

INITIAL STUDY

Environmental Checklist and Evaluation for the County of Santa Clara

File Number:	PLN22-039	Date: September 30, 2022
Project Type:	2-Lot Tentative Subdivision Map	APN(s): 779-12-006
Project Location / Address:	12645 Harding Avenue, San Martin, CA 95046	GP Designation: Rural Residential
Owner's Name:	Marc Lewis	Zoning: RR-5Ac
Applicant's Name:	Gloria Ballard	Urban Service Area: N/A
Project Description		
<p>The proposed project is a two-lot subdivision of a 10-gross-acre parcel into two lots (Parcels 1 and 2) of approximately 5 gross acres each. The subject property is located on Harding Avenue in the rural, unincorporated community of San Martin, west of State Route 101 (see Figure 1). Figure 2 shows the tentative subdivision map. Grading of the project site would involve approximately 22 cubic yards (c.y.) of cut, and 135 c.y. of fill for subdivision frontage improvements along Harding Avenue. An existing 215 square feet (sq.ft.) shed in the northwestern corner of the property is proposed to be demolished. No tree removal is proposed.</p> <p>Once the property is subdivided, Parcel 1 and Parcel 2 could be developed with a single-family residence, an accessory dwelling unit (ADU) and a junior accessory dwelling unit (JADU). Future home development would be served by well and onsite septic systems. No construction of residences is proposed as a part of this subdivision. A feasible location for future residences and associated site improvements is shown on Figure 3.</p>		
Environmental Setting and Surrounding Land Uses		
<p>The subject property is located in the unincorporated community of San Martin. The parcel is undeveloped and is currently used as a horse pasture. The project site slopes an average of approximately 1.5% from northeast to the southwest. West Branch Llagas Creek is approximately 0.25 miles south of the site, and a tributary of the creek is located on the subject property. No serpentine soils or serpentine rock outcrops are located on the subject property. The project site is in the Santa Clara Valley Habitat Plan (HCP) Area and is designated as <i>Area 3: Rural Development Not Covered</i>. According to mapping of the HCP, the project site habitat land cover consists of <i>Grain, Row-crop, Hay and Pasture, disked / Short-term Fallowed</i>. The property is in the <i>County Liquefaction Hazard Zone</i>, and the <i>Special Flood Hazard Zone</i>. The surrounding land uses are agricultural, open space, single-family homes; zoned Rural Residential.</p>		
Other agencies sent a copy of this document:		
<p>Morgan Hill Unified School District California Department of Fish and Wildlife (CDFW), California Regional Water Quality Control Board (RWQCB), and U.S. Army Corps of Engineers (USACE)</p>		



