

# INITIAL STUDY

## Environmental Checklist and Evaluation for the County of Santa Clara

|                                    |                                                    |                                                             |
|------------------------------------|----------------------------------------------------|-------------------------------------------------------------|
| <b>File Number:</b>                |                                                    | <b>Date:</b> January 5, 2025                                |
| <b>Project Type:</b>               | Recreation – Parking and Trails                    | <b>APN(s):</b> 70135015, 70135022, 70135014, 70135016       |
| <b>Project Location / Address:</b> | Fortini Road, Santa Clara County, CA 95120         | <b>GP Designation:</b> Rural Residential Open Space Reserve |
| <b>Owner's Name:</b>               | Santa Clara County Parks and Recreation Department | <b>Zoning:</b> Rural Residential, Exclusive Agriculture     |
| <b>Applicant's Name:</b>           | Santa Clara County Parks and Recreation Department | <b>Urban Service Area:</b> None                             |

### Project Description

#### OVERVIEW

The Santa Clara County Parks and Recreation Department (Santa Clara County Parks) is proposing the Fortini Property Site Plan Project (proposed project), which would construct a new recreational multi-use trail connection between two County parks for use by hikers, bikers, and equestrians in unincorporated Santa Clara County (see Figure 1) and additional parking lots. The proposed project would include a main trail with connected seasonal trails that would provide visitors with access to rest areas, a vista point, and picnic areas. The proposed trails would be constructed on an existing 47-acre property and would connect to the existing trail systems of Santa Teresa County Park and Calero County Park.

#### PROJECT LOCATION

The proposed project is located in unincorporated Santa Clara County between the Santa Teresa Hills to the east and the Sierra Azul areas of the Santa Cruz Mountains to the west. The project site is bounded by Santa Teresa County Park to the north, Calero County Park to the south, and private residential parcels to the east and west, as shown in Figure 2. Roadways in the vicinity include San Vicente Avenue to the north, Fortini Road to the east, and McKean Road to the south of the project site.

#### PROJECT COMPONENTS

##### *Proposed Trail Alignment*

The proposed project includes the development of approximately 1.1 miles of trails on the 47-acre project site. The proposed trail system would include approximately 0.7 mile of an 8-foot-wide multi-use main trail and 0.4 miles of 6-foot-wide seasonal pedestrian trails, as shown in Figure 3 through Figure 5. The finished trail surfaces would consist of crushed rock. Portions of the main trail would be elevated approximately 2 inches to 6 inches above grade in areas subject to flooding during rain events. Multi-use trails would allow hiking, equestrian, and bicycling access.<sup>3</sup>

##### *Signage, Fencing, and other Trail Features*

The proposed main trail would include two primary trailhead entry points on the northern and southern ends of the project site. Public facilities would be available to visitors, including picnic areas and benches throughout the trail alignment. Trash receptacles would be installed at the northern parking area. A vista point would be established near the center portion of the trail system to provide views of Santa Teresa Creek and the surrounding environment. The vista point would include benches and an interpretive sign. A sign would be placed at one of the trailheads to convey trail regulations and right-of-way protocol for trail users. Approximately 10 trail guideposts would be

installed along the trail alignment to direct trail users at each trail junction and parking area. Two steel truss bridges with concrete headwalls would be installed along the main multi-use trail where it would cross over Santa Teresa Creek and Arroyo Calero, to allow for trail users passage. The Santa Teresa Creek bridge would be approximately 8 feet wide and 37 feet long. The Arroyo Calero bridge would be approximately 8 feet wide and 55 feet long. The bridges would be mostly fabricated off-site and trucked into the project site, and final assembly would occur on-site prior to final placement by crane.

The existing fencing within the interior of the project site would be removed. Existing barbed wire fencing along the project site perimeter would remain in place or would be replaced with wildlife-friendly fencing. New smooth tension wire fencing would be installed around the proposed northern parking area adjacent to San Vicente Avenue, as shown in Figure 3. Fencing surrounding the proposed expansion of the existing Rancho San Vicente Parking area would match the original parking lot, which is fenced with five-strand barbed wire, as shown in Figure 5.

### ***Visitor Access and Parking***

Trail user access to the trail alignment would be available at the two primary trailhead entry points on the northern and southern end of the project site. The trailhead at the northern end of the trail alignment would include one new multi-use gate. A new parking area would be constructed along San Vicente Avenue adjacent to the northern trailhead to replace existing, unimproved roadside parking. This parking area would include two new vehicle gates for ingress and egress, as shown in Figure 3. The northern parking area surface would consist of crushed rock. Vehicles accessing the parking area would enter and exit via San Vicente Avenue. The northern parking area would include approximately 28 standard parking spaces, two trailer parking spaces, and two parking spaces that meet the accessibility requirements of the Americans with Disabilities Act (ADA). A raised multi-use crossing would be installed across San Vicente Avenue to allow trail users to cross between Santa Teresa County Park and the proposed project.

A new parking area is proposed directly east of the existing Rancho San Vicente Parking area to the south of McKean Road, as shown in Figure 5. The proposed southern parking area would have paved driving paths and gravel parking spaces. Vehicles would access the new southern parking area through the Rancho San Vicente Parking area. One new vehicular gate would be installed to the west of the proposed parking area along the existing service road to limit access to the service road between the existing and proposed parking areas. The proposed parking area would consist of approximately 59 standard parking spaces and 3 ADA parking spaces. The proposed parking area would also include a helicopter landing zone for emergency use.

Trail user access at the southern end of the main trail alignment would be provided by two new multi-use gates on the north and south sides of McKean Road. A signalized crossing would be installed at the intersection of Fortini Road and McKean Road. The signalized crossing would include the installation of four curb ramps, a queuing area for trail users on either side of the intersection, and a low concrete headwall on the south side of McKean Road to allow for safe multi-use crossing from the south side of McKean Road to the main trailhead. Three crosswalks would be installed at the signalized crossing intersection. The traffic signals would be installed using drilled piers.

## **PROJECT CONSTRUCTION**

### ***Construction Schedule and Workforce***

Construction of the proposed trails and associated facilities would require fencing removal, clearing and grubbing, grading, installation of base rock, paving, geotechnical drilling, pier drilling, and the construction of concrete headwalls. Proposed project construction is anticipated to begin as early as April 2027 and would last approximately 7 months. Construction activities would generally occur between the hours of 8 a.m. and 5 p.m., Monday through Friday. No nighttime or weekend work is anticipated.

An average of five construction workers are expected to be onsite on workdays throughout project construction and a maximum of 15 construction workers would be onsite at any given time. Construction activities would require the use of a crane, excavator, tractor trailer or flatbed, excavator, paver, skip loader, compactor, water truck, service

truck, concrete truck, dump truck, dozer, and hydroseeder, along with various hand tools such as rake hoes, picks, mattocks, hoes, and shovels.

### ***Soil Excavation and Disturbance***

Table 1 lists the anticipated soil disturbance and excavation associated with the project components. Project construction would involve ground disturbance for construction of the trails, parking lots, fencing, bridges, signage, concrete ramps, crosswalk landings, road crossing signals, picnic areas, and trail amenities. The depth of excavation would range from approximately 2 to 15 feet. Excavated soil would be re-used within the project footprint. Excavation for the bridge footings would disturb the banks of the Arroyo Calero and Santa Teresa Creek below the Ordinary High water Mark. Additionally, one tree would be removed along the Arroyo Calero for the pedestrian bridge installation and one tree could be removed along San Vicente Avenue for the trail crossing.

**Table 1 Summary of Proposed Project Ground Disturbance**

| <b>Project component</b>              | <b>Soil excavation/disturbance (square feet)</b> | <b>Cut volume (cubic feet)</b> | <b>Fill volume (cubic feet)</b> | <b>Depth of disturbance (feet)</b> |
|---------------------------------------|--------------------------------------------------|--------------------------------|---------------------------------|------------------------------------|
| Trail                                 | 146,776                                          | 8,859                          | 5,952                           | 3                                  |
| Fencing                               | 50                                               | 0                              | 0                               | 6                                  |
| Bridge footings                       | 552                                              | 2,760                          | 1,380                           | 5 to 12                            |
| Bridge Ramps                          | 8,650                                            | 0                              | 18,249                          | 0                                  |
| North parking area <sup>1</sup>       | 44,800                                           | 67,200                         | 0                               | 2                                  |
| South parking area                    | 77, 059                                          | 164,291                        | 68,842                          | 12                                 |
| Crosswalk Landings with wall          | 2,499                                            | 3,749                          | 0                               | 5                                  |
| Road crossing signals (drilled piers) | 10                                               | 75                             | 0                               | 10 to 15                           |
| Picnic areas and trail amenities      | 327                                              | 327                            | 0                               | 2                                  |
| Total                                 | 280,723                                          | 247, 261                       | 94,423                          | N/A                                |

Note:

1. The proposed southern parking area is underlain by fill material that was deposited from construction of the existing Rancho San Vicente Staging area

### ***Construction Access and Staging***

The project site would be accessible using existing mowed tracks and gates via McKean Road, Fortini Road, and San Vincente Avenue. Staging areas would occur within the trail and parking area footprint. The northern portion of the existing Rancho San Vicente parking area would be used for vehicle and equipment staging as well as the adjacent proposed southern parking area, as shown in Figure 2. Two existing pullouts along a gravel road to the south of the Rancho San Vicente parking area would also be used for staging. Site preparation for the staging areas

would include the installation of geotextile fabric and stabilized rock surface. Vehicle and equipment staging would occur near the gate at the intersection of McKean Road and Fortini Road and at the proposed Rancho San Vicente expansion parking area. Entrances to the staging areas would include track-out control devices and stabilized rock. The track-out control devices (e.g., shaker racks, vehicle tracking pads) would be placed at construction entrances and exits to prevent construction debris and soil from being tracked onto nearby roadways.

### ***Construction Debris Removal and Site Restoration***

Construction debris and waste would be hauled offsite for disposal at the Guadalupe Sanitary Landfill or other nearby landfill. Following construction and removal of construction debris and waste, temporarily disturbed areas (e.g., staging areas) would be restored to their approximate preconstruction conditions.

## **PROJECT OPERATION AND MAINTENANCE**

On completion of construction, existing Santa Clara County Parks maintenance staff would manage and maintain the new trails and facilities. Daily or weekly operational activities would include opening and closing trail and vehicle gates, patrolling the site, and emergency response, and maintenance activities would include mowing, cleaning (e.g., wiping, sweeping, racking), necessary repairs, and any facility replacement needs. Garbage disposal would occur daily in the proposed northern parking area. Monitoring of the project site would occur monthly as part of Santa Clara County Parks maintenance and would involve staff walking around the site and identifying any maintenance or repair needs. Vegetation maintenance needs, such as mowing and grazing, would occur annually. Grazing would be conducted using goats or sheep to meet Santa Clara County's defensible space and weed abatement requirements. Grazing would be expected to occur for up to four weeks per year. The grazing contractor would supply all required water and temporary fencing. The proposed trail system would be available to the public year-round from 8 a.m. to sunset, any given day. Access trail/park use restrictions would be communicated to the public via signage, the Santa Clara County Parks website and trail hotline, and social media.

## **BEST MANAGEMENT PRACTICES**

The Calero County Park Trails Master Plan (2013) provides *best management practices* (BMPs) that would be implemented as part of the proposed Fortini project such as dust control, biological resources, geologic trail design, and erosion and sedimentation. The plan also includes requirements and guidelines that would adhere to the Santa Clara Valley Habitat Plan. Table 2 includes all applicable BMPs that would be implemented by the proposed project:

**Table 2 Calero County Park Trails Master Plan BMPs**

| <b>BMP type</b>  | <b>BMP measure</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| Air Quality BMPs | Implement dust control measures for unpaved parking areas as appropriate. Measures may include installation of vegetative screens around parking areas, restriction of vehicle speeds to 5 mph, application of approved soil binders or gravel overlays, and seeding overflow parking areas.                                                                                                                                                                                                                                                                                                                                                                                                      |
| Biological BMPs  | 1. Inform work crews that they are working in an area with sudden oak death (SOD), such that unauthorized movement of plant material would be prohibited. Do not transport or move host plants, infected soil, or plant material such as firewood, wood chip or bark mulch from infested areas. When brushing, pruning or cutting live or dead host plants in an infested area, leave trunks, foliage, slash, and chips at the same area. Do not leave firewood and chips in areas such as along edges of road or at trail heads where they might be transported to another location. Locate landings, roads, chipping sites, equipment access, staging areas, and other equipment activity areas |

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|                              | <p>away from host plants in infested areas, especially those host plants showing symptoms of SOD. If some sites in the park are found to be disease-free or have a low incidence of disease, consider initiating work in these sites before moving to more heavily infested sites.</p> <ol style="list-style-type: none"> <li>2. To the extent practical and feasible, choose trail alignments that avoid areas containing host plant and trees that have disease symptoms. Locate staging areas away from host plants, especially areas with disease symptoms.</li> <li>3. Whenever possible, schedule tree removals from June to October when conditions are warm and dry, and avoid removing diseased trees during the wetter months which favor pathogen spread - November to May.</li> <li>4. When work must be conducted during the wet season in infested areas, stay on roads or trails.</li> <li>5. When cutting vegetation in infested areas, clean soil and vegetation off equipment, including pruning saws, chain saws, loppers, etc., then spray or wipe the tools with Lysol, Chlorine bleach mixture (10 parts bleach to 90 parts water), Clorox Clean-up wipes, 10% denatured alcohol, or similar substances, preferably on site.</li> <li>6. Sanitizing pruning tools before pruning healthy trees is a best management practice to reduce the spread of other debilitating plant diseases including rust, pine pitch canker, and anthracnose.</li> <li>7. Before relocating earthmoving, tree trimming, chipping, or mowing equipment or tractors from infested areas, sweep, wash off or otherwise remove accumulations of plant debris (especially leaves), soil and mud, and blow out air filters, preferably on site. Truck-mounted pumpers, garden hoses, or a pressure washer can be used for cleaning large equipment.</li> <li>8. Whenever practical, after driving all-terrain vehicles or mules, hiking, bicycling or otherwise working in an infested areas, brush, wash off, or otherwise remove accumulations of plant debris (especially leaves), soil and mud from shoes, boots, tires and vehicles. Spray the bottom of cleaned shoes or boots and the floor mat of your vehicles with Lysol. Footwear and vehicles will be cleaned before traveling to an area not infested, preferably on site, or at the closest field office.</li> <li>9. If an infested tree has died, do not remove but fall and leave in place. Cut tree as close to the ground as practical. Stump grinding is not recommended because the equipment may become contaminated by soil and result in pathogen spread when used at another location.</li> </ol> |
| Geologic BMPs (trail design) | <ol style="list-style-type: none"> <li>1. All trails should be designed in accordance with the Countywide Trails Master Plan and Design and Management Guidelines.</li> <li>2. Trails should not follow the fall line of a slope; they should contour alongside slopes. Fall-line trails become watercourses, erode easily and then are difficult to maintain. Even low-slope (less than 10 percent) fall-line trails usually become the preferential flow path for water. Trails following the contour alongside slopes, versus fall-line trails, help to moderate the speed of trail users.</li> <li>3. Trails should be out-sloped in most cases (except for short sections at outside bends). This encourages water to run off the side of the trail, rather than along the trail. Trails should be built to have about 3 to 5 percent out slope after trail compaction has occurred, so initial out sloping should be greater than 5 percent. After a year or two, it should be expected that maintenance would be needed to return and “de-berm” sections of trail where soil compaction and displacement have exceeded the designed</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

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|                                             | <p>out slope.</p> <ol style="list-style-type: none"> <li>4. Frequent rolling dips should be built into a trail (as a backup to out sloping, to avoid water flow along a trail. These should be placed to enhance natural grade dips. Rolling grade dips are long and gentle features (12 to 20 feet long) that avoid the short and abrupt style of traditional “water bars” (Klein 2003; Riter and Riter 2005). Having the outside bend of a trail as a relative high point helps reduce erosion; this is achieved because the upslope naturally slows a bicycle rider, which reduces the need to brake or skid.</li> <li>5. Trail widths should be minimized to reduce the amount of bare soil subject to erosion. Contour trails should be cut on a full bench, rather than a combination of cut and fill. The cut material should be broadcast downslope, unless the trail is near a creek. Cut material can also be utilized for the ramp section of rolling dips if it is compacted one layer at a time.</li> <li>6. For mountain biking trails, climbing turns or switchbacks should be located whenever possible where the side-slope is 10 percent or less, in order to create a sustainable, low-erosion trail. The actual trail gradient should be determined by site geology and terrain. The wider the turn and the lower the slope of the turn itself, the less braking and skidding (going downhill) is needed, and less wheel spinning (going uphill) is likely (Schmidt and Woolner 2004).</li> <li>7. Reduce locations where bicycles tend to brake heavily and/or have to climb steep hills, which could cause erosion. Make a conscious effort to design trails with consistent “flow” (IMBA 2004). Exaggerate grade reversals at outside bends. Gradual flow transitions should also reduce user conflicts.</li> </ol> |
| Geologic BMPs<br>(construction & operation) | <ol style="list-style-type: none"> <li>1. If landslides or slope failure occurs, cut a temporary ramp through the edge of the scarp, have the trail traverse across the slide, and then cut another ramp to go up the scarp on the other side. This would reduce the tendency for users to create volunteer trails around the head of the landslide scarp.</li> <li>2. All trails in areas with active landslides should be considered for closure during wet weather and storm events.</li> <li>3. Close more erodible trails during wet weather and storm events per the Santa Clara County Parks’ trail closure policy and procedures.</li> <li>4. Maintain the trail corridor by trimming encroaching vegetation; a bush leaning into a trail can lead users to travel outside the trail to avoid brushing against the bush, which would eventually widen the trail over time.</li> <li>5. If a trail area is too sandy, adding clay can help the tread be more cohesive.</li> <li>6. Where deemed beneficial by Santa Clara County Parks Staff, reapplication of the forest duff layer, peeled back from the site at the beginning of construction, will be used on top of the new trail bed to help reduce erosion.</li> <li>7. As trails approach one another they should rise gently to the junction with other trails, which will reduce water collection at the junction, and moderate the speed of trail users.</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                      |
| Hydrological BMPs                           | <ol style="list-style-type: none"> <li>1. In order to reduce erosion and maintenance problems during construction, disturbance to the soil surface should be kept to a minimum.</li> <li>2. Where a potential for significant soil erosion exists along a new trail alignment, specific erosion control plans should be developed by a Registered Civil or Soils Engineer as part of the trail construction documentation. Criteria to be used in determining the erosion potential includes: slope; soil type; soil composition and</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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|                                                   | <p>permeability; and the relative stability of the underlying geologic unit as identified on local General Plans or other adopted planning documents.</p> <ol style="list-style-type: none"> <li>3. Keep “tread watersheds” small. A tread watershed is the amount of area that drains to a specific spot off of a trail (Parker, 2004). Increasing the frequency of rolling dips is an easy way to reduce the area of each tread watershed. Reducing tread width of the trail is another way to reduce the tread watershed. Compacted trail surfaces produce more surface runoff than the uncompacted soil next to the trail; narrow trails would produce less concentrated runoff than wide trails (with all other factors being equal).</li> <li>4. Frequent grade reversals should be built into a trail (as a backup to out-sloping), to avoid water flow along a trail. Also known as “rolling grade dips”, they should be placed to enhance natural grade dips. Rolling grade dips are long and gentle features (12 to 20 feet long) that avoid the short and abrupt style of traditional “water bars” (Klein 2003; Riter and Riter 2005).</li> <li>5. Contour trails should be cut on a full bench, rather than a combination of cut and fill. The cut material should be broadcast downslope, unless the trail is near a creek. Cut material can also be utilized for the ramp section of rolling dips if it is compacted one layer at a time.</li> <li>6. If trails are located in riparian zones extra precautions should be taken, such as using paving stones or other rock work to armor the trail surface. Provide settling areas for trail drainage where water can infiltrate and sediment can settle out, such as brush boxes.</li> <li>7. Rock drains and gravel surfaces should be used where trails cross seep areas. This is better than having trail users bypass the soggy area in ever-increasing arcs. Use soil amendments such as sand, crushed rock, or gravel to make a trail less prone to compaction and displacement; amendments can also help the tread drain better.</li> <li>8. Constructed creek crossings should not greatly alter the cross-sectional shape of the channel or floodplain.</li> <li>9. The approach to a creek crossing should slope downward toward the creek, and climb when traveling away from the creek, so that in the event of a blockage in the channel, the creek water would not be diverted to flow along the trail.</li> <li>10. The source of water for horse troughs will only come from seeps and springs; water will not be diverted from creeks or other waterways.</li> </ol> |
| Stormwater Pollution Prevention Plan (SWPPP) BMPs | <ol style="list-style-type: none"> <li>1. Enclose and cover exposed stockpiles of dirt or other loose, granular construction materials that could contribute sediment to waterways.</li> <li>2. Contain soil and filter runoff from distributed areas by berms, vegetated filters, silt fencing, straw wattles, plastic sheeting, catch basins, or other means necessary to prevent the escape of sediment from the disturbed areas.</li> <li>3. Prohibit the placement of earth or organic material where it may be directly carried into a stream, swale, ditch, marsh, pond, or body of standing water.</li> <li>4. Prohibit the following types of materials from being rinsed or washed into streets, shoulder areas, or ditches: concrete, solvents and adhesives, fuels, dirt, gasoline, asphalt, and concrete saw slurry.</li> <li>5. Conduct dewatering activities according to the provisions of the SWPPP. Prohibit placement of dewatered materials in local water bodies or in storm drains leading to such bodies without implementation of proper construction water quality control measures.</li> <li>6. The Santa Clara County Parks and its contractors should implement a monitoring</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

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|                                                                    | <p>program to verify effectiveness of the best management practices implemented as part of the SWPPP. The monitoring program would begin at the outset of construction activities and terminate upon completion of the project.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |
| <p>Santa Clara Valley Habitat Plan Requirements and Guidelines</p> | <ol style="list-style-type: none"> <li>1. Trails will be established on existing roads or trails wherever possible to minimize the need for new ground-disturbing activities and to reduce maintenance costs. However, this will be balanced with the need to reroute some poorly designed existing ranch roads that are difficult and expensive to maintain. In some cases, rerouting access roads may have net benefits on biological resources.</li> <li>2. New trails will be designed and operated to be compatible with natural resources protection. New trails will be sited to minimize impacts on sensitive species (including covered species) and natural communities as well as disturbance to adjacent landowners and land uses. Wetlands will be avoided except for educational trails, and trails through woodland or riparian habitat will avoid tree removal or substantial pruning to the extent possible. If tree removal is required, unhealthy, exotic tree species, or trees unlikely to reach maturity due to site conditions (e.g., being shaded out by larger trees) will be targeted for removal.</li> <li>3. Trails built across streams or through riparian corridors will be sited and designed with the smallest footprint necessary to cross the in-stream area. Stream crossings will be perpendicular to the channel and be designed to avoid any potential for future erosion. Trails that follow a stream course will be sited outside the riparian corridor to the maximum extent feasible.</li> <li>4. Recreational uses will be controlled using a variety of techniques including fences, gates, clearly signed trails, educational kiosks, trail maps and brochures, interpretive programs, and patrol by land management staff.</li> <li>5. Signs and informational kiosks will be installed to inform recreational users of the sensitivity of the resources in the reserve, the need to stay on designated trails, and the danger to biological resources of introducing wildlife or plants into the reserve.</li> <li>6. New trails will be prohibited within 100 feet of wetlands and streams that provide suitable habitat for covered amphibians and aquatic reptiles or tricolored blackbird, unless topography or other landscape characteristics shield these trails from the covered species habitat or a lack of effect of the trail on the species can be otherwise demonstrated.</li> <li>7. New trails will be prohibited within 250 feet of active western burrowing owl nests. If an owl pair nests within 250 feet of an active trail, Implementing Entity staff will consult with the Wildlife Agencies to determine the appropriate action to take. Actions may include prohibiting trail use until young have fledged and are no longer dependent on the nest.</li> </ol> |  |

## **Environmental Setting and Surrounding Land Uses**

The Fortini project site is located on undeveloped land in the lower Santa Clara Valley in unincorporated Santa Clara County. The project site is situated between the Santa Teresa Hills to the north and northeast and the Sierra Azul foothills of the Santa Cruz Mountains to the south. The approximately 47-acre site is bounded by San Vicente Avenue and the Santa Teresa County Park to the north, Fortini Road and private parcels to the east, private rural residential properties to the west, and McKean Road and Calero County Park to the south. The topography of the site is relatively flat and ranges from 350 to 390 feet above sea level.

Since 1939, the property has been used primarily for ranching and agricultural uses, including cattle grazing, orchards, hay cultivation, and row crops. The project site is surrounded by rural residential and ranch land uses on the east and the west and open space parkland to the north and south. An equestrian facility is located on McKean Road, adjacent to the west boundary of the Fortini project site.

The project site consists of four parcels: three 2.4-acre parcels along San Vicente Avenue and one 40-acre parcel that encompasses the remainder of the site. The three northern parcels along San Vicente Avenue are designated and zoned for Rural Residential (RR) and the large remaining parcel is designated Open Space Reserve in its entirety and zoned as Exclusive Agriculture (A), 20-acre minimum lot size (20Ac), scenic road combining district (sr) and RR-sr (County of Santa Clara 2016). The scenic road combining district designation applies to parcels that occur along designated scenic roadways and is intended to protect the visual character of these roads through increased setbacks and attention to the character and design of site elements that are visible from the road. McKean Road is a scenic route, designated by the Regional Parks and Scenic Highways Map Element of the Santa Clara County General Plan (Santa Clara County 2008; Zander Westbrook Design 2024).

## **Other agencies sent a copy of this document:**

The following section summarizes the permits and reviews that could be required for the proposed project. Additional regulatory approvals could be required if local, state, or federal agencies determine that specific construction activities fall under their jurisdictions.

- U.S. Army Corps of Engineers Section 404 Nationwide Permit
- California Department of Fish and Wildlife Section 1600 Agreement
- California State Water Resources Control Board Stormwater Pollution Prevention Plan (SWPPP)
- Regional Water Quality Control Board (RWQCB) National Pollutant Discharge Elimination System (NPDES) General Permit
- RWQCB Water Quality Certification
- Santa Clara Valley Habitat Agency
- Santa Clara Valley Water District

## References:

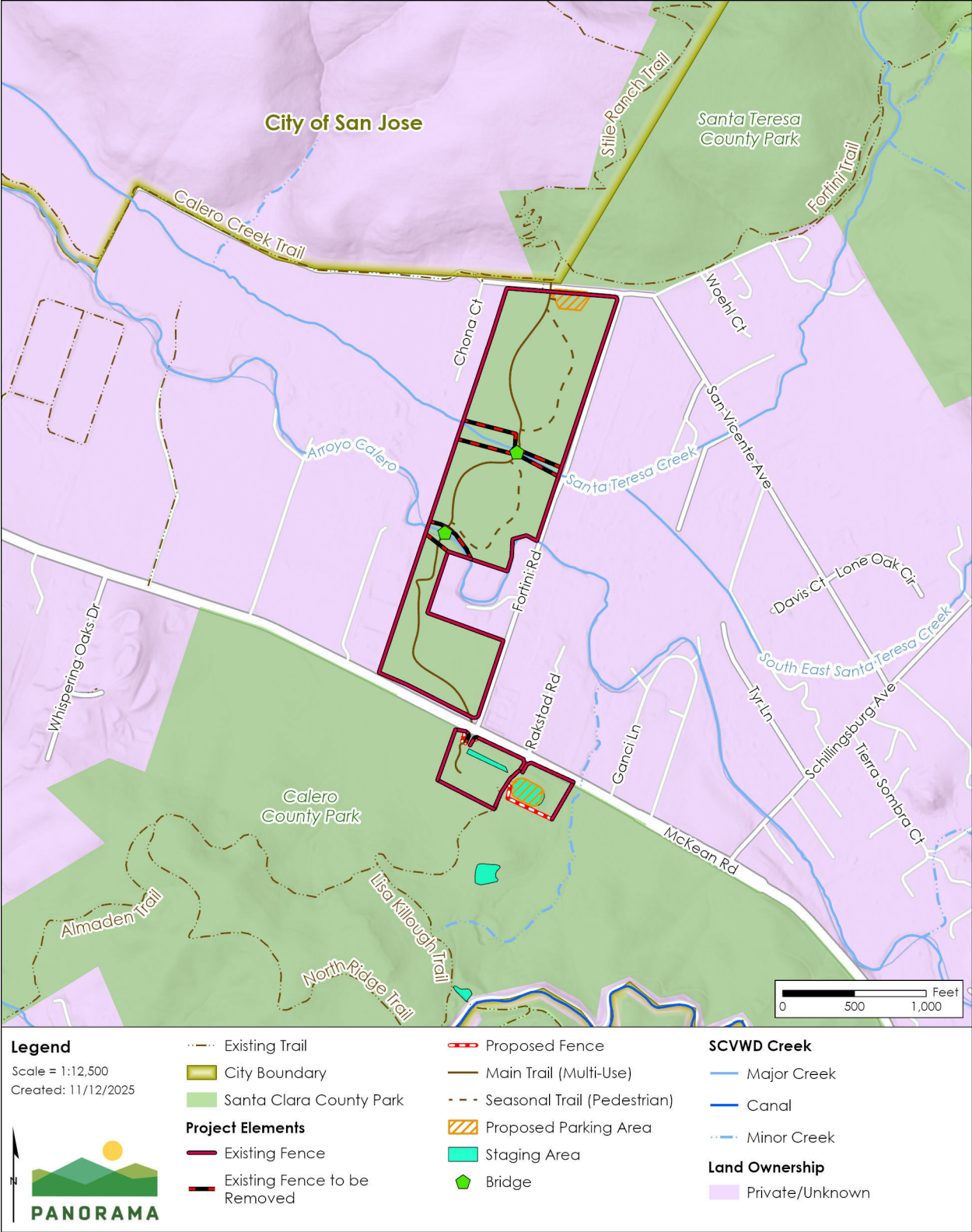
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**Figure 1**      **Proposed Project Site Location**



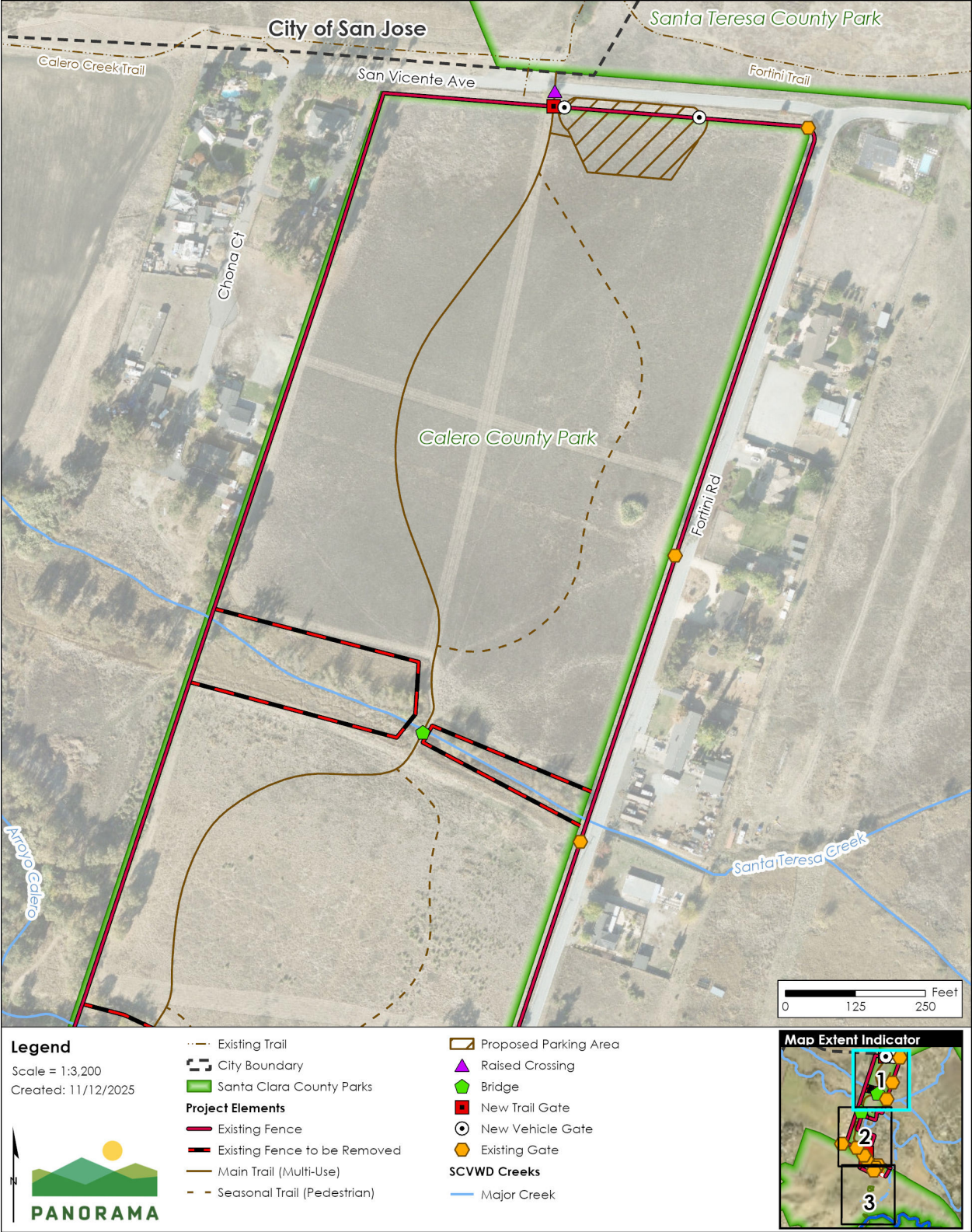
Source: (California Department of Fish and Wildlife 2024; City of San José 2025b; Santa Clara County Parks and Recreation 2018; 2025; Esri 2025)

**Figure 2** Land Uses in the Proposed Project Area



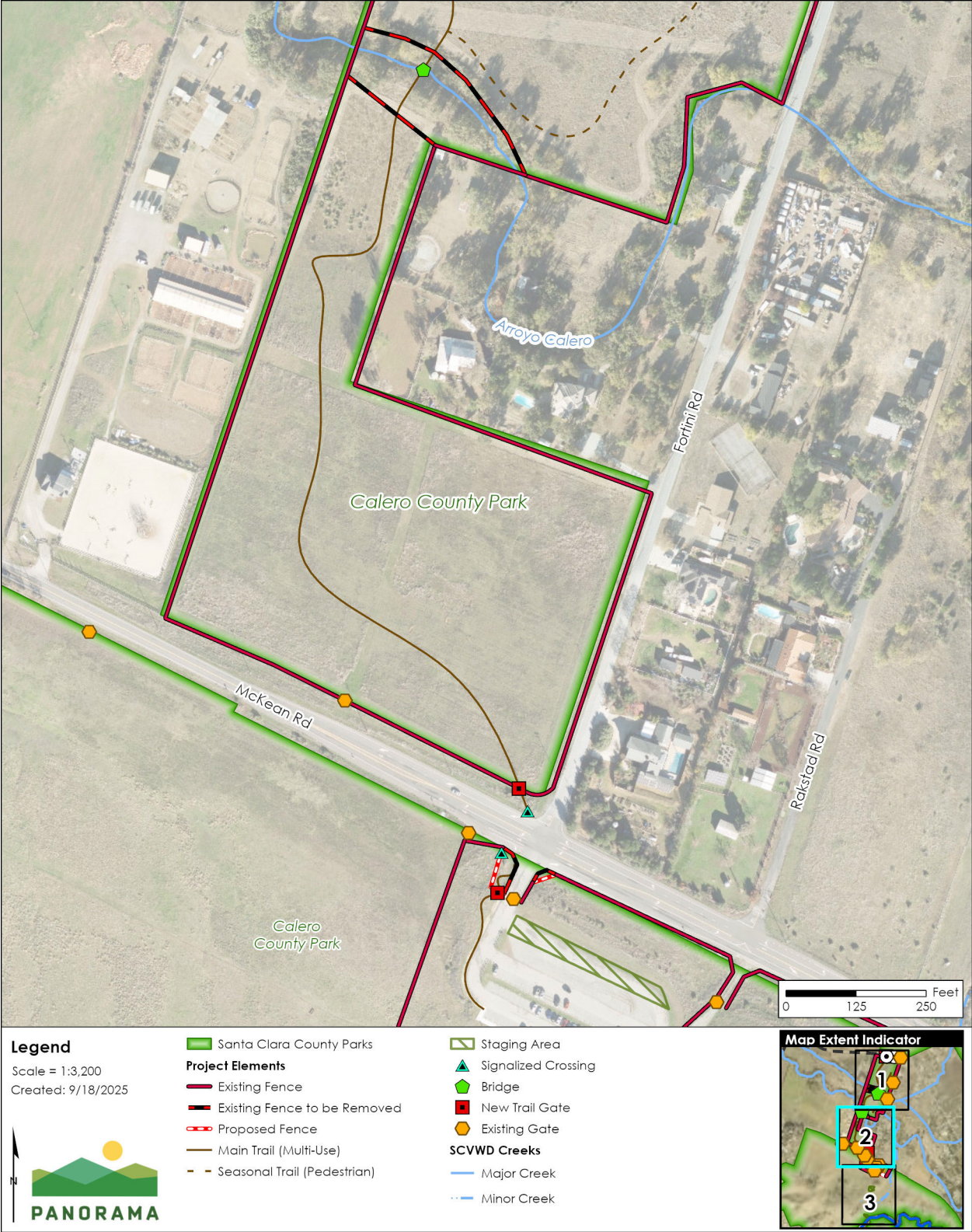
Source: (Santa Clara County Parks and Recreation 2018; California Department of Fish and Wildlife 2024; City of San José 2025a; Bureau of Land Management 2025)

**Figure 3**      **Proposed Project Site Plan (Map 1 of 3)**



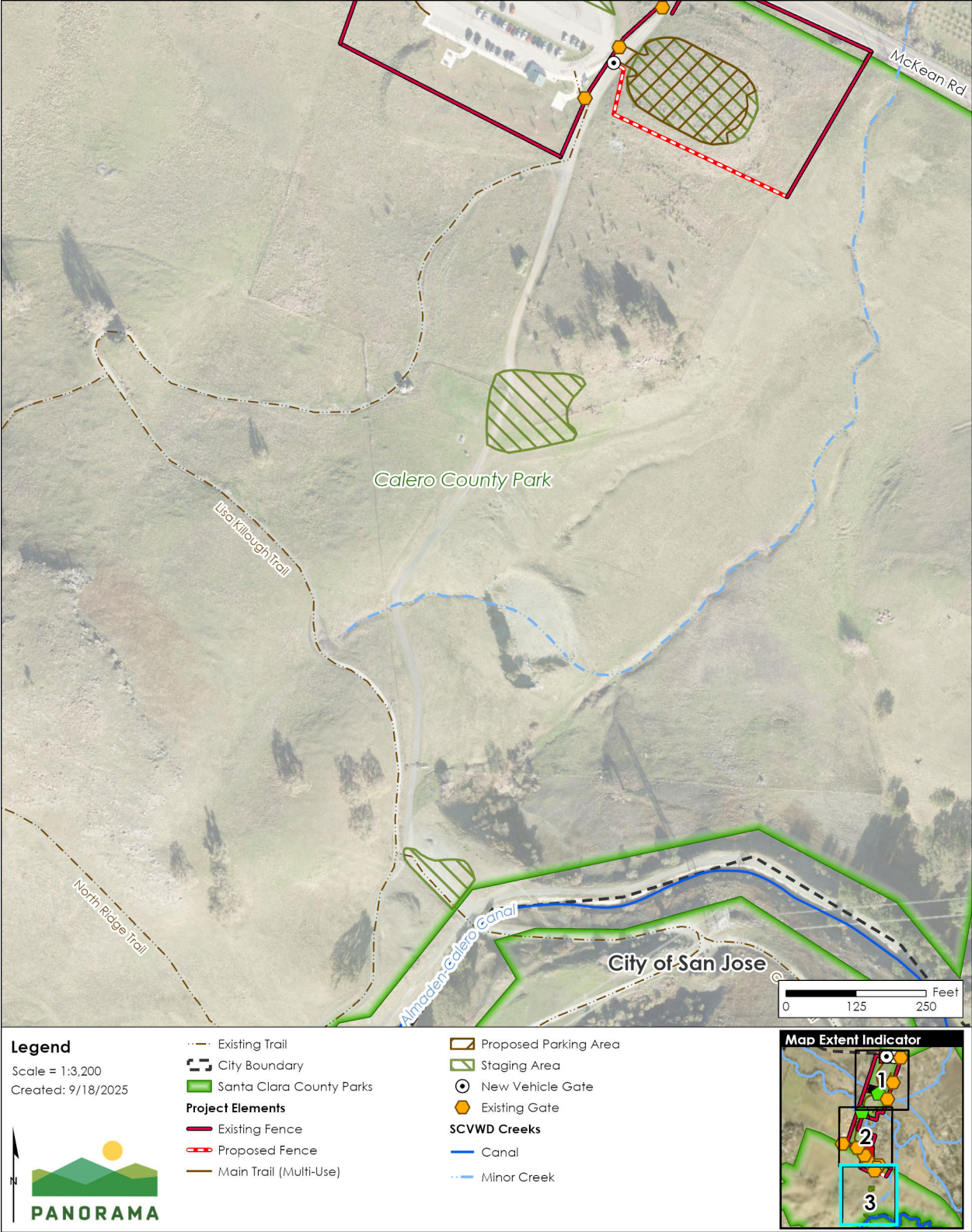
Source: (City of San José 2025a; Santa Clara County Parks and Recreation 2025; 2018; California Department of Fish and Wildlife 2024; City of San José 2025b)

Figure 4 Proposed Project Site Plan (Map 2 of 3)



Source: (City of San José 2025a; Santa Clara County Parks and Recreation 2025; 2018; California Department of Fish and Wildlife 2024; City of San José 2025b)

Figure 5 Proposed Project Site Plan (Map 3 of 3)



Source: (City of San José 2025a; Santa Clara County Parks and Recreation 2025; 2018; California Department of Fish and Wildlife 2024; City of San José 2025b)

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

#### ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

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

#### DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

☐ I find that the proposed project MAY have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

☐ I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on the attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
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?                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2,3,4, 6,17f |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?                                                                                                                                                                                                                    | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3, 6,7 17f   |
| c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2,3          |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?                                                                                                                                                                                                                                                       | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3,4          |

### SETTING:

#### *Visual Character*

The proposed project is located in a rural area of unincorporated Santa Clara County, between the Santa Teresa Hills and the eastern foothills of the Santa Cruz Mountains. The broader landscape is characterized by agricultural land, low-density development, and expansive natural features.

