

INITIAL STUDY

Environmental Checklist and Evaluation for the County of Santa Clara

File Number:	10054-17GA-17EA	Date: April 22, 2019
Project Type:	Grading Abatement	APN(s): 810-13-005
Project Location / Address:	4420 Hecker Pass Highway Gilroy	GP Designation: Hillsides
Owner's Name:	Meritage Homeowners Association	Zoning: HS
Applicant's Name:	Hanna and Brunetti	Urban Service Area: N/A
Project Description		
<p>This application is for a Grading Abatement to restore the site to pre-graded conditions, with the exception of a serpentine bunch outcrop habitat that will not be restored, as recommended by a biologist. On an open space designated parcel, a dam (tributary of Bodfish Creek) was constructed with a pond of approximately 0.5 acres in area, and a berm to fill an approximately 5.6 acre capacity, according to the grading violation report. To restore the site to natural contours, the grading abatement includes an excavation totaling 7,912 cubic yards of cut, and 3,629 cubic yards of fill, and dewatering the dam to restore the site to pre-graded condition. No trees will be removed for this restoration work. A tree protection plan will be implemented to ensure that an existing oak woodland habitat is protected. A ranch road was graded without permits through a serpentine habitat which will remain in its existing condition.</p>		
Environmental Setting and Surrounding Land Uses		
<p>The subject property is a vacant lot that serves as private open space, as noted on the recorded Tract Map (Tract # 8643).</p> <p>The subject property is a 108.5-acre parcel located off Hecker Pass Highway, in an unincorporated area of the County, outside of the City of Gilroy. Bodfish Creek runs adjacent to the site, approximately 150 ft. away from the top bank of the creek. Surrounding uses include single family residences, ranches, and open space land. The site also contains sensitive habitat including mixed oak woodland, riparian woodland, serpentine bunch grass, and serpentine rock outcrop. The woodland is in a Wildland Urban Interface Zone. As the site contains potential to impact endangered species and species of concern – such as burrowing owls, western pond turtle, CA red legged frog, CA tiger salamander, and steelhead trout – the biological impacts will be conditioned per the terms and conditions of the Habitat Conservation Plan (further detailed discussion in Biological Resources Section of Initial Study).</p>		
Other agencies sent a copy of this document:		
<p>CA Dept. of Fish and Wildlife, Regional Water Quality Control Board, Army Corp of Engineers, Santa Clara Valley Water District, National Marine Fisheries Service, CA Native American Heritage Commission, Caltrans</p>		

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The proposed project could potentially result in one or more environmental effects in the following areas:

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

, including, but not limited to, trees, rocks, outcroppings, and historic buildings,

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

Colleen Tsuchimoto
Signature

Colleen Tsuchimoto
Printed name

April 22, 2019
Date

Santa Clara County Planning
For

ENVIRONMENTAL CHECKLIST AND DISCUSSION OF IMPACTS

A. AESTHETICS							
	IMPACT						
Except as provided in Public Resources Code section 21099, would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	Source
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2,3,4, 6,17f
b) Substantially damage scenic resources, including, but not limited to, trees, rocks, outcroppings, and historic buildings, along a designated scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 6,7 17f
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2,3
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"/>	<input type="checkbox"/>	<input type="checkbox"/>	3,4

SETTING:

The project site is located within the Hillsides Zoning District, within an unincorporated area of Santa Clara County, outside the City of Gilroy.

DISCUSSION:

As part of the compliance agreement entered into between the County and property owner, the property owner is required to restore the site to pre-graded conditions, with the exception of the serpentine bunch outcrop habitat and oak woodlands. The serpentine bunch outcrop habitat that will not be restored, as recommended by a biologist. The grading activity degraded the serpentine bunch outcrop habitat (considered to be a sensitive habitat area on-site). The purpose of this project is to restore the site to original contours, as grading was previously completed without permits to create a dam with an earthen berm and pond on-site. The site is heavily wooded with oak woodland trees, so the dam is not visible from the valley floor or neighboring sites.

MITIGATION: N/A

B. AGRICULTURE / FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

WOULD THE PROJECT:	IMPACT						Source
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Convert 10 or more acres of farmland classified as prime in the report <i>Soils of Santa Clara County (Class I, II)</i> to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3,23,24,26
b) Conflict with existing zoning for agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9,21a
c) Conflict with an existing Williamson Act Contract or the County's Williamson Act Ordinance (Section C13 of County Ordinance Code)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
d) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 28
e) 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"/>	<input type="checkbox"/>	<input type="checkbox"/>	32
f) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

SETTING:

The property consists of non-prime agricultural soils (Los Gatos gravelly loam (LfG), and Monterey rocky clay loam (MwF2)). The property is zoned HS, and although agricultural uses are permitted within HS zones, the property is not a designated agricultural zone and does not have agricultural uses onsite. The property is not under any Williamson Act Contract. The property has mixed oak woodland habitat.

DISCUSSION:

As noted under the Setting discussion of this section, the project would not impact prime farmland. Therefore, the project will not conflict with any Williamson act contract provisions. The property is

not being used for conversion of forest land to other uses. No trees were removed as part of the grading violation and no trees will be removed as a result of the grading abatement activity; therefore there is no conversion of forest land to non-forest uses.

MITIGATION: N/A

C. AIR QUALITY							
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.							
	IMPACT						
WOULD THE PROJECT:	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Analyzed in the Prior EIR</u>	<u>Substantially Mitigated by Uniformly Applicable Development Policies</u>	Source
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"/>	<input type="checkbox"/>	<input type="checkbox"/>	5,29, 30
b) 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"/>	<input type="checkbox"/>	<input type="checkbox"/>	5,29, 30
c) Expose sensitive receptors to substantial pollutant concentrations?							5,29, 30
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5, 29, 30

SETTING:

The proposed project is located within the San Francisco Bay Area Air Quality Management District (BAAQMD), which regulates air pollutants, including those that may be generated by construction and operation of development projects. These criteria pollutants include reactive organic gases, carbon monoxide, nitrogen dioxide, and particulate matter (PM). BAAQMD also regulates toxic air contaminants (fine particulate matter), long-term exposure to particulates linked with respiratory health conditions, and increased risk of cancer. Major sources of toxic air contaminants in the Bay Area include major automobile and truck transportation corridors (e.g., freeways and expressways) and stationary sources (e.g., factories, refineries, power plants).