Figure 1 – Location and Vicinity Map

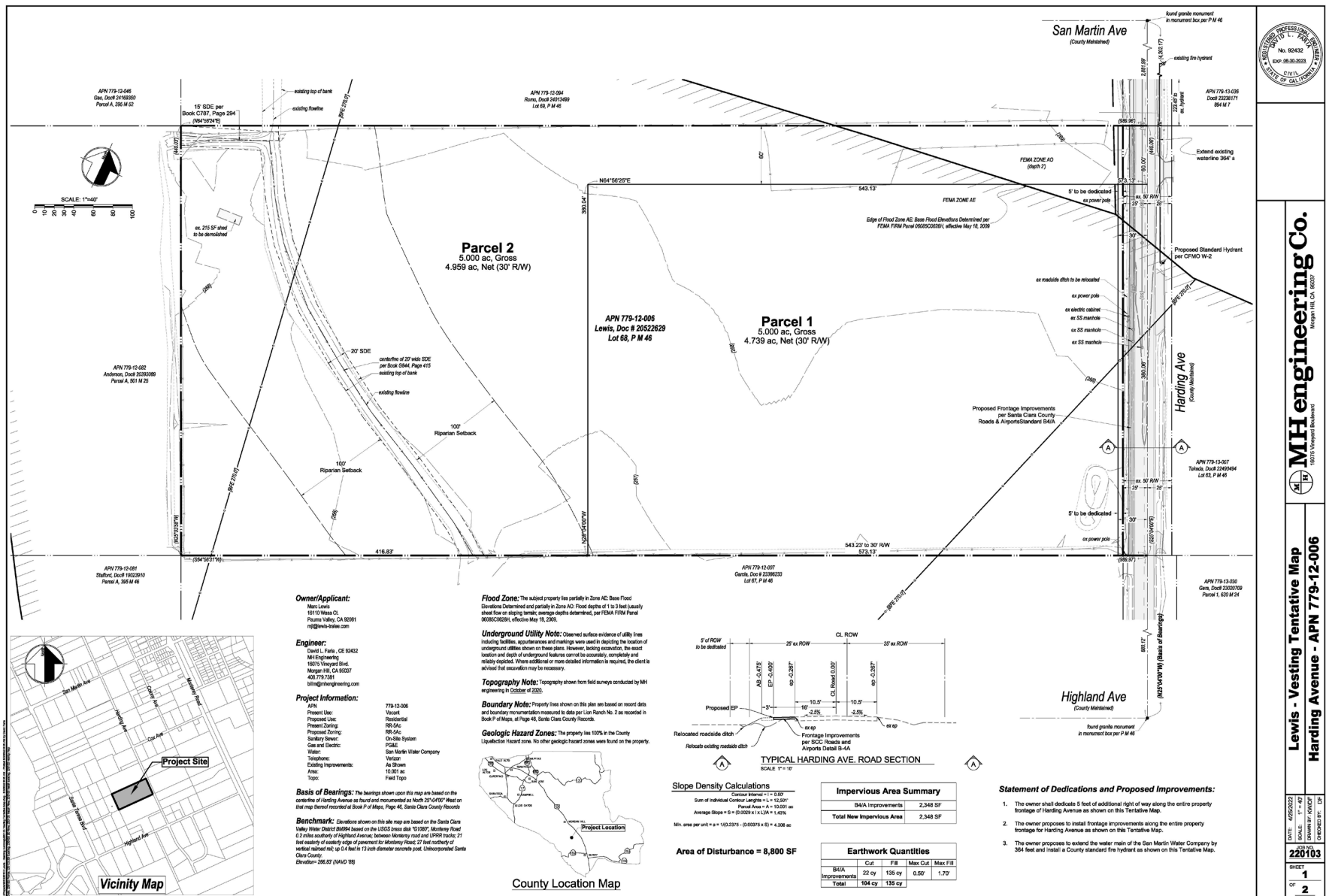


Figure 2 – Vesting Tentative Map

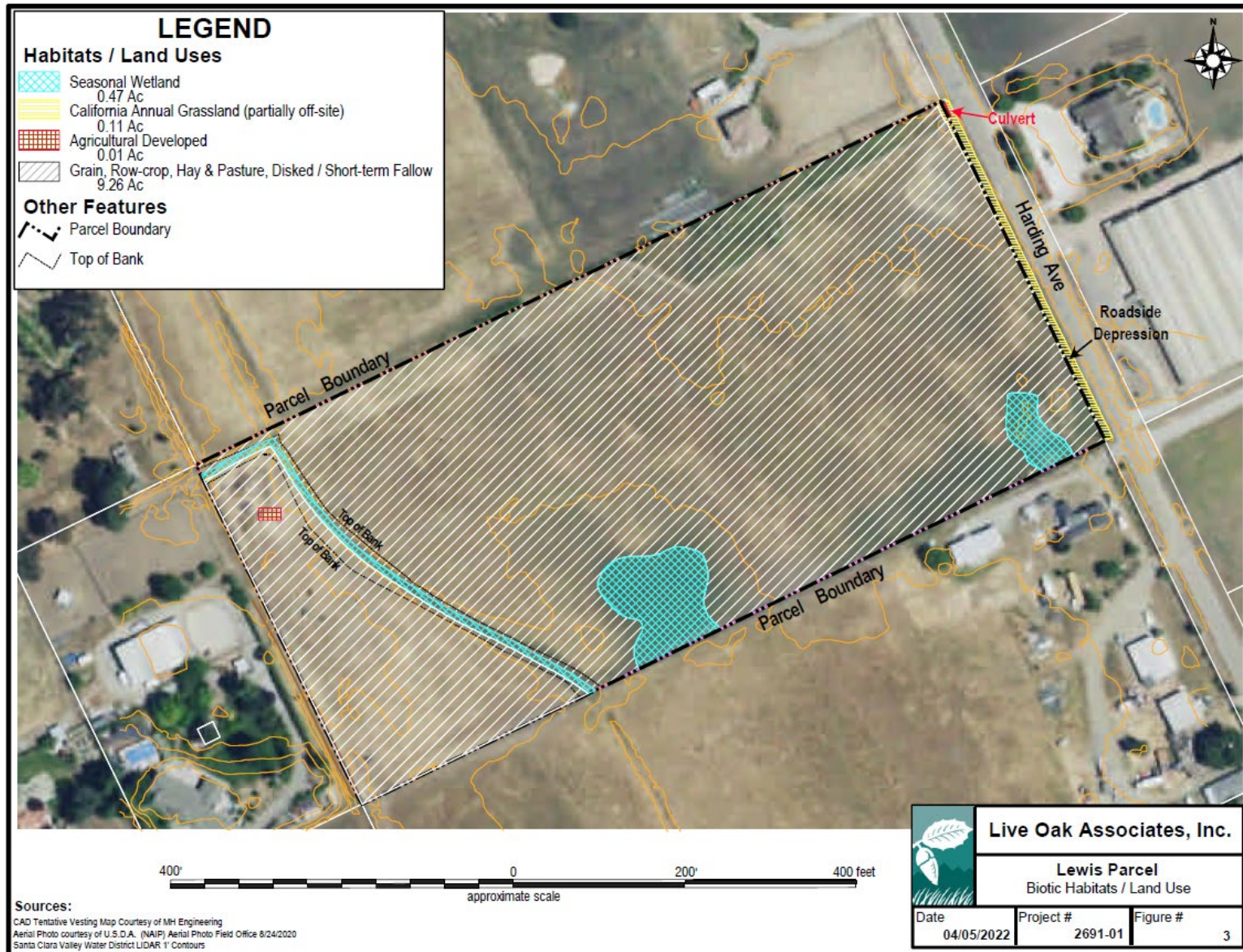


Figure 4 – Biological Resources Assessment (Land Cover Types and Jurisdictional Waters)

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 checked="" type="checkbox"/> Geology/Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials |
| <input 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 type="checkbox"/> Mandatory Findings of Significance |

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.

Charu Ahluwalia

Signature

9/30/2022

Date

CHARU AHLUWALIA

Printed name

For

ENVIRONMENTAL CHECKLIST AND DISCUSSION OF IMPACTS

A. AESTHETICS					
	IMPACT				
Except as provided in Public Resources Code section 21099, 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>	Source
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,3,4, 6,17f
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, along a designated scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	3,4

SETTING:

The project site is in a rural residential area in the unincorporated community of San Martin, located along Harding Avenue, between Highland and Cox Avenue. Harding Avenue is not a State- or County-designated scenic road.

DISCUSSION:

b) No Impact - The subject property is not located within a scenic vista recognized by the County of Santa Clara General Plan and Zoning Ordinance, nor does it have a Design Review zoning overlay or Scenic Road zoning overlay. The proposed project will not have substantial adverse effect or substantially damage scenic resources such as trees, rocks, outcroppings, or historic buildings. The property is 1000 feet away from the closest scenic road (Santa Teresa Boulevard) and a one mile west from a scenic highway.

a, c & d) Less than Significant - Scenic vistas in the project area consist of views from the valley floor of the mountain ranges to the east (Diablo Range) and to the west (Santa Cruz mountains). Future development of the property with two single family residences would not obstruct any views from public roadways, given that the height of structures is limited by the Zoning Ordinance to 35 feet. The

project site is not located near scenic roads or other scenic resources (e.g., rock outcroppings, historic buildings, or trees having scenic value). The future development would blend into the surrounding rural residential development and therefore would not substantially degrade the existing visual character or quality of public views of the site and its surroundings.

New sources of light and glare would be limited to future residential development. However, given the limited nature of residential outdoor lighting (e.g., illumination of pathways and doors) and the fact that source of light would be similar to that of other single-family residences in the, the proposed project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area

MITIGATION:

No mitigation is required.

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	
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3,23,24,26
b) Conflict with existing zoning for agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>	
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"/>	1, 28

B. AGRICULTURE / FOREST RESOURCES

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WOULD THE PROJECT:	IMPACT				Source
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	
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"/>	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 checked="" type="checkbox"/>	<input type="checkbox"/>	

SETTING:

The 10-gross-acre lot is zoned RR-5Ac, which is a base zoning of Rural Residential (RR) and a lot-size combining district of 5 acres (-5Ac). Soil on the subject property is composed of Clear Lake clay (0 to 2 percent slopes, occasionally flooded), Los Robles clay loam (0 to 2 percent slopes), and San Ysidro loam (0 to 2 percent slopes).

The site is designated as *Farmland of Local Importance* in the California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) database. The properties surrounding the subject property are zoned RR. Surrounding properties are designated as *Farmland of Local Importance*, *Prime Farmland*, *Farmland of Statewide Importance* or *Urban and Built-Up Land*, in the FMMP database.

The parcel is not under a Williamson Act Contract and contains no land classified as forest.

DISCUSSION:

a, b & f) Less Than Significant - The project is a two-lot subdivision. No residential development is proposed with this subdivision. Future development if proposed, may be two single-family residences, two ADUs and 2 JADUs.

Residential uses incidental to the agricultural use of the land, including single family homes and ADUs are considered compatible with agricultural use and permitted uses in the Rural Residential district. The site is designated as Farmland of Local Importance in the FMMP database. As defined by each county's local advisory committee and Board of Supervisors, farmland of local importance is land that is either producing or has the capability or production but does not meet the criteria to be considered Prime, Statewide, or Unique Farmland. Thus, future construction of the new residences and

associated site improvements would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses and would not affect existing agricultural operations on surrounding properties. The project site and surrounding properties have zoned RR and developed for residential uses; therefore, future residential development would not involve substantial changes to the existing agricultural environment.

c, d & e) No Impact - The parcel is not under a Williamson Act Contract and does not contain forest land. Therefore, the project will have no impact on agricultural or forest resources.

MITIGATION:

No mitigation required.

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.					
WOULD THE PROJECT:	IMPACT				Source
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	5,29, 30
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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 checked="" 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 so-called 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 which is linked with respiratory 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:

a, b, c & d) Less Than Significant. The subject property is located on Harding Avenue in the unincorporated community of San Martin. The closest freeway or expressway is Highway 101, which is approximately 1 mile from the project site. The operational criteria pollutant screening size for single-family residential projects established by BAAQMD is 325 dwelling units. Future development of two single family residences, driveways, and possibly two ADUs and two JADUs would involve grading and construction activities. Operations would generate emissions from vehicle trips. However, emissions generated from construction and operation of future development would be well below the BAAQMD's screening size level of 325 dwelling units for operational-related emissions (oxides of nitrogen) and 114 dwelling units for construction-related emissions (reactive organic gases) from residential land uses. Dust emissions would be controlled through standard Best Management Practices (BMPs) dust control measures. The proposed residential development would not generate significant concentrations of pollutants that sensitive receptors would be exposed to, nor would it result in other emissions (such as those leading to odors) adversely affecting a substantial number of people

MITIGATION:

No mitigation required.

