INITIAL STUDY

Environmental Checklist and Evaluation for the County of Santa Clara

File Number:	PLN24-118	**Date:** September 18, 2025
Project Type:	Two-Lot Tentative Subdivision Map	**APN(s):** 779-08-001
Project Location / Address:	0 California Avenue, San Martin, CA 95046	**GP Designation:** Rural Residential
Owner's Name:	DraLion, LLC	**Zoning:** RR-5Ac
Applicant's Name:	David Faria, Faria Engineering	**Urban Service Area:** None

Project Description

The proposed project is a two-lot subdivision of a 10-gross-acre parcel into two lots (Parcel 1 and 2) of approximately five-gross-acres, each. The subject property is bound by Harding Avenue to the west, California Avenue to the north, and Colony Avenue to the east. The subject property is in the rural, unincorporated community of San Martin, roughly one mile west of State Route 101 (*Figure 1 – Location and Vicinity Map*) The project site is surrounded by a mixture of agricultural and single-family residential uses. *Figure 2* shows the tentative subdivision map. Grading the project site would involve approximately 80 cubic yards of cut and 74 cubic yards of fill on both future properties to establish the building pad for the residence and to construct a driveway on each lot. Future improvements would also include the construction of a shared well on Parcel 1, and septic system and fire protection improvements on each parcel. No tree removal is proposed.

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 a shared well and individual onsite septic systems. No construction of residences is proposed as a part of this subdivision. A feasible location for future residence and associated site improvements are shown on *Figure 3*.

Environmental Setting and Surrounding Land Uses

The subject property is in the unincorporated community of San Martin. The City of Morgan Hill is roughly 0.25 miles north of the property. The parcel is currently vacant grassland and is relatively flat with an average slope of roughly 1%. Llagas Creek is located roughly 0.33 miles north of the project site. 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 Area 3: Rural Development Not Covered. However, as the future development could impact unmapped burrowing owl habitat, the proposed project is covered under HCP (refer to Biology Report). The property is not located in a County or State Geohazard zone, and it is not located in any Special Flood Hazard Area Zone. The surrounding land uses are agricultural and single-family homes; all of which are allowed uses in the Rural Residential zoning district.

Other agencies sent a copy of this document:

Santa Clara Valley Habitat Agency
California Department of Fish and Wildlife (CDFW)