DISCUSSION:

Operation

The proposed project would involve restoration of the site to pre-graded condition and contours to restore the unpermitted grading conducted for dam with an earthen berm and pond. BAAQMD has

published screening criteria for operational criteria pollutants for different land use types.¹ The land use type applicable to the proposed project is single-family despite the property being designated as open space. BAAQMD does not have a category of open space in the screening thresholds. Therefore single family residential is the most appropriate for the project as the lot is part of a recorded tract with residential homes (Tract No. 8643). The operational screening threshold for criteria pollutants for this land use type is 325 dwelling units. The proposed project would not impact any building area, which is well under this threshold. As such, operation of the proposed project would not conflict with or obstruct implementation of the applicable air quality plan, violate any air quality standard, contribute substantially to an existing or projected air quality violation, or result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment.

Demolition/Construction

Fugitive dust will be created during the grading activities to restore the site to pre-graded condition. Standard dust control measures and best management practices, as stipulated by County Land Development Engineering and the BAAQMD, would be employed to ensure that any air quality impacts, such as fugitive dust from NO_x (oxides of nitrogen) and PM₁₀ (respirable particulate matter with aerodynamic resistance diameter of 10 micrometers), would remain less than significant during construction. Grading operations would not exceed BAAQMD maximum thresholds.

MITIGATION: N/A

D. BIOLOGICAL RESOURCES							
WOULD THE PROJECT:	IMPACT						Source
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 7, 17b, 17o,
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 US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3,7, 8a, 17b, 17e, 22d, 22e, 33

¹Although the BAAQMD CEQA Guidelines that contain these screening level sizes have been overturned in court, the County has determined that these thresholds are based on substantial evidence, as identified in Appendix D of the Guidelines, and has therefore incorporated them into this Initial Study.

D. BIOLOGICAL RESOURCES							
WOULD THE PROJECT:	IMPACT						Source
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 7, 17n, 33
d) Have a substantial adverse effect on oak woodland habitat as defined by Oak Woodlands Conservation Law (conversion/loss of oak woodlands) – Public Resource Code 21083.4?				X			1, 3, 31, 32
e) 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,7, 17b, 17o
f) 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"/>	<input type="checkbox"/>	<input type="checkbox"/>	32
g) 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3,4, 17i

SETTING:

As noted in the project description, this application includes a request for a Grading Abatement to restore the project site to pre-graded conditions, with the exception of the grading cut created for the ranch road which goes through the serpentine rock outcrop habitat. On an open space designated parcel, a dam (tributary of Bodfish Creek) was constructed with a pond of approximately 0.5 acres, and berm to fill an approximately 5.6 acre capacity, according to the grading violation report on file with the County. To restore the site to natural contours, the grading abatement plans propose a grading plan for 7,912 cubic yards of cut, and 3,629 cubic yards of fill to restore the site to pregraded condition.

DISCUSSION:

This has created biological impacts to the sensitive habitat on the site including serpentine soils, riparian and oak woodland vegetation, and endangered/special species habitat.

A biological report (“Biological Evaluation Report for the Meritage Dam Project APN 810-13-005, located off Hecker Pass Highway near the city of Gilroy, Santa Clara County, California,” dated September 28, 2018, by Live Oak Associates), prepared by the applicant’s biologist, has verified that

the impacted project area can be restored to pre-graded conditions by dewatering the pond, removing the dam, removing unpermitted fill, and regrading to contour the site to pre-graded conditions. Based on consultation with wildlife agencies, it appears that a manmade spillway was created from the northwest corner of the pond, along of the western edge of the dam, to the north side of the dam, which is jurisdictional authority to obtain water permits from Army Corp of Engineers and the Regional Water Quality Control Board. A portion of the site is recommended not to be graded further due to the sensitivity of the serpentine bunchgrass grassland habitat (bedrock) associated with a number of endangered species including the Bay Checkerspot Butterfly and smooth lessengia. As surveyed by the biologist, western pond turtles were observed at the pond's perimeter.

The CA Department of Fish and Game's Natural Diversity Database identifies a number of rare or endangered species on or in the vicinity of the site, including CA red legged frog, CA tiger salamander, steel head, and western pond turtle. No existing trees were impacted with the grading violation and will not be impacted with the grading abatement, as no trees will be removed with the grading restoration. A tree protection plan is required to protect the existing oak woodland habitat during grading work. As recommended with the biological report, payment of HCP fees and complying with HCP conditions of approval will condition the impacts to the sensitive habitat and species on the site. The project site is within the Santa Clara Valley Habitat Plan area and is subject to complying with the Habitat Plan Avoidance and Minimization Measures, with payment of Habitat Plan fees prior to final grading abatement permit issuance.

The Project will require the following Agency approvals/permits for altering the watercourses on-site. Prior to final grading abatement issuance, the applicant will be required to provide evidence of obtaining permits or clearance regarding the following:

- Army Corps of Engineers (404 Permit)
- Regional Water Quality Control Board (401 Permit)
- CA Dept. of Fish and Wildlife Service (1600 Streambed Alteration Agreement)
- National Marine Fisheries Service
- Santa Clara Valley Water District

Habitat Conservation Plan Conditions:

The project site is located in the Santa Clara Valley Habitat Plan ("Habitat Plan") area, a Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) that complies with State and Federal Endangered Species Act requirements. The Habitat Plan provides endangered species take permits (ESA Section 7) for projects impacting certain wildlife and plant species covered by the Habitat Plan. The project will include temporary and permanent impacts to sensitive land covers verified as Pond, Stream, Mixed Oak Woodland, Serpentine Bunchgrass Grassland, and Serpentine Rock Outcrop, and will require Habitat Plan coverage. Projects subject to the Santa Clara Valley Habitat Plan are required to comply with Habitat Plan wildlife/plant survey requirements, conditions of approval, and payment of Habitat Plan fees, prior to issuance of grading permit. The Habitat Plan Application for Private Projects will be reviewed by the County and adequacy of take for covered plant species in the Santa Clara Valley Habitat Agency Reserve System will be verified by the Habitat Agency, prior to issuance of coverage.