D. BIOLOGICAL RESOURCES					
WOULD THE PROJECT:	IMPACT				Source
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	
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"/>	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"/>	3,7, 8a, 17b, 17e, 22d, 22e, 33
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"/>	3, 7, 17n, 33

D. BIOLOGICAL RESOURCES					
	IMPACT				
WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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 checked="" 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"/>	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 checked="" type="checkbox"/>	3,4, 17i

SETTING:

The project site is located on the west side of Harding Avenue, between its intersections with Cox Avenue and Highland, in San Martin (Figure 1). The site is bounded by rural residential development to the west (homes on 2-to-3-acre parcels), and less dense rural residential development and agricultural lands to the north, east and south. The site is approximately 0.4 miles east of more natural lands of the foothills of the Santa Cruz Range and more than three miles west of more natural lands of the foothills of the Diablo Range.

Under the HCP, the project site's land cover is *Grain, Row-crop, Hay and Pasture, Disked / Short-term Fallowed*. The parcel is located in the HCP area; however, it is designated as Area 3 (*Rural Development Not Covered*). West Branch Llagas Creek is approximately 0.25 miles south of the site, and a tributary of the creek is located on the subject property. No serpentine soils or serpentine rock outcrops are located on the subject property. The project site does not contain any sensitive habitats and is not located in any plant or wildlife survey areas under the HCP.

The subject property indicates the following non-HCP covered special status species, as the per the California Natural Diversity Database (CNDDDB) - Crotch Bumble Bee (1-mile accuracy, 1959), Woodland Woolly threads (1901), and California Tiger Salamander (two-mile buffer).

A Biological Resources Assessment (Assessment) was prepared by Live Oak Associates, Inc. (dated April 25, 2022) for the project site, is in Attachment C. Preparation of this report included a review of

pertinent data sources and literature on relevant background information and habitat characteristics of the project area. In addition, a reconnaissance-level field survey of the property was conducted on March 30, 2022, to assess the current site conditions, to identify and map existing vegetation communities, wetlands and waterways, and to assess the potential for special status species occurrence and/or presence of their respective habitats.

The Assessment identifies that the site is more than nine miles south of the closest landscape-level linkage identified as important for wildlife movement and linkage by both the HCP and Conservation Lands Network, i.e., Linkage 10 which connects the Santa Cruz Mountains with Coyote Ridge and the Mt. Diablo Range through the Coyote Valley area.

The Assessment describes the subject property with three land cover types occur, 1) Grain, Row-crop, Hay and Pasture, Disked / Short-term Fallow, 2) Seasonal Wetland, and 3) Agricultural Developed (Figure 4). Additionally, an upper reach of the channel of the West Branch Llagas Creek traverses the western portion of the site. Between the property boundary and the paved roadway, there is a roadside depression that is dominated by California annual grassland vegetation.

County of Santa Clara Tree Preservation Ordinance, Division C16 regulates tree removal on private land. This ordinance provides protection to certain trees that are 12-inches or greater in diameter. No tree removal is proposed with this project.

DISCUSSION:

d, f & g) No Impact – The subject parcel does not have any known mapped Oak Woodland area and thus would not impact any oak woodland habitat. Additionally, the project does not conflict with the HCP as there are no covered species or landcovers on the property. The project site occurs in Area 3 of the HCP Area, i.e., *Rural Development Not Covered*. County of Santa Clara Tree Preservation Ordinance, Division C16 regulates tree removal on private land. No tree removal is proposed with this project.

e) Less Than Significant Impact – The site occurs approximately 10 miles to the south of identified regional east-west movement corridors through the Coyote Valley area of south San Jose. Due to dense rural residential development that occurs to the west of the site, as well as the fact that the site is surrounded on three sides by cyclone fencing, it is unlikely that the site itself functions as a movement corridor. While some local species may move through the site during normal movements, animals in the region are not expected to be significantly affected by the future development of the site, and other ample agricultural and other open habitat occurs in the site's vicinity that would provide the same movement habitat for these species. The future development of the subject property with two single-family homes would not be expected to result in any significant impacts to any species that currently moves within and through the site as much better movement and foraging habitat is present to the north and south of the site.

a, b & c) Less Than Significant Impact with Mitigation Incorporated.

Special-status Plants: Per the Assessment by Live Oak Associates the subject property contains horse pasture and lacks suitable habitat for special status plants. There is a CNDDB occurrence of Woodland woollythreads (*Monolopia gracilens*) attributed to the vicinity of the study area; however, this location was estimated based on a 1901 collection and serpentine soils required by this species are absent from the study area. All special status plants known to occur, or to have once occurred, in the project

vicinity are considered absent from or unlikely to occur on the site because the site provides no suitable habitat for the species, or the site provides marginally suitable habitat but the species has either not been observed in the project vicinity in many decades, or there are no known occurrences in the project vicinity (i.e., within three-miles of the site). Therefore, development of the site is expected to have a less-than-significant impact on special status plants.

Special-status Wildlife: Per the Assessment by Live Oak Associates most special status animals known to occur, or to once have occurred, in the project vicinity are considered absent from the site due to a lack of suitable habitat, or they are considered unlikely to occur on the site or they have not been observed in the project vicinity in many decades. If the latter species occurred on the site at all, it would only be as rare migrants or rare foragers. The project is expected to have no impacts on any of the species that are considered absent from or unlikely to occur on the site. The latter species includes the Bay checkerspot butterfly (*Euphydryas editha bayensis*), steelhead (*Oncorhynchus mykiss*), Monterey hitch (*Lavinia exilicauda harengus*), southern coastal roach (*Hesperoleucus venustus subditus*), Santa Cruz black salamander (*Aneides niger*), California giant salamander (*Dicamptodon ensatus*), foothill yellow-legged frog (*Rana boylei*), California red-legged frog (*Rana draytonii*), Coast horned lizard (*Phrynosoma blainvillii*), western pond turtle (*Emys marmorata*), Swainson's hawk (*Buteo swainsoni*), tricolored blackbird (*Agelaius tricolor*), least Bell's vireo (*Vireo bellii pusillus*), yellow-breasted chat (*Icteria virens*), grasshopper sparrow (*Ammodramus savannarum*), bank swallow (*Riparia riparia*), and San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*).

While there are several occurrences of California tiger salamander (*Ambystoma californiense*) documented within 0.6 and one mile west of the site on the Cordeville Country Club property, this species is considered unlikely to occur on the site. This is because there are no documented occurrences of this species to the east of Santa Teresa Boulevard, and highly disturbed agricultural lands, rural residential development, and Santa Teresa Boulevard itself would likely preclude this species from migrating to the site from areas to the west.

Additionally, the project is not expected to result in significant impacts to most special status animals (with the potential exception of burrowing owls and badgers should they occur on the site in the future and for which measures are provided below to reduce any potential impacts to a less-than-significant level).

Western Burrowing Owls Although no burrowing owls or their sign was observed on the site during the site survey, and they are likely currently absent, the site does provide suitable habitat for this species and there is some potential it could forage, nest and roost on the site in the future, prior to development. While the loss of habitat for these species as a result of development of the site would be less-than-significant, any project activities resulting in nest abandonment should they occur on the site during project construction activities may be considered a significant impact. Mitigation measures provided below would reduce any potentially significant impacts to a less-than-significant level.

MITIGATION:

BIO-1a: Habitat assessment for burrowing owls shall be conducted within 30 days of grading, or construction activities that shall result in ground disturbance or vegetation removal, to confirm that habitat for burrowing owls remains absent from the site. If the habitat assessment confirms that habitat for this species remains absent from the site, then no further mitigation for burrowing owls would be required.

BIO-1a: Habitat assessment for burrowing owls shall be conducted within 30 days of grading, or construction activities for the future proposed residences that shall result in ground disturbance, to confirm that habitat for burrowing owls remains absent from the site. If the habitat assessment confirms that habitat for this species remains absent from the site, then no further mitigation for burrowing owls would be required.

BIO-1b: Preconstruction Surveys for Burrowing Owls - Should a habitat assessment for burrowing owls confirm that site conditions have changed and that there is potential habitat present for this species (i.e., California ground squirrel burrows or other burrows of sufficient size), then the following measures shall be implemented to ensure that the project does not impact this species.

Pre-construction surveys A pre-construction survey shall be conducted by a qualified biologist for burrowing owls within 30 days of the on-set of grading, or construction activities. This survey shall be conducted according to methods described in the *Staff Report on Burrowing Owl Mitigation* (CDFW 2012).