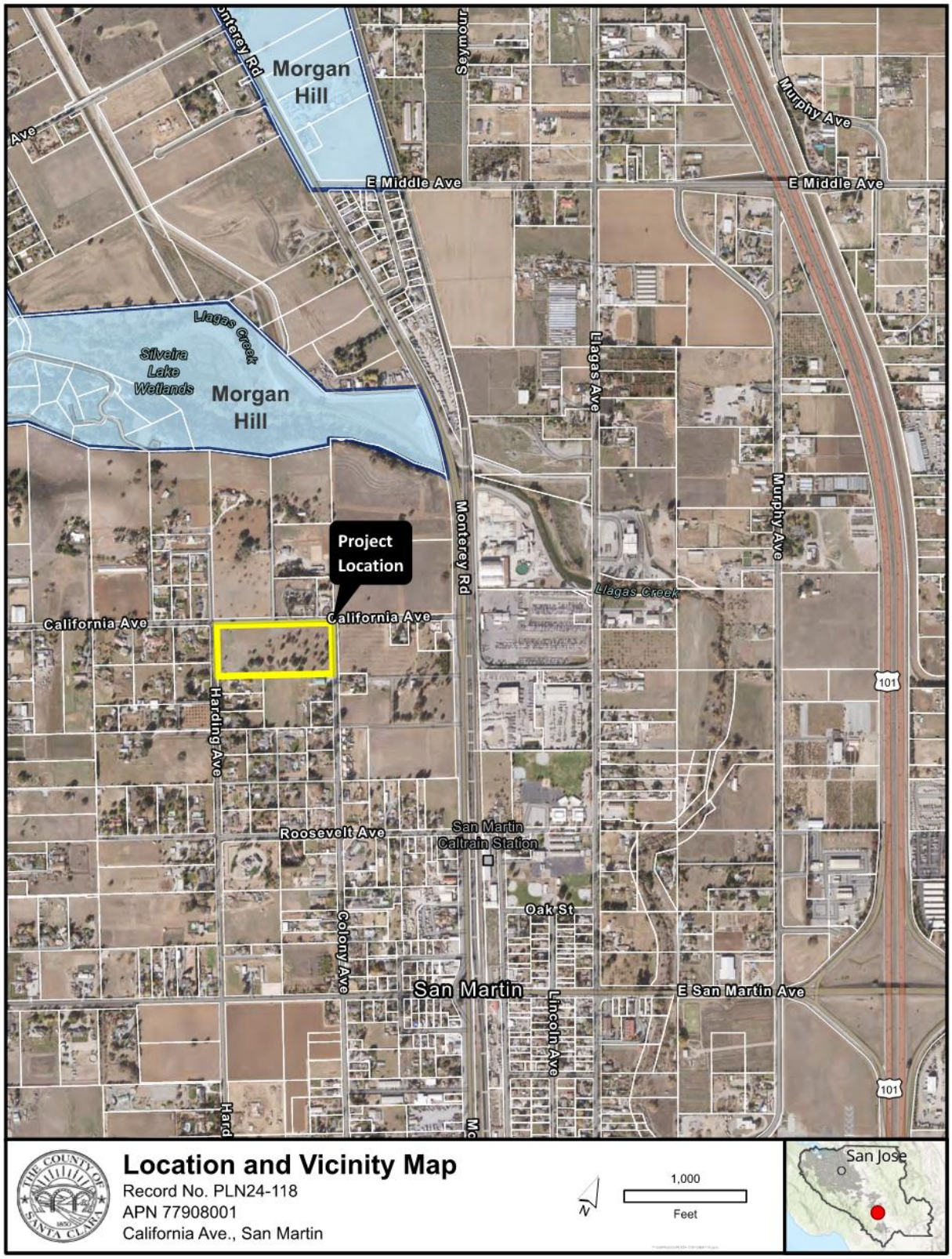


Figure 1 – Location and Vicinity Map

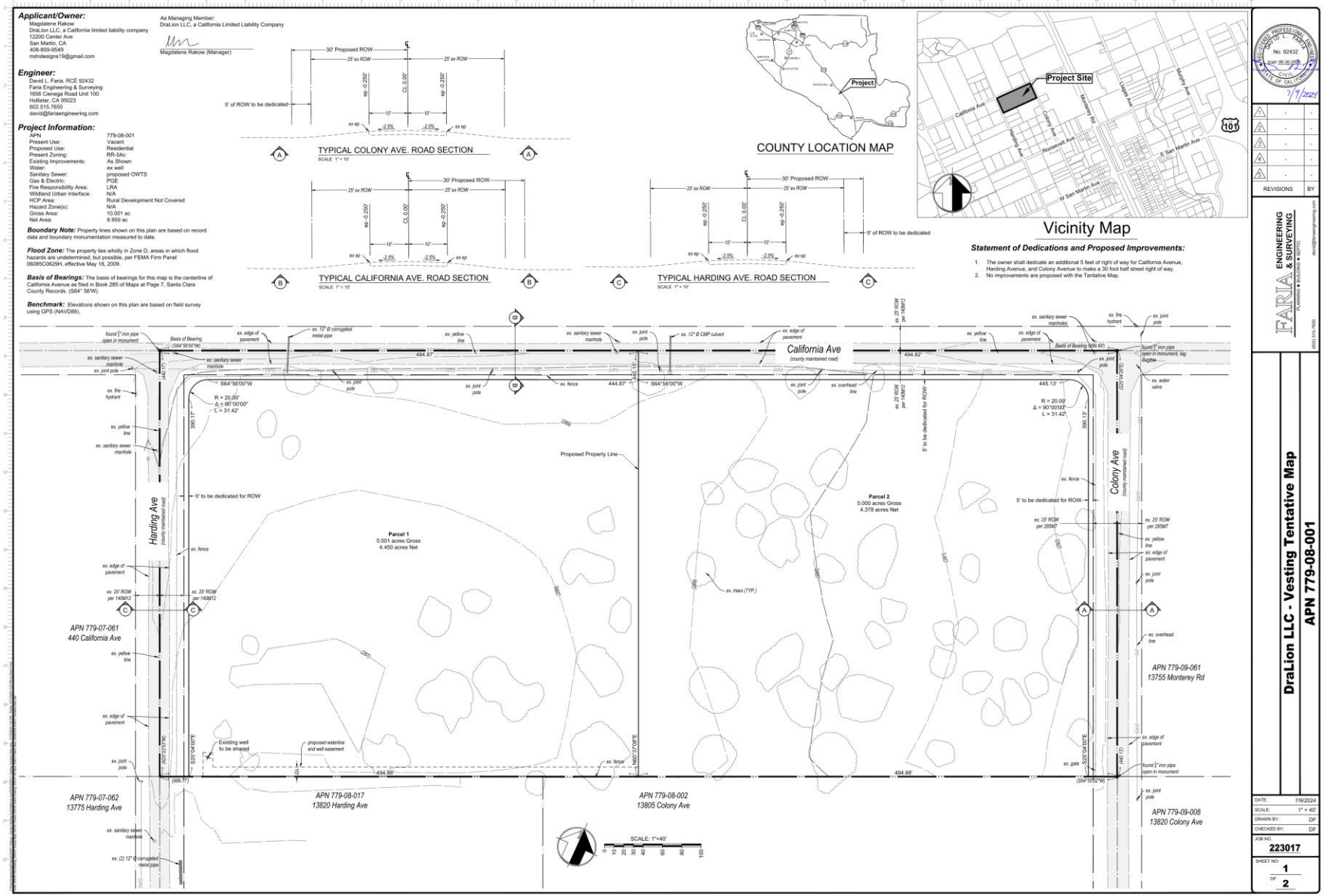


Figure 2 – Vesting Tentative Map

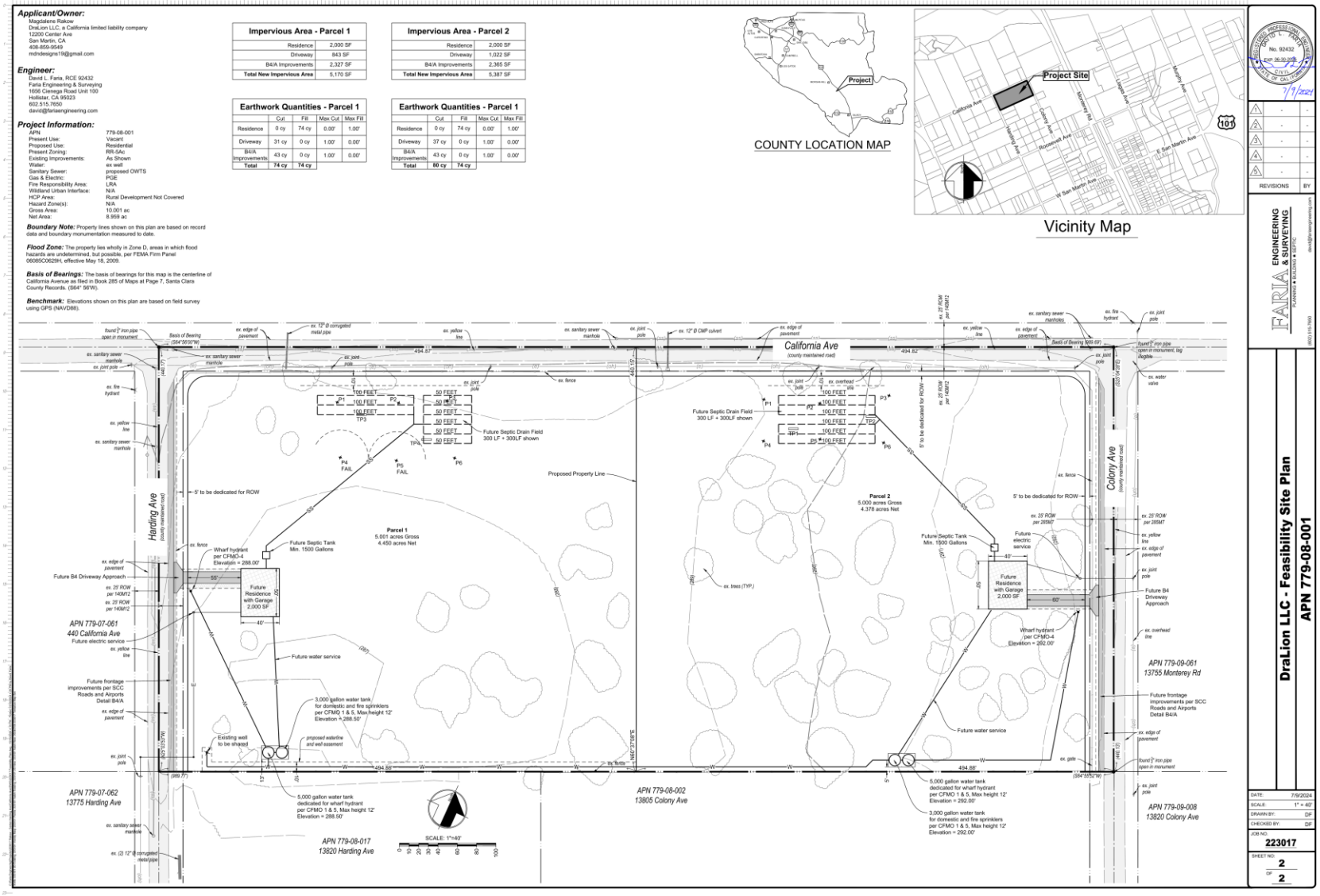


Figure 3 – Development Feasibility Site Plan

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:

☐ **Aesthetics**	☐ **Agriculture / Forest Resources**	☐ **Air Quality**
☒ **Biological Resource**	☐ **Cultural Resources**	☐ **Energy**
☐ **Geology/Soils**	☐ **Greenhouse Gas Emissions**	☐ **Hazards & Hazardous Materials**
☐ **Hydrology / Water Quality**	☐ **Land Use / Planning**	☐ **Mineral Resources**
☐ **Noise**	☐ **Population / Housing**	☐ **Public Services**
☐ **Recreation**	☐ **Transportation**	☐ **Tribal Cultural Resources**
☐ **Utilities / Service Systems**	☐ **Wildfire**	☒ **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.

_____ **September 18, 2025**_____**Date**

Signature

David Horwitz **Printed name**	_____ **For**

ENVIRONMENTAL CHECKLIST AND DISCUSSION OF IMPACTS

A. AESTHETICS					
	IMPACT				
Except as provided in Public Resources Code section 21099, would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	**Source**
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒	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?	☐	☐	☐	☒	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?	☐	☐	☐	☒	2,3
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐	3,4

SETTING:
The project site is in a rural, unincorporated community of San Martin, roughly one mile west of Highway 101. The subject property is bound by Harding Avenue to the west, California Avenue to the north, and Colony Avenue to the east, and is surrounded by single-family residential and agricultural uses. There are no County- or State-designated scenic roads in the near vicinity of the project site. Santa Teresa Boulevard, the closest County-designated scenic road, is roughly 0.4 miles west of the subject property.

DISCUSSION:
a, b, & c) No Impact - Future development of the property with two, single-family residences would not have any impact on aesthetics. The project site will have no impact on a scenic vista, such as hillside locations, as the subject property is mostly flat and located within the Valley Floor.

The future development of the project site would not damage scenic resources (for example, trees, rock outcroppings, and historic buildings) along a designated scenic highway because the closest County- or

State-designated scenic road, Santa Teresa Boulevard, is roughly 0.4 miles west of the project site, and the project site is not visible from the scenic road.

The current project site is vacant grassland. Per the Development Feasibility Site Plan (*Figure 3*), the future development would consist of two, single family residences, which is consistent with the uses of surrounding properties. Pursuant to the County Zoning Ordinance, the purpose of the RR zoning district is to permit rural residential development in unincorporated areas. Residential, agricultural, and open spaces uses are the primary uses intended within the district. The subject property is not in any zoning combining district where visual impacts need to be addressed (such as the Design Review or Scenic Road combining districts). Future development would be consistent with the County General Plan, which states that residential uses are the primary uses for areas designated for Rural Residential land use. The future development would not result in substantial degradation to visual character or quality of public views of the site since the development would be consistent with the surrounding single-family residential uses, and the intention of the Rural Residential properties is for the development of low density, residential uses.

d) Less Than Significant Impact – New sources of light and glare would be limited to future residential development. Given the limited nature of residential outdoor lighting (e.g., illumination of pathways and doors) and the fact that light sources would be similar to that of other single-family residences in the vicinity, the proposed project would not create a new source of light or glare which would substantially impact day or nighttime views in the area. As such, the project has a less than significant impact on item d, listed above.

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.