Habitat Plan Conditions of Approval include avoidance & minimization measures (AMMs) for impacts to legally protected plant and wildlife species, hydrologic conditions and water quality, rural development, wetland and ponds, serpentine and associated covered species, oak woodlands, species-specific wildlife surveys, plant salvage, and covered plant occurrences. In addition, a Riparian/Wetland

Restoration Plan shall be submitted for review and approval by the County and Habitat Agency, prior to issuance of grading permit.

MITIGATION:

To mitigate water course impacts resulting from the creation of the pond and dam, the following recommendations shall be followed as advised in the biological report:

[BIO-MIT No. 1]: Dewatering of the pond shall occur during the late summer/early fall when water levels are at their lowest to limit potential downstream impacts from dewatering.

[BIO-MIT No. 2]: Best Management Practices shall be implemented to protect water quality in downstream waters during project implementation in compliance with the state Stormwater Pollution Prevention Program (SWPPP) and the County's grading ordinance.

[BIO-MIT No. 3]: Water pumped from the pond during dewater shall be spread in upland grassland habitat or used for agricultural irrigation.

[BIO-MIT No. 4]: Water pumped shall not intersect with Bodfish Creek.

[BIO-MIT No. 5]: An erosion control plan is required to minimize erosion and siltation impacts during the grading work. Erosion control plan shall be incorporated into final grading abatement permit plans.

[BIO-MIT No. 6]: A tree protection plan is required to avoid impacts to the existing oak woodland habitat during the grading work. Tree protection plan shall be incorporated into final grading abatement permit plans.

E. CULTURAL RESOURCES							
WOULD THE PROJECT:	IMPACT						Source
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5 of the CEQA Guidelines, or the County's Historic Preservation Ordinance (Division C17 of County Ordinance Code) – including relocation, alterations or demolition of historic resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 16, 19, 40, 41
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the CEQA Guidelines?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 19, 40, 41
c) Disturb any human remains including, those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 19, 40, 41

SETTING:

The California Historical Resources Northwest Information Center indicated that the proposed project area has the possibility of containing unrecorded archaeological site(s).

DISCUSSION:

Given the potential for containing unrecorded archaeological artifacts and cultural resources, an archaeological study prepared by a qualified archaeologist was required for submittal evaluating the project's impacts to cultural resources. "*Cultural Resource Evaluation for the Meritage Dam Project off of Hecker Pass Highway in the County of Santa Clara*," prepared by Archaeological Resource Management, dated May 23, 2018, concludes that there are four previously recorded archaeological site within a half mile radius of the proposed project area, and one recorded resource within 100 feet north of the proposed project area. Due to the sensitivity of the area, and number of recorded archaeological resources, archaeological monitoring is recommended.

The following is a standard condition of approval in meeting Ordinance requirements: (In the event that human skeletal remains are encountered, the applicant is required by County Ordinance No. B6-18 to immediately notify the County Coroner. Upon determination by the County Coroner that the remains are Native American, the coroner shall contact the California Native American Heritage Commission, pursuant to subdivision (c) of section 7050.5 of the Health and Safety Code and the County Coordinator of Indian affairs. No further disturbance of the site may be made except as authorized by the County Coordinator Of Indian Affairs in accordance with the provisions of state law and this chapter. If artifacts are found on the site a qualified archaeologist shall be contacted along with the County Planning Office. No further disturbance of the artifacts may be made except as authorized by the County Planning Office.)

MITIGATION:

[CUL-MIT No. 1]: Prior to final grading abatement permit issuance, submit copy of contract with archaeologist to conduct archaeological monitoring during the grading restoration work.

[CUL-MIT No. 2]: Prior to final inspection, submit archaeological monitoring report prepared by archaeologist to document that the recorded archaeological resource is not impacted. Work shall be halted on-site if the archaeological resource is at risk.

[CUL-MIT No. 3]: If artifacts are found on the site a qualified archaeologist shall be contacted along with the County Planning Dept. No further disturbance of the artifacts may be made except as authorized by the County Planning Dept.

F. ENERGY							
	IMPACT						
WOULD THE PROJECT:	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Analyzed in the Prior EIR</u>	<u>Substantially Mitigated by Uniformly Applicable Development Policies</u>	Source
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary construction of energy resources during project consumption or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 5
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5

SETTING:

The project will restore the site to pre-existing conditions including regrading to original contours.

DISCUSSION:

There is no new construction of any structures or other improvements. The existing dam will be dewatered. This will not create any negative impacts to energy resources. The project will not conflict with any renewable energy plan.

MITIGATION: N/A

G. GEOLOGY AND SOILS							
WOULD THE PROJECT:	IMPACT						Source
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6, 17c, 43
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6, 17c
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6, 17c, 17n, 18b
iv) Landslides	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6, 17L, 118b
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	6, 14, 23, 24
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 3, 17c, 23, 24, 42
d) Be located on expansive soil, as defined in the report, <i>Soils of Santa Clara County</i> , creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	14,23, 24,
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3,6, 23,24,

G. GEOLOGY AND SOILS							
WOULD THE PROJECT:	IMPACT						Source
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2,3,4,40,41

SETTING:

The Santa Clara County Seismic Stability maps identify the subject property as being within the County earthquake fault zone which indicates a potential for fault rupture impacts.

DISCUSSION:

The project will be subject to Santa Clara County's Policies and Standards Pertaining to Grading and Erosion Control. Land Development Engineering requires a geotechnical report prior to grading abatement permit issuance focusing on soil stability for all the grading restoration. However no further geology review is required from County Geologist as the grading abatement does not involve occupancy of any buildings or structures.