Avoidance During the Breeding Season. If evidence of western burrowing owls is found during the breeding season (February 1–August 31), the project proponent shall avoid all nest sites that could be disturbed by project construction during the remainder of the breeding season or while the nest is occupied by adults or young (occupation includes individuals or family groups foraging on or near the site following fledging). Avoidance shall include establishment of a 250-foot non-disturbance buffer zone around nests.

Construction may occur outside of the 250-foot non-disturbance buffer zone. Construction may occur inside of the 250-foot non-disturbance buffer during the breeding season if the nest is not disturbed, and the project proponent develops an avoidance, minimization, and monitoring plan that shall be reviewed by the County and CDFW prior to project construction based on the following criteria.

- The County and CDFW approves of the avoidance and minimization plan provided by the project applicant.
- A qualified biologist monitors the owls for at least 3 days prior to construction to determine baseline nesting and foraging behavior (i.e., behavior without construction). The same qualified biologist monitors the owls during construction and finds no change in owl nesting and foraging behavior in response to construction activities.
- If there is any change in owl nesting and foraging behavior as a result of construction activities, these activities shall cease within the 250-foot buffer. Construction cannot resume within the 250-foot buffer until the adults and juveniles from the occupied burrows have moved out of the project site.
- If there is any change in owl nesting and foraging behavior as a result of construction activities, these activities shall cease within the 250-foot buffer. Construction cannot resume within the 250-foot buffer until the adults and juveniles from the occupied burrows have moved out of the project site.

Avoidance During the Non-Breeding Season. During the non-breeding season (September 1–January 31), the project proponent shall establish a 250-foot non-disturbance buffer around occupied burrows as determined by a qualified biologist. Construction activities outside of this 250-foot buffer are allowed. Construction activities within the non-disturbance buffer are

allowed if the following criteria are met in order to prevent owls from abandoning important overwintering sites.

- A qualified biologist monitors the owls for at least 3 days prior to construction to determine baseline foraging behavior (i.e., behavior without construction).
- The same qualified biologist monitors the owls during construction and finds no change in owl foraging behavior in response to construction activities.
- If there is any change in owl nesting and foraging behavior as a result of construction activities, these activities shall cease within the 250-foot buffer.
- If the owls are gone for at least one week, the project proponent may request approval from the County that a qualified biologist excavates usable burrows to prevent owls from re-occupying the site. After all usable burrows are excavated, the buffer zone shall be removed and construction may continue. Monitoring must continue as described above for the non-breeding season as long as the burrow remains active.

Construction Monitoring. Based on the avoidance, minimization, and monitoring plan developed (as required in the above section), during construction, the non-disturbance buffer zones shall be established and maintained if applicable. A qualified biologist shall monitor the site consistent with the requirements described above to ensure that buffers are enforced and owls are not disturbed. The biological monitor shall also conduct training of construction personnel on the avoidance procedures, buffer zones, and protocols in the event that a burrowing owl flies into an active construction zone.

Passive Relocation. Any passive relocation plan would need to be approved by the County and CDFW, and would only occur during the non-breeding season (September 1–January 31) if the other measures described above do not allow work to continue. Passive relocation would only be proposed if the burrow needed to be removed, or had the potential of collapsing (e.g., from construction activities), as a result of the covered activity.

If passive relocation is eventually allowed, a qualified biologist can passively exclude birds from their burrows during non-breeding season only by installing one-way doors in burrow entrances. These doors shall be in place for 48 hours to ensure owls have left the burrow, and then the biologist shall excavate the burrow to prevent reoccupation. Burrows shall be excavated using hand tools. During excavation an escape route shall be maintained at all times. This may include inserting an artificial structure into the burrow to avoid having the overburden collapse into the burrow and trapping owls inside.

Exceptions to Passive Relocation Prohibition. Any exceptions to passive relocation prohibitions would be subject to the approval of the County and CDFW.

BIO- 2: Alternative Mitigation BIO-MIT-1b, the project can opt-in to the Santa Clara Valley Habitat Plan, and follow the mitigations measures for burrowing owls included under Condition 15 of the Habitat Plan (6-62, Santa Clara Valley Habitat Plan; Attachment B).

American Badgers known to occur in the foothills to the west of the site; most of the habitat between the site and the foothills consists of range land and agricultural fields, therefore, it is possible badgers may use the site primarily for movement and foraging and may forage or pass through the site or have the potential to dig a day-use den from time to time. No badgers were observed on the project site during the site survey; however, should badgers occur onsite at the time of construction, the project

could result in mortality of individuals of this species, which would constitute a significant impact under CEQA. Mitigation measures provided below would reduce any potentially significant impacts to a less-than-significant level.

MITIGATION:

BIO-3: Preconstruction Surveys for Badgers - During the course of the preconstruction surveys for other species, a qualified biologist shall also determine the presence or absence of badgers prior to the start of construction. If badgers are found to be absent, no other mitigations for the protection of badgers shall be warranted.

Preconstruction Surveys for Badgers - If an active badger den is identified during pre-construction surveys within or immediately adjacent to an area subject to construction, a construction-free buffer of up to 300 feet shall be established around the den. Once the biologist has determined that badger has vacated the burrow, the burrow can be collapsed or excavated, and ground disturbance could proceed.

Should the burrow be determined to be a natal or reproductive den, and because badgers are known to use multiple burrows in a breeding burrow complex, a biological monitor shall be present onsite during construction activities in the vicinity of the burrows to ensure the buffer is adequate to avoid direct impact to individuals or natal/reproductive den abandonment. The monitor shall be required to be present until it is determined that young are of an independent age and construction activities would not harm individual badgers.

BIO-4: Workers Environmental Training - Prior to the start of the project, a worker's environmental training shall be performed with the entire construction team. All workers on the project shall attend a training that includes a description of the species, a summary of its biology, and minimization measures and instructions on what to do if a Burrowing Owl or American badger is observed.

Ground Nesting Migratory Birds. Aside from two small shrubs in the northern portion of the site, trees and other woody vegetation is absent from the site, thus tree-nesting birds are considered absent from the site. However, the site could provide potential habitat for ground nesting birds such as the non-special status western meadowlark (*Sturnella neglecta*). Should any birds nest on the site during site development activities, including ground disturbance and vegetation removal, such activities could result in nest abandonment and in harm or mortality to unfledged young. This would be considered a potentially significant impact of the project as well as a violation of state and federal laws. Mitigation measures provided below would reduce any potentially significant impacts to a less-than-significant level.

MITIGATION:

BIO- 5: Preconstruction Surveys for Ground Nesting Migratory Birds - To the extent possible, any project-related ground disturbance or vegetation removal activities should occur outside of the bird breeding season, i.e., during the period from September 1st through January 31st. Project-related activities that occur during the bird breeding season, i.e., during the period from February 1st through August 31st, could be constrained in the vicinity of any active of ground nesting migratory birds. If tree removal or ground disturbance activities are scheduled to commence during the breeding season, a qualified biologist shall conduct pre-construction

nesting bird surveys to identify possible nesting activity within 15 days prior to such activities. A construction-free buffer of suitable dimensions as determined by a qualified biologist must be established around any active raptor or migratory bird nest for the duration of the project, or until it has been determined that the young have fledged and are foraging independently from their parents

Jurisdictional Waters: A stream channel traverses the western portion of the site which is approximately 12 to 14 feet in width between the tops of the banks (Figure 4). This stream feature is a tributary of the West Branch Llagas Creek, which occurs approximately 0.25 miles south of the site, and the Pajaro River. In addition, two seasonal wetlands occur on the site, one in the southeastern portion of the site and one along the south-central boundary of the site.

Potentially jurisdictional waters of the U.S. and state are present on the site in the form of the above-described seasonal stream and wetlands. Impacts to these features may be regulated by the U.S. Army Corps of Engineers (USACE), the California Department of Fish and Wildlife (CDFW), and the California Regional Water Quality Control Board (RWQCB), or some combination of these three resource agencies, and may be considered a significant impact under CEQA.