	IMPACT				
WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	**Source**
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?	☐		☐	☒	3,23,24,26
b) Conflict with existing zoning for agricultural use?	☐	☐	☐	☒	9,21a

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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.					
	IMPACT				
WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	**Source**
c) Conflict with an existing Williamson Act Contract or the County's Williamson Act Ordinance (Section C13 of County Ordinance Code)?	☐	☐	☐	☒	
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))?	☐	☐	☐	☒	1, 28
e) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	17m, 17t, 32, 33
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?	☐	☐	☐	☒	17m, 17t, 17q, 17r, 23, 24, 25, 26, 32, 33

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).

The entire site is designated as *Farmland of Local Importance* by the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) database. Surrounding properties are also designated as *Farmland of Local Importance,* as well as *Urban and Built-Up Land* and *Farmland of Local Potential* in the FMMP database. The parcel is not under a Williamson Act Contract. The property contains Coast Live Oak Woodland.

The subject property is in the unincorporated community of San Martin. The parcel is not actively farmed. Surrounding uses consist of single-family residential and agricultural, and are zoned Rural Residential (RR).

DISCUSSION:

a, b, c, d, e, & f) No Impact - The subject property is not zoned Exclusive Agriculture, nor are the surrounding properties, and therefore the proposed project does not conflict with existing zoning for agricultural uses. The property is not entered into a Williamson Act contract or within a forestland/timberland area, and therefore the proposed development would not conflict with County Williamson Act Guidelines, the County Williamson Act Ordinance, or existing zoning for forestland or timberland areas. No trees are proposed for removal, and the property is not within a forestland area, and therefore the proposed development does not result in the loss of forest land.

The property is entirely designated as *Farmland of Local Importance*, which is distinguished from *Prime Farmland*, *Unique Farmland*, or *Farmland of Statewide Importance*, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. As such, the project would have no impact to *Prime Farmland*, *Unique Farmland*, or *Farmland of Statewide Importance* because the property does not contain any of these three designations. Currently, loss of *Farmland of Local Importance* is not evaluated as a potential impact requiring mitigation through CEQA.

As identified in the Biology Report prepared by Sunset Ecological Solutions (dated September 18, 2024) for the proposed project, the subject property contains roughly 2.68 acres of Coast Live Oak Woodland. According to Figure 7 in the Biology Report, future development of property would result in permanent impacts to 0.08 acres, and temporary impacts to 0.16 acres, of the Coast Live Oak Woodland habitat on the subject property. All impacts would occur on Parcel 2, the property that would front California Avenue and Colony Avenue. Permanent impacts would result from construction of the residence, driveway, water and septic lines, and leach field on the future parcel, with temporary impacts calculated with an additional 10-foot buffer around those improvements. Pursuant to the Santa Clara County Planning Office Guide to Evaluating Oak Woodlands Impacts, a land development project is considered to have a significant direct impact on oak woodland if the project will result in a 0.5-acre or more decrease in native oak canopy of an oak woodland on the project site. According to Figure 3, future development of the site would not require removal of any trees. As such, future development would not result in any decrease in the on-site, native oak canopy, and the project would therefore have a less than significant impact related to the loss of forest land or conversion of forest land to non-forest use.

The project is a two-lot subdivision. No residential development is proposed with this subdivision. Future development permitted by right, if proposed, may be up to one single-family residence, one accessory dwelling unit (ADU), and one junior accessory dwelling unit (JADU), on each resulting parcel. Residential uses, including single-family homes and ADUs, are considered compatible with agricultural use and permitted uses in the Rural Residential district. The project site and surrounding properties are zoned RR and developed for residential uses; therefore, future residential development would not involve substantial changes to the existing agricultural environment. As such, the project has no impact on items a through f listed above.

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.					
	IMPACT				
WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	**Source**
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐	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?	☐	☐	☒	☐	5,29, 30
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐	5,29, 30
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐	5, 29, 30

SETTING:
The subject property is located on California Avenue in the unincorporated community of San Martin. The closest freeway or expressway is Highway 101, which is roughly one mile east of the project site. 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. 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 operational criteria pollutant screening size for single-family residential projects established by BAAQMD is 421 dwelling units. Future potential 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 421 dwelling units for operational-related emissions (oxides of nitrogen) and 254 dwelling units for construction-related emissions (reactive organic gases) from residential land uses. Dust emissions would be controlled through standard Best Management Practices (BMPs) regarding dust control measures. The future 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. As such, the project has less than significant impacts on items a through d listed above.

MITIGATION:
No mitigation required.

D. BIOLOGICAL RESOURCES					
	IMPACT				
WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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?	☐	☒	☐	☐	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?	☐	☐	☐	☒	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?	☐	☐	☐	☒	3, 7, 17n, 33
d) Have a substantial adverse effect on oak woodland habitat as defined by Oak Woodlands Conservation Law (conversion/loss of oak woodlands) – Public Resource Code 21083.4?	☐	☐	☒	☐	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?	☐	☐	☒	☐	1,7, 17b, 17o
f) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒	32

D. BIOLOGICAL RESOURCES					
	IMPACT				
WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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?	☐	☐	☐	☒	3,4, 17l

SETTING:
The project site is located on the south side of California Avenue, between Harding Avenue and Colony Avenue, roughly one mile west of Highway 101. The site is bound by rural residential development and agricultural lands.

The project site is in the Santa Clara Valley Habitat Plan (HCP) Area and is designated as *Area 3: Rural Development Not Covered*. According to mapping of the HCP, the project site habitat consists of *Rural Residential* land cover. Due to the potential occurrence of Fragrant Fritillary, California Tiger Salamander, Tricolored Blackbird, Burrowing Owl, Least Bell's Vireo, and San Joaquin Kit Fox, the project is covered by the HCP.

According to County GIS mapping, there are two species included within the California Natural Diversity Database (CNDDB) on or adjacent to the subject property: Woodland Woollythreads and Crotch's Bumble Bee, the latter of which is a candidate endangered species, having a presumed extant occurrence on the subject property. The submitted Biologist Report evaluates the potential occurrence of special status plants and wildlife on the subject property, concluding that the following special status species have potential occurrence: Fragrant Fritillary, California Tiger Salamander (Central California DPS), Tricolored Blackbird, Burrowing Owl, California Condor, Least Bell's Vireo, American Badger, San Joaquin Kit Fox, Crotch's Bumble Bee, Western Bumble Bee, and Monarch Butterfly.

The County of Santa Clara Tree Preservation Ordinance, (Division C16 of the County Ordinance Code), 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.

Jurisdictional waters include waters of the United States subject to the regulatory authority of the U.S. Army Corps of Engineers (USACE) and waters of the State of California subject to the regulatory authority of the California Department of Fish and Wildlife (CDFW) and the California Regional Water Quality Control Board (RWQCB). No jurisdiction waters are present on the subject property.

DISCUSSION:
b, c, f, & g) No Impact – The subject property does not contain any riparian habitat or other sensitive habitats identified by County General Plan, Santa Clara Valley Habitat Conservation Plan, or County GIS mapping, on which the future development could have a substantial adverse effect. Likewise, the subject property does not contain any state or federally protected wetlands that could be impacted by the future development. The proposed project would not conflict with any local policies or ordinance protecting biological resources.

Pursuant to the County Tree Ordinance (Division C16 of the County Ordinance Code), a protected tree is one that has a main trunk or stem measuring 12-inches or greater in diameter in parcels zoned Hillsides (three acres or less), a Design Review combining district, or a parcel within the Los Gatos Hillside Specific Plan Area. The subject property is roughly 10 acres in the RR zoning district and located outside of the Los Gatos Hillside Specific Plan Area, and therefore a standalone tree permit would not be required for any tree removal on this property. A tree removal permit would be required by the Roads and Airports Department for any tree removal located within the County right-of-way. Subdivision projects are subject to tree preservation measures and/or replacement ratios for trees either proposed for removal or impacts by the development. Again, as the future development would not require tree removal nor impact the dripline of any tree, it would have no impact on existing trees.