The required grading will be carried out in accordance with the recommendations set forth by the County Grading Ordinance. At the time of construction, all graded areas shall be reseeded in conformance with the County Grading Ordinance to ensure that the project will minimize the potential for erosion on the site. All other land use and engineering aspects of this project will be conditioned by the recommendations set forth by the County Land Development Engineering Office.

MITIGATION: N/A

H. GREENHOUSE GAS EMISSIONS							
WOULD THE PROJECT:	IMPACT						Source
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5,29, 30
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5,29, 30

SETTING:

Given the overwhelming scope of global climate change, it is not anticipated that a single development project would have an individually discernible effect on global climate change. It is more appropriate to conclude that the greenhouse gas emissions generated by a proposed project would combine with

emissions across the state, nation, and globe to cumulatively contribute to global climate change. The primary GHG associated with a development project is carbon dioxide, which is directly generated by fuel combustion (vehicle trips, use of natural gas for buildings) and indirectly generated by use of electricity.

DISCUSSION:

The proposed project would regrade the site to pre-existing graded conditions. BAAQMD has published screening level sizes for operational GHG emissions for different land use types.² The land use type applicable to the proposed project is "Single-family." despite the property being designated as open space. BAAQMD does not have a category of open space in the screening thresholds. Therefore single family residential is the most appropriate for the project as the lot is part of a recorded tract with residential homes (Tract No. 8643). The operational screening level sizes for GHG emissions for this land use type is 56 dwelling units. The proposed project does not impact any new building area. GHG emissions from construction are considered to be less than significant when the development is below the operational screening level size. Therefore, construction and operation of the facility would not result in a cumulatively considerable net increase in GHG emissions.

MITIGATION: N/A

I. HAZARDS & HAZARDOUS MATERIALS							
WOULD THE PROJECT:	IMPACT						Source
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
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"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 5
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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2, 3, 5
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 1/4 mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	46
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, 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"/>	<input type="checkbox"/>	<input type="checkbox"/>	47

²Although the BAAQMD CEQA Guidelines that contain these screening level sizes have been overturned in court, the County has determined that these thresholds are based on substantial evidence, as identified in Appendix D of the Guidelines, and has therefore incorporated them into this Initial Study.

I. HAZARDS & HAZARDOUS MATERIALS							
WOULD THE PROJECT:	IMPACT						Source
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
e) For a project located within an airport land use plan referral area or, where such a plan has not been adopted, within two miles of a public airport or public use airport, or in the vicinity of a private airstrip, would the project result in a safety hazard, or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 22a
f) 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"/>	<input type="checkbox"/>	<input type="checkbox"/>	5, 48
g) Expose people or structures either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4, 17g

SETTING:

The property is located in the South Santa Clara County Fire Department Area. The site is not located near any airport. The site is located within a Wildland Urban Interface Area.

DISCUSSION:

No new development is being proposed. The proposed grading will restore the site to pre-graded conditions. There is no storage of hazardous materials associated with this project. This site is located within a Wildland Urban Interface Area, however as there are no structures proposed for occupancy and the lot is vacant, there is no new risk of wildland fires near a residence that did not previously exist prior to the unpermitted grading.

MITIGATION: N/A

J. HYDROLOGY AND WATER QUALITY							
Would the project:	IMPACT						SOURCE
	Potential Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	34, 36
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 4

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 17n,
i) result in substantial erosion or siltation on- or off-site	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 17p
II) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5, 36, 21a
III) 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; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5
IV) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 17p, 18b, 18d
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 18b, 18d
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2, 3, 4, 17p

SETTING:

As noted in the project description and Biological Resources Section, this application is for a Grading Abatement to restore the site to pre-graded conditions, with the exception of the grading cut created for the ranch road, which goes through the serpentine rock outcrop habitat. On an open space designated parcel, a dam (tributary of Bodfish Creek) was constructed with a pond of approximately 0.5 acres in area, and berm to fill an approximately 5.6 acres capacity according to the grading violation report. To restore the site to natural contours, the grading abatement plans propose an excavation of 7,912 cubic yards of cut, and 3,629 cubic yards of fill, to restore the site to pregraded condition.

DISCUSSION:

The project has created biological impacts to the sensitive habitat on the site including serpentine soils, riparian and oak woodland vegetation, and endangered/special species habitat.

A biological report ("Biological Evaluation Report for the Meritage Dam Project APN 810-13-005, located off Hecker Pass Highway near the city of Gilroy, Santa Clara County, California," dated September 28, 2018, by Live Oak Associates), prepared by the applicant's Biologist, has verified the impacted project area can be restored to pre-graded conditions by dewatering the pond, removing the dam, removing illegal fill, and regrading to contour the site to pre-graded conditions. Based on consultation with wildlife agencies, it appears that a manmade spillway was created from the northwest corner of the pond along of the western edge of the dam to the north side of the dam, which is jurisdictional authority to obtain water permits from Army Corp of Engineers and the Regional Water Quality Control Board.

MITIGATION:

[HWQ-MIT No. 1]: Best Management Practices shall be implemented to protect water quality in near proximity to Bodfish Creek and its tributary during project implementation in compliance with the State Stormwater Pollution Prevention Program (SWPPP) and the County's grading ordinance.

[HWQ-MIT No. 2]: Dewatering of the dam shall occur during the late summer/early fall when water levels are at the lowest to limit potential downstream impacts from dewatering.

[HWQ-MIT No. 3]: An erosion control plan is required to minimize erosion and siltation impacts during the grading work. Erosion control plan shall be incorporated into final grading abatement permit plans.

K. LAND USE							
WOULD THE PROJECT:	IMPACT						SOURCE
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2, 4
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8a, 9, 18a

SETTING:

The proposed project is an application is for a Grading Abatement to restore the site to pre-graded conditions with the exception of the grading cut created for the ranch road, which goes through the serpentine rock outcrop habitat. On an open space designated parcel, a dam (tributary of Bodfish Creek) was constructed with a pond of approximately 0.5 acres, and berm to fill approximately 5.6 acres capacity. To restore the site to natural contours, the grading abatement plans propose an excavation of 7,912 cubic yards of cut, and 3,629 cubic yards of fill, to restore the site to pregraded condition

Surrounding land uses include single family residences, ranches, and wineries in the neighborhood.