The project site is bounded by Santa Teresa County Park to the north, Calero County Park to the south, and private rural residential properties to the east and west. The project site features fairly level terrain and supports a mix of non-native annual grasslands, wet meadow, and riparian vegetation along Santa Teresa Creek and Arroyo Calero. Residences and Fortini Road border the eastern side of the project site. To the west, the project site is bordered by open rural parcels with grazing land, pasture fencing, and scattered residences, with limited vegetation for screening. McKean Road to the south crosses a mostly open and moderately hilly landscape with an existing parking area and trail network. San Vicente Avenue to the north of the project site includes residences and open space with elevated terrain that provides long-range views across the valley.

Due to the project site's openness, limited screening vegetation, and proximity to public roads, portions of the proposed project, including trail corridors, fencing, and parking areas, are likely to be partially visible from nearby roadways.

#### *Scenic Highways and Corridors*

There are no State Scenic Highways as officially designated by the California Department of Transportation (Caltrans) within the immediate vicinity of the project site. The nearest designated State Scenic Highway to the project site is State Route 9 (SR 9), which is located approximately 10 miles west of the project site. The nearest eligible State Scenic Highway to the project site is State Route 17 (SR 17), which is approximately 9.2 miles southwest of the project site. McKean Road, which bisects the project site, is identified as a County-designated scenic route in the Santa Clara County General Plan.

## ***Scenic Vistas***

There are no designated scenic vistas in the vicinity of the project site. However, Santa Clara County identifies prominent hillsides and ridgelines visible from the valley, riparian areas, scenic transportation corridors, and County entranceways as scenic resources of special significance. While both Santa Teresa and Calero County Parks are adjacent to the project site, the ridgelines within these parks are located at least 0.80 miles to the north and south of the project site. The project site may be partially visible from nearby ridgelines, which could offer elevated views of the project site, particularly from publicly accessible trails or scenic viewpoints. Additionally, the proposed project does contain riparian areas associated with Santa Teresa Creek and Arroyo Calero and is adjacent to McKean Road, which is identified as a Santa Clara County-designated scenic route, as discussed above.

## ***Light and Glare***

Existing sources of light and glare in the vicinity of the project site are limited. The site is undeveloped and lacks buildings, exterior lighting, or reflective surfaces. Surrounding rural residences may have minimal low-intensity lighting, and the nearby Rancho San Vicente parking area includes limited lighting. McKean Road experiences regular vehicle traffic, and headlights are an intermittent source of nighttime light. However, no street lighting is present, and the area overall maintains a low ambient light environment consistent with its rural, open space character.

## **REGULATORY FRAMEWORK:**

### ***Federal Regulations, Policies, and Standards***

There are no applicable federal regulations pertaining to aesthetics.

### ***State Regulations, Policies, and Standards***

#### **California Department of Transportation Scenic Highway Program**

California's Scenic Highway Program was created by the State Legislature in 1963. Its purpose is to preserve and protect scenic highway corridors from change that would diminish the aesthetic value of adjacent lands. Caltrans designates highways as scenic highways based on how much of the landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which views would be compromised by development.

### ***Local Regulations, Policies, and Standards***

#### **Santa Clara County General Plan**

The Santa Clara County General Plan supports the designation of scenic roads that link the urban areas to rural and open space areas, with careful consideration of fire risks, hazards, and natural resources protection. The following policies in the Santa Clara General Plan are applicable to the proposed project:

#### **Parks and Recreation Chapter**

*Policy C-PR37*            The natural scenery along many of Santa Clara County's highways should be protected from land uses and other activities which would diminish its aesthetic beauty.

*Policy C-PR 38*            Land use should be controlled along scenic roads so as to relate to the location and functions of these roads and should be subject to design review and conditions to assure the scenic quality of the corridor.

*Policy C-PR 45*            Activities along scenic highways that are of a substantially unsightly nature, such as equipment storage or maintenance, fuel tanks, refuse storage or processing and service yards, should be screened from view.

## Resource Conservation Chapter

*Policy C-RC 57* The scenic and aesthetic qualities of both the natural and built environments should be preserved and enhanced for their importance to the overall quality of life for Santa Clara County.

*Policy C-RC 60* Hillsides, ridgelines, scenic transportation corridors, major county entryways, and other areas designated as being of special scenic significance should receive additional consideration and protections due to their prominence, visibility, or symbolic value.

*Policy C-RC 61* Public and private development and infrastructure located in areas of special scenic significance should not create major, lasting adverse visual impacts.

### Santa Clara County Zoning Ordinance, Chapter 3.30: Scenic Roads Combining District

Chapter 3.30 of the Santa Clara County Zoning Ordinance lists the 64 roadways that are designated as scenic roads by Santa Clara County. The purpose of the Scenic Roads Combining District is to protect the visual character of scenic roads in the county through special development and sign regulations. The district encompasses all designated scenic roads in unincorporated Santa Clara County.

## DISCUSSION:

### a) Less Than Significant Impact

#### *Construction*

Construction of the proposed project could cause temporary construction-related impacts on scenic vistas. Construction-related visual impacts would include the visibility of construction personnel, equipment, and materials and the visibility of vegetation and ground disturbance. Although the project site is not located on a prominent ridgeline or hillside and does not contain or obstruct any officially designated scenic vistas, the project site would be visible from nearby scenic vistas within Calero and Santa Teresa County parks, which offer elevated overlooking views. Construction of the proposed project would be limited in duration and spatial extent and would involve low-profile activities. This being the case, any views of construction activities from nearby scenic vistas would be distant, intermittent, and temporary and would not result in permanent visual alterations to the broader landscape. Thus, views of the project site and construction activities from these vantage points would be temporary in nature and would not result in permanent alterations to the visual landscape.

Furthermore, the proposed project would ensure equipment and materials staging would be low in profile and would not block long-range views and ground-disturbing activities would not extend beyond the proposed project boundary. Due to the proposed project's limited spatial extent, short-term construction duration, and distance from prominent ridgelines within adjacent County parks, proposed activities would not result in substantial changes to or obstruction of important landscape elements that contribute to scenic vistas, such as natural ridgelines, riparian corridors, or open grasslands. Therefore, construction impacts would be less than significant.

#### *Operation and Maintenance*

The proposed project would introduce recreational features including ground-level components such as the new trail alignment, a vista point area, parking areas, and a helicopter landing zone located within the southern proposed parking area and aboveground components such as fencing, benches, guideposts, pedestrian crossings, and pedestrian bridges. Ground-level components would be integrated into the existing topography to maintain a low visual profile and aboveground level components would be modest in scale and constructed using materials and finishes compatible with the surrounding natural setting to minimize visual contrast, thus minimizing contrast with the surrounding environment. Additionally, because the proposed project does not include the construction of new buildings or tall infrastructure, views of the surrounding landscape, including Calero County Park and Santa Teresa County Park scenic vistas,

would not be obstructed, and the proposed project would not be visually prominent from a distance. Therefore, operational and maintenance activities would not adversely affect scenic vistas. Impacts would be less than significant.

## **b) Less Than Significant Impact**

### ***Construction***

The project site is not located within a designated viewshed of any State Scenic Highway. While SR 9 is designated as a State Scenic Highway and SR 17 is designated as an eligible State Scenic Highway by Caltrans, the proposed project site lies outside of their visual influence due to distance and, therefore, would not be affected by construction activities.

McKean Road is a County-designated scenic route, but not a State Scenic Highway and is therefore not subject to the specific CEQA threshold related to scenic highways. Nonetheless, the project site including construction, equipment, personnel, and materials could be fully visible from McKean Road. As mentioned in Section Q Transportation, temporary lane or full road closures would be required to accommodate construction improvements. These closures would introduce short-term visual elements such as traffic control signage, cones, barriers, and flaggers, as described in Section Q. Transportation, which would reduce the typical speeds along McKean Road to accommodate active closures and/or traffic control periods, resulting in slightly longer viewing durations. However, construction activities would remain temporary, localized, and visually consistent with standard roadway maintenance operations. No scenic resources such as rock outcrops, historic structures, or significant trees would be disturbed. Therefore, construction activities would not substantially damage scenic resources within a state scenic highway, and impacts would be less than significant.

### ***Operation and Maintenance***

As previously mentioned, there are no State Scenic Highway in the vicinity of the project site, and the proposed project would not be visible from the nearest State Scenic Highway. As noted above, McKean Road is a County-designated scenic route. Some operation and maintenance of the proposed project would be fully visible from McKean Road; however, the proposed project components would be low in profile and constructed with materials to blend with the surrounding environment and existing parks and trail features. The proposed project would also introduce a signalized crossing across McKean Road to facilitate safe passage for trail and park users between trail segments. The crossing may temporarily halt vehicular traffic when activated; however, the crossing would be designed to minimize disruption and maintain traffic flow. Visually, the traffic signal infrastructure would be limited in scale and similar in appearance to other rural safety features, thereby avoiding substantial changes to the scenic character of the vicinity.

No scenic resources would be damaged, removed, or obscured during project operations. While a signalized crossing at the intersection of McKean Road and Fortini Road would be permanent, the crossing would be visually compatible with rural recreational infrastructure and would not degrade the visual quality of the corridor. Furthermore, because McKean Road is not a designated State Scenic Highway, and the project site lies outside the viewshed of any such highways, operation of the proposed project would not substantially damage scenic resources within a State Scenic Highway corridor. Therefore, impacts would be less than significant.

## **c) Less Than Significant Impact**

### ***Construction***

Construction of the proposed project would introduce temporary visual changes that would alter the existing rural visual character of the project site and its surroundings. Project-related construction activities such as vegetation clearing, grading, excavation, and paving would introduce visual disturbance through ground surface disruption, exposed soils, and the presence of heavy machinery and construction personnel. These activities would occur across multiple areas of the project site and would be visible from adjacent

public roadways, including McKean Road, and from elevated public viewpoints within Calero Park and Santa Teresa County Park. The development of these proposed project features would require localized earthwork and equipment operation that temporarily alters the project site's open space appearance.

Visual changes caused by the proposed project would be confined within the designated project boundary, and ground-disturbing activities would not extend into surrounding open space. No tall or massive structures are proposed, and all improvements would be relatively low profile. Construction staging would be managed to avoid blocking long-range views, and staging areas would be temporary and situated to minimize visual disruption from public viewpoints. Furthermore, existing topography would continue to provide partial visual buffering of construction activities from more distant viewing locations. Therefore, while construction would result in visible short-term changes to the visual character of the area, these impacts would not substantially degrade the existing rural visual quality of the site and its surroundings. Construction-related impacts to visual character would be less than significant.

### ***Operation and Maintenance***

Operation of the proposed project would result in long-term visual changes to the project site by introducing new recreational infrastructure and modifying the surrounding landscape. The project site, which currently consists of undeveloped open space with grasslands, scattered trees, and riparian areas, would be altered through the installation of new features such as trails, two pedestrian bridges, signage, benches, fencing, a formalized vista point, and two parking areas. These improvements would visibly transform portions of the project site from a primarily natural setting to one that is more formally developed for recreational use.

Operation and maintenance of the proposed project includes ongoing vegetation management activities necessary to maintain safe access and visibility along the trail corridor. Vegetation would be mowed, pruned, or grazed on an as-needed basis. Portions of the trail, signage areas, and shoulder corridors would remain largely free of vegetation in perpetuity to allow for regular use and maintenance access. While vegetation clearing would alter the project's site's natural appearance in localized areas, these changes would be relatively narrow in footprint and visually consistent with trail corridors and fuel management practices commonly found in nearby County parks.

The proposed project would be located in the vicinity of other existing recreational trails. The proposed project's low-profile and natural-colored materials would be consistent with the visual character of surrounding open space. Additionally, while the project site would be visible from McKean Road and from elevated public vantage points within Calero and Santa Teresa County parks, the proposed project would not introduce elements that substantially contrast with the rural recreational character of the surrounding landscape.

Although the proposed project would change the visual character of the site through the addition of formalized recreational features, regular vegetation management, and increased public use, these changes would not substantially degrade the overall visual quality of the site or its surroundings. The proposed project has been designed to integrate with the existing environment, maintain open space values, and remain visually compatible with other facilities in the region. Therefore, operational impacts to visual character would be less than significant.

### **d) Less Than Significant Impact**

#### ***Construction***

Construction activities would occur during daytime hours and would not involve nighttime lighting or equipment with glare-producing finishes. This being the case, no new sources of glare or light would be introduced during construction of the proposed project. Construction impacts would be less than significant.

### ***Operation and Maintenance***

The proposed project would not create a new permanent source of light or glare and would not generate nighttime illumination. None of the proposed facilities, including the signage, gates, fencing, and benches, would include or require artificial lighting fixtures. Operation and maintenance would not introduce new sources of substantial light or glare. Impacts would be less than significant.

### **MITIGATION:**

*None Required.*

### **REFERENCES**

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Santa Clara County Department of Planning and Development (Santa Clara County). 1994. *Santa Clara County General Plan*. [https://stgenpln.blob.core.windows.net/document/GP\\_Book\\_A.pdf](https://stgenpln.blob.core.windows.net/document/GP_Book_A.pdf).  
Scenic Roads Combining District, Chapter 3.30 Santa Clara County Zoning Ordinance (2016).  
<https://stgenpln.blob.core.windows.net/document/ZonOrd.pdf#0-TOC>.

## B. AGRICULTURE / FOREST RESOURCES

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

| WOULD THE PROJECT:                                                                                                                                                                                                                                                                         | IMPACT                         |                                                    |                                     |                                     | Source            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|-------------------------------------|-------------------------------------|-------------------|
|                                                                                                                                                                                                                                                                                            | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact        | No Impact                           |                   |
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?                                             | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 3,23,24,26,54, 55 |
| b) Conflict with existing zoning for agricultural use?                                                                                                                                                                                                                                     | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 9,21a, 55, 57     |
| c) Conflict with an existing Williamson Act Contract or the County's Williamson Act Ordinance (Section C13 of County Ordinance Code)?                                                                                                                                                      | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 56                |
| d) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 1, 28             |
| e) Result in the loss of forest land or conversion of forest land to non-forest use?                                                                                                                                                                                                       | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 32                |
| f) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?                                                                               | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                   |

### SETTING:

The project site is mapped as Farmland of Local Importance and is not actively cultivated. The California Department of Conservation's (CDOC's) Farmland Mapping & Monitoring Program (FMMP) defines Farmland of Local Importance as land that is either currently producing or has the capability for agricultural production, but does not meet the criteria for Prime Farmland, Farmland of Statewide Importance, or Unique Farmland. The authority to adopt or recommend changes to this designation rests with the Board of Supervisors in each county. The project site is zoned Exclusive Agriculture, 20-acre minimum (A-20) and RR (Rural Residential). Surrounding lands share similar rural and agricultural zoning designations, consistent with the existing low-density development pattern and open space character of the

area. According to the FMMP, land directly to north and south of the project site is designated as Grazing Land, land to the west as Farmland of Local Importance, and land to the east as Urban and Built-Up Land. Historically, the project site was used for ranching and agricultural purposes, including cattle grazing, orchards, and hay crops. In later years, the project site was leased for seasonal cattle grazing under agreements with Santa Clara County Parks. However, the land is now managed by Santa Clara County Parks for recreational use as part of the County's trail system.

The project site is not enrolled in a Williamson Act contract, and there are no designated forest lands, timberlands, or Timberland Production Zones within or adjacent to the project site.

## **REGULATORY FRAMEWORK:**

### ***Federal Regulations, Policies, and Standards***

There are no applicable federal regulations pertaining to agriculture and forest resources.

### ***State Regulations, Policies, and Standards***

#### **California Farmland Mapping and Monitoring Program**

The FMMP, established by the CDOC, provides a classification system for agricultural land based on technical soil ratings and current land use. The FMMP also monitors the conversion of the state's agricultural land to and from farmland use. The minimum land use mapping unit is 10 acres unless otherwise specified; smaller units of land can be incorporated into the surrounding map classifications.

#### **Williamson Act (California Land Conservation Act of 1965)**

The Williamson Act (Government Code §§ 51200–51297.4), also known as the California Land Conservation Act of 1965, enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive property tax assessments that are significantly reduced, as they are based upon farming and open space uses rather than full market value.

The CDOC assists all levels of government and landowners in interpreting the government code related to the Williamson Act. The CDOC also researches, publishes, and disseminates information regarding the policies, purposes, procedures, and administration of the Act. Participating counties and cities are required to establish their own rules and regulations for implementation, including enrollment guidelines, acreage minimums, enforcement procedures, and allowable and compatible land uses.

#### **California Public Resources Code**

The California Public Resources Code governs forestry, forests, and forest resources as well as range and forage lands, within the state. *Forest land* is defined by Section 12220(g) as “land that can support 10 percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.”

Similarly, *timberland* is defined by section 4526 as “land, other than land owned by the federal government, which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees.”

#### **Timberland Production Zone (TPZ)**

California Government Code Chapter 6.7 (Sections 51100–51155) regulates timberlands within the state. A Timberland Production Zone (TPZ) is defined in section 51104(g) as an area that has been zoned pursuant to Government Code Section 51112 or 51113 and is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses. In this context, compatible uses include any use that “does not significantly detract from the use of the property for, or inhibit, growing and harvesting timber.”

## ***Local Regulations, Policies, and Standards***

### **Santa Clara County General Plan**

The 1994 Santa Clara County General Plan Resource Conservation Chapter outlines policies and strategies aimed at preserving agricultural lands and natural resources. This chapter emphasizes the importance of maintaining the county's agricultural heritage, protecting prime agricultural soils, and ensuring that land use decisions support long-term agricultural viability. This chapter includes policies aimed at preserving valuable agricultural lands and minimizing the conversion of such lands to non-agricultural uses. Relevant policies include:

*Policy C-RC 1*                      Encourage the long-term conservation of agricultural land as a resource.

*Policy C-RC 3*                      Avoid conversion of agricultural land where feasible, especially prime soils and lands with potential for continued agricultural productivity.

### **DISCUSSION:**

#### **a and f) Less Than Significant Impact**

As described above, the project site is mapped as Farmland of Local Importance by the CDOC's FMMP, and would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses. The project site is not currently irrigated, cultivated, or used for active farming operations. While the project site was previously used for seasonal cattle grazing, it is now designated and managed by Santa Clara County Parks for recreational use. Accordingly, development of the proposed trail and associated project components would not result in the loss of land that is actively used for agricultural purposes. Therefore, the proposed project would not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. Impacts would be less than significant.

#### **b) Less Than Significant Impact**

The project site is zoned A-20 and RR under the Santa Clara County Zoning Ordinance. While A-20 zoning prioritizes agricultural uses, A-20 zoning also allows for low-intensity public uses, such as multi-use trails and related recreational amenities, when consistent with Santa Clara County land use policies. Since the proposed project would construct a new recreational trail, the proposed project would be consistent with the A-20 zoning designation and not conflict with existing zoning for agricultural use. The RR designated zone is intended to accommodate low-density residential. The proposed project involves the development of a multi-use recreational corridor trail between Calero and Santa Teresa County Parks that would enhance public access and connectivity and is consistent with the low-intensity and open space-compatible uses envisioned under these zoning designations. Therefore, the proposed project would not conflict with RR and A-20 zoning. The proposed project would not introduce permanent structures, utility extensions, or incompatible uses that would preclude continued agricultural or low-density uses in the surrounding vicinity. Therefore, the proposed project would not conflict with existing zoning for agricultural use and the impact would be less than significant.

#### **c) No Impact**

The project site is not subject to a Williamson Act contract. Therefore, the proposed project would not conflict with an existing Williamson Act contract. No impact would occur.

#### **d) No Impact**

As discussed above, the project site is zoned for agricultural and rural residential uses. The project site is not located on forested lands and is not zoned as forest land, timberland, or timberland zoned Timberland Production. Therefore, the proposed project would not conflict with forest-related zoning or result in the loss or conversion of forest land. No impact would occur.

### **e) No Impact**

The proposed project is not located on land designated or classified as forest land. The project site does not support forest resources and vegetation onsite consists primarily of riparian woodland, non-native grassland, and wet meadow. Therefore, the proposed project would not result in the loss of forest land or the conversion of forest land to non-forest use. No impact would occur.

### **MITIGATION:**

*None Required.*

### **REFERENCES:**

California Department of Conservation (CDOC). 2022. "Division of Land Resource Protection Important Farmland Finder." Map Viewer. <https://maps.conservation.ca.gov/DLRP/CIFF/>.

California Department of Conservation (CDOC). 2025. "Important Farmland Categories." <https://www.conservation.ca.gov/dlrp/fmmp/Pages/Important-Farmland-Categories.aspx>.

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Santa Clara County Department of Parks and Recreation (SCCPR). 1992. "Santa Teresa County Park Final Master Plan Report." Santa Clara County, April. [https://files.santaclaracounty.gov/migrated/April\\_1992\\_Santa\\_Teresa\\_County\\_Park\\_Master\\_Plan.pdf](https://files.santaclaracounty.gov/migrated/April_1992_Santa_Teresa_County_Park_Master_Plan.pdf).

Santa Clara County Department of Planning and Development (Santa Clara County). 1994. *Santa Clara County General Plan*. [https://stgenpln.blob.core.windows.net/document/GP\\_Book\\_A.pdf](https://stgenpln.blob.core.windows.net/document/GP_Book_A.pdf).

| <b>C. AIR QUALITY</b>                                                                                                                                                                               |                                               |                                                                           |                                             |                          |               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|---------------------------------------------------------------------------|---------------------------------------------|--------------------------|---------------|
| 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. |                                               |                                                                           |                                             |                          |               |
| <b>WOULD THE PROJECT:</b>                                                                                                                                                                           | <b>IMPACT</b>                                 |                                                                           |                                             |                          | <b>Source</b> |
|                                                                                                                                                                                                     | <u>Potentially<br/>Significant<br/>Impact</u> | <u>Less Than<br/>Significant<br/>with<br/>Mitigation<br/>Incorporated</u> | <u>Less Than<br/>Significant<br/>Impact</u> | <u>No<br/>Impact</u>     |               |
| a) Conflict with or obstruct implementation of the applicable air quality plan?                                                                                                                     | <input type="checkbox"/>                      | <input type="checkbox"/>                                                  | <input checked="" type="checkbox"/>         | <input type="checkbox"/> | 5,29, 30      |
| b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?   | <input type="checkbox"/>                      | <input checked="" type="checkbox"/>                                       | <input type="checkbox"/>                    | <input type="checkbox"/> | 5,29, 30      |
| c) Expose sensitive receptors to substantial pollutant concentrations?                                                                                                                              | <input type="checkbox"/>                      | <input type="checkbox"/>                                                  | <input checked="" type="checkbox"/>         | <input type="checkbox"/> | 5,29, 30      |
| d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?                                                                                   | <input type="checkbox"/>                      | <input type="checkbox"/>                                                  | <input checked="" type="checkbox"/>         | <input type="checkbox"/> | 5, 29, 30     |

## SETTING:

The project site is located in the San Francisco Bay Area Air Basin (SFBAAB), which encompasses Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, southwestern Solano, and southern Sonoma counties. The Bay Area Air District (air district, formerly the Bay Area Air Quality Management District) regulates stationary sources of air pollution in the SFBAAB. The climate of the SFBAAB, including the project site, is a Mediterranean-type climate and is characterized by mild, wet winters and warm, dry summers. The climate is determined largely by a high-pressure system that is often present over the eastern Pacific Ocean off the west coast of North America. In winter, the Pacific high-pressure system shifts southward, allowing storms to pass through the region. During summer and fall, air emissions generated within the Bay Area can combine with abundant sunshine under the restraining influences of topography and subsidence inversions to create conditions that are favorable to the formation of secondary photochemical pollutants, such as ozone, and secondary particulates. The project site is located in the Santa Clara Valley climatological sub-region of the Bay Area. The terrain of the Santa Clara Valley influences the wind patterns and results in a prevailing flow that parallels the valley's northwest-southeast axis with a north-northwesterly sea breeze extending up the valley during the afternoon and early evening, and a light south-southeasterly drainage flow occurring during the late evening and early morning. Wind speeds are greatest in the spring and summer. The strongest winds generally occur during summer afternoon and evenings, although strong winds typically only occur during winter storms.

The U.S. Environmental Protection Agency (EPA) has identified six criteria air pollutants that are pervasive in urban environments and for which state and federal health-based ambient air quality standards have been established. The EPA calls these pollutants *criteria air pollutants* (CAPs) because the agency regulates them by specific criteria for permissible ambient concentrations based on protecting public health and welfare. The six criteria air pollutants originally identified by the EPA are ozone, carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), particulate matter (PM), and lead (Pb). Particulate matter criteria pollutants are classified as either respirable particulate matter less than 10 micrometers in diameter (PM<sub>10</sub>) or fine particulate matter less than 2.5 micrometers in diameter (PM<sub>2.5</sub>). Ozone forms

when ozone precursors (i.e., reactive organic gases [ROGs], CO, or nitrogen oxides [NO<sub>x</sub>]) react with sunlight in the atmosphere. Sources of these precursors include fuel combustion in vehicles and industrial processes, gasoline vapors, and chemical solvents. The California Air Resource Board (CARB) has set California Ambient Air Quality Standards (CAAQS) for four pollutants in addition to the six NAAQS criteria pollutants: sulfates, hydrogen sulfide (H<sub>2</sub>S), vinyl chloride (C<sub>2</sub>H<sub>3</sub>Cl), and visibility reducing particles. The EPA and CARB designate areas based on the attainment status for air quality standards (NAAQS and CAAQS, respectively). *Attainment* designates those that meet or exceed ambient air quality standards; *nonattainment* designates areas that do not meet air quality standards. Nonattainment areas are sometimes classified by degree of underperformance (i.e., marginal, moderate, serious, severe, or extreme). If there is insufficient air quality monitoring data to support a classification, the area is designated *unclassified*. It is generally assumed that unclassified areas are meeting the ambient air quality standard. Table 3 lists EPA and CARB attainment designations by pollutant for SFBAAB.

**Table 3 SFBAAB Attainment Status**

| Pollutant                      | EPA designation        | CARB designation |
|--------------------------------|------------------------|------------------|
| O <sub>3</sub>                 | Marginal nonattainment | Nonattainment    |
| CO                             | Attainment             | Attainment       |
| NO <sub>2</sub>                | Attainment             | Attainment       |
| SO <sub>2</sub>                | Attainment             | Attainment       |
| Pb                             | Attainment             | Unclassified     |
| PM <sub>10</sub>               | Unclassified           | Nonattainment    |
| PM <sub>2.5</sub> <sup>1</sup> | Moderate Nonattainment | Nonattainment    |
| Sulfates                       | NA                     | Attainment       |
| H <sub>2</sub> S               | NA                     | Unclassified     |
| Visibility reducing particles  | NA                     | Unclassified     |

Source: (CARB California Air Resources Board (CARB) 2017)

Notes:

1. SFBAAB has met the national ambient air quality standard, but the basin will remain designated as nonattainment until the air district submits, and the EPA approves, a redesignation request

### ***Toxic Air Contaminants***

*Toxic air contaminants* (TACs), referred to in federal regulation as *hazardous air pollutants* or more generally as *air toxics*, is a broad class of compounds known to have the potential to cause morbidity or mortality (e.g., have carcinogenic qualities). TACs are substances that are identified by the California Environmental Protection Agency (CalEPA) and listed in Title 17, CCR, section 93000 as air pollutants that may pose a present or potential hazard to human health. TACs can cause long-term health effects, including but not limited to cancer, asthma, and neurological damage as well as short-term health effects, including but not limited to eye watering and headaches.

Diesel engine emissions, or diesel exhaust, comprise the predominant source of TACs in urban air and are estimated to contribute more than 70 percent of the total inventoried cancer risk in California. Diesel exhaust is a complex mixture of gases, vapors, and fine particles. The fine particle component of diesel exhaust is known as *diesel particulate matter* (DPM). Some of the gaseous components of diesel engine emissions, such as benzene, formaldehyde, and 1,3 butadiene, are TACs suspected or known to cause cancer or other health effects in humans. Exposure to diesel engine emissions can lead to serious health conditions such as asthma and respiratory illnesses, where additional inhalation of diesel exhaust can worsen existing heart and lung disease, especially in children and the elderly.

### ***Sensitive Receptors***

The air district defines *sensitive receptors* as land uses and facilities where sensitive populations are likely to be located. Sensitive receptors can be categorized as follows:

- Residences (e.g., houses, apartments, retirement homes)
- Active recreational land uses (e.g., sports fields)

- Medical facilities (e.g., hospitals, long-term health care facilities)
- Eldercare facilities (e.g., convalescent homes)
- Schools and playgrounds
- Childcare centers

The air district recommends identifying sensitive receptors generally within 1,000 feet of a project site. Sensitive receptors within 1,000 feet of the project site include the following:

- Two residences approximately 60 feet from the existing fence line to the west of Fortini Road
- One residence approximately 50 feet from the existing fence line near the intersection of Fortini Road and the Arroyo Calero
- Ten residences ranging from approximately 80 to 100 feet to the existing fence line along the entirety of Fortini Road
- Residences along Chona Court, three of which are approximately 50 to 60 feet west of the existing fence line

## **REGULATORY FRAMEWORK:**

### ***Federal Regulations, Policies, and Standards***

#### **Clean Air Act**

The EPA is responsible for enforcing the federal Clean Air Act (CAA) and the 1990 amendments. The NAAQS were established by the federal CAA of 1970 and amended in 1977 and 1990. The ambient air quality standards are thresholds for ambient concentrations of pollutants based on the concentrations below which specific adverse health effects associated with each pollutant are avoided. As part of its enforcement responsibilities, the EPA requires each state with nonattainment areas to prepare and submit a *state implementation plan* (SIP) that demonstrates the means to attain the federal standards. The SIP must integrate federal, state, and local plan components and regulations to identify specific measures to reduce pollution in nonattainment area, using a combination of performance standards and market-based programs.

### ***State Regulations, Policies, and Standards***

#### **California Clean Air Act**

The California Clean Air Act (CCAA) is responsible for regulating emissions from motor vehicles and consumer products within the state. CARB oversees air-quality planning and control throughout California. It is primarily responsible for ensuring implementation of the 1989 amendments to the CCAA. CARB has established emission standards for vehicles sold in California and for various types of equipment available commercially. CARB also sets fuel specifications to further reduce vehicular emissions and develops airborne toxic control measures to reduce TACs identified under CARB regulations. TACs in California are regulated primarily through the Tanner Air Toxics Act (Assembly Bill [AB] 1807, chapter 1047, statutes of 1983) and the Air Toxics “Hot Spots” Information and Assessment Act of 1987 (AB 2588, chapter 1252, statutes of 1987). AB 1807 sets forth a formal procedure for CARB to designate substances as TACs. Research, public participation, and scientific peer review are required before CARB can designate a substance as a TAC. To date, CARB has identified more than 200 TACs, including diesel PM and the EPA’s list of 189 hazardous air pollutants.

### ***Local Regulations, Policies, and Standards***

#### **Bay Area Air District**

The Bay Area Air District (air district) is the regional agency primarily responsible for preparing regional clean air plans, regulating air pollution emissions from stationary sources (e.g., factories), and controlling indirect sources (e.g., land use project emissions) as well as monitoring ambient pollutant concentrations. The air district’s jurisdiction encompasses seven counties—Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, and Napa—and portions of Solano and Sonoma counties. The clean-air strategy of the air district includes the preparation of plans and programs for the attainment of ambient air quality standards, adoption and enforcement of rules and regulations, and issuance of permits for stationary

sources. The air district also inspects stationary sources, responds to citizen complaints, monitors ambient air quality and meteorological conditions, and implements other programs and regulations required by the CAA and CCAA.

### **2017 Clean Air Plan**

On April 20, 2017, the air district released the 2017 Clean Air Plan. The plan provides a roadmap for the air district's efforts over the next few years to reduce air pollution and protect public health and the global climate. The primary goals of the plan are to protect public health and the climate. The plan includes a range of proposed control measures, which consist of actions to reduce combustion-related activities, decrease fossil fuel combustion, improve energy efficiency, and decrease emissions of potent *greenhouse gases* (GHGs). The 2017 Clean Air Plan updates the Bay Area 2010 Clean Air Plan and complies with state air quality planning requirements as codified in the California Health and Safety Code. The SFBAAB is designated nonattainment for both the 1-hour and 8-hour CAAQS. In addition, emissions of ozone precursors in the SFBAAB contribute to poor air quality in neighboring air basins. Under these circumstances, state law requires the 2017 Clean Air Plan to include all feasible measures to reduce emissions of ozone precursors and reduce the transport of ozone precursors to neighboring air basins. The 2017 Clean Air Plan contains 85 measures to reduce several pollutants: ozone precursors, PM, air toxics, and/or GHGs. Other measures focus on a single type of pollutant, potent GHGs such as methane and black carbon, or harmful fine particles that affect public health. The 2017 Clean Air Plan control measures can be grouped into the following categories:

- Stationary
- Transportation
- Energy
- Building
- Agricultural
- Natural and working lands
- Waste management
- Water
- Super GHG

### **Bay Area Air District CEQA Air Quality Guidelines**

In 2022, the air district adopted revised the *CEQA Air Quality Guidelines* to advise lead agencies on how to evaluate potential air quality impacts. The revised guidelines provide non-binding recommendations intended to assist lead agencies in evaluating the potential for projects and plans to generate air pollutants that contribute the degradation of regional air quality, increase the exposure of local populations to harmful pollutants, and contribute to climate change. The *CEQA Air Quality Guidelines* include project-level thresholds of significance for criteria air pollutants for which the SFBAAB is in non-attainment. The air district construction and operational-related thresholds of significance are provided in Table 4 which are used to analyze the proposed project.