The subject property is within *Habitat Plan Area 3: Rural Development Not Covered,* of the Santa Clara Valley Habitat Conservation Plan (Habitat Plan). Coverage under the Habitat Plan is required if the proposed project affects any wildlife and/or plant species covered by the Habitat Plan, or any unmapped burrowing owl occupied nesting habitat. The submitted Biologist Report notes potential occurrence of Fragrant Fritillary, California Tiger Salamander, Tricolored Blackbird, Least Bell's Vireo, and San Joaquin Kit Fox. The Biologist Report also states that the subject property has a moderate potential of occurrence of burrowing owl due to the presence of ground squirrel burrows on the property, and therefore, the project would be covered under the Habitat Plan. The project would be required to comply with all Habitat Plan requirements and not conflict with any applicable regulations from the Habitat Plan.

d & e) Less than Significant Impact – The subject property contains roughly 2.68 acres of Coast Live Oak Woodland, as mapped within the submitted Biologist Report. According to the submitted Biologist Report, future development of the property [as depicted on the Development Feasibility Site Plan (Figure 3) of this Initial Study] would result in permanent impacts to 0.08 acres, and temporary impacts to 0.16 acres, of the Coast Live Oak Woodland habitat on the subject property. All impacts would occur on Parcel 2, the property that would front California Avenue and Colony Avenue. Permanent impacts would result from construction of the residence, driveway, water and septic lines, and leach field on the future parcel, with temporary impacts calculated with an additional 10-foot buffer around those improvements. Pursuant to the Santa Clara County Planning Office Guide to Evaluating Oak Woodlands Impacts, a land development project is considered to have a significant direct impact on oak woodland if the project will result in a 0.5-acre or more decrease in native oak canopy within an oak woodland on the project site. According to Figure 3, future development of the site would not require removal of any trees, therefore not resulting in greater than a 0.5-acre decrease in native oak canopy. As such, future development would not result in any decrease in the on-site, native oak canopy, and the project would therefore have a less than significant impact related to adverse effects on oak woodland habitats.

The submitted Biologist Report states that the project is not located within or adjacent to any areas identified as regionally important wildlife corridors (per the Santa Clara Valley Habitat Conservation Plan). Additionally, no biologically significant wildlife movement areas, such as waterways and riparian buffers, are present. Although the site is undeveloped, the habitat is highly fragmented by surrounding agricultural and rural developments. While the site may have historically been a movement corridor between the Santa Cruz and Diablo Mountain ranges, significant development with the Santa Clara Valley and the vicinity of the study area prevents such movement. The future development would not impact wildlife movement through the area. While the project may have the potential to affect local movement from small species that currently residence in the study area and the surrounding agricultural and single-family residences, animals are not expected to be significantly

affected by the future residential development on-site, and surrounding agricultural and open habitat areas would provide the same movement habitat for these species. In summary, future development of the proposed project would have a less than significant impact on oak woodland habitat and species migration.

a) Less than Significant with Mitigation Incorporated –Future development of the subject property has the potential to substantially impact special-status species. The California Natural and Diversity Database (CNDDB) mapping shows that there is a presence of Woodland woollythreads and Crotch's bumble bee on the subject property. Woodland woollythreads is neither a candidate, sensitive, or special status species in any local or regional plans, policies, or regulations, or by CDFW or USFW, whereas Crotch's bumble bee is a *State Candidate Endangered* species. The analysis provided in the submitted Biologist Report by the Project Biologist asserts that the site contains no sensitive biological communities. No special-plant species were observed in the study area during the site visit, and none are deemed to have potential. The Biologist Report evaluates the potential occurrence of several special-status species, described below.

The project site has a low potential occurrence for several special-status species. Fragrant fritillary is designated as a fairly threatened plant in California by the California Native Plant Society. The plant has a low potential to occur because there is no suitable serpentine habitat present on the subject property. Western bumble bee is a *State Candidate Endangered* species. There is low potential for the species on the site due to lack of flowering plants in addition to the routine disturbance of the site by mowing. Crotch's bumble bee is a *Candidate Endangered* species under the California Endangered Species Act. The Biologist Report states that Crotch's bumble bee has a low potential to occur on the subject property, as there is no suitable overwintering habitat present in the project area, but rare occurrence during foraging and migration due to observation or narrow leaf milkweed within the study area makes occurrence possible. Monarch butterfly is a *Federal Candidate* species. The subject property does not contain suitable overwintering habitat. Rare occurrence is possible during foraging and migration due to observance of narrow leaf milkweed on the subject property. California Tiger Salamander (central California DPS) has a status of both *Federal Threatened* and *State Threatened*, is on the CDFW Watch List, and is also a covered species under the Habitat Plan. The species is known to live in vacant or mammal-occupied burrows through most of the years in grassland, savanna, and open woodland habitats. They need underground refuges, especially ground squirrel burrows, and vernal pools or other seasonal water sources for breeding. The submitted Biologist Report states that the species has a low potential to occur due to lack of breeding habitat within the study area. Ground squirrel burrows within the project area may provide upland habitat for a low number of individuals. However, agricultural lands and rural residential development between ponds and the project site, along with no known occurrences east of Santa Teresa Boulevard, make it unlikely that this species would occur on-site. San Joaquin Kit Fox has a status of *Federal Endangered* and *State Threatened*, and is a covered species by the Habitat Plan. The species is primarily found in San Joaquin County, as well as annual grasslands or mixed shrubs throughout low lying valleys and rolling hills. The San Joaquin Kit Fox has a low potential to occur on the project site since it is located outside of the known range of the species. No mitigation measures are recommended by the Project Biologist for the above special-status species due to their low potential of occurrence on the project site.

Burrowing Owl is designated as a CDFW *Species of Special Concern*. The species is known to occur in wide-open, sparsely vegetate areas like grasslands and agricultural fields. The Burrowing Owl has a moderate potential to occur on the subject property due to burrows observed by the project biologist within the project area that could support the species.

American Badger is also designated as a CDFW *Species of Special Concern*. The species is found in drier open stages of shrubs, forest, and herbaceous habitats, with friable soils. They need sufficient food, friable soils, and open, uncultivated ground. They prey on burrowing rodents and dig burrows. The Biologist Report states that the American Badger has a moderate potential to occur on the subject property, due to the potential for the open areas on the property to support the species. Burrows were also observed throughout the subject property.

The California Condor has a status of *Federal Endangered* and *State Endangered*, and has fully-protected status by CDFW. The species has low potential to occur on the subject property due to the lack of availability of suitable nesting habitat, but occurrence may rarely occur for foraging or dispersal. Similarly, the Least Bell's vireo has a status *of Federal Endangered* and *State Endangered*, and is a covered species under the Habitat Plan. The species also has a low potential to occur on the subject property due to no suitable riparian or chapparal habitats available within the project area. While there is oak woodland habitat on the property, it is heavily disturbed. Tricolored blackbird is also a *State Threatened* species and designated as a CDFW *Species of Special Concern*. The bird nests over freshwater emergent riparian habitats and agricultural fields. Due to the lack of freshwater and riparian habitat on the subject property, the bird has a low potential for occurrence. However, given that there is aquatic and riparian habitat roughly one-third mile north of the subject property, the species may rarely use the project area for foraging and dispersal. As described in this section, future development of the property may impact special-status species, but the impacts can be reduced to less than significant levels through the incorporation of mitigation measures.

MITIGATION:

- **BIO-MIT 1: Workers Environmental Training.** A worker education program will be conducted about the special-status species that may be present at the site. The training shall consist of basic identification of each protected wildlife species that has moderate potential to occur. The program will cover the basic biology and behavior of each species, how they may be encountered in the work area, and procedures to follow when they are encountered. Any personnel joining the work crew later will receive the same training before beginning work. The penalties for non-compliance will be relayed to all project personnel. The education session will be presented by the project biologist. An educational brochure containing color photographs of all listed species in the work areas will be distributed to all employees working within the project sites. The original list of employees who attend the training sessions will be maintained by the applicant and be made available for review by the agencies upon request.

- **BIO-MIT 2: Pre-Construction Surveys.** A qualified biologist shall conduct pre-construction surveys within 48 hours before the onset of construction activities to identify any wildlife within the project area. The pre-construction survey will identify any burrows within the disturbance area to determine if burrows are suitable habitat for any special status species.

- **BIO-MIT 3: Open Trench/Hole Inspections.** All open section of trenches or holes will be inspected each morning prior to the start of work for the day and periodically during the course of the workday. If any animals are observed in a trench or hole, the on-call biologist will be called to assist all "non-sensitive" species in escaping from the bore pit or will relocate the animals to suitable habitat outside the work area. CDFW and/or USFWS will be informed if any special-status species are found. Any special-status animal will not be assisted or handled.

- **BIO-MIT 4: Open Trench/Hole Covering.** To prevent inadvertent entrapment of wildlife during construction, all excavated, steep-walled holes or trenches more than 1 foot deep shall be

completely covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they will be thoroughly inspected by trapped animals.

- **BIO-MIT 5: Securing of Project Materials.** Because wildlife may take refuge in cavity-like and den-like structures and become trapped, all construction pipes, culverts, or similar structures that are stored any a construction site for one or more overnight periods will be either securely capped prior to storage or thoroughly inspected by the construction foreman/manager for these animals before the pipe is subsequently buried, capped, or otherwise used or moved in any way.