DISCUSSION:

The subject property is zoned HS. It is the intent of the Hillsides District to preserve mountainous lands unplanned or unsuited for urban development primarily in open space, and to promote those uses which support and enhance a rural character, which protect and promote best use of natural resources, and which avoid the risks imposed by natural hazards found in these areas. This site is designated as private open space according to the final subdivision map recorded in Tract No. 8643.

As no new structures are being constructed, and the project is intended to return the site back to pre-graded conditions, this is in consistency with the Zoning Ordinance standards for the property.

MITIGATION: N/A

L. MINERAL RESOURCES							
WOULD THE PROJECT:	IMPACT						SOURCE
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
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"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 6, 44
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"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 6, 8a

SETTING/DISCUSSION:

The proposed project would not result in the loss of any mineral resource. There are no known mineral resources located on-site.

MITIGATION: N/A

M. NOISE							
WOULD THE PROJECT RESULT IN:	IMPACTS						SOURCE
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	8a, 13, 22a, 45
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	13, 45
c) For a project located within the vicinity of a private airstrip or an airport land use plan referral area or, where such a plan has not been adopted, within two miles of a public airport, public use airport, or private airstrip, would the project 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"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 5, 22a

SETTING:

The project site is located off Hecker Pass Highway. The surrounding land uses are residential. The nearest sensitive receptors are located across the street from the site – approximately 300 ft. – rural residences.

DISCUSSION:

The noise levels created during the grading of this project could create a temporary construction noise disturbance to neighboring properties. As the construction noise would be temporary and would not affect the ambient noise levels beyond the construction period, the impacts are considered less than significant. Furthermore, the project would be required to conform to the County Noise Ordinance. The resulting restoration is not anticipated to create a significant impact to ambient noise levels after construction is completed. Furthermore, the County Noise Ordinance (Section B11-152) sets maximum exterior noise levels for land use categories, and compliance with these specifications will ensure that the neighboring properties are not significantly impacted.

MITIGATION: N/A

N. POPULATION AND HOUSING							
WOULD THE PROJECT:	IMPACT						SOURCE
	<u>Potentially Significant Impact</u>	<u>Less Than Significant With Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Analyzed in the Prior EIR</u>	<u>Substantially Mitigated by Uniformly Applicable Development Policies</u>	
a) Induce substantial unplanned 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"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 4
b) Displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 4

SETTING:

The proposed project will grade the site to pre-graded conditions. No new structures are proposed. No housing will be demolished as a result of the grading activity.

DISCUSSION:

This will not alter or increase growth in the area.

MITIGATION: N/A

O. PUBLIC SERVICES							
WOULD THE PROJECT:	IMPACT						SOURCE
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:							
i) Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5
ii) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5
iii) School facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5, 17h
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5

SETTING/DISCUSSION:

No expansion of services is required for this project. No new buildings are being constructed. The existing facility has fire, police, school and park facility access.

MITIGATION: N/A

P. RECREATION							
WOULD THE PROJECT:	IMPACT						SOURCE
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 4, 5, 17h
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"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 5

SETTING/DISCUSSION:

The project would not increase the use of any parks. The proposed project, restoring the site to pre-graded conditions, would not require the construction of or expansion of recreational facilities.

MITIGATION: N/A

Q. TRANSPORTATION							
			IMPACT				SOURCE
WOULD THE PROJECT:	YES					NO	
	<u>Potential y Significant t Impact</u>	<u>Less Than Significant With Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Analyzed in the Prior EIR</u>	<u>Substantially Mitigated by Uniformly Applicable Development Policies</u>	
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 4, 5, 6, 7, 49, 52
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6, 49, 50, 52
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 5, 6, 7, 52
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5, 48, 52

SETTING:

The proposed project is to restore the site to pre-graded conditions.

DISCUSSION:

No new operational traffic will be created as a result of the project. There may be a temporary increase in trips to-and-from the site while grading abatement activities are occurring. Up to 12 cubic yard of dirt can be hauled in one truck load. The applicant will be required to use approved haul routes and expose of hauled earthwork to an approved disposal site. The State Dept. of Transportation (Caltrans) is being notified of this project as required by state law. No permits are necessary from Caltrans as no new improvements are being proposed on the road right-of-way. The site is located off a Caltrans jurisdiction highway (Hecker Pass Highway).

MITIGATION: N/A

R. TRIBAL CULTURAL RESOURCES							
WOULD THE PROJECT:	IMPACT						SOURCE
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:							

- | | | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

SETTING:

The project area has no known tribal cultural resources.

DISCUSSION:

Legislative law AB52 requires that tribes notify local agencies of any tribal concerns. Section 21080.3.1 of the code states the following:

Prior to release of a mitigated negative declaration, the lead agency shall begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project if (1) the California Native American tribe requested to the lead agency, in writing, to be informed by the lead agency through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe, and (2) the California Native American tribe responds, in writing, within 30 days of receipt of the formal notification, and requests the consultation.

No tribes have notified the County of any concerns of tribal cultural resources related to this project. Therefore, no tribal consultation has been conducted.

MITIGATION: N/A

S. UTILITIES AND SERVICE SYSTEMS							
WOULD THE PROJECT:	IMPACT						SOURCE
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3,6,70

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 6, 24b
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 6, 70
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5, 6
e) Be in non-compliance with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 5, 6

SETTING

This project does not impact utilities of any kind – restoring site to pre-graded condition.

DISCUSSION:

The proposed project will not exceed the capacity of existing utilities and service systems or result in the construction of new facilities that could cause significant environmental effects. Furthermore, the proposed project will be in compliance with any statutes or regulations relative to solid waste and will not employ equipment that would introduce interference with any communication system.

MITIGATION: N/A

T. WILDFIRE							
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	IMPACT						SOURCE
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 6, 44
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 6, 8a
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 4, 5, 17h
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 5

SETTING:

The property is not located within a Wildland Urban Interface zone.

DISCUSSION:

The project – restoring the site to pre-graded condition will not have any wildland fire impacts. No trees are being removed/altered, and the site areas to be graded are clear of brush and other vegetation.