**Table 4 Air District Criteria Pollutant Thresholds of Significance**

| <b>Pollutant/precursor</b>                          | <b>Construction related average daily emissions (lbs./day)</b> | <b>Operational average daily emissions (lbs./day)</b>  | <b>Operational maximum annual emissions (tons per year)</b> |
|-----------------------------------------------------|----------------------------------------------------------------|--------------------------------------------------------|-------------------------------------------------------------|
| ROG                                                 | 54                                                             | 54                                                     | 10                                                          |
| NOx                                                 | 54                                                             | 54                                                     | 10                                                          |
| PM <sub>10</sub>                                    | 82 (exhaust)                                                   | 82                                                     | 15                                                          |
| PM <sub>2.5</sub>                                   | 54 (exhaust)                                                   | 54                                                     | 10                                                          |
| PM <sub>10</sub> /PM <sub>2.5</sub> (fugitive dust) | Best management practices <sup>1</sup>                         | None                                                   | None                                                        |
| CO                                                  | None                                                           | 9.0 ppm (8-hour average),<br>20.0 ppm (1-hour average) | 9.0 ppm (8-hour average),<br>20.0 ppm (1-hour average)      |

Source: (Bay Area Air District 2022b).

Notes:

1. PM<sub>10</sub>/PM<sub>2.5</sub> (fugitive dust) is also recognized to impact local communities. The air district strongly recommends implementing all feasible fugitive dust management practices especially when construction projects are located near sensitive communities, including schools, residential areas, or other sensitive land uses.

The air district has also developed screening criteria for criteria air pollutants. These screening criteria are not thresholds of significance. Instead, they provide lead agencies with a conservative indication of whether implementing a proposed project could result in potentially significant criteria air pollutant impacts. If all screening criteria for criteria air pollutants are met by a proposed project, then the lead agency would not need to perform a detailed assessment of the project's criteria air pollutant emissions.

According to the air district's 2022 CEQA Guidelines, if all of the following screening criteria are met, then construction of the proposed project would result in a less-than-significant impact related to criteria air pollutants and precursors:

1. The project size is at or below the applicable screening level size of 10 acres for city park land uses.
2. All best management practices are included in the project design and implemented during construction.
3. Construction-related activities would not overlap with operational activities.
4. Construction-related activities would not include:
  - a. demolition,
  - b. simultaneous occurrence of two or more construction phases (e.g., paving and building construction would occur simultaneously),
  - c. extensive site preparation (e.g., grading, cut and fill, or earth movement),
  - d. extensive material transport (e.g., soil import and export requiring a considerable amount of haul truck activity), or
  - e. stationary sources (e.g., backup generators) subject to Air District rules and regulations.

If all of the following screening criteria are met, the operation of the proposed project would result in a less-than-significant impact related to criteria air pollutants and precursors:

1. The project size is at or below the applicable most conservative operational screening level size of 175 acres for city park land uses.
2. Operational activities would not include stationary engines (e.g., backup generators) and industrial sources subject to Air District rules and regulations.
3. Operational activities would not overlap with construction-related activities.

The air district's threshold of significance for local carbon monoxide concentrations is equivalent to the 1- and 8-hour California ambient air quality standards of 20.0 and 9.0 parts per million (ppm), respectively, because these represent levels that are protective of public health. The air district has developed conservative screening criteria that can be used to determine if a project would generate traffic congestion at intersections that could potentially cause or contribute to local carbon monoxide levels above the

California ambient air quality standards. According to the air district, a project would result in a less-than-significant impact related to localized CO concentrations if all of the following screening criteria are met:

- The project is consistent with an applicable Congestion Management Program (CMP) established by the County Congestion Management Agency for designated roads or highways, regional transportation plans, and local congestion management agency plans.
- The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour.
- The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

### **Community Air Risk Evaluation**

The significance of impacts to sensitive receptors is dependent on the chance of contracting cancer from exposure to TACs or of having adverse health effects from exposure to non-carcinogenic TACs. A project is considered to be significant if the incremental cancer risk at a receptor exceeds 10 in 1 million. Health risk is evaluated for sensitive receptors within a 1,000-foot radius of a project's impact area.

### **Santa Clara County General Plan**

The Air Quality and Climate Change chapter in the Health Element of the Santa Clara County General Plan includes goals and policies providing guidelines for air quality. The Air Quality and Climate Change chapter outlines the correlation between well-planned, safe, highly livable urban environments and improved health outcomes, such as reductions in chronic disease. The General Plan strategies and policies that may apply to the project are as follows:

**Strategy #1:** Strive for air quality improvement through regional and local land use, transportation, and air quality planning.

*Policy HE-G.1L:* Air quality environmental review. Continue to utilize and comply with the Air District's project- and plan-level thresholds of significance for air pollutants and greenhouse gas emissions.

*Policy HE-G.4* Off-road sources. Encourage mobile source emission reduction from off-road equipment such as construction, farming, lawn and garden, and recreational vehicles by retrofitting, retiring and replacing equipment and by using alternate fuel vehicles.

## **METHODOLOGY**

The proposed project would generate emissions during proposed project excavation, grading, and material hauling from operation of construction equipment and vehicles and also has the potential to generate fugitive dust. Construction would occur over a period of approximately 7 months. Emissions associated with the proposed project were calculated using the California Emissions Estimator Model (CalEEMod, version 2022.1.1.29). Equipment use assumed use of a crane, excavator, tractor trailer or flatbed, excavator, skip loader, paver, compactor, water truck, service truck, concrete truck, dump truck, dozer, and hydroseeder, for up to 8 hours each day over the proposed construction days during the 7-month construction window. The calculations did not include consideration for hand tools, such as mattocks and shovels, as they would not generate emissions. The emission calculations conservatively assumed a maximum of approximately 30 worker trips and upwards of 5 heavy truck haul trips for a given construction activity per day.

## **DISCUSSION:**

### **a) Less than Significant Impact**

In determining consistency with the applicable air-quality plan, this analysis considers whether the proposed project would (1) support the primary goals of the plan, (2) include applicable control measures, if any, and (3) avoid disrupting or hindering implementation of control measures. The project site is located within the SFBAAB, which is under the air district jurisdiction. The most recently adopted air-quality plan

for the SFBAAB is the 2017 Clean Air Plan (CAP). The primary goals of the 2017 CAP are to (1) protect public health by decreasing exposure to particulate matter and TACs as well as regional ROG, NOx, and PM<sub>2.5</sub> and (2) protect the climate by reducing GHG emissions. To meet the primary goals, the 2017 CAP recommends specific control measures and actions. These control measures are grouped into various categories that include stationary and area source measures, mobile source measures, transportation control measures, land use measures, and energy and climate measures. To this end, the 2017 CAP includes 85 control measures aimed at reducing air pollution in the SFBAAB. The proposed project would not result in new long-term emissions sources, and any emissions generated by the proposed project would be short-term; thus, the proposed project would not conflict with the primary goals of the 2017 CAP. The proposed project would not include new stationary sources or new permanent mobile sources, nor would it introduce a new land use or use a substantial amount of energy. Impacts with respect to GHG emissions are discussed in the Section H, Greenhouses Gases. The proposed project would be consistent with applicable control measures from the 2017 CAP, as discussed in Table 5. Additionally, as discussed under impact b) below, estimated emissions during construction and operations of the proposed project would not exceed the emissions thresholds outlined in Table 4. Therefore, the proposed project would not conflict with or obstruct implementation of the CAP, and impacts would be less than significant.

**Table 5 Proposed Project Consistency with 2017 CAP Control Measures**

| <b>Control measures</b> | <b>Project consistency</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Stationary source       | Construction of the proposed project would not introduce any stationary sources of pollution; therefore, the energy control measures of the 2017 CAP are <b>not applicable</b> to the proposed project.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Transportation          | The transportation control measures are designed to reduce vehicle trips, use, miles traveled, idling, or traffic congestion for the purpose of reducing vehicle emissions. The proposed project would not change the number of County employees that would conduct operations and maintenance of the project site. As discussed in section Q, Transportation, while the proposed project would increase the number of new vehicle trips, the distribution of trips would remain consistent with existing trip distribution patterns. Additionally, the new trips are anticipated to be shifted from other parks in the vicinity of the project site. Therefore, the proposed project would be <b>consistent</b> with the transportation control measures in the 2017 CAP. |
| Energy                  | The energy control measures are designed to reduce emissions of criteria air pollutants, TACs, and GHGs by decreasing the amount of electricity consumed in the Bay Area as well as decreasing the carbon intensity of the electricity used by switching to less GHG-intensive fuel sources for electricity generation. Since these measures primarily apply to electrical utility providers, the energy control measures of the 2017 CAP are <b>not applicable</b> to the proposed projects.                                                                                                                                                                                                                                                                              |
| Buildings               | The air district has authority to regulate emissions from certain sources in buildings such as boilers and water heaters but has limited authority to regulate buildings themselves. No buildings are proposed under the project; therefore, the buildings control measures of the 2017 CAP are <b>not applicable</b> to the proposed project.                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Agriculture             | Agriculture control measures are designed to primarily reduce emissions of methane. Grazing may be used for vegetation management during project operations and would occur approximately four weeks per year. Given the limited amount of proposed grazing, the project is not expected to generate substantial methane emissions. Since the proposed project does not include any agricultural activities, the remainder of the agriculture control measures of the 2017 CAP are <b>not applicable</b> to the proposed project.                                                                                                                                                                                                                                          |

| Control measures          | Project consistency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Natural and working lands | The control measures for the natural and working lands sector focus on increasing carbon sequestration on rangelands and wetland as well as encouraging local governments to adopt ordinances that promote urban tree plantings. Since the proposed project does not include the disturbance of any rangelands or wetlands, the natural and working lands control measures of the 2017 CAP are <b>not applicable</b> to the proposed project.                                                                                                  |
| Waste management          | The waste management measures focus on reducing or capturing methane emissions from landfills and composting facilities, diverting organic materials away from landfills, and increasing waste diversion rates through efforts to reduce, reuse, and recycle. The proposed project would comply with local requirements for waste management (e.g., recycling). Therefore, the proposed project would be <b>consistent</b> with the waste management control measures of the 2017 CAP.                                                         |
| Water                     | The water control measures to reduce emissions from the water sector would reduce emissions of criteria pollutants, TACs, and GHGs by encouraging water conservation, limiting GHG emissions from publicly owned treatment works, and promoting the use of biogas recovery systems. Since these measures primarily apply to publicly owned treatment works (sewage treatment plant that is owned, and usually operated, by a government agency), the water control measures of the 2017 CAP are <b>not applicable</b> to the proposed project. |
| Super-pollutant GHGs      | The super-pollutant GHG control measures are designed to facilitate the adoption of best GHG control practices and policies through the air district and local government agencies. Since these measures do not apply to individual developments, the super-pollutant GHG control measures of the 2017 CAP are <b>not applicable</b> to the proposed project.                                                                                                                                                                                  |

#### b) Less Than Significant Impact with Mitigation Incorporated

The project site is located within the SFBAAB, which is designated as nonattainment for ozone, PM<sub>2.5</sub>, and PM<sub>10</sub>. Past, present, and future development projects contribute to the SFBAAB's adverse air quality impacts on a cumulative basis, and no individual project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, an individual project's emissions contribute to existing cumulatively significant adverse air quality impacts. If an individual project's contribution to the existing cumulative impact is considerable, then the project's impact on air quality would be considered significant.

The proposed project would involve the construction of trails and associated facilities. During operation, the proposed project would involve occasional maintenance activities, such as opening and closing trail and vehicle gates, patrolling the site, and emergency response, necessary repairs, and maintenance activities, such as mowing and cleaning. The estimated emissions generated by construction activities and operational annual maximum emissions in comparison to the thresholds set by the air district are included in Table 6. Emissions from construction and operation of the proposed project would not exceed the air district thresholds, and the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under the applicable federal or state ambient air quality standard. Impacts would be less than significant.

The air district does not set a quantitative threshold of significance for fugitive dust PM<sub>10</sub> and PM<sub>2.5</sub> emissions; however, the air district considers implementation of the following best management practices to control dust during construction sufficient to reduce potential impacts to a less-than-significant level. The proposed project includes air quality BMPs from the Calero County Park Trails Master Plan. The

BMPs include implementation of dust control measures for unpaved parking areas. While this would minimize impact from fugitive dust, the proposed project does not include the use of all of the air district measures, and the impact from fugitive dust is potentially significant. Mitigation Measure AQ-1 requires implementation of air district BMPs for fugitive dust control. With implementation of Mitigation Measure AQ-1, the impact from fugitive dust would be less than significant.

**Table 6 Estimated Construction Emissions by Pollutant for the Proposed Project**

| <b>Pollutant/precursor</b>                          | <b>Construction related average daily emissions threshold (lbs./day)</b> | <b>Average daily construction emissions generated by equipment and vehicle emissions (lbs./day)</b> | <b>Threshold exceedance?</b> |
|-----------------------------------------------------|--------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|------------------------------|
| ROG                                                 | 54                                                                       | 1.72                                                                                                | No                           |
| NO <sub>x</sub>                                     | 54                                                                       | 13.49                                                                                               | No                           |
| PM <sub>10</sub>                                    | 82 (exhaust)                                                             | 0.51                                                                                                | No                           |
| PM <sub>2.5</sub>                                   | 54 (exhaust)                                                             | 0.47                                                                                                | No                           |
| PM <sub>10</sub> /PM <sub>2.5</sub> (fugitive dust) | Best management practices                                                | 1.24/0.52                                                                                           | No                           |
| CO                                                  | None                                                                     | 16.59                                                                                               | No                           |

Construction and operation of the proposed project would also meet all three screening criteria for localized CO concentrations. Because the proposed project would meet the screening criteria established by the air district, the impact from the proposed project on localized CO concentrations would be less than significant.

### **c) Less Than Significant Impact**

The California Office of Environmental Health Hazard Assessment recommends a health risk assessment for project construction activities that would last longer than two months. The Bay Area Air Quality Management District 2022 CEQA Air Quality Guidelines recommends conducting a screening for health risk screening for all projects that involve diesel combustion and a more refined health risk assessment for projects that fail initial screening or that include construction proximate to sensitive receptors. The proposed project would not require a health risk assessment because the project is linear, and off-road equipment would not remain in a single location for a substantial amount of time.

#### ***Construction***

Use of diesel-powered vehicles and off-road equipment would occur during construction of the proposed project, which would emit TACs in the form of diesel exhaust emissions and particulate matter. The nearest sensitive receptors to the proposed project site include residences to the west of Fortini Road, residences near the intersection of Fortini Road and the Arroyo Calero, and residences along the entirety of Fortini Road and along Chona Court. Construction would not occur continuously in any one location within 1,000 feet of an individual receptor throughout the 7-month construction window. Although on-road heavy-duty diesel vehicles and off-road equipment would be used for the duration of the 7-month construction period, emissions would be temporary and variable in nature and, therefore, would not be expected to result in substantial exposure of sensitive receptors to air pollutants. Additionally, the vehicles and equipment used for construction of the proposed project would comply with both the EPA and CARB emission standards for new off-road equipment engines ranging from Tier 1 to Tier 4. Impacts would be less than significant.

## ***Operation and Maintenance***

Operation of the proposed project would generate TACs associated with vehicle traffic (mobile sources), and on-site area sources, such as mowing equipment for vegetation management and other equipment required for trail management and emergency repair. As discussed in Section Q. Transportation, operation of the proposed project would generate approximately 430 net-new vehicle trips, however, these trips are anticipated to be shifted from other parks in the vicinity of the project site. Vehicle trips for trail users would be dispersed along the local roadway network and the trips would not be considered new vehicle trips to the Santa Clara County Parks system; therefore, the proposed project would not generate a substantial amount of TAC emissions that could affect nearby sensitive receptors. The proposed project would not emit toxic air contaminants at levels that would expose sensitive receptors to substantial air pollutant concentrations, and the impact would be less than significant.

### **d) Less Than Significant Impact**

Generally, the air district considers any project with the potential to frequently expose members of the public to objectionable odors to cause a significant impact. The air district has developed a list of recommended odor screening distances for specific odor-generating facilities, such as wastewater treatment facilities, sanitary landfills, composting facilities, petroleum refineries, chemical manufacturing plants, and food processing facilities. The proposed project does not consist of odor-generating land uses and would not introduce a new substantial source of odors. Operation of the project would include grazing for vegetation management for up to four weeks per year. Grazing activities would only occur in one area for a limited amount of time before being moved to a different area within the project site. Therefore, odor impacts from the proposed project would be less than significant.

### **MITIGATION:**

#### **Mitigation Measure AQ-1: Fugitive Dust Control**

The contractor shall implement the following fugitive dust control measures during construction:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
- All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
- Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.
- A publicly visible sign shall be posted with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The air district phone number shall also be visible to ensure compliance with applicable regulations.

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| D. BIOLOGICAL RESOURCES                                                                                                                                                                                                                                                                                          |                                |                                                    |                                     |                                     |                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|-------------------------------------|-------------------------------------|---------------------------------|
| WOULD THE PROJECT:                                                                                                                                                                                                                                                                                               | IMPACT                         |                                                    |                                     |                                     | Source                          |
|                                                                                                                                                                                                                                                                                                                  | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact        | No Impact                           |                                 |
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/>            | 1, 7, 17b, 17o                  |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?                                                                 | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 3,7, 8a, 17b, 17e, 22d, 22e, 33 |
| c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?                                                                                     | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 3, 7, 17n, 33                   |
| d) Have a substantial adverse effect on oak woodland habitat as defined by Oak Woodlands Conservation Law (conversion/loss of oak woodlands) – Public Resource Code 21083.4?                                                                                                                                     | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 1, 3, 31, 32                    |
| e) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites?                                                                                | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/>            | 1,7, 17b, 17o                   |
| f) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?                                                                                                                                                                              | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 32                              |
| g) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?                                                                                                                              | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 3,4, 17l                        |

## SETTING:

### *Field Reconnaissance Surveys*

A rare plant survey was conducted on March 11, April 10, May 15, and June 24, 2024, to document the presence/absence of special-status plant species on the project site. The survey was conducted during the spring to coincide with the blooming season of special-status plant species with the potential to occur. The survey covered the entire project site, except for the portion of the project site south of McKean Road. No special-status plant species were observed during the surveys.

Additional project components were added to the proposed project south of McKean Road after the rare plant surveys were completed and were therefore not included in the survey. On July 7, 2025, a reconnaissance level biological survey was conducted at the project site to document general site conditions, vegetation and wildlife presence, and the suitability of habitat for special-status species. The two staging areas within established roadway pullouts located approximately 0.1 mile and 0.3 mile south of the Rancho San Vicente Parking Area, respectively, were not surveyed as they were added to the proposed project following the reconnaissance survey. However, a desktop assessment was conducted for the two pullout staging areas. The results of the field reconnaissance survey and desktop assessment are discussed below.

## ***Vegetation Communities and Wetlands***

The project site is currently undeveloped but was previously used for ranching and agriculture, including cattle grazing, orchards, and hay production. Existing vegetation communities include non-native annual grassland, wet meadow, and riparian woodland, as discussed in detail below.

### **Non-Native Grassland**

The project site is dominated by non-native annual grassland habitat. Non-native annual grassland is comprised primarily of plant species that mature in spring and early summer, before spreading seed and dying in late summer and fall. Dominant grass and forb species observed within the non-native annual grassland community on the project site include wild oat (*Avena sp.*), Harding grass (*Phalaris aquatica*), Italian ryegrass (*Festuca perennis*), ripgut brome (*Bromus diandrus*), foxtail barley (*Hordeum murinum*), spring vetch (*Vicia sativa*), bur clover (*Medicago polymorpha*), bird's foot trefoil (*Lotus corniculatus*), and yellow star thistle (*Centaurea solstitialis*), with scattered patches of coyote brush (*Baccharis pilularis*).

### **Wet Meadow**

Portions of the project site adjacent to Santa Teresa Creek support wet meadow habitat. Wet meadows are seasonally saturated or intermittently inundated herbaceous areas that typically occur in low-lying or poorly drained portions of the landscape. The wet meadow community on the project site is dominated by a mix of non-native and disturbance-tolerant species that are adapted to moist soil conditions. Plant species observed in these areas include Harding grass, cocklebur (*Xanthium strumarium*), curly dock (*Rumex crispus*), wild teasel (*Dipsacus fullonum*), Italian ryegrass, and bird's-foot trefoil.

### **Riparian Woodland**

Riparian woodland habitat occurs in sections bordering the two tributaries that bisect the project site. Riparian woodlands are rich habitats that support a wide range of plant species, including trees, shrubs, vines, and both annual and perennial herbs. Dominant overstory species in the riparian woodland community include coast live oak (*Quercus agrifolia*), California buckeye (*Aesculus californica*), California sycamore (*Platanus racemosa*), Northern California black walnut (*Juglans hindsii*), and willow (*Salix spp.*). Dominant understory species include Harding grass, blue elderberry (*Sambucus mexicana*), and poison hemlock (*Conium maculatum*). Riparian vegetation is protected under Section 1602 of California Fish and Game Code (CFGF).

## ***Special-Status Species***

Special-status species are defined as follows:

- Species that are listed, or designated as candidates for listing, as rare, threatened, or endangered under the California Endangered Species Act (CESA);
- Species that are listed, formally proposed, or designated as candidates for listing as threatened or endangered under the Federal Endangered Species Act (FESA);
- Plant species that are on the California Rare Plant Rank (CRPR) Lists 1A, 1B, and 2, and in some cases Lists 3 and 4, depending on local context and California Environmental Quality Act (CEQA) lead agency interpretation;
- Species that meet the definition of rare, threatened, or endangered under Section 15380 of the CEQA guidelines; or
- Animal species that are designated as Species of Special Concern or Fully Protected by the CDFW.

### **Special-Status Plant Species**

A total of 24 special-status plant species have been previously documented in the vicinity of the project site, as shown in Table 7. However, no special-status plant species have been recorded within the project site. Furthermore, no special-status plant species were observed during the rare plant surveys performed on March 11, April 10, May 15, and June 24, 2024. As noted above, the 2024 rare plant survey did not encompass the small portion of the project site located south of McKean Road. The reconnaissance survey

conducted on July 7, 2025, also did not identify any special-status plants within the project site, including the portion of the project site south of McKean Road. While the two southernmost staging areas were not included in the rare plant or reconnaissance surveys, the staging areas consist of disturbed, gravel pullouts and do not contain suitable habitat for special-status plant species.

#### **Special-Status Wildlife Species**

A total of 19 special-status wildlife species have been previously documented in the vicinity of the project site or are known in the greater region, as shown in Table 7. During the July 7, 2025, reconnaissance survey, nesting white-tailed kite (*Elanus leucurus*) and San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*) were present onsite. Both species are designated as California Species of Special Concern. Additionally, four other special-status wildlife species have a moderate potential to occur, including northwestern pond turtle (*Actinemys marmorata*), California tiger salamander – Central California Distinct Population Segment (DPS; *Ambystoma californiense*), burrowing owl (*Athene cunicularia*), and California red-legged frog (*Rana draytonii*). Critical habitat for the California tiger salamander intersects the proposed parking area and staging areas south of McKean Road. Additionally, critical habitat for the Bay checkerspot butterfly intersects the two southernmost staging areas south of McKean Road.

**Table 7 Special-Status Species with Potential to Occur on the Project Site**

| Scientific Name                                | Common Name                     | Status   | Habitat Requirements                                                                                                                                          | Potential to Occur                                                                                                        |
|------------------------------------------------|---------------------------------|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| Plants                                         |                                 |          |                                                                                                                                                               |                                                                                                                           |
| <i>Androsace elongata</i> ssp. <i>acuta</i>    | California androsace            | 4.2      | Occurs in rocky soils within chaparral (often serpentine), cismontane woodland, and coastal scrub at elevations of 260 to 3,935 feet. Blooms Mar-Jun.         | No Potential. Suitable habitat does not occur in the project area. Not observed during 2024 special-status plant surveys. |
| <i>Calandrinia breweri</i>                     | Brewer's calandrinia            | 4.2      | Occurs in burned, disturbed areas (sometimes loam or sandy soils) within chaparral and coastal scrub at elevations of 35 to 4,005 feet. Blooms (Jan) Mar-Jun. | No Potential. Suitable habitat does not occur in the project area. Not observed during 2024 special-status plant surveys. |
| <i>Calyptridium parryi</i> var. <i>hesseae</i> | Santa Cruz Mountains pussypaws  | 1B.1     | Occurs in openings, sometimes gravelly, sandy soils, within chaparral and cismontane woodland at elevations of 1,000 to 5,020 feet. Blooms May-Aug.           | No Potential. Suitable habitat does not occur in the project area. Not observed during 2024 special-status plant surveys. |
| <i>Calystegia collina</i> ssp. <i>venusta</i>  | South Coast Range morning-glory | 4.3      | Occurs within chaparral, cismontane woodland, and valley and foothill grassland (sometimes serpentine) at elevations of 885 to 4,890 feet. Blooms Apr-Jun.    | No Potential. Suitable habitat does not occur in the project area. Not observed during 2024 special-status plant surveys. |
| * <i>Ceanothus ferrisiae</i>                   | coyote ceanothus                | FE, 1B.1 | Occurs in serpentine soils within chaparral, coastal scrub, and valley and foothill grassland at elevations of 395 to 1,510 feet. Blooms Jan-May.             | No Potential. Suitable habitat does not occur in the project area. Not observed during 2024 special-status plant surveys. |

| Scientific Name                                   | Common Name                | Status   | Habitat Requirements                                                                                                                                                | Potential to Occur                                                                                                                   |
|---------------------------------------------------|----------------------------|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| <i>Centromadia parryi</i> ssp. <i>congdonii</i>   | Congdon's tarplant         | 1B.1     | Occurs within valley and foothill grassland (alkaline) at elevations of 0 to 755 feet. Blooms (Apr) May-Oct (Nov).                                                  | No Potential. Potently suitable habitat present in/near wet meadows; however, not observed during 2024 special-status plant surveys. |
| <i>Chlorogalum pomeridianum</i> var. <i>minus</i> | dwarf soaproot             | 1B.2     | Occurs in serpentine soils within chaparral at elevations of 1,000 to 3,280 feet. Blooms May-Aug.                                                                   | No Potential. Suitable habitat does not occur in the project area. Not observed during 2024 special-status plant surveys.            |
| * <i>Cirsium fontinale</i> var. <i>campylon</i>   | Mt. Hamilton thistle       | 1B.2     | Occurs in seeps, serpentine soils, within chaparral, cismontane woodland, and valley and foothill grassland at elevations of 330, 2,920 feet. Blooms (Feb) Apr-Oct. | No Potential. Suitable habitat does not occur in the project area. Not observed during 2024 special-status plant surveys.            |
| <i>Clarkia concinna</i> ssp. <i>automixa</i>      | Santa Clara red ribbons    | 4.3      | Occurs within chaparral and cismontane woodland at elevations of 295 to 4,920 feet. Blooms (Apr) May-Jun (Jul).                                                     | No Potential. Suitable habitat does not occur in the project area. Not observed during 2024 special-status plant surveys.            |
| <i>Collinsia multicolor</i>                       | San Francisco collinsia    | 1B.2     | Occurs within closed-cone coniferous forest and coastal scrub (sometimes serpentine) at elevations of 100 to 900 feet. Blooms (Feb)Mar-May.                         | No Potential. Suitable habitat does not occur in the project area. Not observed during 2024 special-status plant surveys.            |
| * <i>Dudleya abramsii</i> ssp. <i>setchellii</i>  | Santa Clara Valley dudleya | FE, 1B.1 | Occurs in rocky, serpentine soils within cismontane woodland and valley and foothill grassland at elevations of 195 to 1,755 feet. Blooms Apr-Oct.                  | No Potential. Suitable habitat does not occur in the project area. Not observed during 2024 special-status plant surveys.            |

| Scientific Name                             | Common Name                    | Status | Habitat Requirements                                                                                                                                                                                                                                | Potential to Occur                                                                                                             |
|---------------------------------------------|--------------------------------|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| <i>*Fritillaria liliacea</i>                | fragrant fritillary            | 1B.2   | Occurs within cismontane woodland, coastal prairie, coastal scrub, and valley and foothill grassland (often serpentine) at elevations of 10 to 1,345 feet. Blooms Feb-Apr.                                                                          | No Potential. Suitable habitat does not occur in the project area. Not observed during 2024 special-status plant surveys.      |
| <i>Galium andrewsii</i> ssp. <i>gatense</i> | phlox-leaf serpentine bedstraw | 4.2    | Occurs within chaparral, cismontane woodland, and lower montane coniferous forest at elevations of 490 to 4,755 feet. Blooms Apr-Jul.                                                                                                               | No Potential. Suitable habitat does not occur in the project area. Not observed during 2024 special-status plant surveys.      |
| <i>*Hoita strobilina</i>                    | Loma Prieta hoita              | 1B.1   | Occurs in mesic, serpentine (usually) soils within chaparral, cismontane woodland, and riparian woodland at elevations of 100 to 2,820 feet. Blooms May-Jul(Aug-Oct).                                                                               | No Potential. Suitable habitat does not occur in the project area. Not observed during 2024 special-status plant surveys.      |
| <i>Leptosiphon ambiguus</i>                 | serpentine leptosiphon         | 4.2    | Occurs within cismontane woodland, coastal scrub, and valley and foothill grassland (usually serpentine) at elevations of 395 to 3,710 feet. Blooms Mar-Jun.                                                                                        | No Potential. Suitable habitat does not occur in the project area. Not observed during 2024 special-status plant surveys.      |
| <i>Leptosiphon grandiflorus</i>             | large-flowered leptosiphon     | 4.2    | Occurs in sandy soils (usually) within cismontane woodland, closed-cone coniferous forest, coastal bluff scrub, coastal dunes, coastal prairie, coastal scrub, and valley and foothill grassland at elevations of 15 to 4,005 feet. Blooms Apr-Aug. | No Potential. Potently suitable habitat present in grasslands; however, not observed during 2024 special-status plant surveys. |

| Scientific Name                                    | Common Name                      | Status | Habitat Requirements                                                                                                                                                                                                                                    | Potential to Occur                                                                                                        |
|----------------------------------------------------|----------------------------------|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| <i>*Lessingia micradenia</i> var. <i>glabrata</i>  | smooth lessingia                 | 1B.2   | Occurs in roadsides (often), in serpentine soils, within chaparral, cismontane woodland, and valley and foothill grassland at elevations of 395 to 1,380 feet. Blooms (Apr-Jun)Jul-Nov.                                                                 | No Potential. Suitable habitat does not occur in the project area. Not observed during 2024 special-status plant surveys. |
| <i>Lomatium parvifolium</i>                        | small-leaved lomatium            | 4.2    | Occurs in serpentine soils within chaparral, closed-cone coniferous forest, coastal scrub, and riparian woodland at elevations of 65 to 2,295 feet. Blooms Jan-Jun.                                                                                     | No Potential. Suitable habitat does not occur in the project area. Not observed during 2024 special-status plant surveys. |
| <i>Malacothamnus arcuatus</i> var. <i>arcuatus</i> | arcuate bushmallow               | 1B.2   | Occurs within chaparral and cismontane woodland at elevations of 50 to 1,165 feet. Blooms Apr-Sep.                                                                                                                                                      | No Potential. Suitable habitat does not occur in the project area. Not observed during 2024 special-status plant surveys. |
| <i>*Malacothamnus hallii</i>                       | Hall's bushmallow                | 1B.2   | Occurs within chaparral and coastal scrub at elevations of 35 to 2,495 feet. Blooms (Apr)May-Sep(Oct).                                                                                                                                                  | No Potential. Suitable habitat does not occur in the project area. Not observed during 2024 special-status plant surveys. |
| <i>Monolopia gracilens</i>                         | woodland woollythreads           | 1B.2   | Occurs in serpentine soils within broadleafed upland forest (openings), chaparral (openings), cismontane woodland, North Coast coniferous forest (openings), and valley and foothill grassland at elevations of 330 to 3,935 feet. Blooms (Feb)Mar-Jul. | No Potential. Suitable habitat does not occur in the project area. Not observed during 2024 special-status plant surveys. |
| <i>Penstemon rattanii</i> var. <i>klei</i>         | Santa Cruz Mountains beardtongue | 1B.2   | Occurs within chaparral, lower montane coniferous forest, and North Coast coniferous forest at elevations of 1,310 to 3,610 feet. Blooms (Mar)May-Jun.                                                                                                  | No Potential. Suitable habitat does not occur in the project area. Not observed during 2024 special-status plant surveys. |

| Scientific Name                                     | Common Name                        | Status   | Habitat Requirements                                                                                                                                                                                             | Potential to Occur                                                                                                        |
|-----------------------------------------------------|------------------------------------|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| <i>*Streptanthus albidus</i> ssp. <i>albidus</i>    | Metcalf Canyon jewelflower         | FE, 1B.1 | Occurs in serpentine soils within valley and foothill grassland at elevations of 150 to 2,625 feet. Blooms Apr-Jul.                                                                                              | No Potential. Suitable habitat does not occur in the project area. Not observed during 2024 special-status plant surveys. |
| <i>*Streptanthus albidus</i> ssp. <i>peramoenus</i> | most beautiful jewelflower         | 1B.2     | Occurs in serpentine soils within chaparral, cismontane woodland, and valley and foothill grassland at elevations of 310 to 3,280 feet. Blooms (Mar)Apr-Sep(Oct).                                                | No Potential. Suitable habitat does not occur in the project area. Not observed during 2024 special-status plant surveys. |
| Mammals                                             |                                    |          |                                                                                                                                                                                                                  |                                                                                                                           |
| <i>Neotoma fuscipes annectens</i>                   | San Francisco dusky-footed woodrat | SSC      | Forested areas of moderate canopy and moderate to dense understory. May prefer heavy chaparral, hardwood, conifer, redwood and mixed forest habitats. Constructs nests from sticks, leaves, and other materials. | Present. Adult woodrats and stick nests observed along Arroyo Calero on the project site during July 2025 field survey.   |
| <i>*Vulpes macrotis mutica</i>                      | San Joaquin kit fox                | FE, ST   | Arid grasslands, saltbush scrub, and desert habitats with loose, well-drained soils for denning; open areas with low vegetation for hunting small mammals, birds, and insects.                                   | No Potential. Suitable habitat does not occur in the project area.                                                        |
| Amphibians/Reptiles                                 |                                    |          |                                                                                                                                                                                                                  |                                                                                                                           |

| Scientific Name                         | Common Name                                          | Status  | Habitat Requirements                                                                                                                                                                 | Potential to Occur                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-----------------------------------------|------------------------------------------------------|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| * <i>Actinemys marmorata</i>            | northwestern pond turtle                             | FC, SSC | Slow-moving streams, rivers, ponds, and freshwater marshes, and nests in upland areas (sandy banks or grassy open fields).                                                           | Moderate Potential. Suitable upland habitat present within grasslands; breeding habitat in Arroyo Calero; dispersal habitat within both creeks bisecting the project site. Suitable aquatic habitat (ponds) occurs 0.15 miles west of the project site. Closest occurrence 0.3 miles south of the project site (CNDDB Occ. No. 703), recorded in a stock pond in 2019. Two southern staging areas along maintenance road located approximately 300 feet from this occurrence.                                                                                     |
| * <i>Ambystoma californiense</i> pop. 1 | California tiger salamander – Central California DPS | FT, ST  | Seasonal wetlands, vernal pools, and grasslands with underground refuges such as small mammal burrows. Prefers breeding sites with standing water that persists through late spring. | Moderate Potential. Suitable upland, over-summering habitat in grasslands with small mammal burrows present in the project area. Suitable aquatic habitat (ponds) occurs 0.15 miles west of the project site. Closest known occurrence (breeding) 0.3 miles south of the project site (CNDDB Occ. No. 368), recorded in a stock pond in 2019. Two southern staging areas along maintenance road located approximately 300 feet from this occurrence. Small southern portion of project area south of McKean Road located within critical habitat for this species |

| Scientific Name                             | Common Name                                     | Status  | Habitat Requirements                                                                                                                                                                                                                               | Potential to Occur                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|---------------------------------------------|-------------------------------------------------|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Aneides niger</i>                        | Santa Cruz black salamander                     | SSC     | Lowland and foothill forested areas with high moisture within San Mateo, Santa Cruz, and western Santa Clara counties.                                                                                                                             | No Potential. Suitable habitat does not occur in the project area.                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| * <i>Rana boylei</i> pop. 4                 | foothill yellow-legged frog – Central Coast DPS | FT, SE  | Rocky streams and rivers with rocky substrate and open, sunny banks in forests, woodlands, and chaparral. May also occur in isolated pools and vegetated backwaters.                                                                               | No Potential. Suitable habitat does not occur in the project area.                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| * <i>Rana draytonii</i>                     | California red-legged frog                      | FT, SSC | Semi-permanent or permanent water at least two feet deep, bordered by emergent or riparian vegetation, and upland grassland, forest, or scrub habitats for aestivation and dispersal.                                                              | Moderate Potential. Suitable upland, over-summering habitat in grasslands, breeding habitat in Arroyo Calero, and dispersal habitat within both creeks bisecting project site; small mammal burrows present throughout the project area. Additional suitable aquatic habitat (ponds) occurs 0.15 miles west of the project site. Closest occurrence 0.5 miles east of the project site (CNDDDB Occ. No. 1523), recorded in 1983. Unknown if breeding/non-breeding detection; noted that pond may no longer be extant. |
| Fish                                        |                                                 |         |                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| * <i>Oncorhynchus mykiss irideus</i> pop. 8 | steelhead – Central California Coast DPS        | FT, SSC | Fast flowing, highly oxygenated, clear, cool freshwater streams where riffles tend to predominate pools; small streams with high elevation headwaters close to the ocean that have no impassible barriers; spawning and high elevation headwaters. | No Potential. Suitable habitat does not occur in the project area                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