- **BIO-MIT-6: Vehicular Inspection.** At the start of each work day, construction staff will check under the vehicles and their tires to ensure no wildlife species are utilizing the equipment as temporary shelter.

- **BIO-MIT-7: Designated Vehicular Traffic.** All project-related vehicular traffic will be restricted to established roads, construction areas, and other designated areas. These areas should be established in locations disturbed by previous activities to prevent further adverse effects.

- **BIO-MIT 8: Burrowing Owl – Conduct Habitat Surveys.** A qualified biologist will map areas with burrows (i.e., areas of highest likelihood of burrowing owl activity) and all burrows that may be occupied (as indicated by tracks, feathers, egg shell fragments, pellets, prey remain, or excrement) on the project site.

  Habitat surveys in occupied nesting habitat are required in both breeding and non-breeding seasons.

  This mapping will be conducted while walking transects throughout the entire project footprint. The centerlines of these transects will be no more than 50 feet apart, and the transects will vary in width to account for changes in terrain and vegetation that can preclude complete visual coverage of the area. For example, in hilly terrain with patches of tall grass, transects will be closer together, while in open areas with little vegetation they can be 50 feet apart.

- **BIO-MIT 9: Burrowing Owl - Preconstruction Surveys.** Preconstruction surveys will be required in suitable habitat is identified during the habitat survey and the project does not fully avoid impacts on the suitable habitat. Suitable habitat is considered fully avoided if the project footprint does not impinge on a 250-foot buffer around the suitable burrow.

  Prior to any ground disturbance related to covered activities, a qualified biologist will conduct preconstruction surveys in all suitable habitat areas as identified during habitat surveys. The purpose of the preconstruction survey is to document the presence or absence of burrowing owls on the project site, particularly in areas within 250 feet of construction activity.

  To maximize the likelihood of detecting owls, the preconstruction survey will last a minimum of 3 hours. The survey will begin 1 hour before sunrise and continue until 2 hours after sunrise (for 3 hours total) or begin 2 hours before sunset and continue until 1 hour after sunset. Additional time may be required for large project sites. A minimum of two surveys will be conducted (if owls are detected on the first survey, a second survey is not needed). All owls observed will be counted and their location will be mapped.

Surveys will conclude no more than 2 calendar days prior to construction. Therefore, the project proponent must begin surveys no more than 4 days prior to construction (2 days of surveying plus up to 2 days between surveys and construction). To avoid last-minute changes in schedule or contracting that may occur if burrowing owls are found, the project proponent may also conduct a preliminary survey up to 14 days before construction. This preliminary survey may be counted as the first of the two required surveys as long as the second survey concludes no more than 2 calendar days in advance of construction.

- **BIO-MIT 10: Burrowing Owl – Avoidance Measures during Construction – Breeding Season.** If evidence of western burrowing owls is found during the breeding season (February 1 – August 31), the project proponent will 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 will 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 will be reviewed by the Habitat Agency and the Wildlife Agencies prior to project construction based on the following criteria.

        - The Habitat Agency and the Wildlife Agencies approve of the avoidance and minimization plan provided by the project proponent.

        - 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 will 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 monitoring indicates that the nest is abandoned prior to the end of nesting season and the burrow is no longer in use by owls, the non-disturbance buffer zone may be removed. The biologist will excavate the burrow to prevent reoccupation after receiving approval from the Wildlife Agencies.

    The Habitat Agency and the Wildlife Agencies have 21 calendar days to respond to a request from the project proponent to review the proposed avoidance, minimization, and monitoring plan. If these parties do not respond within 21 calendar days, it will be presumed that they concur with the proposal and work can commence.

- **BIO-MIT 11: Burrowing Owl – Avoidance Measures during Construction – Non-Breeding Season.**
  During the non-breeding season (September 1–January 31), the project proponent will 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 foraging behavior as a result of construction activities, these activities will cease within the 250-foot buffer.
  - If the owls are gone for at least 1 week, the project proponent may request approval from the Habitat Agency that a qualified biologist excavate usable burrows to prevent owls from reoccupying the site. After all usable burrows are excavated, the buffer zone will be removed and construction may continue.

  Monitoring must continue as described above for the non-breeding season as long as the burrow remains active.

- **BIO-MIT 12: Burrowing Owl – Construction Monitoring.**
  Based on the avoidance, minimization, and monitoring plan developed (as required under Step 4), during construction, the non-disturbance buffer zones will be established and maintained as applicable. A qualified biologist will monitor the site consistent with the requirements described above to ensure that buffers are enforced and owls are not disturbed. The biological monitor will also conduct training of construction personnel on avoidance procedures, buffer zones, and protocols in the event that a burrowing owl enters an active construction zone.

- **BIO-MIT 13: Burrowing Owl – Passive Relocation**. Passive relocation would not be allowed under the Habitat Plan until the positive growth trend described in Section 5.4.6 of the Habitat Plan is achieved. Once this occurs, passive owl relocation may be allowed, with the approval of the Wildlife Agencies, on project sites during the non-breeding season (September 1–January 31) if the other measures described in this condition 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 will be in place for 48 hours to ensure that owls have left the burrow, and then the biologist will excavate the burrow to prevent reoccupation. Burrows will be excavated using hand tools. An escape route will be maintained at all times during excavation. This may include inserting an artificial structure into the burrow to avoid having the overburden collapse into the burrow and trap owls inside. Other methods of passive relocation, based on best available science, may be approved by the Wildlife Agencies during Habitat Plan implementation.

- **BIO-MIT 14: Burrowing Owl – Exceptions to Passive Relocation Prohibition.** Because of the relatively low numbers of burrowing owls in the study area, it is not expected that the prohibition of passive relocation will result in project delays. However, it is possible that a covered activity could not proceed due to avoidance measures for burrowing owl in this condition if owls continually persist on a site where avoidance is not feasible. In such cases, a project proponent may apply for an exception based on the following process. For this condition, the term *exception* means an allowance to conduct passive relocation of burrowing owls during the non-breeding season only when this activity is not otherwise allowed.

  This exception process is necessary to allow reasonable use and development of a property based on the variety of constraints and factors that may affect the property. In situations where exceptions are granted, other portions of this condition may still apply. Exceptions will be used in a minority of cases with special circumstances that limit or restrict the ability of a landowner to fully apply the condition.

  Exceptions may be requested through the standard application process described in Section 6.8 of the Habitat Plan, or through a separate request process. Private applicants must apply for a passive relocation exception through their local jurisdictions. Project proponents must develop and submit a passive relocation plan with the request for exception. The passive relocation plan must document the following.

    - Owls have occupied the site for a full year without relocating voluntarily. Surveys documenting presence must be completed by a qualified biologist and results must be provided in a written report. The report should confirm that one or more individuals (i.e., unique owl[s]) were monitored for a year and that the owl(s) had used the site for a full year.

    - The proposed process for relocation, including schedule for the proposed passive relocation and name of the qualified biologist.

  The local jurisdiction, the Habitat Agency, and the Wildlife Agencies will meet to discuss the proposed passive relocation plan. Exceptions will be considered based on, but not limited to, the following factors.

    - The parcel is equal to or less than 3 acres and is more than 1,000 feet from other suitable nesting or foraging habitat such that it is unlikely the site can sustain burrowing owls into the future.

    - If the site has historically been used for nesting (within the last 3 years).

    - If the site is a target for a burrowing owl temporary or permanent management agreement.

  As part of the review process, the Habitat Agency and Wildlife Agencies will consider the implications of an exception on the burrowing owl population and progress toward the biological goals and objective of the Habitat Plan. A passive relocation exception will not be granted if the Habitat Agency and Wildlife Agencies determine that such an exception, as mitigated, would preclude implementation of the conservation strategy of the Habitat Plan or conflict with other applicable requirements of the Habitat Plan and local policies. The local jurisdiction or the Habitat

Agency must make written findings that document these considerations and the rationale for the exception.

Additional mitigation may be required as part of an approval to implement passive relocation that is otherwise prohibited by the Habitat Plan. The need for and form of additional mitigation will be determined and approved by the Habitat Agency and Wildlife Agencies. Additional mitigation could include payment of additional fees or contribution of occupied lands to the Reserve System. Applicable fees may be imposed by the local jurisdiction for processing exception requests. Mitigation will be proportional to the impact occurring as a result of a specific eviction and will fully mitigate such evictions.