The proposed two-lot minor subdivision includes frontage improvements along Harding Avenue. No construction of residences is proposed as a part of this subdivision. Once the property is subdivided, Parcel 1 and Parcel 2 could be developed with a single-family residence, an ADU and a junior JADU). Future home development would be served by well and onsite septic systems.

The project is subject to *General Plan Policy R-RC 37 and 38*. The Tentative Map would be conditioned to require a 100-foot buffer from the top of bank on either side of the existing streams. With regard to the seasonal wetlands, if development of the site avoids the wetlands, then the project would result in a less than significant impact and no mitigation would be required. However, if development of the site results in fill being placed within the wetlands or other land alterations within the wetlands, including any fencing along the boundary between the two proposed parcels, then this is considered a significant impact of the project, and mitigations provided below would reduce any significant impact to a less-than-significant level.

MITIGATION:

BIO- 6a: Avoidance and Minimization of Impact to Wetlands - The preferred method of mitigation would be avoidance of all waters of the U.S. and State to the maximum extent practicable by designing the project so that it avoids the placement of fill within potential jurisdictional waters.

BIO- 6b: Wetland Compensation - If development of the site is not designed to completely avoid the wetland features, then a **formal wetland delineation** should be conducted and verified by the U.S. Army Corps to determine the jurisdictional status of these features. Compensation measures for a loss of wetland habitat would include the replacement of the lost habitat value of these impacts through the creation, restoration, and/or enhancement of jurisdictional waters at a minimum 1:1 replacement-to-loss ratio. The final mitigation amounts shall be based on actual impacts to be determined during the design phase. Mitigation can be accomplished at an appropriate onsite or nearby offsite location. Alternatively, mitigation can be accomplished via the purchase of an appropriate number of credits from an agency approved mitigation bank.

Should any project on the site result in fill being placed in the wetlands on the site, in addition to the mitigation provided above, the project would also need to comply with all state and federal regulations related to construction work that will impact aquatic habitats occurring on the site. The applicant may be required to obtain a Section 404 Clean Water Act Nationwide permit from the USACE, a Section 401 Water Quality Certification from the RWQCB and a Section 1600 Streambed Alteration Agreement from the CDFW, or some combination of these three agencies.

E. CULTURAL RESOURCES					
	IMPACT				
WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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"/>	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"/>	3, 19, 40, 41
c) Disturb any human remains including, those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 19, 40, 41

SETTING:

Letter from California Historical Resources Information System (CHRIS) dated March 7, 2022, noted no previously recorded sites within or adjacent to the project site. However, the Office of Historic Preservation determined that the project site has the possibility of containing unrecorded archaeological sites and recommended that the property be evaluated by a qualified archaeologist. Archaeological Resource Service (ARS) conducted an archival search and a surface survey of the proposed project area. The report titled “Archeological Resource Management Report for Residential Development on Harding Avenue – A Cultural Resource Inventory”, dated July 13, 2022, is in Attachment D.

DISCUSSION:

a) No Impact. The project site contains an existing 215 sq.ft. shed in the northwestern corner of the property is proposed to be demolished. The California Public Resources code defines a historical resource as a resource that has been listed or is eligible for listing on the California Historical Register of Historical Resources, a resource included in a local register of historical resources, or a resource identified as significant in a historical survey meeting the requirements of the Public Resources Code. Neither the subject property nor the existing structure located on the otherwise vacant parcel are listed in or eligible for listing in the California Register of Historic Resources or the County of Santa Clara

Historic Resources Inventory. Thus, the vacant parcel is not historical resource pursuant to Section 15064.5 of the CEQA Guidelines.

b and c) Less Than Significant With Mitigation Incorporated. Based on a review of available literature on the prehistoric and historic resources of the area, notably Llagas creek, as well as a field survey, ARS determined that the potential for the discovery of cultural resources on the subject site is minute. No significant or potentially significant artifacts, archaeological deposits, or features were noted during surface reconnaissance conducted by ARS on June 23rd, 2022. There is evidence of prehistoric populations within the local vicinity (closest prehistoric site being one and a quarter mile southeast of the subject property), however there are no traces that they were actively occupying the land within the project area. Artifacts that are typically associated with prehistoric sites include human-modified stone, shell, bone or other cultural materials such as charcoal, ash, and burnt rocks that indicate food procurement or processing activities. Prehistoric domestic features include firepits, hearths, or house/floor depressions whereas human skeletal remains in a prepared pit or depression in a culturally modified soil deposit typically represent mortuary features. Historic artifacts can encompass a wide range of physical deposits, such as glass, charcoal, nails, ceramics, gun-shells, as they can potentially include all byproducts of human land use greater than 50 years of age. None of these potential physical indications of a site were observed.

However, upon approval of the project, the frontage improvements and future development of the site would include ground disturbance and grading activity which has the potential for uncovering previously unknown cultural resources. In the unlikely event that a potentially significant cultural resource is discovered, the following mitigation measures will ensure the proper actions are taken to reduce the adverse environmental impacts to cultural resources to a less than significant level.

MITIGATION:

CUL- 1: Should prehistoric or historic archaeological features, such as a concentration of flaked stone artifacts, culturally modified soil, dietary shell, or the remnants of a historic trash deposit over 50 years old be uncovered during grading, trenching, or other on-site excavation(s), all project-related work shall cease within a 50-foot radius until the County has been notified, and a qualified archeologist is contacted and retained by the applicant to evaluate the significance of the find, and, if deemed necessary, suggest appropriate mitigation(s)

CUL- 2: 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.

F. ENERGY					
	IMPACT				
WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
a) Result in potentially significant environmental impact do to wasteful, inefficient, or unnecessary construction of energy resources during project consumption or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	5

SETTING:

The proposed two-lot minor subdivision does not include any construction and as such does not propose to consume any energy resources that would potentially be inefficient or unnecessary. However, if approved, it is reasonable to anticipate the project may result in the future construction of two new single-family residences, accessory dwelling units, and associated site improvements.

California Code of Regulations, Title 24, Part 6, is California's Energy Efficiency Standards for Residential and Non-Residential Buildings. Title 24 was established by CEC in 1978 in response to a legislative mandate to create uniform building codes to reduce California's energy consumption and provide energy efficiency standards for residential and non-residential buildings.

DISCUSSION:

a & b) Less Than Significant. The project would increase electricity and natural gas consumption at the site relative to existing conditions. The project would be required to meet the California Code of Regulations Title 24 standards for building energy efficiency. Construction energy consumption would be temporary and would not require additional capacity or increased peak or base period demands for electricity or other forms of energy. The project would not result in wasteful, inefficient, or unnecessary consumption of energy.

MITIGATION:

No mitigation required.

G. GEOLOGY AND SOILS					
	IMPACT				
WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:					

G. GEOLOGY AND SOILS					
	IMPACT				
WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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"/>	6, 17c, 43
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	6, 17c
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	6, 17c, 17n, 18b
iv) Landslides	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	6, 17L, 118b
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	3,6, 23,24,
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2,3,4,40,41

SETTING:

The topography of the project site is flat with an approximate slope of 1.5 percent (1.5%) towards the southwest of the property. The property is located in the County's Liquefaction Hazard Area. A Geotechnical Engineering Investigation (Report) for the proposed subdivision was prepared by consultant Salem Engineering Group, Inc. dated January 12, 2022 (Attachment E), which was reviewed and accepted by the County Geologist. A field exploration consisting of site surface reconnaissance and subsurface exploration was conducted on December 6, 2021, and results presented in the Report.

DISCUSSION:

a(i), (ii) & (iv). No Impact. The site is not within a designated State Earthquake Fault Zones, State Seismic Hazard Zone or the State liquefaction zone.

a(iii), b, c, d & e) Less than Significant Impact. The property is located in the County's Liquefaction Hazard Area. Based on the data collected during field investigation, geotechnical engineering analysis, the Report determined the site suitable for proposed future construction and site improvements, provided the recommendations contained in the Report are incorporated in the project design and construction. The primary critical geotechnical concerns identified in this Report are potential for soil expansiveness and potential for total and differential seismic settlement due to a design level seismic event. The project shall require foundations of future structures to be designed to withstand liquefaction as identified in the Report.