MITIGATION: N/A

U. MANDATORY FINDING OF SIGNIFICANCE							
WOULD THE PROJECT:	IMPACT						SOURCE
	YES			NO			
	<u>Potentially Significant Impact</u>	<u>Less Than Significant With Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Analyzed in the Prior EIR</u>	<u>Substantially Mitigated by Uniformly Applicable Development Policies</u>	
a) Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1 to 52
b) Have impacts that are individually limited, but cumulatively considerable ("Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1 to 52
c) Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1 to 52

DISCUSSION:

a) **Less Than Significant Impact.** As discussed in the Biological Resources section, the proposed project is located in the Santa Clara Valley Habitat Plan (SCVHP) area, which establishes standardized measures that mitigate impacts upon species covered by the SCVHP to a less-than-significant level. The proposed project would not have the potential to substantially reduce the habitat of any fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number of, or restrict the range of, a rare or

endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. Archaeological monitoring mitigation is required to mitigate potential impacts to a recorded archaeological resource within the subject project area, and implementation measures are required to protect water quality as recommended in the biological report

b) **No Impact.** No past, current, or probable future projects were identified in the project vicinity that, when added to project-related impacts, would result in cumulatively considerable impacts. No cumulatively considerable impacts would occur with development of the proposed project. As discussed in the analyses provided in this Initial Study, project impacts were found to be less than significant. The incremental effects of the proposed project are not cumulatively significant when viewed in context of the past, current, and/or probable future projects. No cumulative impacts would occur.

c) **No Impact.** The proposed project is a Grading Abatement. As described in the environmental topic sections of this Initial Study, the proposed project would not have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly.

References:

1. Biological Resources: "Biological evaluation letter report for the Meritage Dam Project (APN 810-13-005), located off Hecker Pass Highway near the City of Gilroy, Santa Clara County, California," dated September 28, 2018, by Live Oak Associates, Inc..
2. Cultural Resources: "Cultural Resource Evaluation for the Meritage Dam Project off of Hecker Pass Highway in the County of Santa Clara," dated May 23, 2018, by Archaeological Resource Management.

Initial Study Source List*

1. Environmental Information Form
2. Field Inspection
3. Project Plans
4. Working knowledge of site and conditions
5. Experience With Other Projects of This Size and Nature
6. County Expert Sources: Geologist, Fire Marshal, Roads & Airports, Environmental Health, Land Development Engineering, Parks & Recreation, Zoning Administration, Comprehensive Planning, Architectural & Site Approval Committee Secretary
7. Agency Sources: Santa Clara Valley Water District, Santa Clara Valley Transportation Authority, Midpeninsula Open Space Regional District, U.S. Fish & Wildlife Service, CA Dept. of Fish & Game, Caltrans, U.S. Army Corps of Engineers, Regional Water Quality Control Board, Public Works Depts. of individual cities, Planning Depts. of individual cities,
- 8a. Santa Clara County (SCC) General Plan
- 8b. The South County Joint Area Plan
9. SCC Zoning Regulations (Ordinance)
10. County Grading Ordinance
11. SCC Guidelines for Architecture and Site Approval
12. SCC Development Guidelines for Design Review
13. County Standards and Policies Manual (Vol. I - Land Development)
14. Table 18-1-B of the Uniform Building Code (expansive soil regulations) [1994 version]
15. Land Use Database
16. Santa Clara County Heritage Resource (including Trees) Inventory [computer database]
17. GIS Database
 - a. SCC General Plan Land Use, and Zoning
 - b. USFWS Critical Habitat & Riparian Habitat
 - c. Geologic Hazards
 - d. Archaeological Resources
 - e. Water Resources
 - f. Viewshed and Scenic Roads
 - g. Fire Hazard
 - h. Parks, Public Open Space, and Trails
 - i. Heritage Resources - Trees
 - j. Topography, Contours, Average Slope
 - k. Soils
 - l. HCP Data (habitat models, land use coverage etc)
 - m. Air photos
 - n. USGS Topographic
 - o. Dept. of Fish & Game, Natural Diversity Data
 - p. FEMA Flood Zones
 - q. Williamsosn Act
 - r. Farmland monitoring program
 - s. Traffic Analysis Zones
- Base Map Overlays & Textual Reports (GIS)
18. Paper Maps
 - a. SCC Zoning
 - b. Barclay's Santa Clara County Locaide Street Atlas
 - c. Color Air Photos (MPSI)
 - d. Santa Clara Valley Water District - Maps of Flood Control Facilities & Limits of 1% Flooding

- e. Soils Overlay Air Photos
- f. "Future Width Line" map set
19. CEQA Guidelines [Current Edition]

Area Specific: San Martin, Stanford, and Other Areas

San Martin

- 20a. San Martin Integrated Design Guidelines
- 20b. San Martin Water Quality Study
- 20c. Memorandum of Understanding (MOU) between Santa Clara County & Santa Clara Valley Water District

Stanford

- 21a. Stanford University General Use Permit (GUP), Community Plan (CP), Mitigation and Monitoring Reporting Program (MMRP) and Environmental Impact Report (EIR)
- 21b. Stanford Protocol and Land Use Policy Agreement

Other Areas

- 22a. South County Airport Comprehensive Land Use Plan and Palo Alto Airport comprehensive Land Use Plan [November 19, 2008]
- 22b. Los Gatos Hillside Specific Area Plan
- 22c. County Lexington Basin Ordinance Relating to Sewage Disposal
- 22d. User Manual Guidelines & Standards for Land Uses Near Streams: A Manual of Tools, Standards and Procedures to Protect Streams and Streamside Resources in Santa Clara County by the Santa Clara Valley Water Resources Protection Collaborative, August 2005 – Revised July 2006.
- 22e. Guidelines and Standards for Land Use Near Streams: Streamside Review Area – Summary prepared by Santa Clara County Planning Office, September 2007.
- 22f. Monterey Highway Use Permit Area