| Scientific Name             | Common Name          | Status  | Habitat Requirements                                                                                                                                                        | Potential to Occur                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-----------------------------|----------------------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Birds                       |                      |         |                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| * <i>Agelaius tricolor</i>  | tricolored blackbird | ST, SSC | Marshes and wetlands with dense, tall vegetation for nesting; agricultural fields, grasslands, and pastures with nearby water sources for foraging.                         | Low Potential. Marginally suitable habitat occurs in wetland vegetation along creeks bisecting the project site. However, vegetation is limited in both density and width—lacking the dense, structurally supportive emergent cover (like cattails, tules, or thick berry thickets) typically used by tricolored blackbirds for successful colony nesting.                                                                           |
| * <i>Aquila chrysaetos</i>  | golden eagle         | FP      | Open grasslands, chaparral, and desert scrub for foraging; cliffs, large trees, and remote hillsides for nesting.                                                           | Low Potential. Suitable foraging habitat present in grasslands in the project area; limited suitable nesting habitat in large trees on project site and in immediate vicinity.                                                                                                                                                                                                                                                       |
| * <i>Athene cunicularia</i> | burrowing owl        | SC, SSC | Open grasslands, prairies, deserts, and agricultural fields with low vegetation for foraging; burrows in well-drained soil, often dug by mammals, for nesting and roosting. | Moderate Potential. Suitable nesting, overwintering, and foraging habitat present in grasslands in the project area. Suitably sized burrows (4 to 6 inches in diameter) present in grassland south of McKean Road; however, no owl sign observed. Small mammal burrows (1 to 2 inches in diameter) present throughout the project area. Closest occurrence 1 mile west of the project site (CNDDDB Occ. No. 2025); recorded in 1990. |

| Scientific Name                 | Common Name           | Status     | Habitat Requirements                                                                                                                                                                           | Potential to Occur                                                                                                         |
|---------------------------------|-----------------------|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| <i>Brachyramphus marmoratus</i> | marbled murrelet      | FT, ST     | Coastal old-growth and mature coniferous forests with dense canopy cover for nesting; nearshore marine environments, bays, and inlets with abundant small fish and invertebrates for foraging. | No Potential. Suitable habitat does not occur in the project area.                                                         |
| <i>Cypseloides niger</i>        | black swift           | SSC        | Montane forests, coastal bluffs, and canyons for foraging; steep cliffs near waterfalls or wet rock faces for nesting.                                                                         | No Potential. Suitable habitat does not occur in the project area.                                                         |
| <i>Elanus leucurus</i>          | white-tailed kite     | FP         | Open grasslands, savannas, agricultural fields, and marshes with scattered trees or shrubs for perching and nesting.                                                                           | Present. Nesting detection during July 2025 field survey. Suitable foraging and nesting habitat occur in the project area. |
| <i>Gymnogyps californianus</i>  | California condor     | FE, SE, FP | Rocky cliffs, tree cavities, and large caves in mountainous or coastal regions for nesting; open grasslands, scrublands, and carcass-rich areas for foraging.                                  | No Potential. Suitable habitat does not occur in the project area.                                                         |
| <i>Sterna antillarum browni</i> | California least tern | FE, SE, FP | Beaches, bays, estuaries, and coastal lagoons with open sand or mudflats; prefers sparsely vegetated or unvegetated habitats for nesting, often near shallow waters rich in small fish.        | No Potential. Suitable habitat does not occur in the project area.                                                         |

| Scientific Name                             | Common Name                                   | Status | Habitat Requirements                                                                                                                                                                                                                                                                                                                                        | Potential to Occur                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------------------------|-----------------------------------------------|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Invertebrates                               |                                               |        |                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                               |
| <i>Bombus occidentalis</i>                  | western bumble bee                            | SC     | Open meadows, grasslands, and riparian areas in forests and shrublands with abundant floral resources. Nests in underground cavities like small mammal burrows.                                                                                                                                                                                             | Low Potential. Limited suitable foraging habitat present in grasslands in the project area; small mammal burrows provide suitable nesting habitat.                                                                                                                                                                                                                                                            |
| <i>Danaus plexippus</i><br>plexippus pop. 1 | monarch – California overwintering population | FC     | Coastal groves of eucalyptus, cypress, and pine trees in sheltered areas with moderate temperatures for overwintering; typically found in coastal regions of central and southern California, especially around Monterey, Big Sur, and Santa Barbara.                                                                                                       | No Potential. Suitable habitat does not occur in the project area.                                                                                                                                                                                                                                                                                                                                            |
| * <i>Euphydryas editha bayensis</i>         | Bay checkerspot butterfly                     | FT     | Grasslands and open meadows on serpentine soils which support larval host plants, primarily including <i>Plantago erecta</i> , with supplemental hosts including <i>Castilleja exserta</i> and <i>C. densiflora</i> . Nectar sources commonly used by adults include <i>Lasthenia californica</i> , <i>Layia platyglossa</i> , and <i>Lupinus bicolor</i> . | Low Potential. Small southern portion of project area south of McKean Road located within critical habitat for this species. Serpentine soils absent and project area disturbed from prior use for ranching and agricultural uses, including cattle grazing, orchards, and hay crops. Larval host plants absent; limited nectar plants detected including <i>L. bicolor</i> and <i>Achillea millefolium</i> . |

Source: (California Department of Fish and Wildlife (CDFW) 2025; USFWS 2025a; CNPS 2025; USFWS 2025b)

\* Santa Clara Valley Habitat Plan (SCVHP) covered species

Status:

FE: Federal Endangered

FT: Federal Threatened

FC: Federal Candidate for Listing

SE: California State Endangered

ST: California State Threatened

SC: California State Candidate for Listing

California Rare Plant Rank (CRPR):

1A: Plants presumed extirpated in California and either rare or extinct elsewhere

1B: Plants rare, threatened, or endangered in California or elsewhere

2A: Plants presumed extirpated in California but common elsewhere

2B: Plants rare, threatened, or endangered in California but more common elsewhere

3: Plants about which more information is needed

4: Plants of limited distribution

FP: Fully Protected Species under California Fish and Game Code  
SSC: California Department of Fish and Wildlife Species of Special  
Concern  
SR: California State Rare Plant

0.1: Seriously threatened in California  
0.2: Moderately threatened in California  
0.3: Not very threatened in California

## **REGULATORY FRAMEWORK:**

### ***Federal Regulations, Policies, and Standards***

#### **Federal Endangered Species Act**

FESA protects listed fish and wildlife species from harm or “take,” which is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in any such conduct. Take can also include habitat modification or degradation that directly results in death or injury to a listed wildlife species. An activity can be defined as take even if it is unintentional or accidental.

The USFWS has jurisdiction over federally listed threatened and endangered species, and the National Marine Fisheries Service (NMFS, also called NOAA Fisheries) has jurisdiction over federally listed, threatened, and endangered marine and anadromous fish such as salmon and steelhead. These two agencies also maintain lists of species proposed for listing. Species on these lists are not legally protected under the FESA but may become listed in the near future; these agencies often include them in their review of a project. Designated critical habitats for FESA-listed species are also regulated and protected by these agencies.

#### **Clean Water Act/Waters of the United States**

Areas meeting the regulatory definition of “Waters of the United States” (Waters of the U.S.) (jurisdictional waters) are subject to the jurisdiction of the USACE under provisions of Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. These waters may include all waters used, or potentially used, for interstate commerce, including all waters subject to the ebb and flow of the tide, all interstate waters, all other waters (such as intrastate lakes, rivers, streams, mudflats, sandflats, playa lakes, natural ponds), all impoundments of waters otherwise defined as Waters of the U.S., tributaries of waters otherwise defined as Waters of the U.S., the territorial seas, and wetlands (termed Special Aquatic Sites) adjacent to Waters of the U.S. (33 Code of Federal Regulations [CFR] Section 328.3).

Impacts to jurisdictional Waters of the U.S. are regulated under Section 404 of the Clean Water Act, for which the USACE and the U.S. Environmental Protection Agency (USEPA) have enforcement responsibility. The water-quality-related aspects of the Clean Water Act have been delegated to the California Water Resources Control Board and the Regional Water Quality Control Boards (RWQCBs); those regulations are discussed below.

#### **Federal Migratory Bird Treaty Act**

The federal MBTA (16 United States Code [U.S.C.] § 703) prohibits the pursuit, hunting, take, capture, or killing of migratory birds in the United States, including nests and eggs of migratory birds during the breeding season. The current U.S. Department of the Interior interpretation of the MBTA (memorandum M-37050 in December 2017) does not prohibit or penalize take of migratory birds that results from incidental take during operations. Taking of nests from construction activity remains prohibited under MBTA.

### ***State Regulations, Policies, and Standards***

#### **California Endangered Species Act**

CESA prohibits the take of any plant or animal listed or proposed for listing as rare (plants only), threatened, or endangered. The CESA definition of take differs from the FESA definition. Under CESA, take is defined as hunting, pursuing, catching, capturing, or killing or attempting to do any of those things. There is also no state-level equivalent of critical habitat for listed species.

In accordance with the CESA, the CDFW has jurisdiction over state-listed species (Fish and Game Code §2070). CDFW also maintains lists of species of special concern that are defined as species that appear to be vulnerable to extinction because of declining populations, limited ranges, and/or continuing threats. CDFW also regulates fully protected animals, a classification which was the state's initial effort to identify and provide additional protection to those animals that were rare or faced possible extinction. Most, but not

all, fully protected animals also have been listed as threatened or endangered species under the more recent state and federal endangered species laws and regulations. CDFW can authorize take of listed species, except fully protected animals, under CESA Sections 2080.1 and 2081 and 2089.2-2098.26, which allow CDFW to issue Consistency Determinations, Incidental Take Permits (ITPs), and Safe Harbor Agreements, respectively.

#### **Fish and Game Code Sections 1602**

CDFW implements Section 1602 of Fish and Game Code through the Lake and Streambed Alteration Agreement process, under which it regulates changes in non-tidal aquatic habitats and the riparian corridors that often surround them. The Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may (1) substantially divert or obstruct the natural flow of any river, stream, or lake; (2) substantially change or use any material from the bed, channel, or bank of any river, stream, or lake; or (3) deposit debris, waste, or other materials that could pass into any river, stream, or lake (CDFW, 2018). A Lake and Streambed Alteration Agreement (LSAA) covers activities that would result in the modification of the bed, bank, or channel of a stream, river, or lake, including water diversion and damming and removal of vegetation from the floodplain to the landward extent of the riparian zone. It governs both activities that modify the physical characteristics of the stream and activities that may affect fish and wildlife resources that use the stream and surrounding habitat (i.e., the riparian vegetation or wetlands). A Section 1602 LSAA will often require mitigation, such as revegetation or replanting of riparian trees or other compensatory mitigation, for impacts to these resources.

#### **Fish and Game Code Sections 3503 and 3513**

Under California Fish and Game Code Section 3503, it is unlawful to take, possess, or needlessly destroy the nests or eggs of any bird, except as otherwise provided. Fish and Game Code Section 3503.5 protects all birds of prey (raptors) and their eggs and nests, and under Section 3513, it is unlawful to take or possess any migratory non-game bird designated under the MBTA. Conservation measures incorporated into the project will assure compliance with these Fish and Game Code sections.

#### **Clean Water Act Section 401/San Francisco Bay Regional Water Quality Control Board**

The San Francisco Bay RWQCB has primary authority for implementing Section 401 of the federal Clean Water Act and California's Porter-Cologne Water Quality Control Act, which pertains to waters of the State of California. These statutes regulate water quality conditions by establishing processes for developing and implementing planning, permitting, and enforcement authority for waste discharges to land and water. The San Francisco Bay Basin (Region 2) Water Quality Control Plan (Basin Plan) establishes beneficial uses for surface and groundwater resources and sets regulatory water quality objectives that are designed to protect those beneficial uses.

Under the current Basin Plan, designated beneficial uses for Arroyo Calero include freshwater replenishment, cold freshwater habitat, rare, threatened, or endangered species, migration of aquatic organisms, spawning, reproduction, and/or early development, warm freshwater habitat, wildlife habitat, contact water recreation, and non-contact water recreation. . The Basin Plan provides a program of actions designed to preserve and enhance water quality and to protect beneficial uses. It meets the requirements of the USEPA and establishes conditions related to discharges that must be met at all times. The implementation portion of the Basin Plan includes descriptions of specific actions to be taken by local public entities and industries to comply with the Basin Plan's policies and objectives. These actions include measures for urban runoff management and wetland protection.

#### **Native Plant Protection Act**

The Native Plant Protection Act (NPPA; CFG Code Section 1900 et seq.) designates 64 species, subspecies, and varieties of native California plants as rare. NPPA prohibits take of rare native plants but includes some exceptions for agricultural and nursery operations, emergencies, and after proper notification

of CDFW for vegetation removal from canals, roads, and other sites, changes in land use, and in certain other situations.

### ***Local Regulations, Policies, and Standards***

#### **Santa Clara Valley Habitat Plan**

The SCVHP provides a framework for promoting the protection and recovery of natural resources, including endangered and threatened species, while streamlining the permitting process for planned development, infrastructure, and maintenance activities. The SCVHP allows the County of Santa Clara, Valley Water, the Santa Clara Valley Transportation Authority, and the cities of Gilroy, Morgan Hill, and San José (collectively, the Local Partners or Permittees) to receive endangered species permits for activities and projects they conduct and those under their jurisdiction. The SCVHP will protect, enhance, and restore natural resources in specific areas of Santa Clara County and contribute to the recovery of endangered species. Rather than separately permitting and mitigating individual projects, the SCVHP evaluates natural-resource impacts and mitigation requirements comprehensively in a way that is more efficient and effective for at-risk species and their essential habitats.

The SCVHP was developed in association with the USFWS and CDFW and in consultation with stakeholder groups and the general public. The USFWS has issued the Permittees a 50-year permit that authorizes incidental take of listed species under FESA, while CDFW has issued a 50-year permit that authorizes take of all covered species under the Natural Community Conservation Planning Act. This approach allows the Permittees to streamline future mitigation requirements into one comprehensive program. In addition to obtaining take authorization for each participating agency's respective activities, the cities and County would be able to extend take authorization to project applicants under their jurisdiction.

The USFWS and CDFW also provide assurances to the Permittees that no further commitments of funds, land, or water are required to address impacts on covered species beyond that described in the SCVHP to address changed circumstances. In addition to strengthening local control over land use and species protection, the SCVHP provides a more efficient process for protecting natural resources by creating new habitat reserves that are larger in scale, more ecologically valuable, and easier to manage than the individual mitigation sites created under the current approach.

The SCVHP and associated documents are approved and adopted by the six Local Partners (Cities of Gilroy, Morgan Hill and San José, County of Santa Clara, Santa Clara Valley Transportation Authority, and Valley Water). The project site is within the permit area of the SCVHP and is designated as Type 3 Open Space. Type 3 Open Space is defined as lands within the SCVHP where ecological protection is not a primary management goal, but land is managed as open space and has a consistent and measurable ecological value. Covered Activities under the SCVHP include trail development, including installation of related infrastructure such as bridges, staging areas, restrooms, parking lots, and signage.

According to the Santa Clara Valley Habitat Agency Geobrowser, the project site is within Fee Zone B (Agricultural and Valley Floor Lands). The northern portion of the project site and the area south of McKean Road are within a Plant Survey Zone. The project site on the northern and southern sides of the Arroyo Calero is within a Wildlife Survey Zone for tricolored blackbird. The Arroyo Calero is classified as a Category 1 stream and has a Category 1 buffer. The project site along the Arroyo Calero and a small strip along Santa Teresa Creek are within a Wetland Fee Zone.

#### **Santa Clara County General Plan**

The Santa Clara County General Plan was adopted in 1994 as a countywide general plan. It outlines a series of strategies, policies, and implementing actions that are guided by a number of defined goals. The General Plan's resource conservation goals include maintaining a healthy, well-functioning natural environment; conserving and protecting creeks, streams, and Baylands habitats; and protecting natural heritage resources.

Strategies include working with Valley Water to implement a countywide recreational trail system, ensure water quality, coordinate water supply planning, and manage flood hazards.

## **DISCUSSION:**

### **a) Less Than Significant Impact with Mitigation Incorporated**

#### ***Special-Status Plants***

As discussed above, no special-status plant species had the potential to occur within the project site and none were observed during the rare plant and reconnaissance surveys. The two southern staging areas were determined to similarly lack suitable habitat for special-status plant species. Therefore, no impact to special-status plant species would occur.

#### ***Nesting Birds***

Nesting birds are protected under the Migratory Bird Treaty Act and sections 3503, 3503.5, and 3800 of the California Fish and Game Code. Construction of the proposed project would require the removal of two existing trees. Construction activities would comply with the Migratory Bird Treaty Act and associated regulations and avoid removing trees where nests are found. While the project site is primarily non-native grassland, the riparian woodlands on site could provide nesting habitat for protected bird species. Equipment use and earth-disturbing activities could result in nest destruction or mortality of young during the nesting season when an active nest is present. Use of heavy equipment could cause nest abandonment if construction occurs near an active nest during the nesting season. Loss of an active nest, whether directly through vegetation removal or indirectly because of adjacent noise and activity, would be a significant impact. Implementation of Mitigation Measure BIO-1 requires pre-construction nesting bird surveys if work occurs within the nesting bird season, and if present, preventing the loss of eggs or young through avoidance buffers. With implementation of Mitigation Measure BIO-1, impacts to nesting birds would be less than significant.

#### ***Special-Status Wildlife***

The white-tailed kite and San Francisco dusky-footed woodrat are present on the project site, and the northwestern pond turtle, California tiger salamander, burrowing owl, and California red-legged frog have a moderate potential to occur within the project site.

##### **San Francisco dusky-footed woodrat**

San Francisco dusky-footed woodrat was documented during the July 2025 reconnaissance survey where multiple adult individuals and stick nests were observed within the riparian corridor along Arroyo Calero. San Francisco dusky-footed woodrats typically inhabit forested areas with moderate canopy cover and moderate to dense understory vegetation. Preferred habitats include dense chaparral, hardwood forests, coniferous forests, redwood forests, and mixed woodland. Individuals construct distinctive above-ground nests made of sticks, leaves, and other locally available materials, often at the base of trees, in shrubs, or near downed woody debris. Due to the presence of San Francisco dusky-footed woodrat within the project site, significant impacts could occur to the species during project construction. Mitigation Measure BIO-2 requires Environmental Awareness Training, a pre-construction survey, and provides procedures in the event the species is encountered during project construction. With implementation of Mitigation Measure BIO-2, impacts to San Francisco dusky-footed woodrat would be less than significant.

##### **Northwestern pond turtle**

The northwestern pond turtle is a federally proposed threatened species and is designated as a California Species of Special Concern. Northwestern pond turtles inhabit a variety of aquatic environments, including slow-moving rivers and streams (e.g., oxbows), lakes, reservoirs, permanent and seasonal wetlands, and stock ponds. No occurrences of northwestern pond turtle have been documented within the project site. The closest known occurrence of northwestern pond turtle (CNDDDB Occ. No. 703) was recorded in 2019 in a stock pond located approximately 0.3 miles south of the project site and approximately 300 feet from the two southernmost staging areas. As noted above, the two southern staging areas are confined to two

established pullouts along a gravel maintenance road and associated disturbed roadway margins. Accordingly, these areas do not provide suitable upland habitat for northwestern pond turtle. Arroyo Calero and Santa Teresa Creek provide suitable breeding habitat for northwestern pond turtle and their associated riparian corridors provide suitable dispersal habitat. Two ponds provide potentially suitable breeding habitat approximately 0.15 miles west of the project site. Significant impacts to northwestern pond turtle could occur from construction of the proposed project. With implementation of Mitigation Measure BIO-2, which requires preconstruction surveys and implementation of BMPs to avoid direct effects to this species during project construction, impacts to northwestern pond turtle would be less than significant with mitigation incorporated.

#### **California tiger salamander**

The Central California DPS of the California tiger salamander is a state listed threatened and federally listed threatened species. Critical habitat for California tiger salamander intersects the proposed parking area and staging areas south of McKean Road. California tiger salamanders live in lowland grasslands, oak savannah, and mixed woodlands, relying on vernal pools, seasonal ponds, or semi-permanent calm waters for at least three to four months for breeding and larval development. They also use nearby upland areas with small mammal burrows for refuge and foraging. Optimal upland habitat is typically within 2,000 feet of breeding ponds. The closest known (breeding) occurrence of California tiger salamander (CNDDB Occ. No. 368) was recorded in 2019 in a stock pond located approximately 0.3 miles south of the project site and about 300 feet from the two southernmost staging areas. The two southernmost staging areas are confined to two established pullouts along a gravel maintenance road and associated disturbed roadway margins, which do not provide suitable upland habitat for California tiger salamander. The project site, however, provides suitable upland over-summering habitat in grasslands, and small mammal burrows were observed. Two additional ponds providing potentially suitable breeding habitat occur approximately 0.15 miles west of the project site. Therefore, this species has a moderate potential to occur. With implementation of Mitigation Measure BIO-2, which requires preconstruction surveys and implementation of BMPs to avoid direct effects to this species during project construction, impacts to California tiger salamander would be less than significant with mitigation incorporated.

#### **Burrowing owl**

The burrowing owl is a state candidate endangered species and is designated as a California Species of Special Concern. Burrowing owls typically require open, well-drained terrain, short vegetation, and underground burrows. One known occurrence of burrowing owl is within 1 mile of the project site. The site supports suitable nesting and foraging habitat for burrowing owl in the form of low-density non-native annual grassland with suitable substrate for burrowing owls. Multiple burrows, ranging from 4 to 6 inches in diameter, were identified during the July 2025 reconnaissance survey, and could be suitable for use by burrowing owls. Therefore, construction of the proposed project could result in the loss or abandonment of an active burrowing owl nest through direct disturbance of an occupied burrow from heavy equipment, or through noise, vibration, or visual disturbance. Implementation of Mitigation Measure BIO- 3, described below, would reduce potential direct impacts to burrowing owl to a less than significant level by requiring preconstruction surveys and establishment of buffers around occupied burrows. With implementation of Mitigation Measure BIO-3, impacts to burrowing owl would be less than significant with mitigation incorporated.

#### **California red-legged frog**

The California red-legged frog is a federally threatened species and is designated as a California Species of Special Concern. California red-legged frogs inhabit permanent water sources, including streams, lakes, marshes, ponds, and drainages. Larvae and metamorphs use streams, pools, ponds, and marshes; stock ponds may also serve as breeding sites. Most frogs move away from breeding ponds to upland areas. No known occurrences are found within the project site. However, one occurrence was recorded in a pond approximately 0.5 miles east of the project site. Two additional ponds which provide potentially suitable breeding habitat occur approximately 0.15 miles west of the project site. Mitigation Measure BIO-2

requires worker awareness training to be conducted prior to project construction and pre-construction surveys within 24 hours before the beginning of construction. Mitigation Measure BIO-2 would also require the use of erosion control materials that would not trap special-status species, and all excavated trenches or holes would be covered to prevent entrapment of wildlife during construction. Implementation of Mitigation Measure BIO-2, identified below, would reduce potential impacts to California red-legged frog to less than significant.

#### **White-tailed kite**

The white-tailed kite is a Fully Protected species under the California Fish and Game Code by the CDFW. They inhabit open grasslands, savannas, agricultural fields, and marshes with scattered trees or shrubs for perching and nesting. No occurrences were identified within 1 mile of the project site, but the species was identified during the July 2025 reconnaissance survey. Implementation of Mitigation Measure BIO-1 would require pre-construction surveys for nesting birds if construction activities occurred during the nesting bird season. If nests are found during the pre-construction surveys, then a 300-foot buffer would be implemented around the nest. Additionally, Mitigation Measure BIO-2 would be implemented that would include white-tailed kite as part of worker Environmental Awareness Training and requires surveys within 24 hours before the beginning of construction. With implementation of Mitigation Measures BIO-1 and BIO-2, the impact would be less than significant.

#### **b) Less Than Significant Impact**

The project site is bisected by two tributaries: Santa Teresa Creek (a seasonal drainage) and Arroyo Calero (an intermittent drainage). Riparian woodland habitat occurs in sections on either side of the two tributaries. As described above, the tributaries and riparian habitat are under the jurisdiction of the CDFW. The trail alignment and pedestrian bridges were designed to cross both drainages. Construction of the trail and pedestrian bridges would require the removal of riparian vegetation which would result in a significant impact on riparian habitat. For construction within riparian areas, a CDFW Lake and Streambed Alteration Agreement would be obtained prior to construction, which would include measures to minimize impacts on riparian areas and the associated drainages. Potential permanent and temporary impacts to riparian habitat would be addressed through the SCVHP's Conditions 4 and Condition 11 which requires the implementation of avoidance and minimization measures for in-stream projects<sup>1</sup> and minimum setbacks from streams and riparian habitats. Compliance with conditions of the Lake and Streambed Alteration Agreement and SCVHP would result in less than significant impacts to riparian habitat.

#### **c) No Impact**

Two non-jurisdictional wet meadows were identified on the project site on the northern and southern sides of Santa Teresa Creek and there are no federally protected wetlands within the project site. The proposed project would not have a substantial adverse effect on state or federally protected wetlands. No impact would occur.

#### **d) No Impact**

The project site consists of non-native annual grassland, wet meadow, and riparian woodland. No oak woodland habitat is present on the project site. Therefore, the proposed project would have no impact on oak woodland habitat as defined by Oak Woodlands Conservation Law.

#### **e) Less Than Significant Impact with Mitigation Incorporated**

Stream channels and riparian corridors occur within the project site that provide wildlife movement corridors. The proposed project would involve the removal of riparian vegetation and installation of two bridges across Arroyo Calero and Santa Teresa Creek. Installation of the bridges and concrete headwalls would not interfere with the mitigation or use of the creeks by fish, reptiles, or amphibians. Mitigation Measure BIO-2 requires pre-construction surveys, environmental awareness training, and the

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<sup>1</sup> In-stream is defined as the stream bed and bank and the adjacent riparian corridor.

implementation of BMPs to minimize impacts to special-status wildlife species that may use the stream channels and riparian corridors. The impact would be less than significant.

Migratory birds or raptors could establish nests in riparian woodlands. Up to two trees would be removed for construction of the proposed project. Impacts on nesting birds would be significant if nesting in a tree that needs to be removed as part of the project or in proximity to construction activity and the increased activity level resulted in nest abandonment. To avoid or minimize these significant impacts, the proposed project would implement Mitigation Measure BIO-1 which requires nesting bird surveys for construction that occurs within the nesting bird season, and if present, preventing the loss of eggs or young. Mitigation Measure BIO-2 would require pre-construction surveys and training prior to construction, and the implementation of BMPs to reduce impacts to special-status bird species. This impact on nesting migratory birds and raptors would be less than significant with mitigation.

#### **f) Less Than Significant Impact**

The proposed project would result in the removal of two trees within the project site. One tree would be removed along the south bank of the Arroyo Calero for the installation of one of the pedestrian bridges, and one tree would be removed along San Vicente Avenue for the road crossing. The tree removal would comply with Division C16- Tree Preservation and Removal of the Santa Clara County Municipal Code. A tree removal permit would be acquired if the two trees met the definition of a protected tree in the Santa Clara County Municipal Code. Therefore, the proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. This impact would be less than significant.

#### **g) Less Than Significant Impact**

As described above, the project site is within the permit area of the SCVHP. A majority of the project site is within Fee Zone B (Agricultural and Valley Floor Lands)<sup>2</sup>, and portions of the project site fall within Plant Survey Zones<sup>3</sup> and Wildlife Survey Zone for tricolored blackbird.<sup>4</sup> The project site consists primarily of non-native annual grasslands and surveys did not identify any special-status plant species on the project site. Therefore, protocol-level plant surveys are not recommended per the SCVHP. The proposed project would comply with all relevant fees and surveys required by the SCVHP. While the tricolored blackbird has no potential to occur on the project site, the SCVHP requires a qualified biologist to conduct a field investigation to identify and map potential nesting substrate. If potential nesting substrate is found, and the potential nesting habitat is not avoided by proposed project activities, a pre-construction survey is required, per the SCVHP. Additionally, portions of the project site along Arroyo Calero and Santa Teresa Creek are within a Wetland Fee Zone. While no jurisdictional wetlands are present on the project site, the SCVHP requires impacts to wetlands, ponds, streams, or riparian woodland/scrub to pay an additional wetland fee. Due to the presence of streams and riparian woodlands within the project site, the proposed project would be required to pay the additional wetland fee. Avoidance and mitigation requirements for burrowing owl from the SCVHP have been included as Mitigation Measure BIO-3 in this IS/MND to address potential impacts to burrowing owl. The proposed project would comply with all applicable requirements or conditions of approval (e.g., impact fees, avoidance and minimization measures, avoidance buffers, preconstruction surveys) in the SCVHP. Therefore, the proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan. The impact would be less than significant.

#### **MITIGATION:**

##### **Mitigation Measure BIO-1: Pre-Construction Nesting Bird Survey**

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<sup>2</sup> Zone B is dominated by agricultural land cover types such as grain, row-crop, hay and irrigated pasture, disked/short term fallowed, orchards, and vineyards. Zone B also includes much of the rural residential land cover in the study area.

<sup>3</sup> Plant Survey Zones are areas where species-specific plant surveys may be required.

<sup>4</sup> Wildlife Survey Zones are areas where species-specific wildlife surveys may be required depending on the land cover type present.

The County shall schedule construction between September 1 and January 31 (inclusive) to avoid the nesting season for raptors and other migratory birds. If this is not possible, pre-construction surveys for nesting birds shall be conducted by a qualified biologist or ornithologist to identify active nests that may be disturbed during project implementation. Surveys shall be conducted no more than seven days prior to the initiation of construction activities. During this survey, the biologist shall inspect all trees and other potential nesting habitats (e.g., shrubs, ground and structures) in the impact area plus a surrounding 300-foot buffer for nests. If removal of potential nesting substrate or project grading will take place during more than one nesting season, or in different parts of the site in phases over the course of a single season, then additional pre-activity surveys must be performed within 7 days prior to initiation of work in any particular area. If the preconstruction activity survey does not identify the presence of any active nests on or within 300 feet of the site, construction activities may proceed.

If nests known to have eggs or young, or that cannot be confirmed to be inactive or to lack eggs or young, are found, or adults are demonstrating nesting behavior, a qualified biologist shall establish an appropriate construction-free buffer around each nest. Generally, a buffer of 300 feet for raptors and 100 feet for songbirds are adequate to avoid causing nest abandonment. The buffer shall remain in place until the qualified biologist has confirmed that the nest is no longer active.

If less than a 100-foot nest buffer is necessary and determined to be appropriate for a particular nest or nests, a qualified biologist shall monitor the nest(s) before construction to document baseline nesting behavior and monitor the nest during construction to ensure nesting birds are not exhibiting signs of stress and territorial behavior. If signs of stress are observed during the monitoring, construction activities shall cease or buffer shall increase, as determined by a qualified biologist, to a sufficient distance where the nesting birds are no longer exhibiting signs of stress.

To prevent encroachment, the buffer shall be clearly marked for avoidance. The established buffer shall remain in effect until the young have fledged or the nest is no longer active as confirmed by the biologist.

**Mitigation Measure BIO-2: California Tiger Salamander, California Red-Legged Frog, Northwestern Pond Turtle, White-Tailed Kite, and San Francisco Dusky-Footed Woodrat**

Due to the potential for California tiger salamander, California red-legged frog, northwestern pond turtle, white-tailed kite, and San Francisco dusky-footed woodrat to occur in the project area, the following mitigation measure shall be implemented:

- Prior to the initiation of construction activities (including staging of equipment and clearing of vegetation) all personnel associated with project construction shall attend an Environmental Awareness Training. The training shall be prepared and conducted by a qualified biologist, to aid workers in recognizing special-status species and sensitive habitat that may occur in the project area. The specifics of this program shall include identification of the special-status species and habitats, a description of the regulatory status, and review of the measures required to reduce impacts to biological resources on the project site. At the end of the training, all workers shall sign an attendance sheet to document their participation in the program and understanding of the measures.
- A qualified biologist shall survey the work site for special-status wildlife species within 24 hours before the beginning of construction. If special-status species are found in the construction area, they shall be afforded the opportunity to leave the construction area on their own. If relocation is necessary, the biologist shall be notified and the biologist shall contact CDFW and/or USFWS to determine if moving any of these species would be appropriate. If CDFW and/or USFWS approves moving these species, the approved biologist shall be allowed

sufficient time to move the species from the work site before work activities begin. Otherwise, the individual species shall be allowed to move out of the project area on their own. Only CDFW- and/or USFWS-approved biologists shall participate in activities associated with the capture, handling, and monitoring of special-status species.

- In the unlikely event a special-status species is inadvertently killed or injured or if a special-status species is observed to be injured, dead, or entrapped, the construction crew shall stop work and notify the biologist who will then notify the County, USFWS and/or CDFW.
- In order to avoid potential impacts to these species, grading activities shall not take place during or immediately following rain events.
- The County shall include in the contract specifications a requirement to use tightly woven fiber of natural materials (e.g., coir rolls or mats) or similar material for erosion control to ensure that special-status species do not get trapped. Plastic monofilament netting (erosion control matting) or similar material shall be prohibited on site.
- Construction personnel shall not feed or otherwise attract wildlife in the project area. All food-related trash and garbage shall be placed in animal-proof containers that shall be emptied or removed from the construction site on a regular basis.
- To prevent inadvertent entrapment of wildlife during construction, all excavated, steep-walled holes or trenches with a greater than 1:1 (45 degree) slope of any depth shall be 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 with a slope of 2:1. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals.

### **Mitigation Measure BIO-3 Pre-Construction Burrowing Owl Survey**

The County shall implement the following measures to avoid impacts to nesting or non-nesting burrowing owls on or immediately adjacent to the construction site.

- Prior to any site disturbance, staging, or construction-related activities, a qualified biologist shall conduct burrowing owl preconstruction surveys in all suitable habitat areas on the project site and within 250 feet of all construction activity. The purpose of the preconstruction surveys is to document the presence or absence of burrowing owls on the project site and within 250 feet of construction activity in order to avoid direct impacts to burrowing owls. To maximize the likelihood of detecting owls, the preconstruction survey shall last a minimum of three hours. The survey shall begin one hour before sunrise and continue until two hours after sunrise (three hours total) or begin two hours before sunset and continue until one hour after sunset. A minimum of two surveys shall be conducted (if owls are detected on the first survey, a second survey is not needed). All owls observed shall be counted and their locations mapped.
- Surveys shall conclude no more than two calendar days prior to site disturbance, staging, or construction-related activities. Therefore, surveys shall begin no more than four days prior to construction (two days of surveying plus up to two days between surveys and construction). To avoid last-minute changes in schedule or contracting that may occur if burrowing owls are found, a preliminary survey may be conducted up to 14 days before construction. This preliminary survey may count as the first of the two required surveys as long as the second survey concludes no more than two calendar days in advance of construction.

- If burrowing owls are present during the nonbreeding season (September 1 to January 31), a 250-foot buffer zone shall be maintained around the occupied burrow(s) as determined by a qualified biologist, if feasible. If maintaining such a buffer is not feasible, then the buffer must be great enough to avoid injury or mortality of individual owls based on monitoring results. During the breeding season (generally February 1st to August 31st), a 250-foot buffer, within which no newly initiated project-related activities shall be permissible, shall be maintained between project activities and occupied burrows. Owls present between February 1 and August 31st will be assumed to be nesting, and the 250-foot protected area shall remain in effect until August 31. If monitoring evidence indicates that the owls are no longer nesting or the young owls are foraging independently, the buffer may be reduced based on monitoring results, in consultation with the County and CDFW.
- If nesting owls are determined to be present on the site, and project activities cannot feasibly avoid disturbance of the area within 250 feet of the occupied burrow during the nesting season (i.e., February 1 through August 31) due to other seasonal constraints, a qualified biologist shall be present during all activities within 250 feet of the nest to monitor the owls' behavior. If, in the opinion of the qualified biologist, the owls are unduly disturbed (i.e., disturbed to the point of harm or reduced reproductive success), all work within 250 feet of the occupied burrow will cease until the nest is determined to no longer be active by a qualified biologist.

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

## SETTING:

A Cultural Resources Assessment was prepared for the proposed project by Dudek in 2024. The cultural setting and results of the study are summarized herein for context. Please see Section R. Tribal Cultural Resources for more information on the Sacred Lands File search through the Native American Heritage Commission (NAHC) and conformance with AB 52 consultation.

### *Area of Potential Effects*

The *area of potential effect* (APE) is the geographic area where a proposed project might directly or indirectly impact cultural resources the geographic area where a proposed project might directly or indirectly impact cultural resources. The APE for the proposed project is the 47-acre Fortini Property. The APE encompasses all areas where ground disturbance may occur during proposed project construction, including trail alignments, staging and access areas, proposed parking areas, and staging areas. The APE is located in the foothills of the Santa Cruz Mountains, a landscape historically associated with ranching, grazing, and open space uses. Built features within the APE include ranch roads, fencing, pasture gates, utility lines, and the paved Rancho San Vicente parking lot near the southern boundary. All observed features are modern, in varying states of deterioration, and lack association with significant historic events, persons, or architectural styles. The APE lies within the boundaries of the former Mexican land grant Rancho San Vicente, which was granted to José de los Reyes Berreyessa in 1842. Following California statehood, the land was transferred to American ownership and subsequently subdivided for agricultural and ranching uses. This land pattern continues to characterize the area.