At the time of development, the consulting geologist would review the project and provide verification to the County Geologist that all geologic investigations have been performed, prior to approval of the issuance of building permits. During any construction, the consulting geologist would also observe construction and provide an "as built" letter to the County Geologist prior to final occupancy signoff, certifying that all of the recommendations contained in the study have been followed.

Subdivision frontage improvements and any future development would be subject to the County's Policies and Standards pertaining to Grading and Erosion Control. Erosion control would be required as part of project design through the Grading Approval and permitting process. At the time of development, percolation tests and soil profiles would also be conducted for each proposed parcel, and this data would be reviewed by County Department of Environmental Health (DEH) ensuring that the soils are capable of supporting a septic system which meets County DEH requirements. If grading approval is required, additional review would be required for conformance to the County's Grading Manual and BMPs, ensuring that no over-compaction or over-covering of soil would occur.

f) Less Than Significant With Mitigation Incorporated. The geotechnical report has not identified any unique geologic features which would be directly or indirectly destroyed by the project. The project site consists of soils and other geologic features which are typical in the surrounding area. In addition, there are no known paleontological resources located at the project site that would be designated as unique. Nevertheless, ground disturbance during the project's construction phase has the potential for disturbing previously unknown unique paleontological resources. The following mitigation measure will ensure that in the event any unique paleontological resources are discovered, the proper actions are taken to reduce the adverse environmental impacts to less than significant levels.

MITIGATION:

GEO- 1: Should unique paleontological materials be uncovered during grading, trenching, or other on-site excavation(s), all earthwork within 30 yards of the materials shall be stopped until the County has been notified, and a qualified paleontologist contacted and retained by the applicant to evaluate the significance of the find, and, if deemed necessary, suggest appropriate mitigation(s)

H. GREENHOUSE GAS EMISSIONS					
WOULD THE PROJECT:	IMPACT				Source
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	
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 checked="" 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 checked="" 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:

a & b) Less Than Significant. Future development of two single family residences, two ADUs, two JADUs and associated site improvements would involve grading and construction activities. Operations would generate emissions from vehicle trips. However, emissions generated from construction and operation of the residences would be well below the BAAQMD's screening size level of 56 dwelling units for both operational- and construction related GHG emissions. Therefore, the proposed project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment or conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.

MITIGATION:

No mitigation is required.

I. HAZARDS & HAZARDOUS MATERIALS					
	IMPACT				
WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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"/>	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"/>	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"/>	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"/>	47
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"/>	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"/>	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"/>	4, 17g

SETTING:

The project site is located in a rural residential area of south Santa Clara County in the unincorporated community of San Martin. It is not located within ¼ mile of a school or within the Wildland Urban Interface. San Martin Airport is located approximately ½ mile from the project site.

DISCUSSION:

a, b, c, d, e, f & g) No Impact. The project is a two-lot residential subdivision. Therefore, it would not involve transport of hazardous materials or foreseeable risk of accident conditions that could release hazardous materials into the environment. The project site is not located within ¼ of a school. The site is located within two miles of a public airport. However, the project would not result in a safety hazard, or excessive noise for people residing or working in the project area. The project site would use as access Harding Avenue, which is not part of an adopted emergency response plan or emergency evacuation plan. The site is not within the Wildland Urban Interface and therefore would not expose people or structures either directly or indirectly to a significant risk of loss, injury or death involving wildland fires.

MITIGATION:

No mitigation is required.

J. HYDROLOGY AND WATER QUALITY					
Would the project:	IMPACT				SOURCE
	Potential v Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
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 checked="" type="checkbox"/>	<input type="checkbox"/>	17b, 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 checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3, 17n,
i) Result in substantial erosion or siltation on- or off-site	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 5
IV) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	2, 3, 4, 17p

SETTING:

The Santa Clara Valley is a flat alluvial plain situated between the Santa Cruz Mountains to the west and the southern Diablo Range to the east. The majority of the County drains in a northerly direction into the San Francisco Bay, although the site is located within the Uvas-Llagas Watershed, a 104-square-mile region which is distinguished by its agricultural lands and natural areas and drains to the Pajaro River. Part of the larger Pajaro River Watershed, the creeks in this watershed are the only waterways in Santa Clara County that flow southward.

One stream channel traverses the western portion of the site which is approximately 12 to 14 feet in width between the tops of the banks. This stream feature is a tributary of the West Branch Llagas Creek, which occurs approximately 0.25 miles south of the site, and the Pajaro River. In addition, two seasonal wetlands occur on the site, one in the southeastern portion of the site and one along the south-central boundary of the site (Figure 4). The property is located in Federal Emergency Management Agency (FEMA) Flood Zone AE (Special Flood Hazard Area), subject to inundation by the 1% annual chance flood.

DISCUSSION:

a, b, c, d, e) Less than Significant impact. Once the property is subdivided, Parcel 1 and Parcel 2 could be developed with a single-family residence, ADU and a JADU. Grading of the site for future development may slightly alter on-site drainage patterns. In addition, future development of the structures, and driveways would add impervious surfaces to the project site. The County requires erosion control standards be incorporated into project design in order to avoid erosion on- and off-site that could violate water quality standards during construction. The site is flat, and all stormwater runoff would be required to be retained on site. Therefore, site development would not substantially alter the existing drainage pattern of the site or area, increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite, or 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.

The project site is located within the regulatory 100-year floodplain. Since the project is located within the floodplain, the project will be conditioned to ensure compliance with FEMA requirements to ensure it does not impede or redirect floodwaters. County Land Development Engineering has reviewed the proposed project and provided conditions of approval, such that the project will not impact the floodplain. The project site is not located in tsunami, or seiche zones

MITIGATION:

No mitigation is required.

K. LAND USE					
	IMPACT				
WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	SOURCE
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>	8a, 9, 18a

SETTING:

The parcel is designated in the General Plan as Rural Residential and is zoned RR-5Ac. Surrounding uses are rural residences and undeveloped parcels.

DISCUSSION:

a & b) No impact. The project meets the allowable density of development for the Rural Residential general plan designation (R-LU 58) and minimum lot size and density requirements for the RR-5Ac zoning district (Zoning Ordinance Sections 2.20.040 and 3.10.030). The project will create two lots of 5 gross acres (Parcel 1 and Parcel 2), resulting in a density of 0.2 dwelling unit/acre. The project would subdivide for future construction of two residences, which are allowed uses in this zoning. This use would not physically divide an established community or conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

MITIGATION:

No mitigation is required.

L. MINERAL RESOURCES					
	IMPACT				
WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	SOURCE
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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 6, 8a

SETTING:

The project site is located within a Mineral Resource Zone (MRZ-1), which is classified as an area that has no significant mineral deposits or where it is judged that little likelihood exists for their presence.

DISCUSSION:

a & b) Less Than Significant. The project is located on MRZ-1, which is an area that has no significant mineral deposits or where it is judged that little likelihood exists for their presence. The project would restrict access to potential mineral resources on the project site; however, given the relatively small size of the site and the fact that it is not considered a locally important mineral resource recovery site as designated by the Santa Clara County General Plan (Santa Clara County 1994b), a substantial loss of mineral resources would not occur. Therefore, the project would not result in the loss of availability of a known mineral resource that would be of regional or statewide value.

MITIGATION:

No mitigation is required.

M. NOISE					
WOULD THE PROJECT RESULT IN:	IMPACTS				SOURCE
	<u>Potentially Significant Impact</u>	<u>Less Than Significant With Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	
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 checked="" type="checkbox"/>	<input type="checkbox"/>	8a, 13, 22a, 45
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	1, 5, 22a

SETTING:

The project site is located in an area of rural residential uses approximately ½ mile east of State Route 101 and South County Airport. Single family residences are located on three sides of the property, with the closest being on the north side, approximately 200 feet from the future proposed development sites. The County noise ordinance restricts construction-related noise near single-family residential areas to 60 dBA for mobile equipment operated Monday through Saturday from 7:00 AM to 7:00 PM.