Soils

23. USDA, SCS, "Soils of Santa Clara County"
24. USDA, SCS, "Soil Survey of Eastern Santa Clara County"

Agricultural Resources/Open Space

25. Right to Farm Ordinance
26. State Dept. of Conservation, "CA Agricultural Land Evaluation and Site Assessment Model"
27. Open Space Preservation, Report of the Preservation 2020 Task Force, April 1987 [Chapter IV]
28. Williamson Act Ordinance and Guidelines (current version)

Air Quality

29. BAAQMD Clean Air Plan, and BAAQMD CEQA Air Quality Guidelines (2010)
30. BAAQMD Annual Summary of Contaminant Excesses & BAAQMD, "Air Quality & Urban Development - Guidelines for Assessing Impacts of Projects & Plans" [current version]

Biological Resources/ Water Quality & Hydrological Resources/ Utilities & Service Systems"

31. Site-Specific Biological Report

Initial Study Source List*

32. **Santa Clara County Tree Preservation Ordinance Section C16, Santa Clara County Guide to Evaluating Oak Woodlands Impacts, Santa Clara County Guidelines for Tree Protection and Preservation for Land Use Applications**

33. Clean Water Act, Section 404
34. Riparian Inventory of Santa Clara County, Greenbelt Coalition, November 1988
35. CA Regional Water Quality Control Board, Water Quality Control Plan, San Francisco Bay Region [1995]
36. Santa Clara Valley Water District, Private Well Water Testing Program [12-98]
37. SCC Nonpoint Source Pollution Control Program, Urban Runoff Management Plan [1997]
38. County Environmental Health / Septic Tank Sewage Disposal System - Bulletin "A"

39. County Environmental Health Department Tests and Reports

Archaeological Resources

40. Northwest Information Center, Sonoma State University
41. **Site Specific Archaeological Reconnaissance Report**

Geological Resources

42. **Site Specific Geologic Report**

43. State Department of Mines and Geology, Special Report #42
44. State Department of Mines and Geology, Special Report #146

Noise

45. **County Noise Ordinance**

Hazards & Hazardous Materials

46. Section 21151.4 of California Public Resources Code
47. State Department of Toxic Substances, Hazardous Waste and Substances Sites List
48. County Office of Emergency Services Emergency Response Plan [1994 version]

