all impacts that relate to project nature and intensity (e.g. traffic, air quality, water quality, noise, greenhouse gas emissions, public services, utilities, and energy), the project is substantially the same size and density so there is no change in impacts. For all impacts that are footprint related (e.g., cultural, biology, hazardous materials, aesthetics, hydrology), the nature of the resources on the property is essentially the same as the original project site studied in the GPA EIR and was covered by the more geographically comprehensive GP Update EIR, so that there is no change in impacts. Applicable mitigation measures set forth appropriate performance standards for the formation of Project-specific requirements to ensure impacts are reduced to a less than significant level to the greatest extent feasible, and no new or revised mitigation measures are necessary.

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Signature

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Date