DISCUSSION:

a, b & c) Less Than Significant. A temporary noise increase during construction would be generated by grading for subdivision improvements and future construction of residential buildings and driveways. However, noise from operating equipment would not exceed the 60 DBA ordinance limit for mobile equipment. Occupancy of the two residences would not be a significant new source of noise. Therefore, the proposed project would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards. Future construction of the two residences would not involve use of equipment that would cause groundborne vibration or groundborne noise levels.

MITIGATION:

No mitigation required.

N. POPULATION AND HOUSING					
	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>	SOURCE
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"/>	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"/>	1, 2, 3, 4

SETTING:

The project site is located in an area of rural residential uses.

DISCUSSION:

a & b) No Impact - The project would involve demolition of a shed, and future construction of two single residences. The project would not change the density upon which the General Plan's population projections were based. Therefore, it would not induce substantial unplanned population growth in an area. No extension of roads or infrastructure is proposed as part of this project.

MITIGATION:

No mitigation required.

O. PUBLIC SERVICES					
	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>	SOURCE
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 checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 5
ii) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 5
iii) School facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 5
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 5, 17h
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 5

SETTING:

The project site is located in the unincorporated community of San Martin. Fire protection is provided by the South Santa Clara County Fire District. The Santa Clara County Sheriff's Office provides police protection service. The project site is located within the Morgan Hill Unified School District. It is served by the San Martin/Gwinn Elementary School (located at 100 North St.), Britton Middle School (located at 80 W. Central Ave.), and Live Oak High School (located at 1505 East Main Ave).

DISCUSSION:

a) Less Than Significant. The future increase of two residences as part of the proposed subdivision, would not result in substantial adverse physical impacts to the public facilities that would provide services in this area. Any new square footage will have to pay the school impact fees.

MITIGATION:

No mitigation is required.

P. RECREATION					
	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>	SOURCE
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 4, 5, 17h

substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 5
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 checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 5

SETTING:

The Santa Clara County Parks and Recreation Department operates and maintains several parks and recreational facilities in unincorporated Santa Clara County.

DISCUSSION:

a & b) Less Than Significant. The future increase of two residences as part of the proposed subdivision would not result in substantial adverse physical impacts to the recreation facilities in the area or require construction or expansion of such facilities.

MITIGATION:

No mitigation is required.

Q. TRANSPORTATION					
	IMPACT				
WOULD THE PROJECT:	Potential y Significant t Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	SOURCE
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 checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	3, 5, 6, 7, 52
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 5, 48, 52

SETTING:

The project site is accessed from Harding Avenue and approximately 900 feet north of Highland Avenue in the unincorporated area of San Martin.

VMT

Senate Bill 743 (SB 743), which became effective September 2013, initiated reforms to the CEQA Guidelines to establish new criteria for determining the significance of transportation impacts that “promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses.” Specifically, SB 743 directed the Governor’s Office of Planning and Research to update the CEQA Guidelines to replace automobile delay—as described solely by LOS or similar measures of vehicular capacity or traffic congestion—with VMT as the recommended metric for determining the significance of transportation impacts. The Office of Planning and Research has updated the CEQA Guidelines for this purpose by adding a new section 15064.3 to the Guidelines, which became effective statewide July 1, 2020. CEQA Guidelines section 15064.3, subdivision (b), establishes criteria for evaluating a project’s transportation impacts under CEQA. The lead agency has discretion to choose the most appropriate methodology to evaluate VMT.

DISCUSSION:

a, b, c & d) Less Than Significant. The Office of Planning and Research’s Technical Advisory on Evaluating Transportation Impacts in CEQA¹ recommends a method for screening out small projects that would be presumed to have less-than-significant VMT impacts. The method uses a daily trip rate as a screening level threshold based on the Class 1 and 3 Categorical Exemptions (Sections 15301 and 15303 of the CEQA Guidelines). For rural areas, this daily trip rate screening level would be 27.² The project is a 2-lot residential subdivision in a rural area. However, approval would only enable two new single-family residence. The daily trip rate for a single-family residence provided by the Institute of Transportation Engineers (ITE) is 9.57.³ This would be below the screening level of 24. Therefore, the proposed project would not conflict with CEQA Guidelines Section 15064.3, subdivision (b).

As part of development of the proposed subdivision, each new parcel would have a 15-foot-wide driveway connecting with Harding Avenue, as shown on Figure 3. The driveways would be approximately 120 feet apart. The County’s Zoning Ordinance [4.20.050(B)(1) would restrict fence height to 3 feet within 20 feet of the right-of-way. In addition, the required setback for accessory structures would be 75 feet from Harding Avenue. With these restrictions and given that Harding Avenue is a straight road that is lightly traveled, the proposed development would not substantially increase hazards due to a geometric design feature. The subdivision and driveway design has also been reviewed by the Fire Marshal’s Office and provides adequate emergency access to both lots.

MITIGATION:

No mitigation is required.

¹Office of Planning and Research. December 2018. Technical Advisory on Evaluating Transportation Impacts in CEQA.

²According to OPR’s analysis, typical project types for which trip generation increases relatively linearly with building footprint (i.e., general office building, single tenant office building, office park, and business park) generate or attract an additional 110-124 trips per 10,000 square feet. Therefore, absent substantial evidence otherwise, it is reasonable to conclude that the addition of 110 or fewer trips could be considered not to lead to a significant impact. However, the 10,000 square-foot limit examples in the Class 1 and 3 applies to urban areas. Outside of urban areas, the example limit is 2,500 square feet, which would yield a trip rate of 24, which is the rate that would be considered not to lead to a significant VMT impact.

³ITE Trip Generation, 10th Edition, 2018.

R. TRIBAL CULTURAL RESOURCES					
	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>	SOURCE
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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	

SETTING:

CEQA requires that lead agencies consult with a California Native American tribes that is traditionally and culturally affiliated with the geographic area of a proposed project, if requested by the tribes. Section 21084.2, also specifies that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource (TCR) is a project that may have a significant effect on the environment.

DISCUSSION:

a) Less Than Significant. No tribe has requested that the County notify it when development applications in the unincorporated areas of the County are submitted and undergo CEQA review, which is the required precursor for consultation under AB 52. There are no resources listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources on the project site or in the vicinity. Mitigation measures are included under section E., “Cultural Resources” that require archaeological monitoring and appropriate response if human remains or other potential archaeological resources are uncovered during project construction.

Therefore, impacts related to the implementation of the project would be less than significant with respect to Tribal Cultural Resources.

MITIGATION:

No mitigation is required.

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	
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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	3,5, 6

SETTING:

The project site is located within PG&E's service area. The project site has no access to water or wastewater utilities.

DISCUSSION:

a, b, c, d & e) Less Than Significant. Electricity and gas would be provided by PG&E. Future residences would each have a well and an on-site wastewater treatment system. Stormwater would be retained on site. Therefore, no expansion of utilities would be required. Construction wastes associated with demolition of the existing shed and construction future new residences would be minor and would not exceed the capacity of existing solid waste disposal facilities.

MITIGATION:

No mitigation is required.

T. WILDFIRE					
	IMPACT				
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	SOURCE
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 5

SETTING:

The project site is located in a flat area primarily developed with agricultural and rural residential uses. Project access would be from Harding Avenue.

DISCUSSION:

a, b, c & d) Less Than Significant. The proposed project is a two-lot subdivision, demolition of an existing shed, and future development of two new residences. Access to Harding Avenue would not substantially impair an adopted emergency response plan or emergency evacuation plan. The project site is in an area of low risk of wildfire. Fire hydrants would be constructed and supplied by well water stored on site. Project development would not require installation or maintenance of other infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. In addition, because the project is located in a flat area of low fire risk, development would not 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.