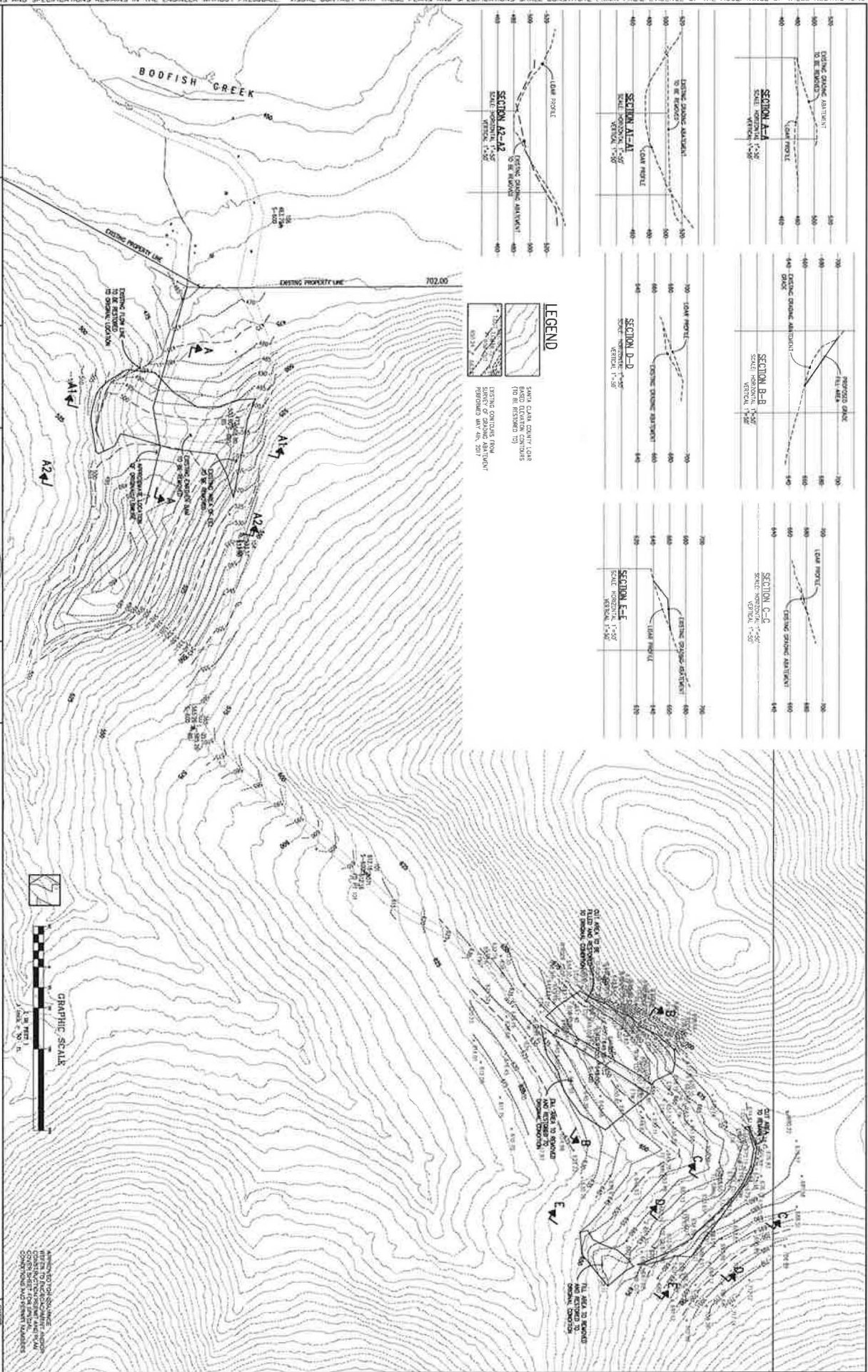
Transportation/Traffic

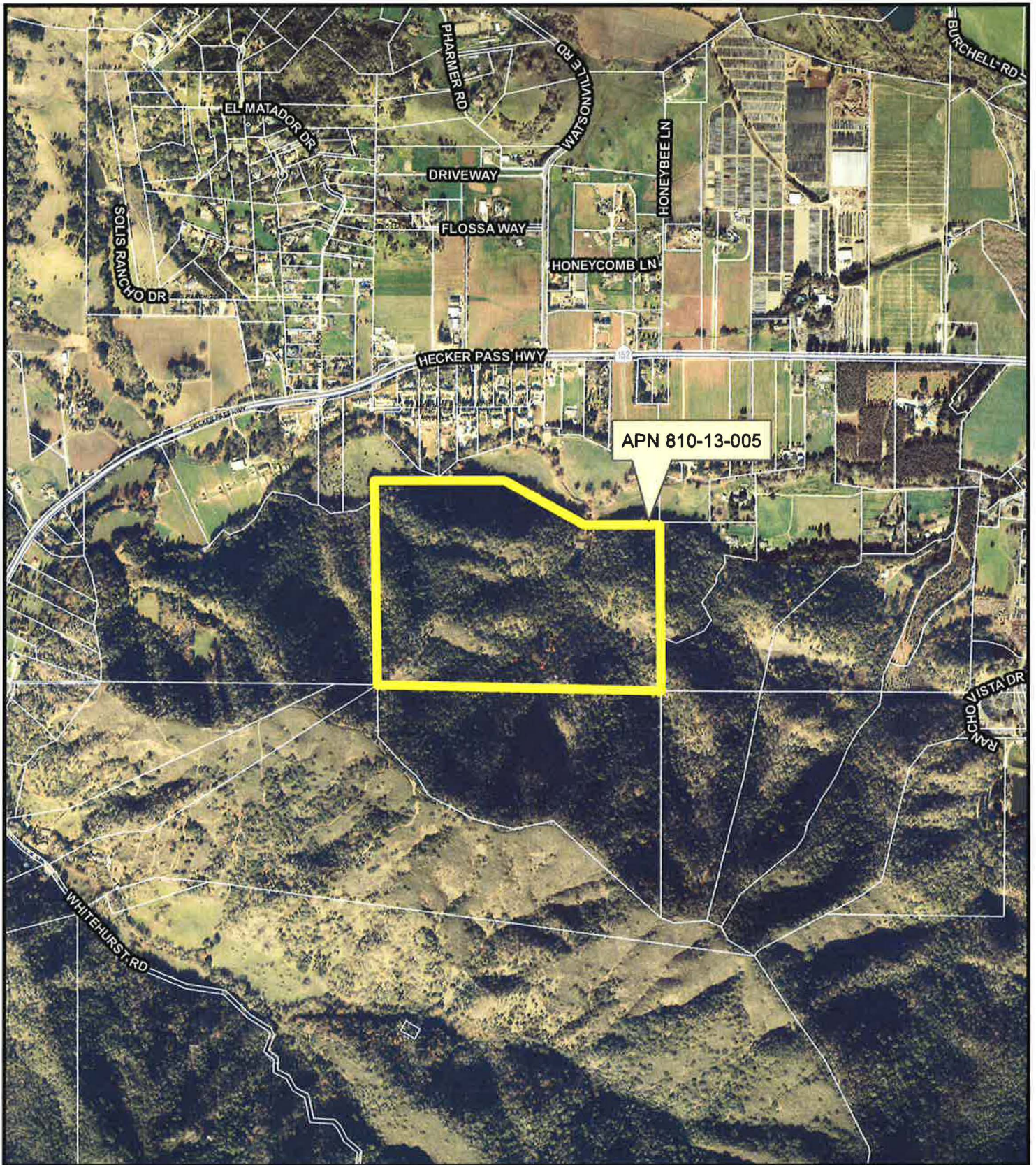
49. Transportation Research Board, "Highway Capacity Manual", Special Report 209, 1995.
50. SCC Congestion Management Agency, "Monitoring and Conformance report" (Current Edition)
51. Official County Road Book
52. **Site-specific Traffic Impact Analysis Report**

***Items listed in bold are the most important sources and should be referred to during the first review of the project, when they are available. The planner should refer to the other sources for a particular environmental factor if the former indicate a potential environmental impact.**

THE USE OF THESE PLANS AND SPECIFICATIONS SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED AND PUBLICATION THEREOF IS EXPRESSLY LIMITED TO SUCH USE. REPRODUCTION OR PUBLICATION BY ANY METHOD, IN WHOLE OR PART, IS PROHIBITED UNTIL TO THE PLANS AND SPECIFICATIONS REMAINS IN THE ENGINEER WITHOUT PREJUDICE. VISUAL CONTACT WITH THESE PLANS AND SPECIFICATIONS SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF THE ACCEPTANCE OF THESE RESTRICTIONS.

REVISED:		DATE: SEPTEMBER 1979	
DESCRIPTION:		HORIZ. SCALE: 1"=40'	
BY:		VERT. SCALE: 1"=10'	
 HANNA-BRUNETTI CIVIL ENGINEERS 1000 UNIVERSITY AVENUE BERKELEY, CALIF. 94702		 Richard M. Hecker No. 4420 State of California Exp. 12-31-80	
CHECKED BY: J.M.		DATE: 10/2/79	
DRAWN BY: T.M.		DATE: 10/2/79	
ADDITIONAL VERTICAL SCALE:		REFERENCES:	
ROAD: 4420		UNINCORPORATED	
WIDENED:		SECTION 1	
PLANS: 10/2/79		2014	
CITY: 10/2/79		SANTA CLARA COUNTY	
COUNTY FILE NO.:		CALIFORNIA	
JOB NO. 17040		JOB NO. 17040	





Vicinity Map

File 10054-17GA-17EA
APN 810-13-005

0 250 500 1,000
Feet



This map created by the Santa Clara County Planning Office. The GIS data was compiled from various sources. While deemed reliable, the Planning Office assumes no liability for errors. 01/09/19 10:33:33 AM Y:\SanReport\1005417005_Vicinity.mxd



Attachment C: Vicinity Map