### *Records Search*

A California Historical Resources Information System (CHRIS) records search was conducted for the proposed project site through the Northwest Information Center (NWIC) using a 0.25-mile study radius beyond the APE to identify previously recorded resources and prior cultural studies. Additional sources consulted during the records search included the National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), and the Office of Historic Preservation's (OHP) Archaeological Determinations of Eligibility. No previously recorded cultural resources intersect the project site. Three recorded resources are located outside of the project site but very close to the APE. The three resources include two prehistoric sites and one historic-era site. While these resources lie outside the APE, their proximity to the project site supports the assessment's conclusion that subsurface archaeological resources could exist within the project site.

## ***Archaeological Survey and Subsurface Testing***

On February 29, 2024, Dudek archaeologists John Schlagheck, MA, RPA, and Kevin Dobinson, BA, conducted a pedestrian survey of accessible portions of the 47-acre APE. The pedestrian survey involved careful inspection for prehistoric and historical period cultural materials as well as topographic indicators and soil characteristics that might be evidence of subsurface cultural resources. The survey was intensive in areas where the proposed project components would be located. Small hand tools were used to increase soil visibility by removing light vegetation and duff where partially exposed soil was encountered.

No pre-historic or historic-era archaeological resources were identified during the pedestrian survey. One historical built environment feature was identified during the survey near the location of a former residence on the eastern side of the project site between Santa Teresa Creek and San Vincente Avenue. The feature included a functioning well, a concrete vault, a wood utility pole, one metal machine part, a water trough, a pile of lumber, barbed wire, lengths of disconnected metal pipe, and metal and wood fence posts. The well, utility pole, and vault are likely associated with the former residence. Therefore, the feature does not have historic integrity and does not rise to the level of consideration under any historic significance criteria.

Subsurface testing was conducted at the project site using eight subsurface probes. Each probe consisted of a 10-centimeter diameter hand auger with a target depth of 100 centimeters below the ground surface. Material recovered with the auger was screened through 0.25-inch wire mesh to identify possible cultural resources. The auger locations were selected to test areas where project components would be located, such as potential creek crossings. All eight augers were negative for cultural resources.

## **REGULATORY FRAMEWORK:**

### ***Federal Regulations, Policies and Standards***

#### **National Register of Historic Places**

The NHPA established the National Register of Historic Places (NRHP) and the President's Advisory Council on Historic Preservation (ACHP) and provided that states may establish State Historic Preservation Officers to carry out some of the functions of the NHPA

Title 36 of the Code of Federal Regulations, Part 800 (36 CFR 800) implements Section 106 of the NHPA. It defines the steps necessary to identify historic properties (those cultural resources listed in or eligible for listing in the NRHP), including consultation with federally recognized Native American tribes to identify resources with important cultural values; to determine whether or not they may be adversely affected by a proposed undertaking; and the process for eliminating, reducing, or mitigating the adverse effects.

The content of 36 CFR 60.4 defines four criteria for determining eligibility for listing in the NRHP. Cultural resources identified during an inventory must be formally evaluated for historical significance in consultation with the California SHPO to determine whether the resources are eligible for inclusion in the NRHP. Cultural resources may be considered eligible for listing if they possess integrity of location, design, setting, materials, workmanship, feeling, and association and if they meet at least one of the four main criteria (A through D) defined in 36 CFR 60.4. These criteria represent the quality of significance in American history, architecture, archaeology, engineering, and culture present in districts, cultural resources, buildings, structures, and objects that possess integrity (as noted above) and that:

1. Are associated with events that have made a significant contribution to the broad patterns of our history;
2. Are associated with the lives of persons significant in our past;
3. Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
4. Have yielded or may be likely to yield, information important in prehistory or history.

These criteria form the basis for the current study's efforts to identify cultural resources, acknowledging that Criterion D is typically the most applicable for evaluating archaeological resources.

### ***State Regulations, Policies and Standards***

#### **California Environmental Quality Act Statute and Guidelines**

California Environmental Quality Act (CEQA) and the CEQA Guidelines include procedures for identifying, analyzing, and disclosing potential adverse impacts to cultural resources. For archaeological sites, the CEQA Guidelines (section 15064.5(c)(1)) require that the lead agency first determine whether the site is a *historical resource* as defined in section 15064.5(a) (see below definition). If the site qualifies as a historical resource, potential adverse impacts must be considered in the same manner as a historical resource, as described below (CEQA Guidelines section 15064.5(c)(2)). If the archaeological site does not qualify as a historical resource but does qualify as a “unique archaeological resource,” then the archaeological site is treated in accordance with CEQA PRC section 21083.2, which places certain limits on permissible mitigation measures (CEQA Guidelines Section 15064.5(c)(3)). In practice, most archaeological sites that meet the definition of a unique archaeological resource will also meet the definition of a historical resource.

1. The CEQA Guidelines (section 15064.5(a)) define a *historical resource* as including the following:
  - a. A resource listed in, or eligible for listing in, the CRHR
  - b. A resource listed in a local register of historical resources (as defined at PRC Section 5020.1(k))
  - c. A resource identified as significant in a historical resources survey meeting the requirements of PRC section 5024.1(g)
  - d. Any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California (generally, a resource is considered by the lead agency to be “historically significant” if the resource meets the criteria for listing in the CRHR)

A project that causes a “substantial adverse change” in the significance of a historical resource may have a significant effect on the environment (CEQA Guidelines section 15064.5(b)). The CEQA Guidelines (section 15064.5(b)(1)) define *substantial adverse change* as “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired.” Generally, the significance of a historical resource is “materially impaired” when a project demolishes or materially alters those physical characteristics of a historical resource that convey its historical significance and that justify its inclusion in or eligibility for the CRHR or its inclusion in a local register of historical resources (CEQA Guidelines section 15064.5(b)(2)).

Mitigation measures are discussed in CEQA Guidelines section 15126.4. Generally, by following the Secretary of the Interior's Standards for the Treatment of Historic Properties or the Secretary of the Interior's Standards for Rehabilitation, impacts can be considered as mitigated to a less-than-significant level (CEQA Guidelines section 15064.5(b)). For archaeological resources, the CEQA Guidelines (section 15126.4(b)(3)) provide that public agencies should, whenever feasible, seek to avoid damaging effects on any historical resource of an archaeological nature. The CEQA Guidelines also require consideration of preservation in place as the preferred manner of mitigation. Mitigation by data recovery is recommended only if preservation is not feasible.

#### **PRC Section 5024.1: California Register of Historical Resources**

The CRHR includes resources that are listed in or formally determined eligible for listing in the NRHP as well as some designated California State Landmarks and Points of Historical Interest. Properties of local significance that have been designated under a local preservation ordinance (local landmarks or landmark

districts) or that have been identified in a local historical resources inventory may be eligible for listing in the CRHR.

**Health and Safety Code Section 7050.5: Removal of Human Remains**

Sections 7050.5(b) and 7050.5(c) of the California Health and Safety Code pertain to the discovery of human remains in a location outside a dedicated cemetery. The statute requires that, in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there must be no further excavation or disturbance of the site, or of any nearby area reasonably suspected to overlay adjacent remains, until the County Coroner has examined the remains. If the coroner determines, or has reason to believe, the remains to be those of a Native American, the coroner must contact the NAHC by telephone within 24 hours. In addition, any person who mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor.

***Local Regulations, Policies and Standards***  
**Santa Clara County General Plan**

The following policies contained in the Resource Conservation Element of the Santa Clara County General Plan are relevant to cultural resources:

- C-RC 49*      Cultural heritage resources within Santa Clara County should be preserved, restored wherever possible, and commemorated as appropriate for their scientific, cultural, historic, and place values.
  
- C-RC 50*      Countywide, the general approach to heritage resource protection should include the following strategies:
  - 1. Inventory and evaluate heritage resources.
  - 2. Prevent or minimize adverse impacts on heritage resources.
  - 3. Restore, enhance, and commemorate resources as appropriate.
  
- C-RC 51*      Inventories of heritage resources should be maintained as the basis for local decision making regarding such resources.
  
- C-RC 52*      Prevention of unnecessary losses to heritage resources should be ensured as much as possible through adequate ordinances, regulations, and standard review procedures. Mitigation efforts, such as relocation of the resource, should be employed where feasible when projects will have significant adverse impact upon heritage resources.
  
- C-RC 54*      Heritage resources should be restored, enhanced, and commemorated as appropriate to the value and significance of the resource.
  
- C-RC 55*      Public awareness and appreciation of existing heritage resources and their significance should be enhanced through community organizations, neighborhood associations, the educational system, and governmental programs.
  
- C-RC 56*      Heritage resource acquisition, preservation, restoration, and interpretation projects eligible for funding with County Parks Charter Funds are identified in the “Santa Clara County Heritage Resources Inventory” adopted by the Board of Supervisors.

## **DISCUSSION:**

### **a) Less than Significant Impact with Mitigation Incorporated**

As discussed in the environmental setting, no historical resources listed or eligible for listing in the NRHP or CRHR were identified within the APE, including no archaeological sites that could qualify as a historical resource. However, one previously unrecorded historic-period built environment resource was identified within the northeast portion of the APE during the pedestrian field survey. This resource consists of a single feature lacking historical integrity and significance and that was determined ineligible for listing in the NRHP, CRHR, or for local designation under Santa Clara County's Historic Preservation Ordinance. The feature does not meet the definition of a historical resource under CEQA Guidelines section 15064.5. The proposed project would avoid this feature, and no impacts are anticipated.

Additionally, one previously recorded historic-period built environment resource is located approximately 500 feet north of the APE boundary. This feature lies outside the APE and would not be altered or disturbed by project activities. Therefore, the proposed project would not result in the relocation, demolition, or alteration of a historical resource and would not cause a substantial adverse change in the significance of any such resource under CEQA or the County's Historic Preservation Ordinance. While the potential appears low for encountering historic archaeological resources within the APE, there is a possibility of encountering unknown historic archaeological resources during ground-disturbing construction activities. Mitigation Measure CUL-1 requires work to halt within 50 feet of an unanticipated archaeological discovery until the resource is examined by a qualified archaeologist. Additionally, Mitigation Measure CUL-1 requires a Native American monitor to be onsite during ground-disturbing construction activities. With implementation of Mitigation Measure CUL-1, impacts to historic archaeological resources would be less than significant.

### **b) Less than Significant Impact with Mitigation Incorporated**

Archaeological resources were not identified within the APE during the pedestrian survey and no previously recorded resources fall within the APE. Three previously recorded archaeological resources are located outside the APE but within or near the 0.25-mile study area. Additionally, subsurface testing conducted within the APE did not identify any archaeological resources. While the potential appears low for encountering archaeological resources within the APE, there is a possibility of encountering unknown archaeological resources during ground-disturbing construction activities. Mitigation Measure CUL-1 requires that any ground-disturbing activities are monitored by a Native American representative and requires work to halt within 50 feet of an unanticipated archaeological discovery until the resource is examined by a qualified archaeologist. Additionally, Mitigation Measure CUL-1 requires a Native American monitor to be onsite during ground-disturbing construction activities. With implementation of Mitigation Measure CUL-1, impacts to archaeological resources would be less than significant.

### **c) Less Than Significant Impact**

No known human remains have been identified on the project site or in the vicinity. However, ground-disturbing activities during construction could unearth human remains. In the event that human remains are unearthed during ground-disturbing activities, Mitigation Measure CUL-2 would be implemented. Mitigation Measure CUL-2 requires all work within 50 feet of the remains to halt and the County Coroner would be notified immediately. A qualified archaeologist would be contacted to assess the situation. In accordance with Mitigation Measure CUL-2, if the remains are determined to be of Native American descent, the Coroner would have 24 hours to notify the California Native American Heritage Commission (NAHC). The NAHC would identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated funerary objects. With implementation of Mitigation Measure CUL-2, impacts to human remains as a result of the proposed project would be less than significant.

## **MITIGATION:**

### **Mitigation Measure CUL-1: Cultural Resource Monitoring**

**Archaeological Monitoring Plan:** A Native American representative from a tribe traditionally and culturally affiliated with the project area and which was consulted with during project planning shall be on site to monitor all initial ground disturbing of native soils during construction. Before beginning construction, the Native American monitor shall prepare an archaeological monitoring plan, for approval by Santa Clara County Parks. If evidence of any archaeological features or deposits is discovered during construction-related earth-moving activities, all ground-disturbing activity in the area of the discovery shall be halted within 50-feet of the find, and the finds shall be protected until they are examined by a County archaeologist and evaluated for listing in the CRHR and NRHP, in consultation with tribal representatives. Monitoring may be reduced or halted at the discretion of the tribal monitor, in consultation with the lead agency, as warranted by conditions such as encountering bedrock, sediments being excavated are fill, or negative findings during the first 50 percent of the entire area of ground disturbance. If monitoring is reduced to spot checking, spot checking shall occur when ground-disturbing activities move to a new location within the project site and when ground disturbance will extend to depths not previously reached (unless those depths are within bedrock).

**Discovery and Treatment.** If archaeological deposits are found, the County archaeologist shall assess the significance of the find and make recommendations for further evaluation and treatment as necessary. The Native American monitor shall also assess the find if the artifacts are of Native American origin and determined to be more than an isolated find. The County archaeologist shall stake the area of discovery, placing stakes no more than 10-feet apart, forming a circle having a radius of no less than 50-feet from the point of discovery. If, after evaluation, a resource is determined to be a historical resource or unique archaeological resource (as defined in PRC section 21083.2 and CEQA Guidelines section 15064.5) or a tribal cultural resource (as defined in PRC section 21074), all preservation options shall be considered as required by CEQA (see CEQA Guidelines section 15126.4 and PRC 21084.3), including possible capping, data recovery, mapping, or avoidance of the resource, and a mitigation plan shall be prepared. The mitigation plan shall be implemented by Santa Clara County Parks in accordance with state guidelines and in consultation with the consulting Native American tribe. The mitigation plan shall include avoidance of the resource or, if avoidance of the resource is not feasible, the plan shall outline appropriate treatment of the resource in coordination with the consulting Native American tribe and the County archaeologist. Examples of appropriate treatment for the resource may include, but are not limited to, protecting the cultural character and integrity of the resources, protecting traditional use of the resources, protecting the confidentiality of the resources, data recovery excavations, or development of an interpretive program. Treatment that preserves or restores the cultural character and integrity of a tribal cultural resource may include tribal monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil. Work in the area may resume upon completion of treatment. The results of the identification, evaluation, and/or data recovery program for any unanticipated discoveries shall be presented in a confidential professional-quality report that details all methods and findings, evaluates the nature and significance of the resources, and analyzes and interprets the results. Non-confidential report information may be distributed to the public at the joint discretion of the County archaeologist and the involved Native American tribe. If the resource is of Native American origin, the consulting Native American tribe or Native American monitor may submit or contribute to an archaeological or ethnohistoric report on the resource discovery and contribute to appropriate interpretive materials reflecting these discoveries to be displayed at the County Park.

### **Mitigation Measure CUL-2: Impact to Previously Undiscovered Human Remains**

If human remains are encountered during construction and ground-disturbing activities, all work within 50-feet of the remains should be redirected and the County Coroner notified immediately. At the same time, a County archaeologist shall be contacted to complete an assessment of the finding(s). If the human remains are of Native American origin, the Coroner must notify the NAHC within 24 hours of this identification. The NAHC will identify a Native American Most Likely Descendent (MLD) to inspect the site and provide

recommendations for the proper treatment of the remains and any associated funerary objects. The County archaeologist shall recover scientifically valuable information, as appropriate and in accordance with the agreement between the MLD and Santa Clara County Parks. Upon completion of the archaeologist's assessment, a report should be prepared documenting methods and results of the assessment of human remains, as well as recommendations regarding the treatment of the human remains and any associated archaeological materials. The report should be submitted to Santa Clara County Parks, the NWIC, and the MLD. Reburial of the Native American human remains and associated funerary objects will be agreed upon the MLD and Santa Clara County Parks. If agreement cannot be reached between the MLD and the County, the human remains will be respectfully reburied on the project parcel in a location that will never be disturbed by future projects, in accord with state regulations. The discovery and reburial shall be kept confidential and secure to prevent any further disturbance.

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

### SETTING:

The project site is located on undeveloped land in unincorporated Santa Clara County, surrounded by rural residential properties, agricultural land uses, and Santa Clara County parkland. Silicon Valley Clean Energy provides electricity services and Pacific Gas and Electric provides natural gas services to unincorporated Santa Clara County. The project site does not contain any existing facilities that require energy consumption, with the exception of periodic vegetation management activities, including pruning and trimming of vegetation.

### REGULATORY FRAMEWORK:

#### *Federal Regulations, Policies, and Standards*

##### **National Energy Conservation Policy Act**

The National Energy Conservation Policy Act serves as the underlying authority for federal energy management goals and requirements. Signed into law in 1978, it has been regularly updated and amended by subsequent laws and regulations. This act is the foundation of most federal energy requirements.

##### **National Energy Policy Act of 2005**

Enacted in 2005, the National Energy Policy Act sets equipment energy efficiency standards, seeks to reduce reliance on non-renewable energy resources, and provides incentives to reduce current demand on these resources.

##### **Energy Independence and Security Act of 2007**

The Energy Independence and Security Act of 2007 aims to increase national energy security, develop renewable energy production, and improve vehicle fuel economy. The three key provisions enacted are the Renewable Fuel Standard, Corporate Average Fuel Economy (CAFE) standards, and appliance/lighting efficiency standards. The National Highway Traffic Safety Administration (NHTSA) regulates the national fuel economy for vehicles under the CAFE standards.

##### **Renewable Fuel Standard Program**

Congress created the Renewable Fuel Standard program to reduce GHG emissions and expand the nation's renewable fuels sector while reducing reliance on imported oil. This program was authorized under the Energy Policy Act of 2005 and expanded under the Energy Independence and Security Act of 2007.

##### **Clean Trucks Plan**

On August 5, 2021, the EPA announced plans to reduce GHG emissions and other harmful air pollutants from heavy-duty trucks through a series of three rulemakings that would collectively be called the Clean Trucks Plan. The first rulemaking, Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine

and Vehicle Standards, was signed by EPA on December 20, 2022 (EPA–HQ–OAR–2019–0055) and sets stronger emissions standards for heavy-duty vehicles and engines starting in model year 2027.

### ***State Regulations, Policies, and Standards***

#### **Construction Equipment Regulations**

Construction equipment fuel efficiency requirements are generally referenced as “Tier 4,” as defined under 40 Code of Federal Regulations parts 1039, 1065, and 1068, with similar provisions under the CARB regulations such as Cal. Code Regs., tit. 13, §§ 1956.8, 2025. The CARB also regulates construction equipment emissions ensuring that they include “every feasible control measure.” (Health & Saf. Code, §§ 39602.5, 39667, 43013.) “Every feasible measure” under the CAA (Health & Safety Code § 40612(c)(1)(A)) has been interpreted by CARB to be consistent with the definition of *feasibility* under CEQA Guidelines section 15364. Under California state law, “Tier 4” is generally used interchangeably with “2010 model year engines or equivalent.” (Cal. Code Regs., tit. 13, § 2025(d) (3)(F).)

#### **Low Carbon Fuel Standard Program**

The Low Carbon Fuel Standard (LCFS) program was adopted by CARB in 2009 and began implementation on January 1, 2011. In 2018, CARB approved amendments to the regulation, which included strengthening and smoothing the carbon intensity benchmarks through 2030 in line with California's 2030 GHG emission-reduction target enacted through SB 32, adding new crediting opportunities to promote *zero-emission vehicle* (ZEV) adoption, alternative jet fuel, carbon capture and sequestration, and advanced technologies to achieve deep decarbonization in the transportation sector. The LCFS is designed to encourage the use of cleaner low-carbon transportation fuels in California, encourage the production of those fuels, and, therefore, reduce GHG emissions and decrease petroleum dependence in the transportation sector.

#### **Advanced Clean Cars Program**

CARB adopted the Advanced Clean Cars (ACC) program in 2012. The ACC program coordinated regulations that apply to vehicle model years 2015 through 2025 to control smog, soot-causing pollutants, and GHG emissions. The three elements of the program are the ZEV regulations, GHG regulations, and particulate-matter standard. The ZEV program became a stand-alone regulation in 1999. Since then, the ZEV program has been reviewed and continually amended as technology and emission reduction needs have been identified. The current ZEV regulations require manufacturers to produce increasing numbers of fully electric vehicles and plug-in hybrid electric vehicles for model years 2018 through 2025. GHG regulations include furthering the Low-Emission Vehicle (LEV) Program. Some elements of the most recent LEV Program amendments include reducing emissions from light- and medium-duty on-road vehicles, an increase in useful life durability of these vehicles, and more stringent particulate-matter standards. Monitoring of the effectiveness of these programs to achieve the fuel-efficiency and emission goals will continue.

#### **California Energy Action Plan**

California's 2008 Energy Action Plan Update updated the 2005 Energy Action Plan II, the State's principal energy planning and policy document. The plan maintains the goals of the original Energy Action Plan, describes a coordinated implementation plan for State energy policies, and identifies specific action areas to ensure that California's energy is adequate, affordable, technologically advanced, and environmentally sound. The plan describes a coordinated implementation plan for State energy policies and refines and strengthens California's original Energy Action Plan I, published in 2003. Energy Action Plan II identifies specific action areas so that California's energy is adequate, affordable, technologically advanced, and environmentally sound, and to overall meet the state's needs while also reducing reliance on natural gas and other fossil fuels. The 2008 Energy Action Plan Update provides a status update to Energy Action Plan II and continues the goals of Energy Action Plan I.

## **California Vehicle Efficiency Regulations**

California has established statewide fuel economy and GHG emission regulations for vehicles that align with or supersede the national standards. The key State regulations related to energy conservation are as follows:

- The Pavley Regulations (AB 1493), as amended in 2009, required a 30 percent reduction in GHG emissions from new passenger vehicles from 2009 through 2016 .
- The Advanced Clean Cars Program extended the Pavley Regulations beyond 2016 and established a technology mandate for zero-emission vehicles .
- Carbon Fuel Standard (Executive Order S-1-07), as amended in 2019, requires a 20 percent reduction in the carbon intensity of California's transportation fuels by 2030.

## **In-Use Off-Road Diesel-Fueled Fleets Regulation**

CARB has regulated in-use off-road diesel vehicles since 2008 through the In-Use Off-Road Diesel-Fueled Fleets Regulation (Off-Road Regulation). The Off-Road Regulation was subsequently amended twice, in 2009 and again in 2010. More recent amendments were approved in 2023 and became effective on October 1, 2023. The Off-Road Regulation requires fleets to reduce their emissions by retiring older vehicles and replacing the retired vehicles with newer vehicles, repowering older engines or installing verified diesel emission control strategies in older engines, and restricting the addition of older vehicles to fleets. The regulation also establishes idling restrictions, limitations on buying and selling older off-road diesel vehicles, reporting requirements, and retrofit and replacement requirements.

## **Advanced Clean Trucks Regulation**

On June 25, 2020, CARB approved the Advanced Clean Trucks Regulation, which requires truck manufacturers (any manufacturer that certifies vehicles over 8,500 pounds gross vehicle weight rating) with sales in California to transition from diesel trucks and vans to electric zero-emission trucks beginning in 2024. By 2045, all new trucks sold in California must be zero-emission.

## ***Local Regulations, Policies, and Standards***

### **Santa Clara County General Plan**

The Santa Clara County General Plan was adopted in 1994. The Resource Conservation Element includes strategies and policies related to energy resources. Strategy 1 focuses on reducing transportation energy demand through growth management, compact development, transit investments, demand management, and fleet conversions to alternative fuels and increased availability of alternative fuels to the general public. The following policy from the Santa Clara County General Plan related to energy is applicable to the proposed project:

*C-RC 77:* Energy efficiency and conservation efforts in the transportation, industrial, commercial, residential, agricultural and public sectors shall be encouraged at the local, county (subregional), and regional level.

### **Santa Clara County Community Climate Roadmap 2035**

The County of Santa Clara released its draft Community Climate Roadmap 2035 in 2024 and presented it to the board of supervisors for adoption in early 2025. The intent of the roadmap is to accelerate efforts to reduce greenhouse gas (GHG) emissions from community activities and help contribute to statewide and nationwide GHG emissions reduction strategies. The roadmap includes the following action related to energy applicable to the proposed project:

*T-1.3 Safety:* Implement pedestrian and bike network safety improvements identified in the County's Active Transportation Plan, particularly in underserved neighborhoods.

*T-1.8: Countywide Trails Network:* Advance the countywide trails network identified in the County's Countywide Trails Master Plan that connects cities to one another, connects cities to the

county's regional open spaces, connects County parks to one another, and connects the northern and southern urbanized regions of the County.

## **DISCUSSION:**

### **a) Less than Significant Impact**

#### ***Construction***

Implementation of the proposed project would require the use of energy resources for construction of the proposed project. Construction would be temporary, lasting approximately 7 months, during which time equipment and construction vehicles would be operating to construct the proposed project. Additionally, vehicles would be used to haul construction debris and waste offsite for disposal at the Guadalupe Sanitary Landfill or other nearby landfills. Vehicle and equipment used during construction would consume energy in the form of petroleum products, notably gas and diesel. The exact amount of fuel required for project construction is expected to be similar to that for other construction projects of similar size and magnitude and would not have a measurable effect on demand for local and regional energy sources. Fuel consumption would be temporary, lasting approximately 7 months during the construction phase of the proposed project. Therefore, project construction would not use resources in large quantities or in a wasteful manner. Impacts would be less than significant.

#### ***Operation and Maintenance***

Operation of the proposed project would not introduce any permanent features that would require the regular consumption of energy. Operation and maintenance activities, such as opening and closing the pedestrian and vehicle gates, patrolling the site, and emergency responses, would require a small number of existing Santa Clara County Parks maintenance staff utilizing vehicles to reach the project site daily or weekly, dependent on the site needs. Maintenance activities would include mowing, cleaning, repair work, and facility replacement needs, and would occur on an as-needed basis. Vegetation maintenance is anticipated to occur annually and may be addressed either through mowing or annual grazing, which would consume energy by way of animal transport. Given the minimal amount of passenger vehicle use required to conduct operations and maintenance activities, and minimal equipment use needed for vegetation management activities and site repairs, operation and maintenance of the proposed project would not use resources in large quantities or in a wasteful manner and impacts would be less than significant.

### **b) No Impact**

Project construction and operation would be consistent with the Santa Clara General Plan and Community Climate Roadmap 2035 policies and actions, which encourage overall energy efficiency where possible and the consideration of biofuels use for off-road equipment. Specifically, vehicle engines and fuel used during construction and operation and maintenance of the proposed project would comply with federal, state, and local regulations aimed at reduction of energy use and energy efficiency requirements. The proposed project would also comply with strategy T-1.3 Safety in the Santa Clara County Community Climate Roadmap 2035 by installing a raised multi-use crossing along San Vicente Avenue and a signalized crossing at the McKean Road and Fortini Road intersection to improve safety for trail users crossing between Santa Teresa County Park, the proposed project, and Calero County Park. The proposed project would construct a new recreational multi-use trail that would connect Santa Teresa County Park and Calero County Park and would therefore comply with strategy T-1.8 Countywide Trails Network of the Santa Clara County Community Climate Roadmap 2035. Therefore, construction and operation and maintenance of the proposed project would not obstruct any state or local plans for renewable energy or energy efficiency. No impact would occur.

## **MITIGATION:**

*None required.*

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| G. GEOLOGY AND SOILS                                                                                                                                                                                                                                                                   |                                           |                                                               |                                         |                                     |                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|---------------------------------------------------------------|-----------------------------------------|-------------------------------------|-------------------------------------|
|                                                                                                                                                                                                                                                                                        |                                           | IMPACT                                                        |                                         |                                     |                                     |
| WOULD THE PROJECT:                                                                                                                                                                                                                                                                     | <u>Potentially<br/>Significant Impact</u> | <u>Less Than Significant with<br/>Mitigation Incorporated</u> | <u>Less Than<br/>Significant Impact</u> | <u>No Impact</u>                    | 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. | <input type="checkbox"/>                  | <input type="checkbox"/>                                      | <input checked="" type="checkbox"/>     | <input type="checkbox"/>            | 6, 17c, 43                          |
| ii) Strong seismic ground shaking?                                                                                                                                                                                                                                                     | <input type="checkbox"/>                  | <input type="checkbox"/>                                      | <input checked="" type="checkbox"/>     | <input type="checkbox"/>            | 6, 17c                              |
| iii) Seismic-related ground failure, including liquefaction?                                                                                                                                                                                                                           | <input type="checkbox"/>                  | <input type="checkbox"/>                                      | <input checked="" type="checkbox"/>     | <input type="checkbox"/>            | 6, 17c, 17n, 18b                    |
| iv) Landslides                                                                                                                                                                                                                                                                         | <input type="checkbox"/>                  | <input type="checkbox"/>                                      | <input checked="" type="checkbox"/>     | <input type="checkbox"/>            | 6, 17L, 18b, 57                     |
| b) Result in substantial soil erosion or the loss of topsoil?                                                                                                                                                                                                                          | <input type="checkbox"/>                  | <input type="checkbox"/>                                      | <input checked="" type="checkbox"/>     | <input type="checkbox"/>            | 6, 14, 23, 24, 72                   |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?                                                     | <input type="checkbox"/>                  | <input type="checkbox"/>                                      | <input checked="" type="checkbox"/>     | <input type="checkbox"/>            | 2, 3, 17c, 23, 24, 42, 61           |
| d) Be located on expansive soil, as defined in the report, <i>Soils of Santa Clara County</i> , creating substantial direct or indirect risks to life or property?                                                                                                                     | <input type="checkbox"/>                  | <input type="checkbox"/>                                      | <input checked="" type="checkbox"/>     | <input type="checkbox"/>            | 14,23, 24, 74, 75                   |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?                                                                                                    | <input type="checkbox"/>                  | <input type="checkbox"/>                                      | <input type="checkbox"/>                | <input checked="" type="checkbox"/> | 3,6, 23,24,                         |
| f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?                                                                                                                                                                                | <input type="checkbox"/>                  | <input checked="" type="checkbox"/>                           | <input type="checkbox"/>                | <input type="checkbox"/>            | 2,3,4,40,41, 67, 68, 69, 70, 71, 72 |

## SETTING:

### *Geology, Seismicity, and Soils*

The proposed project is located in unincorporated Santa Clara County, situated between Santa Teresa County Park and Calero County Park, within the greater San Francisco Bay Area. The south bay region is

characterized as a gentle alluvial filled valley. The project site has an average slope of 2 percent with short steeper slopes along the channel banks of Calero Arroyo.

The proposed project lies within the Santa Cruz Mountains, which are part of the California Coast Ranges geomorphic province of California. The main strand of the San Andreas Fault Zone–Santa Cruz Mountains Section is approximately 6.8 miles southwest of the project site. Concealed traces of the Monte-Vista Shannon Fault transect the project site and are in close proximity to the proposed Arroyo Creek bridge and Santa Teresa Creek bridge. The Monte-Vista Shannon Fault is considered to be potentially active, meaning it is capable of generating future earthquakes with ground rupture.

Soils underlying the project site are classified as Copley clay, Stevens Creek sandy clay loam, Montavista-Togasara complex, and Urbanland-Botella complex. Copley clay soils are very deep, moderately well and well drained soils that formed in alluvium from mixed rock sources. Stevens Creek sandy clay soils are deep, well-drained soils, with low runoff and moderate permeability. Montavista-Togasara complex soils are shallow well drained soils that formed in material weathered from serpentinitic rocks. Urbanland-Botella complex soils are very deep, well drained soils that formed in alluvial material from sedimentary rocks. Additionally, soils located at and around the Santa Teresa Creek and Arroyo Calero soils are classified as Stevens Creek sandy clay loam.

### ***Liquefaction and Lateral Spreading***

The project site is mapped in an area underlain by alluvial fan deposits. The majority of the project site, approximately 34 acres, is within the Santa Clara County Liquefaction Hazard Zone. The southern portion of the project site near McKean Road as it approaches the Arroyo Calero is classified as having a low liquefaction susceptibility (approximately 13 acres). Therefore, the project site may be susceptible to liquefaction during an earthquake.

### ***Paleontological Resources***

Paleontological resources include fossilized remains or traces of animals, plants, and invertebrates from a previous geological period. Paleontological resources are deposited and preserved within particular lithologic (rock) units. Lithologic units that may contain fossils include sedimentary and volcanic formations. Collecting localities and the geologic formations containing those localities also are considered paleontological resources because they represent a limited, nonrenewable resource that, once destroyed, cannot be replaced.

The underlying geology at the project site consists completely of Holocene to Pleistocene-age alluvial fan deposits (Qhf and Qfp), which are characterized as unsorted boulders, gravel, sand, silt, and soil deposited in alluvial fans. The proposed southern parking area is underlain by a layer of fill to a depth of approximately 12 feet.<sup>5</sup>

## **REGULATORY FRAMEWORK:**

### ***Federal Regulations, Policies, and Standards***

No federal regulations related to geology and soils are applicable to the proposed project.

### ***State Regulations, Policies, and Standards***

#### ***The Alquist-Priolo Earthquake Fault Zoning Act***

The Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo Act) was enacted in 1972 to mitigate the hazard of surface fault rupture to structures for human occupancy. In accordance with the Alquist-Priolo Act, the State Geologist established regulatory zones, called *earthquake fault zones*, around the surface

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<sup>5</sup> The proposed southern parking area is underlain by fill material that was deposited from construction of the existing Rancho San Vicente Staging area in 2017. The depth of fill was determined based on the 11,500 cubic yards that were spread across the area, site observations, and comparison of historic photos of the site.

traces of active faults and published maps showing the earthquake fault zones. Each earthquake fault zone extends approximately 200 to 500 feet on either side of the mapped fault trace because many active faults are complex and consist of more than one branch that may experience ground surface rupture.

#### **Seismic Hazards Mapping Act**

The Seismic Hazards Mapping Act (SHMA), enacted in 1990, requires the State Geologist to delineate various seismic hazard zones and for cities, counties, and other local permitting agencies to regulate certain development projects within these hazard zones, called Zones of Required Investigation. The CGS Guidelines for Evaluating and Mitigating Seismic Hazards (Special Publication 117A) provides guidance for evaluating and mitigating seismic hazards. The CGS developed official maps based on USGS topographic quadrangles, as required by the SHMA.

#### **California Public Resources Code Section 5097.5**

Section 5097.5 of the California Public Resources Code (PRC), which protects paleontological resources, states:

No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological, or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands.

As used in the PRC section, *public lands* means lands owned by, or under the jurisdiction of, the State or any city, county, district, authority, or public corporation, or any agency thereof. Consequently, public agencies are required to comply with PRC section 5097.5 for the agency's activities, including construction and maintenance as well as for permit actions (e.g., encroachment permits) undertaken by others.

#### ***Local Regulations, Policies, and Standards***

##### **Santa Clara County General Plan**

Adopted in 1994, the Santa Clara County General Plan provides strategies, policies, and implementation to guide the evaluation of the natural and built environment for potential geologic hazards and loss of geologic resources, including paleontological resources. The Health and Safety and Resource Conservation Chapter of the General Plan contains the following geologic hazard policies pertaining to the protection of public safety as well as the conservation of heritage resources, which include paleontological resources, relevant to the proposed project:

*C-HS 33*: Development in areas of natural hazards should be designed, located, and otherwise regulated to reduce associated risks, by regulating the type, density, and placement of development where it will not:

- a. be directly jeopardized by hazards;
- b. increase hazard potential; and
- c. increase risks to neighboring properties.

##### **Santa Clara County Geologic Ordinance**

The Santa Clara County Geologic Ordinance establishes minimum requirements for the geologic evaluation of land based on proposed land uses as well as procedures to enforce these requirements. The ordinance also establishes rules and regulations for development of land that is on or adjacent to known potentially hazardous areas, which can result in geologic hazards. The provisions of the ordinance are intended to ensure that the County fulfills its duties under State law regarding geologic hazards, including the Alquist-Priolo Earthquake Fault Zoning Act and the Seismic Hazards Mapping Act. In accordance with Section C12-606 of the ordinance, the Santa Clara County geologic hazard zones and maps are the basis for the County to determine which provisions of the ordinance apply to a project. Additionally, in accordance with Section C12-607, as a matter of public safety, geologic review is required for a proposed development if

the property is located within a geologic hazard zone or if the proposed development will create or increase the risk of damage to be caused by a geologic hazard.

#### **Santa Clara County Ordinance Code, Grading and Drainage Ordinance**

Title C, Division C12, Article 3 of the County Ordinance Code establishes requirements for grading and drainage alteration. Section C12-406 specifies that a Grading Permit is required for the following: (a) cuts or fills, which each independently are greater than 150 cubic yards; (b) cut or fill that is greater than five feet in vertical depth at its deepest point when measured from the natural ground surface; or (c) work that alters, diverts, or impairs the flow of water in the watercourse. Section c12-407 specifies that a grading permit is exempt if the grading is performed by or under the supervision, or construction control of, a governmental agency, including the County of Santa Clara, where the agency has provided written confirmation that an authorized representative of that agency is assuming full responsibility for the work, provided the grading meets land use requirements.