The Habitat Agency will compile a list of all exceptions granted each calendar year for inclusion in the annual report to the Wildlife Agencies.

- **BIO-MIT 15: American Badger - Pre-Construction Surveys.** During the course of the pre-construction surveys for other species, a qualified biologist shall 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.

- **BIO-MIT 16: American Badger - Buffer Areas**. 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 can continue.

- **BIO-MIT 17: American Badger - Natal or Reproductive Dens.** Show 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-MIT 18: Nesting Birds - Pre-Construction Surveys.** If construction is scheduled during the nesting period (January 15 through August 14), a qualified wildlife biologist shall conduct a pre-construction bird survey to confirm the presence active nests in the vicinity of proposed construction activities. The survey area will include the complete project area and adjacent areas up to 300 feet for raptors. If project construction is halted for more than 14 days during the nesting season, another survey shall be conducted to assure nests are not built within that time period.

- **BIO-MIT 19: Nesting Birds - Deferred Construction.** If active nests are encountered, the biologist will prepare and implement species-specific measures to prevent abandonment of the active nests. At a minim, construction in the vicinity of a nest's tree or burrow shall be deferred until the young birds have fledged, and a construction-disturbance within a distance determined by the biologist will be provided based on the species, visual and auditory buffers, and presence of non-project activity disturbance. Grading or other project-related disturbance in the vicinity of the nest will not be permitted until the biologist confirms that the young birds have fledged.

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?	☐	☐	☐	☒	3, 16, 19, 41, 42
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the CEQA Guidelines?	☐	☐	☒	☐	3, 19, 41, 42
c) Disturb any human remains including, those interred outside of formal cemeteries?	☐	☐	☒	☐	3, 19, 41, 42

SETTING:
The project is a two-lot subdivision. Upon approval of the project, the frontage improvements and future development of the site will require grading and ground disturbance. Total grading quantities for the proposed development on for the resulting parcels are 154 cubic yards (c.y.) of cut and 148 c.y. of fill. The project site does not contain any improvements. The site is located within the Native American Heritage Commission (NAHC) Cultural Basemap area of the Costanoan people. The property is not listed on the National Historic Register or the County of Santa Clara Historic Resource Inventory List.

DISCUSSION:
a) No Impact. The project site is a vacant lot. 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. The subject property is not listed in or eligible for listing in the California Register of Historic Resources or the County of Santa Clara Historic Resources Inventory. Thus, the parcel does not contain any historical resources pursuant to Section 15064.5 of the CEQA Guidelines.

b and c) Less Than Significant. 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. The project is required by County ordinance (No. B6-18) to immediately notify the County Corner if human skeletal remains are encountered. Furthermore, the County Coroner is required to contact the California Native American Heritage Commission if any human skeletal remains are determined to be of Native American origin per subdivision (c) of section 7050.5 of the Health and Safety and the County Coordinator of Indian affairs. The County standard conditions of approval offer additional protections as these provisions are included in the conditions of approval for projects to ensure that any potential archeological and

cultural resources on site are not adversely impacted by the project. The standard condition reads as followed:

> *If archaeological resources or human skeletal remains are discovered during construction, work shall immediately stop, and the County Coroner's Office notified. Upon determination that the remains are Native American, no further disturbance of the site may be made except as authorized by the County Coordinator of Indian Affairs, in accordance with state law and Chapter B6-18 of the County Ordinance Code.*

Additionally, the submitted Archeology Report, prepared by Archaeological Resource Service, asserts that while no cultural-archaeological resources were noted during the required surface survey, given the alleged presence of a Native American burial within close proximity of the site, they strongly recommend that both an archeologist and Native American monitor be present during ground-disturbing activities. Those recommendations will be incorporated into the Conditions of Approval for the proposed project as follows:

> *A qualified archeologist and Native American monitor shall be present on-site during ground disturbing activities. Monitoring shall consist of directly watching the major excavation process. Monitoring shall occur during the entire work day, and continue on a daily basis until a depth of excavation has been reached at which resources could not occur. This depth is estimated at five feet below grade at the beginning of the project, but may require modification in specific cases, which shall be determined by the monitoring archeologist based on observed soil conditions.*
>
> *Spot checks shall occur over the course of the project which consist of partial monitoring of the progress of excavation. During spot checks, all spoils material, open excavations, recently grubbed areas, and soil disturbances shall be inspected. The frequency and duration of spot checks will be based on the relative sensitive of the exposed soils and active work areas. The monitoring archaeologist shall determine the relative sensitive of the parcel.*

MITIGATION:
No mitigation required.

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 due to wasteful, inefficient, or unnecessary construction of energy resources during project consumption or operation?	☐	☐	☐	☒	3, 5
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒	5

SETTING:

The proposed two-lot subdivision does not include any construction and 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, contains the California 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) No Impact. 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, 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, and would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

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:					
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.	☐	☐	☐	☒	6, 17c, 43
ii) Strong seismic ground shaking?	☐	☐	☐	☒	6, 17c
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒	6, 17c, 17n, 18b
iv) Landslides	☐	☐	☐	☒	6, 17L, 11, 8b
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒	6, 14, 23, 24

G. GEOLOGY AND SOILS					
	IMPACT				
WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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?	☐	☐	☐	☒	2, 3, 17c, 23, 24, 42
d) Be located on expansive soil, as defined in the report, *Soils of Santa Clara County*, creating substantial direct or indirect risks to life or property?	☐	☐	☐	☒	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?	☐	☐	☐	☒	3,6, 23,24,
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒	2,3,4,41,42

SETTING:
The topography of the parcel and the surrounding area is flat. The property is not located in any County- or State-designated Fault Rupture, Landslide, Compressible Soils, Dike Failure, Liquefaction, Earthquake, or Seismic Hazard Zone.

DISCUSSION:
a, b, c, d, e, & f) No Impact – County GIS does not identify any faults located near the project area. As such, the proposed project will not directly or indirectly cause potential substantial adverse effects due to the 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. Additionally, the property is not within a Santa Clara County landslide hazard zone and therefore the proposed project does not directly or indirectly cause potential substantial adverse effects due to landslides. As such, there would not be any geological impact to the site.

MITIGATION:
No mitigation required.

H. GREENHOUSE GAS EMISSIONS					
	IMPACT				
WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐	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?	☐	☐	☒	☐	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 greenhouse gas (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. The future residential development for the project will have minimal GHG impacts and would involve GHG emissions through the operations of construction equipment and from worker/builder supply vehicles, which typically use fossil-based fuels for operation. Vehicle trips related to excavation, grading, and construction for the future development of the project would be temporary, occurring only over the construction periods, and would not result in a permanent increase in GHG emissions. Furthermore, 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.

The future operations of the residences, ADUs, and JADUs would consume electricity. However, the amount would be minimal as the construction of the residences is required to comply with the Cal Green mandatory green building code requirements for new residential construction, and therefore would not make a cumulatively considerable contribution to the effect of GHG emissions on the environment. The projects future operations would generate emissions from the projected vehicle trips and as detailed in the Transportation section of this document. However, the construction and operations of the proposed single-family residences would result in a daily trip rate of 9.57 per the Institute of Transportation Engineers (ITE).[1] This would be below the screening level of 24 daily trips,

[1]ITE Trip Generation, 10th Edition, 2018.

resulting in the proposed project not conflicting with CEQA Guidelines Section 15064.3, subdivision (b). As such, the project future operations would generate insignificant GHG from vehicle trips.

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?	☐	☐	☐	☒	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?	☐	☐	☐	☒	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?	☐	☐	☐	☒	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?	☐	☐	☐	☒	47, 48
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?	☐	☐	☐	☒	3, 22a
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	5, 48
g) Expose people or structures either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒	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. The property is not located within 0.25 miles of a school, not listed on the County of Santa Clara Hazardous Waste and Substance Sites List nor within the Wildland Urban Interface (WUI). San Martin Airport is located approximately one mile southeast from the project site.

DISCUSSION:\
a, b, c, d, e, f & g) No Impact. The project is a two-lot residential subdivision and would not involve transport of hazardous materials or foreseeable risk of accident conditions that could release hazardous materials into the environment nor is located on a site designated as hazardous under Section 65962.5, as verified on EnviroStor, accessed on May 23, 2025.

The project is located within a rural residential area and would not change the local roadway circulation pattern, access, or otherwise physically interfere with local emergency response plans. The access to the project site is from existing public roads. The development plans have been reviewed and conditionally approved by the County Fire Marshal's Office. The proposed project will not impair or physically interfere with any emergency response or evacuation plans.