MITIGATION:

No mitigation is required.

U. MANDATORY FINDING OF SIGNIFICANCE					
	IMPACT				
WOULD THE PROJECT:	YES			NO	SOURCE
	<u>Potentially Significant Impact</u>	<u>Less Than Significant With Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</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"/>	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 checked="" 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"/>	1 to 52

DISCUSSION:

a) **Less Than Significant Impact with Mitigation Incorporated.** Although the proposed project is to subdivide a 10-gross-acre parcel and does not include any construction, due to the undeveloped nature of the project site, it has the potential for significant impacts in relation to undiscovered biological or cultural or paleontological. However, the project would not substantially degrade the quality of the natural environment because the potentially significant impacts regarding biological resources, cultural resources, and geology/soils as identified throughout this study can be mitigated to less than significant levels. Where mitigation measures are enforced as proposed in this Initial Study, the measures will be conditions of approval of the proposed project and the applicant will be responsible for implementation of the measures. Therefore, the potential for substantial impacts to biological, historical, cultural or other resources as a result of the proposed project is reduced to a less than significant level

b) **Less Than Significant.** 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 two-lot subdivision and future development of two single family residences. 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.

Initial Study Source List*

1. Environmental Information Form
https://www.sccgov.org/sites/dpd/DocsForms/Documents/EnvAss_Form.pdf
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
<https://www.sccgov.org/sites/dpd/PlansOrdinances/GeoHazards/Pages/Geology.aspx>
Fire Marshal
<https://www.sccgov.org/sites/dpd/AboutUs/Fire/Pages/Fire.aspx>
Roads & Airports
<https://www.sccgov.org/sites/rda/Pages/rda.aspx>
Environmental Health
<https://www.sccgov.org/sites/deh/Pages/deh.aspx>
Land Development Engineering
<https://www.sccgov.org/sites/dpd/AboutUs/LDE/Pages/LDE.aspx>
Parks & Recreation
<https://www.sccgov.org/sites/parks/Pages/Welcome-to-Santa-Clara-County-Parks.aspx>
Zoning Administration,
Comprehensive Planning,
Secretary
7. Agency Sources:
Santa Clara Valley Water District
<https://www.valleywater.org/>
Santa Clara Valley Transportation Authority
<http://www.vta.org/>
Midpeninsula Regional Open Space District
<https://openspace.org/>
U.S. Fish & Wildlife Service
<https://www.fws.gov/>
CA Dept. of Fish & Game
<https://www.wildlife.ca.gov/>
Caltrans
<https://dot.ca.gov/>
U.S. Army Corps of Engineers
<https://www.usace.army.mil/>
Regional Water Quality Control Board
<https://www.waterboards.ca.gov/>
Public Works Depts. of individual cities
Santa Clara County Habitat Agency
<https://www.scv-habitatagency.org>
8. Planning Depts. of individual cities:
Santa Clara County (SCC) General Plan
<https://www.sccgov.org/sites/dpd/PlansOrdinances/GP/Pages/GP.aspx>
The South County Joint Area Plan
https://www.sccgov.org/sites/dpd/DocsForms/Documents/GP_Book_B.pdf
9. SCC Zoning Regulations (Ordinance)
<https://www.sccgov.org/sites/dpd/DocsForms/Documents/ZonOrd.pdf>
10. County Grading Ordinance
https://library.municode.com/ca/santa_clara_county/codes/code_of_ordinances?nodeId=TITCCODELAUS_DIVC12SULADE_CHIIIGRDR#TOPTITLE
11. SCC Guidelines for Architecture and Site Approval
https://www.sccgov.org/sites/dpd/DocsForms/Documents/ASA_Guidelines.pdf
12. SCC Development Guidelines for Design Review
https://www.sccgov.org/sites/dpd/DocsForms/Documents/DR_Guidelines.pdf
13. County Standards and Policies Manual (Vol. I - Land Development)
https://www.sccgov.org/sites/dpd/DocsForms/Documents/StandardsPoliciesManual_Vol1.pdf
14. Table 18-1-B of the Uniform Building Code (expansive soil regulations) [1994 version]
http://digitalassets.lib.berkeley.edu/ubc/UBC_1994_v2.pdf
15. SCC 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. Williamson Act
 - r. Farmland monitoring program
 - s. Traffic Analysis Zones
 - t. 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

Initial Study Source List*

19. 2019 CEQA Statute Guidelines [Current Edition]
[http://resources.ca.gov/ceqa/docs/2019 CEQA Statutes and Guidelines.pdf](http://resources.ca.gov/ceqa/docs/2019_CEQA_Statutes_and_Guidelines.pdf)

Area Specific: San Martin, Stanford, and Other Areas

San Martin

- 20a. San Martin Integrated Design Guidelines
https://www.sccgov.org/sites/dpd/DocsForms/Documents/SanMartin_DesignGuidelines.pdf

- 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)
<https://www.sccgov.org/sites/dpd/Programs/Stanford/Pages/Docs.aspx>

- 21b. Stanford Protocol and Land Use Policy Agreement
<https://www.sccgov.org/sites/dpd/Programs/Stanford/Pages/Docs.aspx>

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
https://www.sccgov.org/sites/dpd/DocsForms/Documents/GP_Book_B.pdf

- 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 Valley Water Resources Protection Collaborative, August 2005 – Revised July 2006.
<https://www.valleywater.org/contractors/doing-businesses-with-the-district/permits-for-working-on-district-land-or-easement/guidelines-and-standards-for-land-use-near-streams>

- 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
https://www.sccgov.org/sites/dpd/DocsForms/Documents/SanMartin_GeneralPlanInformation.pdf

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"
<https://www.conservation.ca.gov/dlrp/Documents/TOC%20and%20Intro.pdf>

27. Open Space Preservation, Report of the Preservation 2020 Task Force, April 1987 [Chapter IV]

28. Williamson Act Ordinance and Guidelines (current version)
<https://www.sccgov.org/sites/dpd/Programs/WA/Pages/WA.aspx>

Air Quality

29. BAAQMD Clean Air Plan
http://www.baaqmd.gov/~media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf?la=en

30. BAAQMD CEQA Air Quality Guidelines (2010)-
http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en

31. 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"

32. Site-Specific Biological Report

33. Santa Clara County Tree Preservation Ordinance
https://www.sccgov.org/sites/dpd/DocsForms/Documents/Tree_Ordinance.pdf

Section C16, Santa Clara County Guide to Evaluating Oak Woodlands Impacts

https://www.sccgov.org/sites/dpd/DocsForms/Documents/Oakwoodlands_Guide.pdf

Santa Clara County Guidelines for Tree Protection and Preservation for Land Use Applications
https://www.sccgov.org/sites/dpd/DocsForms/Documents/Brochure_TreePreservation.pdf

34. Clean Water Act, Section 404
<https://www.epa.gov/cwa-404/permit-program-under-cwa-section-404>

Initial Study Source List*

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

https://www.sccgov.org/sites/cpd/programs/NP/Documents/NP_Noise_Ordinance.pdf

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 indicates a potential environmental impact.**

Attachment A

**Mitigation Monitoring and Reporting Program County
File Number: PLN22-039
Two-Lot Minor Subdivision of Vacant 10-Gross-Acre Parcel
12645 Harding Avenue, San Martin, CA 95046
(September 30, 2022)**

Attachment B

Santa Clara Valley Habitat Plan Condition 15 – Western Burrowing Owl Mitigation
[\(\[scv-habitatagency.org\]\(http://scv-habitatagency.org\)\)](http://scv-habitatagency.org)

Attachment C

**Biological Resources Assessment prepared by Live Oak Associates, Inc.
(dated April 25, 2022)**

Attachment D

**Archeological Resource Management Report prepared by Archaeological Resource Service
(dated July 13, 2022)**

Attachment E

**Geotechnical Engineering Investigation
prepared by consultant Salem Engineering Group, Inc.
(dated January 12, 2022)**