#### **DISCUSSION:**

##### **a i-iv) Less than Significant Impact**

##### ***Rupture of a Known Earthquake Fault and Seismic Ground Shaking***

The proposed project is not located within or in the vicinity of a delineated-Alquist-Priolo fault zone. The proposed project is located within a seismically active region of California and the proposed Arroyo Calero bridge is located along the margin of the Santa Clara County-designated Fault Rupture Hazard Zone and transects Monte-Vista Shannon Fault traces. The project site would be subject to strong ground motions from nearby faults—namely, several faults are within 10 miles of the proposed project site including the Hayward, San Andreas, Calaveras, and Sargent faults. Risk of fault rupture associated with the Monte-Vista Shannon Fault is currently unknown and potentially significant. The proposed project would include the installation of two bridges that would pose a significant risk to trail users in event of a fault rupture or seismic ground shaking. In accordance with County Park’s Geologic BMPs for Trail Design, the proposed project would be designed in accordance with the Countywide Trails Master Plan and Design and Management Guidelines. Guideline D-1.5 Areas of Geologic Instability requires that appropriate surveys be conducted to identify the occurrence of any potentially hazardous geologic conditions, and that necessary construction design measures be incorporated into design of the trail to ensure users would not be exposed to the identified hazard. Additionally, Santa Clara County Parks would prepare a geotechnical investigation, in compliance with the Santa Clara County Geologic Ordinance (Section C12-607), which would include design features that would minimize impacts related to rupture of a known earthquake fault and seismic ground shaking. The proposed project would not directly or indirectly cause potential substantial adverse effects related to fault rupture or seismic ground shaking. The impact would be less than significant.

##### ***Liquefaction***

As discussed above, the project site is primarily within the Santa Clara County Liquefaction Hazard Zone, except for portions of the project site south of Arroyo Calero. As a result, the site may be susceptible to liquefaction during an earthquake. The Santa Clara County Geologic Ordinance (Section C12-607) requires a geologic investigation for certain classes of projects located within a geologic hazard zone. Santa Clara County Parks would prepare a geotechnical investigation, in compliance with the Santa Clara County Geologic Ordinance, which would include design features that would minimize impacts related to liquefaction. Impacts would be less than significant.

##### ***Landslides***

The project site is flat and would not be subject to substantial landslide hazards. The proposed project is not located within any areas designated as Earthquake-Induced Landslide Zones. The California Geology System (CGS) map of Deep-Seated Landslide Susceptibility indicates that small portions of land surrounding the Arroyo Calero are moderately susceptible to landslide potential due to slope. Otherwise, the project site is not located in an area susceptible to landslides as the average slope is approximately two

percent throughout the site. In accordance with Santa Clara County Parks geological BMPs, all trails would be designed and constructed in accordance with the Countywide Trails Master Plan and Design and Management Guidelines and would follow specific slope requirements that would reduce landslide potential, which would reduce any potential for direct or indirectly resulting in loss, injury, or death as result of the proposed project. Therefore, impacts would be less than significant.

#### **b) Less than Significant Impact**

##### ***Construction***

The proposed project would involve soil disturbance and grading and could increase the potential for exposed soil to be eroded by wind or stormwater runoff, resulting in long-term soil loss. The wind erosion hazard experienced by the soils underlying the project site range from slight to moderate wind erodibility. These soils also experience a low level of water erosion hazard, with the exception of Montavista-Togasara complex, which experiences a moderate level of water erosion hazard. As discussed in Section J.

Hydrology and Water Quality, the proposed project would disturb more than 1 acre of land. Therefore, Santa Clara County Parks and its contractor(s) are required to prepare a SWPPP and implement associated BMPs that are specifically designed to reduce erosion associated with earthmoving activities. As outlined in the Project Description, Santa Clara County Parks has BMPs that would be implemented in the SWPPP. These BMPs are as follows:

- Stockpiles or other loose, granular construction materials are to be enclosed and covered.
- Soil is to be contained and runoff filtered away from disturbed areas.
- No earth or organic material is to be placed where it may enter a body of water.
- No construction materials are to be washed or rinsed into the streets, shoulder areas, or ditches.

With implementation of the SWPPP and Santa Clara County Parks BMPs, soil erosion and loss would be minimized, and impacts would be less than significant.

##### ***Operation and Maintenance***

Operation and maintenance of the proposed project would not involve substantial ground disturbance that would result in soil erosion or the loss of topsoil. The proposed project would introduce new impervious surfaces to the project site through the creation of the southern parking area. The southern parking area would include paved driving surfaces and gravel parking spots, resulting in approximately 0.3 acre of new impervious surface. The addition of the paved driving surfaces would not result in a substantial increase in impervious surfaces that would result in erosion and loss of topsoil from increased stormwater runoff. Additionally, the remainder of the proposed project would be permeable surfaces by design. The proposed trail would consist of crush rock, which would allow infiltration of water into the subsurface and help prevent erosion. The northern parking area and the parking spots in the southern parking area would also be composed of gravel and/or crushed rock. The proposed project would adhere to hydrological and geological BMPs outlined in the Project Description, which include measures to minimize erosion risk and loss of topsoil, such as, maintaining vegetation along the trail corridor, closing erodible trails during wet weather and storm events, and taking extra precautions within riparian zones. Additionally, geologic BMPs for trail design would be implemented, including designing the trail in accordance with the Countywide Trails Master Plan and Design and Management Guidelines. Therefore, impacts would be less than significant.

#### **c) Less than Significant Impact**

As discussed under Impact a), the project site is relatively level, and the potential for landslides to occur at the project site is low, with the exception of small portions near the Arroyo Calero that are moderately susceptible to landslide potential due to slope. In accordance with the County Park's geological BMPs, all trails would be designed and constructed in accordance with the Countywide Trails Master Plan and Design and Management Guidelines and would follow specific slope requirements that would reduce landslide potential. The area immediately surrounding the project site is also relatively level and has low potential for landslides, with the exception of the Santa Teresa Hills, located within the Santa Teresa County Park, just

north of the project site, which is mapped as a landslide hazard zone according to CGS. However, the proposed project would not affect this landslide hazard zone and would not result increased risk of an off-site landslide.

As discussed under Impact a), the proposed project is mostly located within the Santa Clara County Liquefaction Hazard Zone. Therefore, the site may be susceptible to liquefaction and lateral spreading during an earthquake. The proposed project would comply with the Santa Clara County Geologic Ordinance (Section C12-607), which requires the preparation of a geotechnical report that would include design recommendations to minimize impacts related to seismically induced liquefaction. Implementation of the design recommendations would ensure that the project would not cause the soil underlying the project site to become unstable and result in increased risk of on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. Therefore, the impact relative to unstable soil or geologic units would be less than significant.

#### **d) Less than Significant Impact**

Expansive soils shrink and swell and can damage foundations if moisture collects beneath structures. Shallow, clayey soil poses the greatest potential for large seasonal changes in moisture content. *Linear extensibility* is a metric used to determine whether soils are expansive. Soils at the project site experience a moderate to high level of shrink-swell potential according to their linear extensibility ratings. The proposed project would construct a trail, bridges, parking areas, and other trail amenities on expansive soils, which could create a risk to life or property and result in a significant impact. Santa Clara County Parks would prepare a geotechnical investigation, in compliance with the Santa Clara County Geologic Ordinance (Section C12-607), which would include design recommendations to minimize impacts related to expansive soils. Incorporation of the geotechnical report recommendations into the project design would reduce impacts associated with expansive soils during both construction and operation of the proposed project. Therefore, the proposed project would not result in substantial risks to life or property by being located on expansive soils, and the impact would be less than significant.

#### **e) No impact**

Construction and operation of the proposed project would not involve use of a septic tank or alternative wastewater disposal system. Wastewater generated at portable toilets during construction would be disposed of off-site at appropriate facilities. Therefore, no impact would occur.

#### **f) Less than Significant Impact with Mitigation Incorporated** **Construction**

A unique geologic feature is a feature that embodies distinctive characteristics of any regional or local geologic principles, provides a key piece of information important to geologic history, contains minerals not known to occur elsewhere in the county, and/or is used as a teaching tool. There are no known or previously documented unique geologic features in the project site; therefore, no unique geologic features would be affected, and no impact would occur.

Many fossils are buried below the ground surface and are discovered only when excavation or other ground disturbance begins. Therefore, accepted protocols rely on the concept of paleontological potential or paleontological sensitivity, which is based on the concept that geologic units that historically have been known to produce fossil finds have a higher likelihood of yielding fossil finds in other locations. Because the key concern with regard to damage or destruction of fossil resources is the loss of scientific information, paleontological potential/sensitivity evaluations typically also factor in the types of fossil materials that a geologic unit has produced and their scientific importance. For instance, vertebrate fossils are considered scientifically important because of their comparative rarity and their informational potential. Fossils that provide information on the age of the strata in which they occur also have informational value and are considered scientifically important. Geologic units that have produced scientifically important

fossil finds anywhere within their geographic extent are considered paleontologically sensitive wherever they occur.

As described above, the project site is directly underlain by Holocene-age alluvial fan deposits and Pleistocene-age alluvial fan deposits. In general, Holocene-age sedimentary deposits are considered to have a low potential to contain significant paleontological resources because of their relatively young age (11,700 years ago to recent) and amount of time it typically takes fossils to form (approximately 10,000 years). However, the potential for Holocene-age deposits increases with increased depth into the deposits as the older sediments are deeper below the surface (i.e., early Holocene sedimentary deposits can have a high potential to contain significant paleontological resources). In general, Pleistocene-age sedimentary deposits are considered to have a high potential to contain significant paleontological resources. According to the University of California Museum of Paleontology (UCMP) online fossil database, Santa Clara County alone contains 12 Pleistocene-age vertebrate fossil localities.

While Holocene deposits are not typically considered highly sensitive for paleontological resources, the UCMP online collections database contains several records for Holocene-age fossil localities in Santa Clara County. These include invertebrate finds from Mayfield and Charlston Sloughs in the Palo Alto area and a site in Sunnyvale as well as pollen from Triangle Marsh on Coyote Slough. Unspecified finds have also been made at sites along the Guadalupe River and Alum Creek. Additionally, the 2005 discovery of Columbian mammoth (*Mammuthus columbi*) remains in Holocene-age strata at a depth of approximately 12 feet below the modern floodplain near Mineta International Airport indicates that area in the Santa Clara Valley that have been previously mapped as Holocene-age sedimentary may have unrecognized potential to contain significant fossil materials. In 2016, the UCMP published research that documented three recent fossil discoveries (including mammoth, horse, sloth, and bison remains) and reassessed eight other vertebrate fossil localities from Santa Clara County. The research indicates that all but two of the localities were recorded in deposits mapped as Holocene; however, the fossils discovered indicate that the deposits must be Pleistocene-age. This information suggests that Pleistocene-age deposits are much closer to the surface than previously thought or that Pleistocene-age deposits have been incorrectly mapped as Holocene.

Subsurface project construction would include excavations ranging from 2 to 12 feet deep and installation of drilled piers to a depth of 10 to 15 feet. Although drilling for and installation of piers would penetrate the Pleistocene-aged alluvial deposit, this activity would be unlikely to expose paleontological resources as there would be no visible exposure of the subsurface deposits. However, open excavation into Pleistocene-age and Holocene-age deposits have the potential to expose paleontological resources. Excavation at any depth into Pleistocene-age deposits has the potential to encounter significant paleontological resources and, while the potential generally is low in Holocene-age deposits, given the past discoveries in Santa Clara County, shallow excavation into Holocene-age deposits could encounter significant paleontological resources as well. If excavation associated with the proposed project results in damage or destruction of a unique paleontological resource, that would constitute a significant impact.

Mitigation Measure GEO-1 would be implemented to minimize potential impacts to paleontological resources. Mitigation Measure GEO-1 requires preconstruction worker environmental awareness training (or equivalent) to be prepared and presented to construction personnel by a qualified paleontologist. Additionally, the measure would require excavation deeper than 5 feet into Holocene- and any excavation into Pleistocene-age deposits to be monitored by a qualified paleontological resource monitor (under the direction of a qualified paleontologist) and provides procedures in the event of a fossil discovery during construction. With implementation of Mitigation Measure GEO-1, impacts to paleontological resources would be less than significant.

## ***Operation and Maintenance***

Operation and maintenance activities associated with the proposed project would not involve ground disturbance or installation of new features that would potentially damage a unique paleontological resource or a unique geologic feature. Therefore, no impact would occur during operation and maintenance.

### **MITIGATION:**

#### **Mitigation Measure GEO-1: Paleontological Unanticipated Discovery and Monitoring Training**

Prior to the start of any ground-disturbing activity (e.g., vegetation removal, grading) a qualified paleontologist (meeting Society of Vertebrate Paleontology [SVP] standards) shall be retained to prepare and administer a work awareness training (or equivalent). The training shall focus on the recognition of the types of paleontological resources that could be encountered within the work area and the procedures that shall be followed if fossils are encountered during construction.

#### ***Unanticipated Discovery***

If paleontological resources (e.g., bones, teeth, fossilized wood, or trace fossils) are encountered during ground-disturbing activities within the defined depth and geologic contexts, all work within 25 feet of the discovery shall cease and the construction supervisor shall be immediately notified. A qualified professional paleontologist, as defined by the SVP, shall be retained to evaluate the discovery and recommend an appropriate treatment plan. Treatment may include (but would not be limited to) *in-situ* avoidance, fossil recovery, or monitoring. Requirements for treatment and evaluation are described under “Paleontological Monitoring,” below. Work in the affected area shall not resume until the qualified paleontologist has completed the evaluation and provided written clearance.

#### ***Paleontological Monitoring***

A qualified paleontological resource monitor(s) (meeting SVP standards), under the direction of the qualified paleontologist, shall conduct full-time paleontological resource monitoring for all ground-disturbing activities in previously undisturbed areas mapped as Pleistocene-age alluvial fan deposits and for all excavation that occurs below 5 feet below ground surface in areas mapped as Holocene-age alluvial fan deposits. These areas shall be clearly mapped in relation to the proposed project and presented in a Paleontological Resources Mitigation Monitoring Plan (PRMMP). If ground disturbance occurs simultaneously in different locations, each location shall be monitored individually. If fossils are encountered, monitors shall have the authority to temporarily halt or divert work away (establishing a 25-foot buffer) from the discovery in order to evaluate the find and recommend an appropriate treatment plan. The qualified paleontologist shall assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. If the paleontological resources are found to be significant and project activities cannot avoid them, measures shall be implemented to ensure that the project does not cause a substantial adverse change in the significance of the paleontological resource. Measures may include diverting construction activities or fossil recovery. The results of monitoring (including daily monitoring logs) and any recovered fossils shall be documented. Upon completion of the assessment, a report documenting methods, findings, and recommendations shall be prepared and submitted to Santa Clara County for review. If paleontological materials are recovered, this report also shall be submitted to a paleontological repository such as the University of California Museum of Paleontology, along with significant paleontological materials. Public educational outreach may also be appropriate.

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

### SETTING:

Greenhouse gases (GHGs), unlike criteria air pollutants and toxic air contaminants, are global pollutants. Gases that trap heat in the atmosphere are referred to as GHGs because they capture heat radiated from the sun as it is reflected back into the atmosphere, much like a greenhouse does. The accumulation of GHGs is the driving force for global climate change, which can result in increased temperatures, changes in snow and rainfall patterns, increases in droughts, tropical storms, heavy rain events, and increased potential for catastrophic wildfires. The primary GHGs are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), ozone, and water vapor.

Although GHGs occur naturally in the atmosphere, CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O are also emitted from human activities, accelerating the rate at which these compounds occur in Earth's atmosphere. Emissions of CO<sub>2</sub> are mainly generated by fossil fuel combustion, whereas methane emissions result from off-gassing associated with agricultural practices, coal mines, and landfills. Other GHGs include hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and they are generated in certain industrial processes.

CO<sub>2</sub> is the reference gas for climate change effects because it is the predominant GHG emitted. The effect that each of the aforementioned gases can have on global warming is a combination of the mass of their emissions and their global warming potential (GWP). GWP indicates, on a pound-for-pound basis, how much a gas is predicted to contribute to global warming relative to how much warming would be predicted to be caused by the same mass of CO<sub>2</sub>. CH<sub>4</sub> and N<sub>2</sub>O are substantially more potent GHGs than CO<sub>2</sub>, with GWPs of 27 to 30 and 273 times that of CO<sub>2</sub>, respectively.

In emissions inventories, GHG emissions are typically reported in terms of pounds or metric tons of CO<sub>2</sub> equivalents (CO<sub>2</sub>e). CO<sub>2</sub>e is calculated as the product of the mass emitted of a given GHG and its specific GWP. Although CH<sub>4</sub> and N<sub>2</sub>O have much higher GWPs than CO<sub>2</sub>, CO<sub>2</sub> is emitted in such vastly higher quantities that it accounts for the majority of GHG emissions in CO<sub>2</sub>e.

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

Major sources of greenhouse gas emissions in the Santa Clara County are buildings and facilities, transportation, and waste disposal. Overall emissions for the county in 2020 were 86,748 MTCO<sub>2</sub>e, which

represents a 24-percent decrease from 2019 emissions of 114,737 MTCO<sub>2</sub>e, a 34-percent decrease from 2015 emissions of 132,358 MTCO<sub>2</sub>e and a 29-percent decrease from 2010 emissions of 122,696 MTCO<sub>2</sub>e; therefore, countywide emissions have been on a downward trend since 2010.

## **REGULATORY FRAMEWORK**

### ***Federal Regulations, Policies, and Standards***

#### **Supreme Court Ruling in *Massachusetts et al. v. Environmental Protection Agency***

The EPA is the federal agency responsible for implementing the federal CAA and its amendments. The U.S. Supreme Court ruled in 2007 that CO<sub>2</sub> is an air pollutant as defined under the CAA and that the EPA has the authority to regulate GHG emissions (*Massachusetts v. USEPA* [2007] 549 U.S. 497). The ruling in this case resulted in the EPA taking steps to regulate GHG emissions and lent support for state and local agencies' efforts to reduce GHG emissions.

The National Highway Traffic Safety Administration (NHTSA) and EPA sets the Corporate Average Fuel Economy (CAFE) standards to improve the average fuel economy and reduce GHG emissions that are generated by cars and light-duty trucks. In 2018, the NHTSA and EPA proposed to amend the fuel efficiency standards for passenger cars and light trucks and establish new standards covering model years 2021 through 2026 by maintaining the model year 2020 standards through 2026 (Safer Affordable Fuel-Efficient [SAFE] Vehicles Rule). As part of the SAFE Vehicles Rule, the NHTSA and EPA also issued a regulation revoking California's CAA waiver, which allows California to set its own GHG emissions standards, asserting that the waiver was pre-empted by federal law (SAFE Rule Part One, 84 Federal Register 51310, September 27, 2019). Part One of the SAFE Vehicles Rule went into effect on November 26, 2019, and was the subject of litigation. Subsequently, the EPA reconsidered the SAFE rule and, as of March 14, 2022, the EPA rescinded Part One of the SAFE Vehicles Rule, once again allowing California to enforce its own GHG emissions standards

SAFE Rule Part Two was finalized on March 31, 2020, and it went into effect on June 29, 2020. Part Two of the SAFE Rule sets the CAFE standards to increase in stringency by 1.5 percent per year above model year 2020 levels for model years 2021 through 2026. These standards are lower than the previous CAFE standards, which required that model years 2021 through 2026 increase in stringency by 5 percent per year.

### ***State Regulations, Policies, and Standards***

#### **California Air Resources Board**

CARB is the agency responsible for coordination and oversight of State and local air pollution control programs. Currently, no State regulations establish ambient air quality standards for GHG emissions. However, California has passed laws directing CARB to develop actions to reduce GHG emissions, and several State legislative actions related to climate change and GHG emissions have come into play in the past decade.

#### **Executive Order S-3-05**

In 2005, Executive Order (EO) S-3-05 was adopted and proclaimed that California is vulnerable to the impacts of climate change. It declared that increased temperatures could reduce the Sierra Nevada snowpack, further exacerbate California's air quality problems, and potentially cause a rise in sea levels. To combat those concerns, the EO established total GHG-emissions reductions goals for the state. Specifically, statewide GHG emissions were to be reduced to 2000 levels by 2010, to 1990 levels by 2020, and to 80 percent below 1990 levels by 2050.

#### **Assembly Bill 32, the California Global Warming Solutions Act**

In 2006, AB 32, also known as the California Global Warming Solutions Act, was enacted. AB 32 establishes regulatory, reporting, and market mechanisms to achieve quantifiable reductions in GHG emissions and puts a cap on statewide GHG emissions. AB 32 requires that statewide GHG emissions be reduced to 1990 levels by 2020.

## **Senate Bill 32**

Senate Bill (SB) 32 was enacted in 2016 and serves to extend California’s GHG-emissions reductions programs beyond 2020. SB 32 amended the Health and Safety Code to include section 38566, which contains language to authorize CARB to achieve statewide GHG emissions reductions of at least 40 percent below 1990 levels by no later than December 31, 2030. SB 32 codified the targets that were established by EO B-30-15 for 2030.

### **2022 Climate Change Scoping Plan**

AB 32 required the CARB to develop a scoping plan describing the approach for California to take to reduce GHG emissions, to achieve the goal of reducing emissions to 1990 levels by 2020. The Scoping Plan was first approved by the CARB in 2008, with an update required every five years. The initial AB 32 Scoping Plan contained the main strategies for California to use to reduce the GHG emissions that cause climate change. The initial Scoping Plan contained a range of GHG-emissions reduction actions including direct regulations, alternative compliance mechanisms, monetary and nonmonetary incentives, voluntary actions, market-based mechanisms such as a cap-and-trade system, and an AB 32 program implementation fee regulation to fund the program. In August 2011, the initial Scoping Plan was approved by CARB.

The Scoping Plan was updated in 2013, 2017, and most recently, in December 2022 with the adoption of CARB’s 2022 Scoping Plan (CARB 2022). The three previous scoping plans focused on specific GHG-emissions reduction targets for the state’s industrial, energy, and transportation sectors—first to meet 1990 levels by 2020, then to meet the more aggressive target of 40 percent below 1990 levels by 2030. The 2022 Scoping Plan addresses recent legislation and direction from Governor Newsom, extending and expanding on earlier scoping plans with a target of reducing anthropogenic emissions to 85 percent below 1990 levels by 2045.

### **State CEQA Guidelines**

Section 15064.4 of the CEQA Guidelines addresses the significance of GHG emissions. Section 15064.4 calls for a lead agency to make a “good-faith effort” to “describe, calculate or estimate” GHG emissions in CEQA environmental documents. Section 15064.4 further states that the analysis of GHG emissions impacts should include consideration of: (1) the extent to which a project may increase or reduce GHG emissions, (2) whether project emissions would exceed a locally applicable threshold of significance, and (3) the extent to which a project would comply with “regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions.” The revisions also state that a project’s incremental contribution to a cumulative effect is not cumulatively considerable if the project would comply with the requirements in a previously approved plan or mitigation program (including plans or regulations for the reduction of GHG emissions) that provides specific requirements that would avoid or substantially lessen the cumulative problem within the geographic area in which the project is located (CEQA Guidelines section 15064(h)(3)). However, the CEQA Guidelines revisions do not set a numerical threshold of significance for GHG emissions. The revisions also include guidance on measures to mitigate GHG emissions when such emissions are found to be significant.

### **Bay Area Air District 2022 CEQA Guidelines**

In 2022, the Bay Area Air District (formerly the Bay Area Air Quality Management District at the time of adoption) adopted its *2022 CEQA Guidelines*, which supersedes their *2017 CEQA Guidelines*. The *2022 CEQA Guidelines* provides the air district -recommended procedures for evaluating climate impacts in CEQA documents. The *2022 CEQA Guidelines* provides GHG emissions thresholds for land use plans and projects. A project may be deemed to have a less-than-significant impact if it either (A) includes required design elements, such as omission of natural gas infrastructure, achieving VMT reductions aligned with SB 743/Scoping Plan targets, and compliance with CALGreen Tier 2 EV-readiness, or (B) is consistent with a qualified local GHG-emissions reduction strategy under CEQA Guidelines section 15183.5(b). The *2022 CEQA Guidelines* does not provide quantitative thresholds of significance for construction activities. Rather, it recommends quantifying and disclosing those emissions and incorporating 18 *best management*

*practices* (BMPs) for reducing construction emissions, including BMPs related to engine emissions, use of electric equipment, and materials recycling.

#### **2017 Clean Air Plan**

The air district adopted the 2017 Clean Air Plan (CAP) to address state nonattainment in SFBAAB for both the one- and eight-hour ozone standards. The 2017 CAP defines an integrated, multipollutant control strategy to reduce emissions of particulate matter, TACs, ozone precursors, and GHGs.

#### ***Local Regulations, Policies, and Standards***

##### **Santa Clara Valley Transportation Authority Climate Action and Adaptation Plan**

The Santa Clara Valley Transportation Authority (VTA) released its final Climate Action and Adaptation Plan in January of 2024 to provide a comprehensive plan for the VTA to better address climate change for their operations and countywide transportation. The CAAP outlines actions the VTA implements in order to both reduce GHG emissions (i.e., climate change mitigation) and address climate change impacts by adapting to and building resilience of VTA's assets and operations (i.e., climate change adaptation).

##### **Santa Clara County General Plan**

The Santa Clara County General Plan's Health Element contains the following policies relevant to GHGs:

*Policy HE-G.1:* Air quality environmental review. Continue to utilize and comply with the Air District's project- and plan-level thresholds of significance for air pollutants and GHG emissions

##### **Santa Clara County Sustainability Master Plan**

The Santa Clara County Sustainability Master Plan was created to help the County reduce climate pollution, adapt to global climate change, and enhance natural resources and the environment. The following strategies are relevant to GHG emissions and climate change:

**Goal 1: Carbon Neutrality:** Become a carbon neutral County that supports a transition to zero waste and zero emissions

Strategy 1.6 Carbon Sequestration: Explore and implement practices that sequester carbon, including agricultural practices and urban ecology to help offset greenhouse gas emissions.

#### **DISCUSSION:**

##### **a) Less than Significant Impact**

The proposed project would generate GHG emissions from vehicle exhaust and equipment used during construction as well as from worker trips to and from the project site. The air district does not recommend a threshold of significance for GHG emissions during construction because there is not sufficient evidence to determine a level at which temporary construction emissions are significant. Operation and maintenance activities throughout the life of the proposed project are not expected to result in a substantial increase in GHG emissions; however, operation and maintenance would require off-road equipment for trail maintenance as well as vehicles trips for opening and closing trail and vehicle gates, patrolling the site, and emergency response.

The proposed project's consistency with the air district's recommended design elements is evaluated in Table 8. The proposed project is designed to incorporate the applicable design elements. Therefore, the proposed project would contribute its "fair share" to achieve the state's long-term climate goals, and the impact would be less than significant.

**Table 8 Proposed Project Consistency with Air District Design Elements for GHG Emissions**

| <b>Design element Category</b> | <b>Design element summary</b>                                                    | <b>Consistency</b>                                                                                                                                                                                                                                                                                                                                         |
|--------------------------------|----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Buildings                      | No natural gas appliances or natural gas plumbing                                | Not Applicable. The proposed project does not include features that would be powered by natural gas.                                                                                                                                                                                                                                                       |
|                                | No Wasteful, Inefficient, or Unnecessary Energy Usage                            | Consistent. All diesel-fueled off-road construction equipment would be equipped with EPA Tier 3 compliant engines or better as a condition of contract, and equipment would not be operated for greater than 9 hours per day. Therefore, construction and operation of the project would not result in inefficient, wasteful, or unnecessary energy usage. |
| Transportation                 | Project-generated VMT Reduction                                                  | Not applicable. The project-generated VMT reduction targets included in this design element (for residential, office, and retail projects) do not apply to the proposed project.                                                                                                                                                                           |
|                                | CALGreen Tier 2 electric vehicle requirement                                     | Not applicable. The proposed project would not include residential or non-residential structures, therefore CALgreen Tier 2 requirements do not apply.                                                                                                                                                                                                     |
| Local GHG reduction strategy   | Strategies that meet the criteria under State CEQA Guidelines Section 15183.5(b) | Consistent. See discussion below under impact b). The proposed project would not conflict with the ability of local agencies to meet their GHG reduction goals or strategies.                                                                                                                                                                              |

**b) Less Than Significant Impact**

The proposed project includes the applicable air district-recommended design elements that an individual project needs to incorporate to do its “fair share” in achieving the State’s goals to reduce GHG emissions to 40 percent below 1990 levels by 2030 and carbon neutrality by 2045. The proposed project would be required to comply with State- and locally mandated energy efficiency/conservation measures. VTA’s CAAP includes goals and policies specific to the reduction of GHG and VMT that are specific to the transportation sector and VTA’s projects and programs; which are not applicable to the proposed project. Therefore, the proposed project would not conflict with the CAAP.

Therefore, the proposed project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs, and impacts would be less than significant.

**MITIGATION:**

*None required*

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| I. HAZARDS & HAZARDOUS MATERIALS                                                                                                                                                                                                                                                                                                             |                                |                                                    |                                     |                                     |            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|-------------------------------------|-------------------------------------|------------|
|                                                                                                                                                                                                                                                                                                                                              | IMPACT                         |                                                    |                                     |                                     |            |
| WOULD THE PROJECT:                                                                                                                                                                                                                                                                                                                           | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact        | No Impact                           | Source     |
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?                                                                                                                                                                                                      | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 1, 3, 4, 5 |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?                                                                                                                                              | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 2, 3, 5    |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 1/4 mile of an existing or proposed school?                                                                                                                                                                                      | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 46         |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?                                                                                                               | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/>            | 47         |
| e) For a project located within an airport land use plan referral area or, where such a plan has not been adopted, within two miles of a public airport or public use airport, or in the vicinity of a private airstrip, would the project result in a safety hazard, or excessive noise for people residing or working in the project area? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 3, 22a     |
| f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?                                                                                                                                                                                                                    | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 5, 48      |
| g) Expose people or structures either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?                                                                                                                                                                                                        | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 4, 17g     |

The nearest schools to the project site are the Challenger School- Almaden, an independent private preschool and kindergarten through 8th grade school, located approximately 1.2 miles east on McKean Road, Muriel Wright Residential Center, a juvenile court school operated by the Santa Clara County Office of Education, located approximately 1.3 miles northeast of the project site, and Graystone Elementary School, located approximately 1.8 miles northwest of the project site. There are no schools within 0.25 mile of the project site. Therefore, impact c) does not apply to the proposed project, and this topic is not discussed further.

The project site is not located within any airport land use compatibility plan area or within 2 miles of a public airport. The closest public-use airports are Reid-Hillview Airport, which is approximately 16 miles north of the project site, and San Martin Airport, which is approximately 19 miles southeast of the project site. Therefore, impact e) does not apply to the proposed project and this topic is not discussed further.

## **SETTING:**

### ***Soil and Groundwater Conditions***

The State Water Resources Control Board's (SWRCB) GeoTracker database does not identify any active hazardous materials cleanup or leaking underground storage tank (LUST) sites within 1,000 feet of the proposed project site. The nearest LUST site cleanup site is located approximately 3,000 feet west of the proposed project area and is classified as closed. Similarly, a review of the California Department of Toxic Substances Control's (DTSC) EnviroStor database found no hazardous waste cleanup or permitted hazardous waste treatment, storage, or disposal facilities within 1,000 feet of the proposed project site. The nearest DTSC site is located approximately 2,000 feet north of the proposed project area and is classified as inactive and closed.

### ***Soils Conditions***

A Phase I Environmental Site Assessment (ESA) was prepared for the project site in March 2022. A reconnaissance survey was conducted on February 9, 2021, which consisted of walking the project site, collecting soil samples, recording observations, and taking photographs of the site. As a part of the Phase I ESA, surficial soil sampling was conducted at 15 locations on the project site in February 2022. The soil sampling results were compared with the screening levels for residential land uses, construction workers, and commercial/industrial uses. The Phase I ESA and soils sampling did not identify any historical *recognized environmental conditions* (RECs) or controlled RECs at the project site. However, the soils sampling identified a REC in connection with the project site. Concentrations of cobalt exceeding the construction worker screening level were detected in several of the soil samples, and one cobalt sample exceeded the residential use screening level. Lead exceeded the residential screening level in one soil sample. Concentrations of nickel exceeding the construction worker screening level were detected in five of the soil samples. The soil sampling indicates there are some elevated concentrations of cobalt, lead, and nickel in the shallow soils in the northern half of the project site. The source of the metals is not known.

The Phase I ESA noted that *naturally occurring asbestos* (NOA) may occur onsite, as it is known to be present in parts of the city of San Jose. Elevated levels of metals at the project site could be explained by serpentine soils that contain NOA. However, Dudek did not come across any evidence of serpentine soils at the project site.

### ***Emergency Response and Evacuation Plans***

The Santa Clara County's Emergency Operations Plan outlines coordinated emergency response activities and responsibilities across public agencies and departments, including evacuation and sheltering procedures. The proposed project site is located within the unincorporated County of Santa Clara and would be subject to the emergency management protocols set forth by the Santa Clara County Office of Emergency Services.

### ***Naturally Occurring Asbestos***

As discussed above, the Phase I ESA did not confirm the presence of NOA within the project site. However, Santa Teresa County Park, to the north of the project site, is located within an area mapped by the California Geological Survey (CGS) as potentially containing NOA, based on the presence of ultramafic rock. These geologic formations can release asbestos fibers into the air when disturbed. NOA is a known carcinogen and poses a health risk if inhaled in airborne dust.

### ***Wildland Fire Hazards***

As discussed in Section T Wildfire, the project site is located within a State Responsibility Area (SRA) and includes areas designated as both moderate and high Fire Hazard Severity Zone (FHSZ) by the California Department of Forestry and Fire Protection (CAL FIRE). This designation reflects the area's wildland vegetation, topography, and potential for extreme fire behavior. The project site and its surroundings

contain predominantly grassland, which is all considered to be highly combustible fuel types during the dry season.

Fire protection and emergency response services are provided by CAL FIRE's Santa Clara Unit, with mutual aid support from the Santa Clara County Fire Department. Additional discussion of wildfire risks, emergency access, and fire protection features is provided in Section T, Wildfire.

## **REGULATORY FRAMEWORK:**

### ***Federal Regulations, Policies and Standards***

#### **Occupational Safety and Health Act**

The Occupational Safety and Health Act was enacted in 1970 (Title 29 USC Sections 651 et seq.). The goal of the act is to make sure that employers provide their workers with a place of employment free from recognized hazards to safety and health, such as exposure to toxic chemicals, excessive noise levels, mechanical dangers, heat or cold stress, or unsanitary conditions. The Occupational Safety and Health Administration (OSHA) administers the act and sets standards for safe workplaces and work practices, including the reporting of accidents and occupational injuries.

The General Duty Clause requires employers to keep the workplace free of serious recognized hazards. OSHA's Hazard Communication Regulation (29 CFR section 1910.1200) requires that workers be trained and notified of specific hazards associated with hazardous workplace substances. Employees or contractors who would handle or work with hazardous materials (e.g., asbestos, fuel) in the project site would be subject to these requirements.

#### **Toxic Substances Control Act**

The Toxic Substances Control Act (TSCA) was enacted in 1976 (Title 15 U.S.C. §§ 2601 et seq.). The TSCA addresses production, importation, use, and disposal of specific chemicals, including *polychlorinated biphenyls* (PCBs), asbestos, radon, and lead-based paint. The TSCA also provides the EPA with the authority to require reporting, record-keeping, and testing and mandates restrictions related to chemical substances and/or mixtures.

#### **Federal Insecticide, Fungicide, and Rodenticide Act**

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) was enacted in 1996 (Title 7 U.S.C. §§ 136 et seq.). FIFRA is the federal statute that governs the registration, sale, distribution, and use of herbicides in the U.S. FIFRA authorizes the EPA to review and register herbicides for specified uses. Before the EPA may register an herbicide under FIFRA, the EPA must determine that the pesticide "will not generally cause unreasonable adverse effects on the environment." The EPA also has the authority to suspend or cancel the registration of a pesticide if subsequent information shows that continued use would pose unreasonable risks.

FIFRA was amended by the Federal Environmental Pesticide Control Act in 1972 and the Pesticide Registration Improvement Act of 2003. These amendments strengthened the enforcement provisions of FIFRA, broadened the legal emphasis on protecting health and the environment, regulated the use of herbicides, extended the scope of federal law to cover intrastate registrations, and streamlined the administrative appeals process.

#### **Hazardous Materials Transportation Act**

Under Title 49 of the Code of Federal Regulations (CFR), the U.S. Department of Transportation (USDOT) has the regulatory responsibility for the safe transportation of hazardous materials. The Hazardous Materials Transportation Act provides for the protection of life, property, and the environment from the inherent risks of transporting hazardous materials in all major modes of commerce. Specifically, USDOT developed hazardous materials regulations that govern the classification, packaging, communication,

transportation, and handling of hazardous materials as well as the requirements for employee training and incident reporting (49 CFR parts 171–180).

The transportation of hazardous materials is subject to both RCRA and USDOT regulations. The State agencies with primary responsibility for enforcing federal and State regulations and responding to hazardous materials transportation emergencies are the California Highway Patrol, California Department of Transportation, and DTSC. Together, these agencies determine the container types to be used and license hazardous waste haulers for transportation of hazardous waste on public roads. If a discharge or spill of hazardous materials occurs during transportation, the transporter is required to take the appropriate, immediate action to protect human health and the environment (e.g., notify local authorities and contain the spill) and is responsible for the discharge cleanup.

### ***State Regulations, Policies and Standards***

#### **Regional and Environmental Screening Levels**

EPA Regional Screening Levels and San Francisco Bay RWQCB Environmental Screening Levels (ESLs) are the guidelines used to evaluate the potential risk associated with chemicals in soil or groundwater where a release of hazardous materials has occurred. Although developed and maintained by the RWQCB, ESLs are used by regulatory agencies throughout the state. Screening levels have been established for both residential and commercial/industrial land uses and for construction workers. Residential screening levels are the most restrictive. Soils with chemical concentrations below these ESLs generally do not require remediation and are suitable for unrestricted uses if disposed off site.

Commercial/industrial screening levels are generally less restrictive than residential screening levels because they are based on potential worker exposure to hazardous materials in the soil (and these are generally less than residential exposures). Screening levels for construction workers are also less restrictive than for commercial/industrial workers because construction workers are exposed to a chemical of concern only during the duration of construction while industrial workers are assumed to be exposed over a working lifetime. Chemical concentrations below these screening levels generally do not require remediation and are suitable for unrestricted uses. In addition, other more specific but similar screening levels are used for more narrowly focused human health or ecological risk assessment considerations.