As the property is not within 0.25 miles of a school and not listed on the Hazardous Waste and Substance Sites List, the proposed project does not have an impact on emitting hazardous substances within 0.25 miles of a school, creating a significant hazard to the public or the environment due to its listing as a hazardous materials site, or create a safety hazard, or excessive noise for people residing or working in the project area due to its proximity to an airport.

Although the project is located within two miles of the San Martin Airport, the use will not create new or change circulation pattern that would impact the local airport from residential use. However, due to the location within of the San Martin Airport area, the County standard conditions of approval have been applied to the project that offer additional protections.

The project is not adjacent to the Wildland Urban Interface area (WUI) and is not within the WUI area and has been reviewed and conditioned by the Santa Clara County Fire Marshal's Office. As such, this project will 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					
	IMPACT				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	**SOURCE**
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐	17b, 35, 36, 37
b) Substantially decrease groundwater supplies or interfere substantially with	☐	☐	☒	☐	3, 4

	groundwater recharge such that the project may impede sustainable groundwater management of the basin?					
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:	☐	☐	☒	☐	3, 17n,
i)	Result in substantial erosion or siltation on- or off-site	☐	☐	☒	☐	3 , 17p
II)	Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☐	☒	☐	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	☐	☐	☒	☐	1, 3, 5
IV)	Impede or redirect flood flows?	☐	☐	☒	☐	3, 17p, 18b, 18d
d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒	3, 18b, 18d
e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐	2, 3, 4, 17p

SETTING:
The property is located in Federal Emergency Management Agency (FEMA) D Zone, which is an area with possible but undetermined flood hazards as no flood hazard analysis has been conducted. Llagas Creek is located roughly one quart-mile north of the property. The proposed project is a two-lot subdivision. Once the property is subdivided, Parcel 1 and Parcel 2 could be developed with a single-family residence, ADU and a JADU. The domestic and emergency water would be provided by an existing onsite well located on Parcel 1.

DISCUSSION:
d & e) No Impact. The project site is not located in tsunami, or seiche zones. The proposed project does not include the use of pollutants or hazardous materials, and it is unlikely that pollutants from construction would be released due to flooding. Therefore, the project will not have any impact to hazardous materials or conflict or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

a, b & c) Less than Significant impact. Future development would require two on-site wastewater treatment systems (OWTS). The OWTS feasibility for proposed Parcel 1 and Parcel 2 has been reviewed and approved by the Department of Environmental Health ensuring that the future proposed OWTS could be designed and sized to meet all applicable water quality standards, soil requirements, and groundwater standards. Therefore, the proposed project does not substantially degrade surface or ground water quality, substantially decrease groundwater supplies, or interfere substantially with groundwater recharge.

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 run-off 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.

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?	☐	☐	☐	☒	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?	☐	☐	☐	☒	8a, 9, 18a

SETTING:
The parcel is designated in the General Plan as Rural Residential and is zoned RR-5Ac. Surrounding uses include a mixture of rural single-family residential and agricultural uses.

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 subdivision for the future construction of two residences is an allowed use in the Rural Residential zoning district. 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?	☐	☐	☒	☐	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?	☐	☐	☒	☐	1, 2, 3, 6, 8a

SETTING:
The project site is located within a Mineral Resource Zone (MRZ-3), which is classified as an area that has an unknown significance of mineral deposits.

DISCUSSION:
a & b) Less Than Significant. The project is located on MRZ-3, which is an area that has an unknown significance of mineral deposits. The project could restrict access to potential mineral resources on the project site; however, given the relatively small size of the site, the lack of mineral mining operations within the unincorporated area of San Martin, the character of the established development and land uses (residential, agricultural, commercial) in the area, 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 1994), 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						
		IMPACTS				
	WOULD THE PROJECT RESULT IN:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	**SOURCE**
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?	☐	☐	☒	☐	8a, 13, 22a, 46
b)	Generation of excessive ground borne vibration or ground borne noise levels?	☐	☐	☒	☐	13, 46
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?	☐	☐	☒	☐	1, 5, 22a

SETTING:
The project site is located in an area of rural residential and agricultural uses west of State Route 101- and roughly one mile northwest of South County Airport. A single-family residence is located to the north of the subject property, approximately 200 feet from the future proposed development sites.

DISCUSSION:
a, b & c) Less Than Significant. The County Noise Ordinance restricts exterior noise near single-family residential areas to 55 dBA between 7:00 a.m. and 10:00 p.m., and 45 dBA between 10:00 p.m. and 7:00 a.m. 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. The County Noise Ordinance also restricts noise associated with mobile equipment for the construction/demolition of single-family residences to 75 dBA between 7:00 a.m. and 7:00 p.m. from Monday through Saturday. 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 75 DBA ordinance limit for mobile equipment. Future construction of the two residences would not involve use of equipment that would cause ground borne vibration or ground borne noise levels.

MITIGATION:
No mitigation required.

N. POPULATION AND HOUSING					
	IMPACT				
WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	**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)?	☐	☐	☐	☒	1, 3, 4
b) Displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	1, 2, 3, 4

SETTING:
The project site is located in an area of rural residential uses and is surrounded by existing development and infrastructure.

DISCUSSION:
a & b) No Impact - The two-lot subdivision project would involve the future construction of two single residences. The project would not change the density upon which the General Plan 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:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	**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?	☐	☐	☒	☐	1, 3, 5
ii) Police Protection?	☐	☐	☒	☐	1, 3, 5
iii) School facilities?	☐	☐	☒	☐	1, 3, 5
iv) Parks?	☐	☐	☒	☐	1, 3, 5, 17h
v) Other public facilities?	☐	☐	☒	☐	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 13745 Llagas Ave) and Live Oak High School (located at 1505 East Main Ave).

DISCUSSION:
a) Less Than Significant. The proposed project includes a subdivision for two future primary residences. No commercial, industrial, or institutional uses are proposed. The proposed single-family residences would have a minimal increase in the overall neighborhood population and would not significantly increase the need for additional fire or police protection to the area. Other public services, such as those provided by schools or parks, would not be significantly impacted.

MITIGATION:
No mitigation is required.

P. RECREATION					
	IMPACT				
WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	**SOURCE**

a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒	1, 2, 4, 5, 17h
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒	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. The subject property is roughly 1.95 miles west of Coyote Lake-Harvey Bear Ranch Park and 3.25 miles east of Uvas Reservoir Park, both of which are County Parks, and 0.5 miles north of the CWTMP Route S8 – San Martin Cross-Valley Trail.

DISCUSSION:
a & b) No Impact. 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 required.

Q. TRANSPORTATION					
	IMPACT				
WOULD THE PROJECT:	Potentially Significant 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?	☐	☐	☒	☐	1, 4, 5, 6, 7, 49, 52
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	☐	☐	☒	☐	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)?	☐	☐	☒	☐	3, 5, 6,7, 52
d) Result in inadequate emergency access?	☐	☐	☒	☐	1, 3, 5, 49, 52

SETTING:

The project site is accessed from Harding Avenue and Colony Avenue and approximately 1,000 feet west of Monterey Highway in the unincorporated area of San Martin. The project site is located adjacent to State Route 101 with access to the highway roughly 1.6 miles away via East San Martin.

Vehicles Miles Traveled (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 Land Use and Climate Innovation to update the CEQA Guidelines to replace automobile delay—as described solely by the Level of Service (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 Land Use and Climate Innovation 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 Land Use and Climate Innovation's Technical Advisory on Evaluating Transportation Impacts in CEQA[2] 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 24.[3] The project is a two-lot residential subdivision in a rural area. However, approval would only enable two new single-family residences. The daily trip rate for a single-family residence provided by the Institute of Transportation Engineers (ITE) is 9.57.[4] 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 the development of the proposed subdivision, each new parcel would have a 12-feet-wide driveway connecting Harding Avenue or Colony Avenue, as shown on *Figure 3*. The County 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 and Colony Avenue. With these restrictions and given that Harding Avenue and Colony Avenue are straight roads that are 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:

[2]Office of Land Use and Climate Innovation. December 2018. Technical Advisory on Evaluating Transportation Impacts in CEQA.
[3]According to the Office of Land Use and Climate Innovation'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.
[4]ITE Trip Generation, 10th Edition, 2018.

No mitigation is required.

R. TRIBAL 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 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	☐	☐	☐	☒	41, 42
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.	☐	☐	☐	☒	41, 42

SETTING:
Under an update to CEQA through state legislation known as AB 52, lead agencies must consult with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of a proposed project, if so requested by the tribe. Section 21084.2 of the Public Resources Code also specifies that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. The subject property does not contain any known Tribal Cultural Resources that are eligible or listed 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).