#### **Unified Hazardous Waste and Hazardous Materials Management Regulatory Program**

In 1996, CalEPA adopted regulations that implemented the Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program; Health and Safety Code §§ 25404 et seq.) at the local level. The program protects Californians from hazardous waste and hazardous materials by ensuring that local regulatory agencies consistently apply statewide standards when they issue permits, conduct inspections, and engage in enforcement activities. The Unified Program is a consolidation of multiple environmental and emergency management programs. The agency responsible for implementation of the Unified Program is called the Certified Unified Program Agency (CUPA), which for the proposed project is the Hazardous Materials Compliance Division (HMCD) of Santa Clara County. The following programs are consolidated under the Unified Program:

- Hazardous Waste Generator Program
- Tiered Permitting Program
- Hazardous Materials Business Plan (HMBP)
- Aboveground Petroleum Storage Act (APSA) Program
- Underground Storage Tank (UST) Program
- California Accidental Release Program (CalARP)

The HMCD has been certified by the State to be the CUPA to administer these six programs throughout Santa Clara County, including incorporated cities except for those that administer their own CUPAs.

#### **State Water Resources Control Board (SWRCB)**

The State Water Resources Control Board (SWRCB) regulates water quality and oversees the cleanup of contaminated sites that may affect groundwater or surface water resources. SWRCB maintains records on leaking underground storage tanks, cleanup program sites, and other regulated facilities. GeoTracker is routinely consulted during environmental review processes to identify nearby contamination sites and assess potential risks to environmental and human health.

#### **Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations**

In 2001, CARB approved the Asbestos Airborne Toxic Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations (Title 17 CCR § 93105). This ATCM requires implementation of best available dust mitigation measures during ground-disturbing activities in areas where NOA is likely to be found. Such areas are subject to the regulation if they are identified on maps published by the Department of Conservation as ultramafic rock units or if the air district or owner/operator has knowledge of the presence of ultramafic rock, serpentine, or NOA on the site. The ATCM also applies if ultramafic rock, serpentine, or asbestos is discovered during any operation or activity. As required by the ATCM, road construction and maintenance operations must use dust control measures for a specified set of emission sources and prevent visible emissions crossing a project site's boundaries. The air district must also be notified before any work begins.

#### **California Department of Toxic Substances Control (DTSC)**

The California Department of Toxic Substances Control (DTSC) is the primary state agency responsible for overseeing the investigation and remediation of hazardous substance release sites as well as the permitting and regulation of hazardous waste facilities in California. DTSC maintains the EnviroStor database, which provides information on known and potential hazardous materials release sites, cleanup status, and associated regulatory actions. Project evaluations often include a review of EnviroStor to identify the presence of any hazardous materials concerns in the project vicinity.

#### **California Hazardous Waste and Substances List (Cortese List)**

The Hazardous Waste and Substances Sites List (also known as the Cortese List) is a planning document used by the State and local agencies as well as developers to comply with CEQA requirements by providing information about the location of hazardous materials release sites. Section 65962.5 of the California Government Code requires CalEPA to develop an updated Cortese List at least annually. The oversight of hazardous materials sites often involves several different agencies that may have overlapping authority and jurisdiction. DTSC is responsible for a portion of the information contained in the Cortese List. Other State and local government agencies are required to provide additional hazardous material release information for the Cortese List. For the on-site hazardous materials cases and issues, the San Francisco Bay RWQCB would be the lead agency. Other cases may be overseen by DTSC, county health services, or other agencies.

#### **California Hazardous Waste Control Act**

Under the California Hazardous Waste Control Act division 20 chapter 6.5 article 2 sections 25100 et seq. of the California Health and Safety Code, DTSC regulates the generation, transportation, treatment, storage, and disposal of hazardous waste in California. The hazardous waste regulations establish criteria for identifying, packaging, and labeling hazardous wastes; dictate the management of hazardous waste; establish permit requirements for hazardous waste treatment, storage, disposal, and transportation; and identify hazardous wastes that cannot be disposed in landfills. DTSC also is the administering agency for the California Hazardous Substance Account Act under division 20 chapter 6.8 sections 25300 et seq. of the California Health and Safety Code, also known as Superfund, providing for the investigation and remediation of hazardous substances pursuant to State law.

**California Fire Code**

The California Fire Code regulates the storage and handling of hazardous materials, including the requirement for secondary containment, separation of incompatible materials, and preparation of spill response procedures.

**California Code of Regulations, Titles 13, 22, and 26**

These regulations govern the transportation of hazardous waste originating in and passing through the state, including the requirements for shipping, containers, and labeling.

**Cal/OSHA Regulations, Title 8 of the Code of Regulations**

Cal/OSHA regulations under Title 8 of the CCR concern the use of hazardous materials in the workplace and require employee safety training, safety equipment, accident and illness prevention programs, hazardous substance exposure warnings, and emergency action and fire prevention plan preparation. Cal/OSHA has primary responsibility for developing and enforcing workplace safety regulations in California. Because the State has a federally approved OSHA program, it is required to adopt regulations that are at least as stringent as those found under Title 29 of the CFR. Cal/OSHA standards generally are more stringent than the federal regulations.

**California Code of Regulations, Section 4216–4216.9**

Sections 4216 through 4216.9 of the CCR, Protection of Underground Infrastructure, requires an excavator to contact a regional notification center (e.g., Underground Services Alert or Dig Alert) at least 2 days before excavation of any subsurface installations so that any existing underground utilities are properly marked before the start of ground-disturbing activities in a project site.

**California Emergency Services Act**

Under the Emergency Services Act (California Government Code title 2 chapter 7), the State has developed an emergency response plan to coordinate emergency services provided by federal, State, and local agencies. Rapid response to incidents involving hazardous materials or hazardous waste is an important part of the plan, which is administered by the California OES. This office coordinates the responses of other agencies, including EPA, the California Highway Patrol, the nine RWQCBs, various air quality management districts, and county disaster response offices.

**California Public Resources Code, Section 21151.4**

California Public Resources Code (PRC) section 21151.4, requires the lead agency to consult with any school district with jurisdiction over a school within 0.25 mile of a project about potential impacts on the school if the project may reasonably be anticipated to emit hazardous air emissions or involve the handling of an extremely hazardous substance or a mixture containing an extremely hazardous substance.

**Emergency Response Plans and Emergency Evacuation Routes**

The California State Emergency Plan (SEP) is administered by the California Governor's Office of Emergency Services and plays a key role in guiding state agencies, local jurisdictions, and the public on emergency management in California. The plan includes California's hazards and vulnerabilities, emergency planning and preparedness, and resource mobilization within the state. The project would fall under the jurisdiction of the SEP and use it for guidance in case of emergency.

The project would be within the Santa Clara County Multi-Jurisdictional Hazard Mitigation Plan (MJHMP), which was approved by the Federal Emergency Management Agency (FEMA) in 2017. The MJHMP facilitates partnerships between communities to effectively plan for common hazard risks. The Santa Clara County MJHMP is in the process of being renewed.

## ***Local Regulations, Policies, and Standards***

### **Bay Area Air Quality Management District, Regulation 11, Rule 2**

The air district's Regulation 11, Rule 2 sets forth stipulations for activities involving handling, transportation, and disposal of asbestos-containing material, including excavated soil and rock material containing naturally occurring asbestos. Specific disposal methods for asbestos-containing material are required under Rule 2. All asbestos-containing waste must be disposed at waste disposal sites that are operated in accordance with this air district regulation. All vehicles transporting asbestos-containing waste material are required to be marked during loading and unloading of waste. The signs are to be visible and be displayed in such a manner that a person can easily read the legend.

### **Bay Area Air District Naturally Occurring Asbestos Program**

The air district's Naturally Occurring Asbestos Program provides guidance to reduce public exposure to naturally occurring asbestos. The air district regulates all construction and mining activities that produce dust with the potential to contain naturally occurring asbestos. The Airborne Toxic Control Measure enforces requirements on road construction and maintenance, construction and grading, as well as quarrying and surface mining in areas where naturally occurring asbestos is found. For construction and grading operations disturbing more than one acre, district approval for an Asbestos Dust Mitigation Plan is required by the ATCM. The air district provides an application form, the air district's Asbestos Dust Mitigation Plan Application, which collects information to aid in the evaluation of a project's Asbestos Dust Mitigation Plan. The asbestos dust mitigation plan is required to specify how the project would minimize emissions and address emission sources. Records related to the applicability of the regulation or compliance with provisions must be kept for 7 years. The results of air sampling required by the district or any other related records specified in the dust mitigation plan must be reported to the district.

### **Santa Clara County General Plan**

Adopted in 1994, the Santa Clara County General Plan provides strategies, policies, and implementation recommendations to guide evaluation of the natural and built environment for potential hazards and, to the extent possible, assess and describe the risk factors of the most threatening of those hazards. In the Health and Safety Chapter of the General Plan, the following Hazards and Hazardous Materials policies pertain to hazards, hazardous materials, emergency plans, procedures, and response as well as the operational safety of aircrafts:

- |                |                                                                                                                                                                                                                                             |
|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>C-HS 14</i> | All feasible measures to safely and effectively manage hazardous materials and site hazardous materials treatment facilities should be used, including complying with all federal and state mandates.                                       |
| <i>C-HS 17</i> | Local governments should comply with all federal and state regulations regarding emergency planning and preparedness.                                                                                                                       |
| <i>C-HS 23</i> | Local governments and hazardous materials users should work jointly to identify the most effective and economically feasible measures to prevent hazardous materials incidents and ensure the swift post-incident recovery of all effected. |

### **Santa Clara County Multi-jurisdictional Hazard Mitigation Plan**

The current Santa Clara County Multi-Jurisdictional Hazard Mitigation Plan (MJHMP) was approved by FEMA in February 2024 and remains valid through 2029. This federally recognized plan outlines strategies to reduce or eliminate long-term risks to people and property from natural hazards such as wildfires, floods, earthquakes, and extreme heat. MJHMP allows Santa Clara County and participating jurisdictions, including the Santa Clara County Fire Department and Santa Clara Valley Water, to qualify for federal hazard mitigation grant funding. The MJHMP also serves as a key planning tool to guide risk-informed land use, infrastructure resilience, and emergency preparedness efforts across the region. Development of

the next 5-year plan is already underway, with contributions from multiple County agencies and local partners.

## **DISCUSSION:**

### **a) Less Than Significant Impact**

#### ***Construction***

Construction of the proposed project would involve the routine use of small quantities of hazardous materials, such as fuels, lubricants, and solvents, to support operation and maintenance of construction equipment. Hazardous materials would be transported to and from the project site and used temporarily on site. The routine transport of hazardous materials could pose a risk to human health and the environment if not managed responsibly. All hazardous materials would be transported, contained, stored, used, and disposed of in accordance with manufacturers' instructions and would be handled in compliance with all applicable standards and regulations. Handling of hazardous materials would be conducted in accordance with Code of Federal Regulations title 29 section 1910. Transportation of hazardous materials would need to comply with the RCRA and USDOT regulations. The RCRA also governs hazardous material disposal, ensuring that only facilities permitted to accept a specific waste are used. Furthermore, ground-disturbing activities (i.e., grading and excavation) of greater than 1 acre would be subject to the SWRCB Construction General Permit. As described in the Project Description, Santa Clara County Parks has SWPPP BMPs that would be implemented to minimize the risk of pollution from the use of hazardous materials. These measures include prohibiting concrete, solvents and adhesives, fuels, dirt, gasoline, asphalt, and concrete saw slurry from being rinsed or washed in streets, shoulder areas, or ditches. The proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. This impact would be less than significant.

#### ***Operation and Maintenance***

Project operation would be similar to existing routing operation and maintenance activities implemented by Santa Clara County Parks. These activities would include the use of small quantities of common hazardous materials for various maintenance activities (e.g., fuels, lubricants, paints, solvents). These materials would not be used in quantities that could create a significant hazard to public health or the environment.

Operation of the proposed project could increase illegal dumping of hazardous wastes within the project site as a result of increased public access for visitors. The proposed project would construct vehicle gates at the proposed parking areas and pedestrian gates at designated access points which would restrict unauthorized entry of the project site, after-hours use at the project site, and discourage illegal dumping activities. The proposed project includes security fencing along the perimeter of the project site to prevent trail users from deviating outside of the project area. Therefore, operation of the proposed project would not pose substantial public health or safety hazards resulting from routine use, transport, or disposal of hazardous materials. The impact would be less than significant.

### **b) Less Than Significant Impact**

This impact discussion focuses on naturally occurring asbestos and the use of hazardous materials during construction and operation of the proposed project. Impacts related to the potential release of contaminated soil are discussed under Impact d).

#### ***Construction***

As discussed under impact a), construction of the proposed project would involve the use of materials that are defined as hazardous, such as fuels, hydraulic fluids, and coolants for construction equipment. If not properly managed, hazardous materials have the potential to be released or spilled accidentally during maintenance, refueling, or servicing of equipment and vehicles. Improperly disposed of, spilled, or released hazardous materials could create a significant hazard to workers, the public, or the environment. These

materials would be used and stored in accordance with manufacturer instructions and handled under applicable federal, state, and local regulations, including the RCRA, USDOT hazardous materials transport regulations (49 CFR parts 171–180), and Cal/OSHA safety standards. Compliance with regulatory requirements would minimize potential impacts related to the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

The project site is not mapped by the CGS as potentially containing NOA. However, directly north of the project site in Santa Teresa County Park, the area is mapped as potentially containing NOA. Soil sampling conducted for the Phase I ESA did not identify any asbestos in the samples. The Phase I ESA noted that elevated levels of metals at the project site could be explained by serpentine soils that contain NOA.

If NOA is present, construction activities involving ground disturbance could generate airborne dust containing asbestos fibers. The proposed project would comply with applicable air quality regulations, including CARB ATCM to establish mandatory dust control and monitoring requirements for construction in areas where NOA may be present and ultimately protect construction workers and nearby receptors from exposure to asbestos fibers, which are known to cause serious health effects. Compliance ensures the project does not result in significant public health risks related to NOA. Santa Clara County Parks would implement applicable Air Quality BMPs, as described in the Project Description, to further reduce airborne dust. Therefore, the impact would be less than significant.

### ***Operation and Maintenance***

As stated under impact a), project operations would include use of small quantities of common hazardous materials for maintenance activities (e.g., fuels, lubricants, paints, solvents). Use of these materials would be limited and not in quantities that would result in substantial impacts if they were improperly or accidentally released into the environment. Operation would not require additional hazardous materials for routine maintenance than currently used within other Santa Clara County Parks and compliance with applicable regulations and standard BMPs would ensure hazardous material use is properly managed. Therefore, the proposed project would not create a significant hazard through the release of hazardous materials into the environment. The impact would be less than significant.

### **d) Less Than Significant Impact with Mitigation Incorporated**

Project construction activities, such as those involving excavation and dust generation, could expose the public or the environment to hazardous materials if hazardous materials are present in the soil. A search of the California DTSC's EnviroStor database and the California SWRCB's GeoTracker database found that no hazardous materials sites are at the project site or in the vicinity. The proposed project is not on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5.

As discussed above, The Phase I ESA conducted for the proposed project found evidence of a REC on the project site, based on the soil sampling conducted in 2022 across the project site. The Phase I ESA recommended additional sampling or implementation of BMPs prior to excavation or grading activities. The proposed project would comply with Santa Clara County Parks BMPs, including Air Quality BMPs to limit airborne dust emissions during construction activities. Santa Clara County Parks and its contractors are required to comply with all federal, state, and local laws and regulations pertaining to the use, transport, handling, and disposal of materials; these laws and regulations are specifically designed to protect human health and the environment.

Additionally, Mitigation Measure HAZ-1 would be implemented to minimize potential impacts from exposure of hazardous materials from project ground-disturbing activities. Mitigation Measure HAZ-1 would require excavated soil to be tested prior to disposal or reuse and would require contaminated soil not be stored on site. The measure would require the construction contractor to prepare, through coordination with Santa Clara County Parks and the County Environmental Health Department, a site-specific health and

safety plan in accordance with OSHA and CalOSHA requirements to protect worker health and safety. Such controls would also, by design, be protective of other receptors such as neighboring property owners, and Park staff and visitors. With adherence to the Santa Clara County Parks BMPs and Mitigation Measure HAZ-1 the impact would be less than significant.

#### **f) Less Than Significant Impact**

##### ***Construction***

The proposed project would construct a raised multi-use crossing across San Vicente Avenue, and a signalized crossing would be constructed at the intersection of Fortini Road and McKean Road, which are rural collector roads providing local and emergency access. These activities may involve temporary lane or road closures, which could potentially impede emergency vehicle access if not properly coordinated. The Santa Clara County Roads and Airports Department requires traffic control plans for construction projects that may impact vehicular, pedestrian, or bicyclist travel. The proposed project would require a traffic control plan due to proposed lane or road closures associated with project construction. The traffic control plan would detail measures to maintain access during all phases of construction. With compliance with applicable safety regulations and permit conditions, construction-related impacts on emergency response and evacuation routes would be less than significant.

##### ***Operation and Maintenance***

While operation and maintenance of the proposed project would result in an increase in vehicle trips from recreationalists traveling to and from the project site, the increase in vehicle trips would not substantially reduce roadway capacity or affect emergency response times along McKean Road, Fortini Road, San Vicente Avenue, or other nearby roadways. Routine maintenance activities would be infrequent and would not obstruct public roadways or emergency infrastructure. The proposed project also includes a designated helicopter landing zone at the southern proposed parking area that would support emergency response in the vicinity of the project site. Therefore, operation and maintenance of the proposed project would not conflict with adopted emergency response or evacuation plans, and impacts would be less than significant.

#### **g) Less Than Significant Impact**

##### ***Construction***

The project site lies within moderate and high FHSZs as mapped by CAL FIRE (see Section T. Wildfire, Figure 8). The surrounding landscape consists primarily of grasslands that are prone to seasonal dryness and quickly transmit wildfire under the right conditions. Project construction activities, including vegetation removal, grading, and use of heavy machinery, could temporarily increase the risk of wildfire ignition due to equipment operation or handling of flammable materials.

The proposed project would be required to implement Santa Clara County Parks and Recreation Department Roads and Airport Department Fire Prevention Operational Procedure, which requires the implementation of wildfire prevention practices during mowing, disking, performing hot work in non-irrigated grass, brush or forest covered areas of the county. These include use of spark arrestors on equipment, and staging fire extinguishers and shovels on site and assessment of weather conditions during fire season. Additionally, implementation of a traffic control plan, as required by the Santa Clara County Roads and Airports Department, would ensure that temporary lane or road closures for roadway crossings would not restrict emergency access. With implementation of the fire prevention operational procedure and preparation of a traffic control plan, construction-related wildfire risk would be minimized, and impacts would be less than significant with mitigation.

##### ***Operation and Maintenance***

The proposed project would not introduce habitable structures but would increase public use of the project site through new trails, parking areas, and recreational amenities, which could increase the potential for accidental ignition (e.g., from smoking or unauthorized fire use). However, the project site would be

actively managed by Santa Clara County Parks, and the project would include vegetation management, seasonal grazing, and enforcement of park rules (e.g., fire restrictions) to minimize fire risk. Therefore, with implementation of the identified mitigation measures and ongoing management practices, the proposed project would not expose people or structures to a significant wildfire risk, either directly through facility construction or indirectly through increased public access. Impacts would be less than significant

## **MITIGATION:**

### **Mitigation Measure HAZ-1: Hazardous Materials Best Practices**

The County and/or construction contractor shall implement the following measures prior to and during construction:

- All excavated soil will be tested prior to disposal or reuse on site.
- Contaminated soil shall not be stored on site and would be loaded directly into haul trucks for disposal at the appropriate landfill.
- The construction contractor to prepare, through coordination with Santa Clara County Parks and the County Environmental Health Department, a site-specific health and safety plan in accordance with OSHA and CalOSHA requirements and to implement adequate engineering and administrative controls (e.g., appropriate training, hygiene and decontamination procedures, dust control, and soil handling protocols) to protect worker health and safety.

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| J. HYDROLOGY AND WATER QUALITY                                                                                                                                                                                         |                                          |                                                                |                                     |                          |                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|----------------------------------------------------------------|-------------------------------------|--------------------------|---------------------|
| Would the project:                                                                                                                                                                                                     | IMPACT                                   |                                                                |                                     |                          | Source              |
|                                                                                                                                                                                                                        | Potential<br>or<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact  | No Impact                |                     |
| a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?                                                                             | <input type="checkbox"/>                 | <input type="checkbox"/>                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 34, 36, 54, 59, 60  |
| b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?                                  | <input type="checkbox"/>                 | <input type="checkbox"/>                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3, 4                |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: | <input type="checkbox"/>                 | <input type="checkbox"/>                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3, 17n,             |
| i) Result in substantial erosion or siltation on- or off-site                                                                                                                                                          | <input type="checkbox"/>                 | <input type="checkbox"/>                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3, 17p              |
| II) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;                                                                                             | <input type="checkbox"/>                 | <input type="checkbox"/>                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 3, 5, 36, 21a    |
| III) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or                             | <input type="checkbox"/>                 | <input type="checkbox"/>                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 3, 5             |
| IV) Impede or redirect flood flows?                                                                                                                                                                                    | <input type="checkbox"/>                 | <input type="checkbox"/>                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3, 17p, 18b, 18d    |
| d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?                                                                                                                    | <input type="checkbox"/>                 | <input type="checkbox"/>                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3, 18b, 18d, 57, 64 |
| e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?                                                                                                | <input type="checkbox"/>                 | <input type="checkbox"/>                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2, 3, 4, 17p        |

### SETTING:

The proposed project is located entirely within two overlapping watersheds: the Alamitos Creek Watershed of the U.S. Geological Survey-delineated Hydrologic Unit Code and the Guadalupe Watershed, which encompasses approximately 170 square miles of Santa Clara County.

The Santa Teresa Creek and Arroyo Calero, also known as Calero Creek, flow through the project site. These two creeks join and become the Alamitos Creek approximately 1.3 miles downstream of the proposed project, which empties into the Guadalupe River, and ultimately reaches the San Francisco Bay. The Arroyo Calero is fed by Santa Clara Valley Water District's (Valley Water) Calero Reservoir, which captures runoff and water from other reservoirs. The Calero Reservoir, located 1.1 miles southeast of the proposed project site, is designated as impaired due to the presence of mercury (based on the Clean Water Act [CWA] section 303(d) 1998 list) from mine tailings and surface mining.

The project site is located within the Santa Clara Valley groundwater basin, specifically the Santa Clara groundwater subbasin. Valley Water manages the Santa Clara Valley groundwater subbasins (Santa Clara and Llagas) through its Santa Clara Valley Groundwater Management Plan. No groundwater wells are located on the proposed project site; however, one existing active production well and one standby production well are located within the proposed project boundaries.

The proposed project site is located within a Federal Emergency Management Agency (FEMA) Special Flood Hazard Area that is delineated to have a 1 percent annual chance of flooding (Zone A), also known as the 100-year flood zone. A portion of the southwestern corner of the project site is located within FEMA

zone X, which is an area determined to be outside the 500-year flood hazard area and protected by a levee from 100-year flood hazard. There are no existing stormwater drainage features at the project site.

## **REGULATORY FRAMEWORK**

### ***Federal Regulations, Policies and Standards***

#### **Clean Water Act**

The CWA authorizes the EPA to regulate water quality in California by controlling the discharge of pollutants to water bodies from point and non-point sources through the National Pollution Discharge Elimination System (NPDES). The 1972 amendments to the Federal Water Pollutant Control Act established the NPDES permit (Section 402 Permit) program. The California State Water Resources Control Board (SWRCB) has established a Municipal Regional Stormwater permit (Regional Municipal Permit) for the Bay Area Counties (Order No. R2-2022-0018, NPDES General Permit No. CAS612008) to regulate stormwater discharges in these areas. CWA Section 404 establishes the program to regulate the discharge of dredged or fill material into waters of the U.S. (WOTUS), including wetlands. Under this regulation, discharges of dredged or fill material into WOTUS require obtaining a permit from the applicable regional water quality control board (RWQCB) prior to initiation.

#### **CWA Section 401 and 404**

CWA section 404 regulates the discharge of dredged or fill material into waters of the U.S. (WOTUS), including wetlands. Section 404 requires a permit from the United States Army Corps of Engineers (USACE) before dredged or fill material is discharged into WOTUS unless the activity is exempt.

CWA section 401 provides states, territories, and tribes with the authority to protect water resources from adverse impacts that could result from federally permitted activities. Section 401 of the CWA prohibits the USACE from issuing a CWA Section 404 Permit until a certifying entity such as the SWRCB, acting through the Regional Water Quality Control Boards, certifies that the dredge and fill activities would not violate State water quality standards. CWA Section 401 Water Quality Certifications must be consistent with the requirements of the CWA, CEQA, the California Endangered Species Act, and the SWRCB's mandate to protect the beneficial uses of waters of the state. The California SWRCB has adopted the USACE policy that there shall be "no net loss" of wetlands. Thus, prior to issuing a Section 401 Water Quality Certification or waiver, the RWQCBs require that applicants demonstrate that their project would not impact existing wetlands, or, if such impacts are unavoidable, that they are fully mitigated.

### ***State Regulations, Policies and Standards***

#### **California Porter-Cologne Water Quality Control Act**

The Porter-Cologne Act requires "any person discharging waste, or proposing to discharge waste, within any region that could affect the waters of the State (any surface water or groundwater, including saline waters) to file a report of discharge" with the local RWQCB by applying for waste discharge. The RWQCB determines if a project should be regulated pursuant to this act based on the likelihood that it would pose any "threat" to water quality. Beneficial uses are designated in the Basin Plan for local aquifers, streams, marshes, and rivers as are water quality objectives that must be met to protect these uses. Basin Plans are periodically amended and undergo a triennial review process.

#### **Clean Water Act Section 303(d) List**

The State of California is required by section 303(d) of the federal CWA to provide the EPA with a list, referred to as the 303(d) List of waterbodies considered by the State to be *impaired*, defined as not meeting water quality standards and not supporting their highest beneficial use designations. The list also identifies the pollutant or stressor causing impairment and establishes a schedule for developing a control plan to address the impairment, typically a *total maximum daily load* (TMDL). The TMDL specifies the amount of the target pollutant that the waterbody can sustain on a daily or annual basis. The 303(d) List is used by the EPA to prepare the federal CWA Section 305(b) Report on Water Quality. Santa Clara County waters included in the 303(d) List are identified in the 2024 California Integrated Water Report.

## **NPDES General Permit for Discharges of Stormwater Associated with Construction Activities**

The State of California adopted the current Construction General Permit, Order No. 2022-0057-DWQ, on September 8, 2022. SWRCB Water Quality Order 2022-0057-DWQ (Construction General Permit) regulates construction site stormwater management. Dischargers whose projects disturb 1 or more acres of soil, or whose projects disturb less than 1 acre but are part of a larger common plan of development that in total disturbs 1 or more acres, are required to obtain coverage under the general permit for discharges of stormwater associated with construction activity. This requirement includes linear projects that disturb 1 or more acres. Construction activity subject to this permit includes clearing, grading, and disturbances to the ground, such as stockpiling or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility.

Permit applicants are required to submit a Notice of Intent to SWRCB and to prepare a Stormwater SWPPP. The SWPPP identifies best management practices (BMPs) that must be implemented to reduce construction effects on receiving water quality based on pollutants. The BMPs identified are directed at implementing both sediment- and erosion-control measures and other measures to control chemical contaminants. The SWPPP must also include descriptions of the BMPs to reduce pollutants in stormwater discharges after all construction phases have been completed at the site (post-construction BMPs). The SWPPP must contain a visual monitoring program, a chemical monitoring program for “nonvisible” pollutants to be implemented if there is a failure of BMPs, and a sediment monitoring plan if the site discharges directly to a waterbody listed on the CWA 303(d) List for sediment

### ***Local Regulations, Policies and Standards***

#### **Santa Clara County**

Adopted in 1994, the Santa Clara County General Plan guides long-term planning for the county. The Resource Conservation Chapter of the General Plan provides strategies, policies, and implementation actions for water supply resources, water quality, and watershed management. The following policies contained in the Santa Clara County General Plan are relevant to the proposed project:

*C-RC-18:* Water quality countywide should be maintained and improved where necessary to ensure the safety of water supply resources for the population and the preservation of important water environments and habitat areas.

*C-RC-19:* The strategies for maintaining and improving water quality on a countywide basis, in addition to ongoing point source regulation, should include: effective non-point source pollution control; restoration of wetlands, riparian areas, and other habitats which serve to improve Bay water quality; and comprehensive Watershed Management Plans and “best management practices”

*C-RC-20:* Adequate safeguards for water resources and habitats should be developed and enforced to avoid or minimize water pollution of various kinds, including: erosion and sedimentation; organic matter and wastes; pesticides and herbicides; effluent from inadequately functioning septic systems; effluent from municipal wastewater treatment plants; chemicals used in industrial and commercial activities and processes; industrial wastewater discharges; hazardous wastes; and non-point source pollution.

#### **Santa Clara County Ordinance Code, Grading and Drainage Ordinance**

Title C division chapter 12 article 3 of the County Ordinance Code establishes requirements for grading and drainage alteration. Section C12-406 specifies that a Grading Permit is required for the following:

- (a) Cuts or fills, which each independently are greater than 150 cubic yards
- (b) Cut or fill that is greater than five feet in vertical depth at its deepest point when measured from the natural ground surface
- (c) Work that alters, diverts, or impairs the flow of water in the watercourse

Section c12-407 specifies that a grading permit is exempt if the grading is performed by or under the supervision, or construction control of, a governmental agency, including the County of Santa Clara, where the agency has provided written confirmation that an authorized representative of that agency is assuming full responsibility for the work, provided the grading meets land use requirements.

## **DISCUSSION:**

### **a) Less than Significant Impact**

#### ***Construction***

Construction of the proposed project would involve ground-disturbing activities, including excavation and grading, that would expose soils to rain events, which could mobilize loose soil and result in soil erosion and possible degradation of Santa Teresa Creek and Arroyo Calero. Additionally, construction of the proposed project would involve use of equipment and vehicles containing and requiring use of petroleum products (e.g., gasoline, diesel), with the potential to leak and enter waterways if not controlled. The proposed project would disturb more than 1 acre of land; therefore, the proposed project would need to obtain coverage under the State of California Construction Stormwater General Permit (Order 2022-0057-DWQ), which defines specific requirements for stormwater management including preparation of a SWPPP. The SWPPP would contain BMPs that are specifically designed to reduce erosion associated with earthmoving activities and prevent contaminated materials from entering waterways. Additionally, as described in the Project Description, Santa Clara County Parks has designated BMPs that would be included in the SWPPP and include the following: stockpiles or other loose, granular construction materials would be enclosed and covered, soil would be contained and runoff would be filtered away from disturbed areas, no earth or organic material would be placed where it may enter a body of water, and no construction materials would be washed or rinsed into the streets, shoulder areas, or ditches.

The project site contains two non-jurisdictional wet meadow areas and is traversed by Santa Teresa Creek and Arroyo Calero. While the project site wet meadows meet vegetation and soil parameters for being classified as wetlands, the wet meadows did not exhibit a continuous surface connection to the creeks required for wetland classification. Construction of the proposed project would avoid the two non-jurisdictional wet meadows.

Construction of the proposed project would involve the installation of two bridges over Santa Teresa Creek and Arroyo Calero. As stated above, Santa Clara County Parks would adhere to SWPPP BMPs as described in the Project Description to minimize water quality impacts to the creeks during construction. Additionally, Santa Clara County Parks would obtain permits/authorizations from the U.S. Army Corps of Engineers under the section 404 of the Clean Water Act and the San Francisco RWQCB under section 401 of the Clean Water Act. These permits establish water quality thresholds and require implementation of standard and project-specific measures to protect water quality. The measures include, but are not limited to, no placing or storing of debris, rubbish, soil, silt, or other construction-related materials or wastes in areas where they could enter waterbodies and implementation of measures to prevent accidental discharges to waters during fueling, cleaning, and maintenance. Compliance with regulations and the requirements of these permits, implementation of the proposed project's SWPPP, and adherence to County Park's BMPs outlined in the Project Description would ensure that water quality impacts would be less than significant

#### ***Operation and Maintenance***

Operational impacts are those associated with long-term operation, maintenance, and recreational use of the proposed project, which would include the potential for changes in stormwater runoff, which would result in water quality impacts.

New impervious surfaces would be added to the project site through the creation of paved driving paths within the southern parking area, which could reduce infiltration and increase surface runoff. However, the addition of impervious surfaces would be less than 0.3 acre, which would not result in a substantial increase in impervious surfaces that would result in an increase in stormwater runoff that would affect water quality.

Additionally, the trail would be designed, constructed, and maintained to minimize changes to the existing natural drainage pattern and the northern parking area and parking spots in the southern parking area would be permeable and composed of crushed rock/gravel. Because the project would not involve the creation of more than 1 acre of impervious surface, the County's Hydromodification Management requirements in the Santa Clara Valley Urban Runoff Pollution Prevention Program would not be applicable.

A hydrology and hydrologic modeling study was conducted for the proposed project to evaluate the existing and proposed flood conditions related to the proposed trail alignment, bridges, and associated trail amenities. The study includes peak flow estimates for the 2-, 10-, 50-, and 100-year flood events for the proposed project site. The study found that the proposed project would slightly raise the 100-year flood elevation by up to 0.25 foot upstream of the Santa Teresa Creek bridge and by up to 0.1 foot on the upstream side of the Arroyo Calero bridge abutment. Increases in the 100-year flood elevation would be confined to the project site. While the proposed project would result in a minor increase in flooding on site, the project site is within a Zone A Special Flood Hazard Zone and is already subject to periodic flooding, and areas of the project site are inundated during the wet season. The proposed seasonal trails would be closed to recreationalists when inundated. Furthermore, the proposed project would continue to adhere to the Santa Clara County Parks hydrological BMPs. Therefore, with adherence to the County's hydrological BMPs and project design elements as described in the Project Description, impacts be less than significant.

#### **b) Less Than Significant Impact**

The proposed project would not withdraw groundwater for any reason during either construction or operation. Water use required for construction of the proposed project would be minimal and would be sourced from municipal suppliers in the area. As discussed previously, the proposed project would result in the creation of impervious surfaces associated with the paved driving paths in the southern parking area. The impervious surfaces would be minimal, approximately 0.3 acre total, and would not result in substantial changes to groundwater recharge. Impacts would be less than significant.

#### **c-i-iv) Less Than Significant Impact Construction**

The trail would be designed and constructed to minimize changes to the existing natural drainage pattern and would not alter the course of Arroyo Calero or Santa Teresa Creek. However, construction activities have the potential to result in erosion and siltation impacts. As discussed under impact a), the proposed project would obtain coverage under the Construction Stormwater General Permit. The Construction Stormwater General Permit requires the preparation of a SWPPP. In accordance with the SWPPP, the proposed project would be required to implement BMPs to control erosion, stormwater discharge, and pollutants. Santa Clara County Parks also has designated SWPPP BMPs that would be included in the SWPPP, as described in the Project Description. Accordingly, the impact relative to the alteration of drainage patterns would be less than significant.

#### ***Operation and Maintenance***

The proposed project would include the addition of new impervious surfaces with the construction of the paved driving paths within the southern parking areas, which could reduce infiltration and increase surface runoff. However, the driving paths would only result in approximately 0.3 acre of new impervious surfaces, which would not result in an increase in impervious surfaces that would result in a substantial increase in stormwater runoff.

Additionally, the trails would be composed of crushed rock which is highly permeable and the northern parking area and parking spots in the southern parking area would be permeable and composed of crushed rock/gravel. Because the project would not involve the creation of more than one acre of impervious surface, the County's Hydromodification Management requirements in the Santa Clara Valley Urban Runoff Pollution Prevention Program would not be applicable. Impacts would be less than significant.

The majority of the project site is located within a mapped FEMA designated Zone A Special Flood Hazard Area and has historically been periodically inundated during the wet season. To address potential flooding impacts on the project site, the trail has been designed to be elevated approximately 2 inches above grade on the south side of Arroyo Calero and 6 inches above grade to the north and south of the Santa Teresa Creek bridge. Despite raising the main trail above grade, the hydrology and hydrological modeling study found that for the 100-year flood event, the flood elevation would slightly increase by up to 0.25 feet upstream of the Santa Teresa Creek bridge and by up to 0.1 feet on the upstream side of the Arroyo Calero bridge abutment. This minor increase in flood elevation would occur onsite and would not impact nearby residences. Furthermore, the project site is already periodically inundated during the wet season, and the addition of the proposed project would not substantially alter the existing drainage pattern in a manner that would result in a substantial increase in flooding on site. The seasonal trails would not be used during the wet season when the project site is inundated. Therefore, the proposed project would not substantially alter the existing drainage pattern of the site, and the impact would be less than significant.

#### **d ) Less Than Significant Impact**

##### ***Construction***

The project site is not located within a tsunami zone or seiche zone. As discussed above, the project site is located within a FEMA designated Zone A Special Flood Hazard Area. Construction of the proposed project would involve the use of equipment and vehicles containing and requiring use of petroleum products (e.g., gasoline, diesel). Use of heavy equipment containing hazardous material could result in minor release of pollutants into Santa Teresa Creek and/or the Arroyo Calero during a flood event. As discussed above, compliance with the Construction General Permit and implementations of the SWPPP and associated Santa Clara County Parks BMPs would reduce the risk of releasing pollutants due to project inundation. Therefore, construction of the proposed project would not risk release of pollutants due to project inundation in a flood hazard zone. Impacts would be less than significant.