DISCUSSION:
a-i & aii) No Impact. An Archeology Report by Andrew Von Pinnon, M.A., dated November 20, 2024, concluded that there were no cultural-archaeological resources noted as a result of a surface survey performed at the subject property. The County sent notifications to the Amah Mutsun Tribal

Band, Tamien Nation, and Muwekma Ohlone Indian Tribe on March 28, 2025. None of the tribes requested consultation regarding the proposed project. Hence, there is no evidence to indicate the presence of a tribal cultural resource listed or eligible for listing in the California Register of Historical Resources, or of significance pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. Therefore, the proposed project would not cause a change in the significance of a tribal cultural resource, and no mitigation measures would be necessary.

MITIGATION:
No mitigation is required.

S. UTILITIES AND SERVICE SYSTEMS					
	IMPACT				
WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	**SOURCE**
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?	☐	☐	☒	☐	3,6,7
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years	☐	☐	☒	☐	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?	☐	☐	☒	☐	1, 3,6,7
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?	☐	☐	☒	☐	1, 3, 5,6
e) Be in non-compliance with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐	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 an on-site wastewater treatment system. Water would be supplied by an existing well. Stormwater runoff would be retained on site. Therefore, no expansion of utilities would

be required. Construction wastes associated with future construction of 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?	☐	☐	☒	☐	1, 2, 3, 6, 49, 54
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?	☐	☐	☒	☐	1, 2, 3, 6,8a, 17g, 54
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?	☐	☐	☒	☐	1, 2, 4, 5, 17g, 17h, 54
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?	☐	☐	☒	☐	1, 3, 4, 5, 17i, 54

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 and Colony Avenue.

DISCUSSION:
a & b) No Impact. The proposed project is a two-lot subdivision with future development of two new residences. Access to Harding Ave and Colony Ave would not substantially impair an adopted emergency response plan or emergency evacuation plan. The project site is not located in the Wildland Urban Interface, and is not located in any Fire Hazard Severity Zone. Standard conditions by the County Fire Marshal's Office for fire access and protection would apply to the proposed project.

c & d) Less Than Significant. 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
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
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?	☐	☒	☐	☐	1 to 54
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)?	☐	☐	☒	☐	1 to 54
c) Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒	1 to 54

DISCUSSION:

a) **Less Than Significant with Mitigation Incorporated.** As discussed in the Biological Resources section, impacts of the proposed project on special-status species or habitat would either be less than significant or would be reduced to a less-than-significant level through incorporation of mitigation measures. The proposed project would not have the potential to substantially reduce the habitat of any fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminated a plant or animal community, reduce the number of, or restrict the range of, a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

MITIGATION:

- **BIO-MIT 1: Workers Environmental Training.**
- **BIO-MIT 2: Pre-Construction Surveys.**
- **BIO-MIT 3: Open Trench/Hole Inspections.**

- **BIO-MIT 4: Open Trench/Hole Covering.**
- **BIO-MIT 5: Securing of Project Materials.**
- **BIO-MIT-6: Vehicular Inspection.**
- **BIO-MIT-7: Designated Vehicular Traffic.**
- **BIO-MIT 8: Burrowing Owl - Conduct Habitat Surveys.**
- **BIO-MIT 9: Burrowing Owl - Pre-Construction Surveys.**
- **BIO-MIT 10: Burrowing Owl – Avoidance Measures during Construction – Breeding Season.**
- **BIO-MIT 11: Burrowing Owl – Avoidance Measures during Construction – Non-Breeding Season.**
- **BIO-MIT 12: Burrowing Owl – Construction Monitoring**
- **BIO-MIT 13: Burrowing Owl – Passive Relocation**
- **BIO-MIT 14: Burrowing Owl – Exceptions to Passive Relocation Prohibition**
- **BIO-MIT 15: American Badger Pre-Construction Surveys.**
- **BIO-MIT 16: American Badger Buffer Areas**.
- **BIO-MIT 17: American Badger Natal or Reproductive Dens.**
- **BIO-MIT 18: Nesting Birds Pre-Construction Surveys.**
- **BIO-MIT 19: Nesting Birds Deferred Construction.**

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://plandev.santaclaracounty.gov/codes-and-policies/environmental-review/california-environmental-quality-act-ceqa/ceqa-procedures

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://plandev.santaclaracounty.gov/services/development-services/land-development-engineering/hazards/geologic-hazard-review

   Fire Marshal
   https://plandev.santaclaracounty.gov/services/development-services/fire-marshals-office

   Roads & Airports
   https://roads.santaclaracounty.gov/home

   Environmental Health
   https://deh.santaclaracounty.gov/home

   Land Development Engineering
   https://plandev.santaclaracounty.gov/services/development-services/land-development-engineering

   Parks & Recreation
   https://parks.santaclaracounty.gov/home

   Zoning Administration, Comprehensive Planning,

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

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://plandev.santaclaracounty.gov/codes-and-policies/zoning-ordinance

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://plandev.santaclaracounty.gov/services/planning-services/policies-and-guidelines

12. **SCC Development Guidelines for Design Review**
    https://plandev.santaclaracounty.gov/services/planning-services/policies-and-guidelines

13. **County Standards and Policies Manual (Vol. I - Land Development)**
    https://plandev.santaclaracounty.gov/codes-and-policies/land-development-engineering/land-development-standards-and-policies

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

Initial Study Source List*

b. Barclay's Santa Clara County Locaide Street Atlas
c. Color Air Photos (MPSI)
d. Santa Clara Valley Water District - Maps of Flood Control Facilities & Limits of 1% Flooding
e. Soils Overlay Air Photos
f. "Future Width Line" map set

19. 2025 CEQA Statute Guidelines [Current Edition]

https://www.califaep.org/docs/CEQA_Handbook_2025combined.pdf

Area Specific: San Martin, Stanford, and Other Areas

San Martin

20a. San Martin Integrated Design Guidelines
https://plandev.santaclaracounty.gov/codes-and-policies/zoning-ordinance/san-martin-planning-area

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]
https://stgenpln.blob.core.windows.net/document/ALUC_E16_CLUP.pdf

22b. Los Gatos Hillsides Specific Area Plan
https://www.losgatosca.gov/1146/Los-Gatos-Hillside-Specific-Plan

22c. County Lexington Basin Ordinance Relating to Sewage Disposal
https://files.santaclaracounty.gov/exjcpb1761/migrated/LU_OWTS_FAQS.pdf?VersionId=QXOkv8wfSCA.yJgYuOZJfELut65VQmNO#:~:text=The%20new%20ordinance%20eliminates%20the,be%20implemented%20for%20alternative%20systems.

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://cob.santaclaracounty.gov/williamson-act-and-fsz/forms-and-information

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 (2022)-
https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines

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/

Initial Study Source List*

Utilities & Service Systems"

32. Site-Specific Biological Report

33. Santa Clara County Tree Preservation Ordinance
https://library.municode.com/ca/santa_clara_county/codes/code_of_ordinances?nodeId=TITCCODELAUS_DIVC16TRPRRE

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://stgenpln.blob.core.windows.net/document/Brochure_TreePreservation.pdf

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

35. Santa Clara Valley Water District – GIS Data:
https://www.valleywater.org/learning-center/watersheds-of-santa-clara-valley

36. CA Regional Water Quality Control Board, Water Quality Control Plan, San Francisco Bay Region [1995]

37. Santa Clara Valley Water District, Private Well Water Testing Program [12-98]

38. SCC Nonpoint Source Pollution Control Program, Urban Runoff Management Plan [1997]

39. County Environmental Health / Septic Tank Sewage Disposal System - Bulletin "A"

40. County Environmental Health Department Tests and Reports

Archaeological Resources

41. Northwest Information Center, Sonoma State University

42. Site Specific Archaeological Reconnaissance Report

Geological Resources

43. Site Specific Geologic Report

44. California Geological Survey, Special Publication #42

45. State Division of Mines and Geology, Special Report #146

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]

Noise

49. County Noise Ordinance
https://library.municode.com/ca/santa_clara_county/codes/code_of_ordinances?nodeId=TITBRE_DIVB11ENHE_CHVIIICONOVI

Transportation/Traffic

50. Official County Road Book

51. Site-specific Traffic Impact Analysis Report

Tribal Cultural Resources

52. Office of Planning and Research. 2017. Technical Advisory: AB 52 and Tribal Cultural Resources in CEQA

Wildfire

53. Office of Planning and Research. 2020. Fire Hazard Planning Technical Advisory

54. Office of the Attorney General. 2022. Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act

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***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.**