##### ***Operation and Maintenance***

Operation and maintenance activities would involve the occasional use of diesel and gasoline for vegetation management, such as for mowing, and vehicle trips to transport workers. No hazardous materials would be kept on site during operation and maintenance of the proposed project; therefore, the likelihood of pollutant release during a flood event would be low. Operation and maintenance activities (e.g., mowing, equipment use) would not occur during a flood event. As such, the proposed project would not risk release of pollutants due to project inundation. Impacts would be less than significant.

#### **e ) Less than Significant Impact**

The project site is within the planning area of the San Francisco Bay Basin Water Quality Control Plan (commonly referred to as the Basin Plan), which is administered by the San Francisco Bay Regional Water Quality Control Board. The Basin Plan identifies existing and potential beneficial uses for surface and ground waters and provides numerical and narrative water quality objectives designed to protect those uses. The project site also falls within the planning area of the Santa Clara Valley Groundwater Management Plan, which is administered by Valley Water. The Santa Clara Valley Groundwater Management Plan identifies recommended actions to achieve basin sustainability goals and sustainable groundwater management.

The proposed project would not conflict with the Basin Plan and would not affect the ability of the RWQCB to meet water quality objectives. As discussed under impact a), during construction of the proposed project, County Park's BMPs and a SWPPP would be implemented, which would minimize temporary impacts on water quality. Additionally, proposed project would be constructed, operated, and maintained following the management policies of the Countywide Trails Master Plan and Design and Management Guidelines, which include measures that would maintain the flow of channels and water quality of the creeks in the project area, contain soil and filter runoff from distributed areas, and prohibit the placement of earth or organic material where it may be directly carried into the creek channels.

The proposed project would slightly decrease infiltration of rainwater into the groundwater from construction of the impervious paved driving paths at the southern parking area. However, this would not significantly affect any plans for groundwater management, as discussed under impact b), above. The proposed project would not significantly affect or use groundwater as part of construction or operation and maintenance and would not conflict with the Santa Clara Valley Groundwater Management Plan. Therefore, the proposed project would not conflict with or obstruct a water quality control plan or sustainable groundwater management plan. Impacts would be less than significant.

**MITIGATION:**

*None required.*

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| K. Land Use and Planning                                                                                                                                                               |                                      |                                                                           |                                             |                                     |            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|---------------------------------------------------------------------------|---------------------------------------------|-------------------------------------|------------|
|                                                                                                                                                                                        | IMPACT                               |                                                                           |                                             |                                     |            |
| WOULD THE PROJECT:                                                                                                                                                                     | Potentially<br>Significant<br>Impact | <u>Less Than<br/>Significant<br/>With<br/>Mitigation<br/>Incorporated</u> | <u>Less Than<br/>Significant<br/>Impact</u> | <u>No Impact</u>                    | Source     |
| a) Physically divide an established community?                                                                                                                                         | <input type="checkbox"/>             | <input type="checkbox"/>                                                  | <input checked="" type="checkbox"/>         | <input type="checkbox"/>            | 2, 4       |
| b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/>             | <input type="checkbox"/>                                                  | <input type="checkbox"/>                    | <input checked="" type="checkbox"/> | 8a, 9, 18a |

### SETTING:

Prior to its integration into the County Park's regional trail system, the project site was historically used for agricultural operations, including cattle grazing, orchards, hay cultivation, and row crops under County lease agreements. Although no agricultural operations are currently active, the project site reflects a history of agricultural use and is now managed entirely for recreational purposes. Additionally, the project site is currently bordered by rural residential properties that are dispersed along nearby roads and throughout the surrounding landscape.

According to the Santa Clara County General Plan, the project site includes land designated as Rural Residential and Open Space Reserve, both of which allow agricultural and open space uses. Land designated as Open Space Reserve is intended to protect natural resources and accommodate low-intensity open space uses, including agriculture and passive recreation. Land designated as Rural Residential supports low-density residential development and general agricultural activities. These designations are consistent with recreational use, natural resource conservation, and open space management. The project site functions as a recreational corridor between Calero County Park and Santa Teresa County Park. Adjacent land uses include natural open space, County parkland, and dispersed rural residential properties. There is no urban or high-density development within or immediately adjacent to the project site.

The proposed project site is zoned as follows:

- **A-20 (Exclusive Agriculture, 20-acre minimum):** Intended for agricultural uses on large parcels with very low residential density.
- **RR (Rural Residential):** Supports low-density residential development, typically in areas lacking full urban infrastructure.

These zoning designations permit low-intensity public uses, including recreational trails and park access, particularly when consistent with the open space and conservation goals articulated in the General Plan. The general plan land use designations underlying the project site within Santa Clara County are shown in Figure 6.

**Legend**

Scale = 1:18,000  
Created: 9/17/2025

**Project Elements**

- Existing Fence
- Existing Fence to be Removed
- Proposed Fence
- Main Trail (Multi-Use)

**SCVWD Creeks**

- Major Creek
- Canal

**Land Use Designation**

- Hillsides
- Open Space Reserve
- Existing Regional Parks
- Rural Residential

**Map Labels:**

City of San Jose

Santa Teresa County Park

Almaden Quicksilver County Park

Calero County Park

Harry Rd

Loop Rd

Chona Ct

Woehl Ct

San Vicente Ave

Davis Ct

Lone Oak Cir

Tyr Ln

Schillingburg Ave

Tierra Sombra Ct

Walton Ave

Timothy Ln

Cherry Canyon Rd

Calero Creek Ct

Rome Dr

Mountain Dr

Almaden Rd

Hunters Hill Rd

Whispering Oaks Dr

McKean Rd

Fortini Rd

Rakstad Rd

Ganci Ln

Santa Teresa Bridge

Arroyo Calero Bridge

Almaden-Calero Canal

Almaden Creek

Santa Teresa Creek

Arroyo Calero

South East Santa Teresa Creek

0 0.25 0.5 Miles

112

The proposed project is consistent with the trail network identified in the Santa Clara County General Plan and corresponds to Planned Trail C19 – Calero–Santa Teresa Trail, as identified in the 1995 Santa Clara County Countywide Trails Master Plan (CWTMP) as updated by the 2024 Countywide Trails Master Plan Map Update, which envisions a formal connection between Calero County Park and Santa Teresa County Park. This planned trail aligns with County Park’s objectives to improve non-motorized connectivity and expand regional recreational access through an integrated park system.

## **REGULATORY FRAMEWORK:**

### ***Federal Regulations, Policies, and Standards***

There are no applicable federal regulations pertaining to land use.

### ***State Regulations, Policies, and Standards***

There are no applicable state regulations pertaining to land use.

### ***Local Regulations, Policies, and Standards***

#### **Santa Clara County General Plan**

The 1994 Santa Clara County General Plan is a comprehensive, long-range plan for physical development of the county that identifies land use goals and policies. General Plan land use designations help identify the type of development that is allowed within specific areas, and they display the spatial relationships among land uses and the general pattern of future development. The following policies are applicable to the proposed project:

*R-LU 37*                      Encourages limiting population growth and land use intensity in areas lacking urban services, consistent with the site’s rural nature.

*R-T 1 and R-T 2*            Support the development of regional trails and prioritize non-motorized transportation and recreation in parklands.

#### **Santa Clara County Municipal Code and Zoning Ordinance**

The Santa Clara County Municipal Code regulates land use, development, and zoning districts within the city to ensure orderly growth, environmental sustainability, and community well-being. The Municipal Code establishes rules for residential, commercial, and industrial zones, including building standards, permitted uses, and design guidelines to align with the city's General Plan.

The Santa Clara County Zoning Ordinance is the primary tool for implementing Santa Clara County’s General Plan and regulating land use within unincorporated areas. It establishes zoning districts and development standards to preserve agricultural land, guide rural development, and protect hillside and open space resources. Zoning designations applicable to the project site are summarized above.

#### **Santa Clara County Countywide Trails Master Plan**

The 2024 Santa Clara County Countywide Trails Master Plan envisions a network of regionally significant trails throughout Santa Clara County. The Countywide Trails Master Plan helps support coordination across jurisdictions such as towns and cities and guides the County of Santa Clara’s work on trails to improve connectivity between different regions of the County.

## **DISCUSSION:**

### **a) Less than Significant Impact**

Construction of the proposed project would occur on land that was previously used for agricultural purposes and is now managed by County Park’s for recreational use. Land use impacts related to the physical division of an established community typically involve construction of a physical barrier to neighborhood access, such as a new freeway, or removal of an existing means of access, such as a bridge or a roadway. The proposed project would not involve construction of any such physical barrier, nor would the proposed project eliminate or obstruct existing roadways or access routes. During construction

activities, lane and/or road closures would be required for installation of the road crossings on San Vicente Avenue and at the intersection of Fortini Road and McKean Road. Any lane or road closures would be temporary, and access would be reestablished following completion of the road crossings. While the signalized road crossing and raised multi-use crossing would be permanent along McKean Road and San Vicente Avenue, respectively, they would not be a physical barrier to neighborhood access.

While rural residential properties are present along surrounding roads, the proposed project would not interfere with connectivity between them or access to public infrastructure. The project site is currently fenced and does not allow for public access. The proposed project would not introduce any new barriers, fences, or access restrictions that would separate these residences from each other or from surrounding areas. Instead, the proposed project would improve recreational connectivity between Calero and Santa Teresa County Parks via a multi-use trail. Therefore, construction and operation and maintenance of the proposed project would not physically divide an established community. The impact would be less than significant.

## **b) No Impact**

Land use impacts are considered potentially significant if a proposed project would conflict with any plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental impact, such as those that directly address environmental issues and/or contain targets or standards that must be met to preserve or improve characteristics of a city's physical environment., as described in the Regulatory Framework. The proposed project would enhance trail connectivity between Calero and Santa Teresa County Parks without introducing urban development or conflicting land uses. Therefore, the proposed project would be consistent with applicable policies R-T-1, R-T-2, and R-LU 37 under the Santa Clara County General Plan which emphasize the development of regional trails and encourages limiting land use intensity consistent with the site's rural nature. Additionally, the proposed project would also be consistent with the Santa Clara County Zoning Ordinance, which permits recreational uses under the project site's A-20, RR, and HS zoning designations, and would align with the 1995 CWTMP as updated by the 2024 Countywide Trails Master Plan Map Update which identifies Trail C19 as a planned regional connector. Therefore, the proposed project would not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. No impact would occur.

## **MITIGATION:**

*None required.*

## **REFERENCES:**

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| L. Mineral Resources                                                                                                                                                  |  |                                |                                                    |                              |                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--------------------------------|----------------------------------------------------|------------------------------|-------------------------------------|
|                                                                                                                                                                       |  | IMPACT                         |                                                    |                              |                                     |
| WOULD THE PROJECT:                                                                                                                                                    |  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact                           |
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?                                |  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? |  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
|                                                                                                                                                                       |  |                                |                                                    |                              | Source                              |
|                                                                                                                                                                       |  |                                |                                                    |                              | 1, 2, 3, 6, 44                      |
|                                                                                                                                                                       |  |                                |                                                    |                              | 1, 2, 3, 6, 8a                      |

## SETTING:

Under the Surface Mining and Reclamation Act (SMARA), the State Mining and Geology Board may designate certain mineral deposits as regionally significant to meet future construction and industrial needs. These designations are informed by mineral land classification reports prepared by the California Geological Survey (CGS) and supported by input from local agencies and the public. To guide land use planning and conservation, the CGS classifies lands into Mineral Resource Zones (MRZs), which reflect the presence and significance of mineral resources. The MRZs are defined as follows:

- MRZ-1: Areas where available geologic information indicates there is little likelihood for the presence of mineral resources.
- MRZ-2a: Areas that contain significant measured or indicated reserves.
- MRZ-2b: Areas where geologic information indicates that significant inferred resources or demonstrated subeconomic resources are present.
  - ARAs are areas classified MRZ-2a or MRZ-2b for construction aggregate that have current land uses which are similar to those areas which have been mined in the past
- MRZ-3a: Areas likely to contain undiscovered mineral deposits similar to known deposits in the same producing district or region (hypothetical resources).
- MRZ-3b: Areas judged to be favorable geologic environments for mineral resource occurrence, but where mineral discoveries have not been made in the region (speculative resources).
- MRZ-4: Areas where geologic information does not rule out either the presence or absence of mineral resources.

The proposed project is located within the broader Monterey Bay Production-Consumption Region a regional mineral planning area defined by the California Geological Survey Special Report 251. However, the project site is not located within any mapped MRZ. This indicates that the project site is not recognized as containing regionally or locally important mineral resources based on available geologic data.

Existing quarries and known mineral deposits are present in other areas of Santa Clara County, including areas near San Jose, Gilroy, and the Santa Cruz Mountains. The nearest MRZ to the project site is located near the Uvas Quarry region, which is designated as MRZ-2 and is approximately 6 miles southeast of the project site. These zones are generally located along major sediment-carrying watercourses or within geologic formations conducive to the accumulation of commercially viable construction aggregate resources. Additionally, the project site is not identified as a locally important mineral resource area identified in the Santa Clara County General Plan.

## **REGULATORY FRAMEWORK:**

### ***Federal Regulations, Policies and Standards***

There are no applicable federal regulations pertaining to minerals.

### ***State Regulations, Policies and Standards***

#### **Surface Mining and Reclamation Act**

The 1975 Surface Mining and Reclamation Act (SMARA) (Public Resources Code §§ 2710–2796) was enacted by the California Legislature to ensure the continued availability of mineral resources while minimizing the environmental, public health, and safety impacts associated with surface mining operations. SMARA establishes a comprehensive surface mining and reclamation policy to regulate active mining operations and ensure that mined lands are reclaimed to a usable condition once mining has concluded. Under SMARA, the California State Geologist is responsible for classifying mineral lands throughout the state based on their known or potential mineral resource value. These classifications are intended to inform land use planning decisions and to help protect mineral resources in areas subject to urban development or other irreversible land uses that could preclude future mineral extraction. Following classification, the State Mining and Geology Board (SMGB) may formally designate areas containing mineral deposits of regional or statewide significance. These designations help local agencies consider the conservation and possible future extraction of important mineral resources when making land use decisions.

### ***Local Regulations, Policies and Standards***

#### **Santa Clara County General Plan**

The 1994 Santa Clara County General Plan addresses mineral resources in its Natural Resources Element, which includes goals and policies for the conservation and management of mineral resources consistent with SMARA. The following policies are applicable to the proposed project:

*Policy R-RC 41:* Encourage the conservation and recovery of mineral resources within areas identified as containing regionally significant deposits, particularly those classified by the State Mining and Geology Board.

*Policy R-RC 42:* Ensure that land use decisions consider the presence of significant mineral deposits and are compatible with long-term mineral resource availability where feasible.

*Policy R-RC 44:* Promote the reclamation of mined lands in accordance with SMARA to support future beneficial uses and environmental quality.

## **Discussion:**

### **a and b) No Impact**

Construction activities would involve ground-disturbing activities associated with trail development and the installation of associated infrastructure, including signage, fencing, gates, and two new parking areas at the northern and southern ends of the trail alignment. Proposed project activities would occur entirely within areas currently managed for recreational use and would not involve the extraction of mineral resources or restrict access to known or locally designated mineral deposits. The project site is not located within any designated MRZs as defined by the CGS and is not designated as a locally important mineral resource recovery site identified in the Santa Clara County General Plan or any other applicable land use plan.

The proposed project would provide public access to a new multi-use trail and amenities connecting Calero and Santa Teresa County parks. Operation and maintenance activities would include routine trail inspections, facility upkeep, vegetation management (including periodic grazing), trash collection, and emergency response, all conducted by existing Santa Clara County Parks staff. Operation and maintenance activities would not involve any ground disturbance that could impact mineral resources.

Construction, operation, and maintenance of the proposed project would not result in the loss of availability of regionally or locally important mineral resources. Therefore, no impact would occur.

**MITIGATION:**

*None Required.*

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| M. Noise                                                                                                                                                                                                                                                                                                                                   |                                       |                                                           |                                     |                                     |                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|-----------------------------------------------------------|-------------------------------------|-------------------------------------|---------------------------------|
|                                                                                                                                                                                                                                                                                                                                            | IMPACT                                |                                                           |                                     |                                     |                                 |
| WOULD THE PROJECT:                                                                                                                                                                                                                                                                                                                         | <u>Potentially Significant Impact</u> | <u>Less Than Significant with Mitigation Incorporated</u> | <u>Less Than Significant Impact</u> | <u>No Impact</u>                    | Source                          |
| a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?                                                                                          | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 8a, 13, 22a, 45, 54, 58, 59, 60 |
| b) Generation of excessive groundborne vibration or groundborne noise levels?                                                                                                                                                                                                                                                              | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 13, 45, 54, 57                  |
| c) For a project located within the vicinity of a private airstrip or an airport land use plan referral area or, where such a plan has not been adopted, within two miles of a public airport, public use airport, or private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 1, 5, 22a                       |

## SETTING:

### *Existing Noise Environment*

The primary sources of noise in the vicinity of the project site include residences and existing traffic along Fortini Road, San Vincente Avenue, and McKean Road.

### *Sensitive Receptors*

- Two residences approximately 60 feet from the existing fence line to the west of Fortini Road.
- One residence approximately 50 feet from the existing fence line near the intersection of Fortini Road and the Arroyo Calero.
- Ten residences ranging from approximately 80 to 100 feet to the existing fence line along the entirety of Fortini Road.
- Residences along Chona Court, three of which are approximately 50 to 60 feet west of the existing fence line.

## REGULATORY FRAMEWORK

### *Federal Regulations, Policies and Standards*

#### **Federal Transit Administration (FTA)**

The Federal Transit Administration (FTA) has developed a general construction noise threshold of 90 dBA Leq at the nearest noise-sensitive receptor. According to the FTA, if the combined sound generated by the two loudest pieces of equipment over a 1-hour averaging period exceeds the 90 dBA threshold at a residential land use (or other noise-sensitive receptor), then there may be a substantial adverse impact.

In addition, the FTA has developed vibration thresholds to prevent disturbances (i.e., annoyance) to building occupants based on the frequency of a vibration event. The thresholds of 80 VdB and 83 VdB for

infrequent events are used in this analysis to evaluate disturbance to residences and buildings where people normally sleep and institutional land uses with primarily daytime use, respectively.

***State Regulations, Policies and Standards***  
**California Department of Transportation**

The Caltrans has developed vibration thresholds based on peak particle velocity (PPV) values to evaluate the potential impact of construction vibration on structures and prevent damage to nearby buildings, as shown in Table 9. Construction vibrations could include transient sources (e.g., blasting) and continuous or frequent intermittent sources (e.g., impact pile drivers, vibratory pile drivers, and vibratory compaction equipment).

**Table 9**                      **Vibration Thresholds for Structural Impacts**

| <b>Structure and condition</b>              | <b>Maximum PPV (in./sec) — transient</b> | <b>Maximum PPV (in./sec) — continuous/frequent intermittent</b> |
|---------------------------------------------|------------------------------------------|-----------------------------------------------------------------|
| Extremely fragile historic buildings, ruins | 0.12                                     | 0.08                                                            |
| Fragile buildings                           | 0.2                                      | 0.1                                                             |
| Historic and some old buildings             | 0.5                                      | 0.25                                                            |
| Older residential structures                | 0.5                                      | 0.3                                                             |
| New residential structures                  | 1.0                                      | 0.5                                                             |
| Modern commercial buildings                 | 2.0                                      | 0.5                                                             |

***Local Regulations, Policies and Standards***  
**Santa Clara County Municipal Code**

Santa Clara County regulates noise through the County’s Noise Ordinance. Chapter VIII of the Santa Clara Municipal Code, section B-11-154(b)(6) provides noise level standards for construction work and prohibits operation of construction equipment that would create a noise disturbance across a residential or commercial real property line, as shown in Table 10. Specifically, construction activity is prohibited Mondays through Saturdays between 7:00 p.m. and 7:00 a.m., or at any time on Sundays or holidays, with exceptions for emergencies or by variance. Section B11-154(7) also prohibits operating any device that creates a vibrating or quivering effect that endangers health or property or disturbs a person of normal sensitivities. For this analysis, FTA vibrational perception thresholds (65 VdB for human perception and 80 VdB for human annoyance) are used.

**Table 10**                      **Santa Clara County Mobile Equipment Noise Standards**

|                                                                | <b>Single &amp; two-family residential</b> | <b>Multifamily residential</b> | <b>Commercial</b> |
|----------------------------------------------------------------|--------------------------------------------|--------------------------------|-------------------|
| Daily, except Sundays & legal holidays, 7:00 a.m.–7:00 p.m.    | 75 dBA                                     | 80 dBA                         | 85 dBA            |
| Daily, 7:00 p.m.–7:00 a.m. and all day Sunday & legal holidays | 50 dBA                                     | 55 dBA                         | 60 dBA            |

**DISCUSSION:**

**a) Less than Significant Impact**  
**Construction**

The proposed project would generate noise from construction equipment during construction. Proposed project construction is anticipated to begin as early as August 2027 and would last approximately 7 months. Construction activities would generally occur between the hours of 8 a.m. and 5 p.m., Monday through Friday. No nighttime or weekend work would occur. Construction activities would require the use of the following equipment: excavator, tractor trailer or flatbed, paver, excavator, skip loader, compactor, water truck, service truck, concrete truck, dump truck, dozer, hydroseeder, and a crane for bridge placement. For

construction noise impact, the Santa Clara County mobile equipment noise standards are used. The 75 dBA threshold is used in this analysis because the closest sensitive receptors to the project site are single family residences and because it is the most conservative threshold provided for mobile equipment from the hours of 7:00 a.m. to 7:00 p.m., when project construction would occur.

In accordance with guidance from FTA, daytime construction noise impacts were evaluated by quantifying the maximum noise levels that would result from the simultaneous operation of the two loudest pieces of equipment that would be operating closest to a sensitive receptor. This analysis assumes that heavy construction equipment would be utilized within a 30-foot buffer around the trail alignments and would not be used along the perimeter of the project development area.

**Table 11 Typical Construction Noise of Equipment (at 50 feet)**

| <b>Equipment</b>        | <b>Typical noise level (dBA, L<sub>max</sub>)</b> |
|-------------------------|---------------------------------------------------|
| Excavator               | 85                                                |
| Compactor               | 82                                                |
| Paver                   | 85                                                |
| Concrete truck and pump | 82                                                |
| Mini-trail dozer        | 85                                                |
| Skid steer              | 80                                                |
| Water truck             | 84                                                |
| Skip Loader/Loader      | 80                                                |
| Tractor Trailer/Flatbed | 84                                                |
| Dump Truck              | 84                                                |
| Hydroseeder             | 80                                                |
| Crane                   | 83                                                |

The combined noise level of the two loudest pieces of equipment, the excavator, paver and/or mini-trail dozer (each with a typical noise of 85 dBA at 50 feet), would have a combined noise level of approximately 80 dBA at the closest sensitive receptor, which would be approximately 129 feet from the equipment, as shown in Table 12. The allowable daytime construction noise threshold for single-family and two-family dwellings is 75 dBA. Therefore, the combined noise level of the proposed project is estimated to exceed this threshold by approximately 5 dBA. Standard building structures provide approximately 12 to 17 dBA noise attenuation with windows open. With windows closed, the noise attenuation factor is about 20 dBA for older structures and about 25 dBA for newer dwellings. The impact would be less than significant.

**Table 12 Noise Attenuation Estimation at Nearest Residences (129 feet)**

| <b>Metric</b>                                              | <b>Estimated level</b> | <b>Threshold</b> | <b>Exceeds threshold?</b> |
|------------------------------------------------------------|------------------------|------------------|---------------------------|
| Combined noise level at closest residence (no attenuation) | 80 dBA                 | 75 dBA           | Yes                       |
| Combined noise level at closest residence (windows open)   | 63–68 dBA              | 75 dBA           | No                        |
| Combined noise level at closest residence (windows closed) | 55–60 dBA              | 75 dBA           | No                        |

### ***Operation and Maintenance***

The proposed project would not be a significant source of noise. No consistent equipment use is proposed for the operation and maintenance of the proposed project. However, periodic use of maintenance equipment would occur during operation of the proposed project. Additionally, voices from recreational users utilizing the trail system may be perceivable to nearby residences. As a result, nearby residents would occasionally experience noise from trail users and maintenance activities, such as mowing. The trails themselves are located approximately 200 feet away from nearby residences; spoken word from recreational users utilizing the trail system is not regulated by the Santa Clara County noise ordinance and

does not require review under CEQA. Additionally, any equipment use required for maintenance activities would be temporary in nature and periodic (a few times a year) depending on maintenance needs. Therefore, impacts would be less than significant.

**b) Less Than Significant Impact**  
**Construction**

Construction of the proposed project would generate varying degrees of groundborne vibration through the operation of heavy equipment. The equipment anticipated to be used for construction of the proposed project includes a crane, excavator, tractor trailer or flatbed, paver, excavator, skip loader, compactor, water truck, service truck, concrete truck, dump truck, dozer, and hydroseeder. Hand tools are not anticipated to generate groundborne vibration detectable by nearby residences. The potential vibration-related impacts are generally limited to the use of impact equipment such as pile drivers (impact and vibratory), hoe rams, and vibratory compactors and rollers. Table 13 provides the vibration levels for the proposed project construction equipment that would generate the highest levels of groundbourne vibration. Of the construction equipment included in the proposed project, the paver/vibratory roller would generate the highest levels of groundborne vibration. This analysis utilizes the FTA and Caltrans construction vibration thresholds. Caltrans recommends a threshold of 0.5 in./sec to prevent potential damage to modern industrial/commercial buildings and new residential structures and 0.3 in/sec for older residential structures. This analysis uses the more conservative 0.3 in/sec threshold, as shown in Table 13.

**Table 13      Vibration Estimate and Threshold Comparison (at 25 feet)**

| <b>Proposed project equipment</b>                    | <b>Max PPV (in./sec) at 25 ft.</b> | <b>Exceeds 0.3 in./sec?</b> |
|------------------------------------------------------|------------------------------------|-----------------------------|
| Paver/Vibratory Roller                               | 0.21                               | No                          |
| Mini-trail Dozer                                     | 0.003                              | No                          |
| Loaded truck (e.g. concrete truck, dump truck, etc.) | 0.076                              | No                          |

The Santa Clara County Noise Ordinance also considers vibrational human disturbance. The ordinance prohibits the operation of any device that would create a vibrational effect that endangers or injures the safety or health of human beings or animals, or annoys or disturbs a person of normal sensitivities. The FTA defines the threshold of perception for humans as approximately 65 VdB and human annoyance typically occurs at 80 VdB. According to the FTA, heavy tracked construction equipment, such as bulldozers, have a velocity level of around 90 to 95 VdB at 50 feet, which is approximately 10 to 15 VdB greater than the threshold for annoyance. However, equipment would be used no closer than 129 feet to the closest residence and vibration dissipates over distance. Additionally, construction activities would generally occur between 8 a.m. and 5 p.m., Monday through Friday, and no nighttime or weekend work is anticipated. Any impact related to noise and vibration would be restricted to normal daytime hours and would reduce the likelihood of disturbance to residents (e.g., sleep disturbance). As vibration annoyance impacts on people within residential buildings due to nighttime construction would not occur, construction activities would not be expected to generate excessive vibration levels that would disturb nearby residents. Therefore, project construction activities would not generate excessive vibration levels that could potentially cause structural damage or disturb residents. The impact would be less than significant.

**c) No Impact**

The proposed project is not located within 2 miles of a public airport or in the vicinity of a private air strip. The nearest airport is Reid Hillview County Airport located approximately 10 miles north of the proposed project; therefore, no impact would occur.

**MITIGATION:**  
*None Required.*

## **REFERENCES:**

- California Department of Transportation (Caltrans). 2020. Transportation and Construction Vibration Guidance Manual. CT-HWANP-RT-20-365.01.01.
- Federal Transit Administration. 2018. Transit Noise and Vibration Impact Assessment Manual.
- Federal Transit Administration (FTA). 2006. Transit Noise and Vibration Impact Assessment.
- New Hampshire Department of Transportation (NHDOT). 2012. Ground Vibrations Emanating from Construction Equipment (FHWA-NH-RD-12323W).
- Santa Clara County. n.d. “Sec. B11-154. - Prohibited Acts. | Code of Ordinances.”
- Sonitron. n.d. “Adding up Sound Levels of Multiple Audio Sources.”
- U.S. Environmental Protection Agency (EPA). 1974. Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety.

| N. POPULATION AND HOUSING                                                                                                                                                                                           |                                |                                                    |                                     |                                     |                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|-------------------------------------|-------------------------------------|-------------------------|
| WOULD THE PROJECT:                                                                                                                                                                                                  | IMPACT                         |                                                    |                                     |                                     | Source                  |
|                                                                                                                                                                                                                     | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact        | No Impact                           |                         |
| a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 1, 3, 4, 54, 55, 56, 57 |
| b) Displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?                                                                                     | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 1, 2, 3, 4              |

## SETTING:

The proposed project is located in unincorporated Santa Clara County, which according to the Santa Clara County 2024 Year in Review, had a population of approximately 91,649 out of the County's total 1,886,079 residents in 2024. The nearest urban population centers are the City of San Jose, located directly adjacent to the project site to the north and the City of Morgan Hill, located 5.4 miles to the southeast. According to the U.S. Census Bureau's 2023 population estimates, San Jose has a population of approximately 971,200 persons, and Morgan Hill has a population of approximately 45,400 persons.

## REGULATORY FRAMEWORK:

### *Federal Regulations, Policies and Standards*

There are no applicable Federal regulations pertaining to population and housing.

### *State Regulations, Policies and Standards*

There are no applicable State regulations pertaining to population and housing.

### *Local Regulations, Policies and Standards*

There are no applicable local regulations pertaining to population and housing.

## DISCUSSION:

### **a) Less than Significant Impact**

#### ***Construction***

Construction of the proposed project would take approximately 7 months to complete. An average of 5 construction workers are expected to be onsite on workdays and a maximum of 15 construction workers would be onsite at any given time. According to the California Employment Development Department, San Jose–Sunnyvale–Santa Clara Metropolitan Statistical Area, which includes Santa Clara and San Benito counties, decreased slightly from 53,000 in May 2024 to 52,400 in April 2025. Despite this modest fluctuation, the regional construction workforce remains substantial and Santa Clara County's construction workforce is projected to grow to approximately 58,100 construction workers by 2032. Because of the relatively large size of the local and regional construction workforce, construction workers for the proposed project would be expected to be drawn primarily from within Santa Clara County and the surrounding Bay Area. Workers who do not reside in the immediate vicinity of the project site would be most likely to commute from elsewhere in the county rather than relocate from more distant areas. Consequently, construction would not induce population growth by attracting a substantial number of workers from outside the region. Construction would not create demand for additional housing or other growth-related facilities or services. As a result, the proposed project's impact during construction relative to population and housing would be less than significant.

## ***Operation and Maintenance***

During operation and maintenance, the proposed project would increase the level of routine maintenance. However, existing Santa Clara County Parks staff would perform inspections and maintenance activities in conjunction with those conducted for other parks owned and managed by Santa Clara County Parks. No new employment would not be required. Grazing may occur on-site for vegetation management, which would require a grazing contractor. The grazing contractor would likely be drawn from within Santa Clara County or the surrounding Bay Area. Additionally, a grazing contractor would only be needed for up to 4 weeks per year.

Although the proposed project may increase visitation to the area due to the introduction of a new recreational trail and related amenities, this increase in trail users would not result in permanent population growth or new residential development. The proposed project would not establish new urban infrastructure or employment opportunities that typically induce population growth. Therefore, the proposed project would not directly or indirectly induce substantial unplanned population growth. Operation impacts related to population and housing would be less than significant.

### **b) No Impact**

The proposed project would involve the construction of new recreational facilities, including a multi-use trail and associated infrastructure, within an area currently designated and managed for open space and recreational use. The proposed project would not involve displacement of people and housing units, nor would it require the construction of replacement housing. Therefore, the proposed project would have no impact relative to the displacement of housing.

### **MITIGATION:**

*None Required.*

### **REFERENCES:**

- California Employment Development Department (EDD). 2025. "San Jose-Sunnyvale-Santa Clara Metropolitan Statistical Area (MSA) (San Benito And Santa Clara Counties)," June.  
[https://labormarketinfo.edd.ca.gov/file/lfmonth/sjos\\$pbs.pdf](https://labormarketinfo.edd.ca.gov/file/lfmonth/sjos$pbs.pdf).
- . n.d. "2022-2032 Industry Employment Projections San Jose-Sunnyvale-Santa Clara Metropolitan Statistical Area (San Benito and Santa Clara Counties)."  
<https://labormarketinfo.edd.ca.gov/data/employment-projections.html#Long>.
- Santa Clara County. 2024. "Santa Clara County Year In Review Fiscal Year 2023-2024."  
[https://files.santaclaracounty.gov/2024-09/yearinreview-23.24-digital.pdf?VersionId=3arluGiqM5qVE30Z1eF9hSRe\\_X7YUROQ](https://files.santaclaracounty.gov/2024-09/yearinreview-23.24-digital.pdf?VersionId=3arluGiqM5qVE30Z1eF9hSRe_X7YUROQ).
- U.S. Census Bureau. n.d. "U.S. Census Bureau QuickFacts: San Jose City, California; Morgan Hill City, California." Accessed June 9, 2025.  
<https://www.census.gov/quickfacts/fact/table/sanjosecitycalifornia,morganhillcitycalifornia/PST045224>.

| O. PUBLIC SERVICES                                                                                                                                                                                                                                                                                                                                                                                                  |                                      |                                                                |                                     |                                     |                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|----------------------------------------------------------------|-------------------------------------|-------------------------------------|-----------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                     | IMPACT                               |                                                                |                                     |                                     |                 |
| WOULD THE PROJECT:                                                                                                                                                                                                                                                                                                                                                                                                  | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>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 and Emergency Services?                                                                                                                                                                                                                                                                                                                                                                          | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 1, 3, 5, 55     |
| ii) Police Protection?                                                                                                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 1, 3, 5         |
| iii) School facilities?                                                                                                                                                                                                                                                                                                                                                                                             | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 1, 3, 5, 54     |
| iv) Parks?                                                                                                                                                                                                                                                                                                                                                                                                          | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 1, 3, 5,<br>17h |
| v) Other public facilities?                                                                                                                                                                                                                                                                                                                                                                                         | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 1, 3, 5         |

## SETTING:

### *Fire Protection and Emergency Services*

The project site is located within a State Responsibility Area (SRA) for wildland fire protection. Fire protection services are provided by CAL FIRE's Santa Clara Unit (SCU). The closest CAL FIRE station is the Dunne Hill Fire Station located approximately 2.5 miles southeast of the project site. CAL FIRE and the Santa Clara County Fire Department (SCCFD) maintain mutual aid agreements to support each other in fire and medical emergency response. The nearest SCCFD facility is Station 13 located approximately 3.5 miles north of the project site.

Emergency response coverage in the area is provided by SCCFD and includes wildland fire suppression, rescue operations, and medical services. According to the SCCFD 2024 Annual Report, the average turnout time for an urgent EMS incident was 1 minute and 16 seconds. The area is currently accessible via existing Santa Clara County roads and emergency service routes, enabling timely response to incidents occurring within or near the project site.

### *Police Protection Services*

Police protection for the project site is provided by the Santa Clara County Sheriff's Office (SCCSO), headquartered in the City of San Jose. The nearest sheriff's substation is the South County Substation, located approximately 7.5 miles south of the project site.

### *Schools*

The project site is located within the San Jose Unified School District (SJUSD). SJUSD serves more than 25,000 students across elementary, middle, and high schools in the greater San Jose area. The nearest schools to the project site include Challenger School-Almaden, an independent private school that serves preschool through 8th grade, located approximately 1.2 miles east on McKean Road, Muriel Wright Residential Center, a juvenile court school operated by the Santa Clara County Office of Education, located approximately 1.3 miles northeast of the project site, and Graystone Elementary School, located approximately 1.8 miles northwest of the project site.

## ***Parks***

The proposed project site is managed by the Santa Clara County Parks, which operates 28 regional parks encompassing over 52,000 acres. The project site is situated between Santa Teresa County Park and Calero County Park, and a small portion of the proposed project is located within Calero County Park. Once complete, the project site would be managed as part of Calero County Park.

## ***Libraries***

The project site is served by the Santa Clara County Library District, which includes eight branches and two mobile libraries. The nearest library to the project site is the Santa Teresa Branch Library approximately 6.5 miles north of the project site.

## **REGULATORY FRAMEWORK:**

### ***Federal Regulations, Policies and Standards***

There are no applicable federal regulations pertaining to public service.

### ***State Regulations, Policies and Standards***

#### **California Master Mutual Aid Agreement**

The California Master Mutual Aid Agreement is a framework agreement between the state and local governments that provides for aid and assistance through the interchange of services and facilities. This aid agreement includes fire, police, medical and health, communications, and transportation services, as well as facilities to cope with issues related to rescue, relief, evacuation, rehabilitation, and reconstruction.

### ***Local Regulations, Policies and Standards***

#### **Santa Clara County General Plan**

The following policy in the 1994 Santa Clara County General Plan applies to public service uses as related to the proposed project:

*R-LU 37:* Population shall be held to a minimum, and land uses shall be of a nature and intensity which do not require higher levels of public services than those presently provided

#### **Santa Clara County Parks and Recreation Ordinance Code**

The Santa Clara County Parks and Recreation Ordinance Code governs the use and management of County parklands. The ordinance code includes provisions related to permits for park access and events, general public conduct, protection of natural and cultural resources, and the establishment of fees and charges. The ordinance also regulates specific activities such as amplified sound, commercial filming and photography, and the presence and use of service animals within park boundaries. The following regulation in the Santa Clara County Parks and Recreation Ordinance Code apply to fire protection and emergency service considerations for the proposed project:

*Section B14-21.2 (a)* No fire shall be built, lighted, or maintained within any Park Area except in a camp stove or fireplace provided in areas designated for such purposes.

## **DISCUSSION:**

### **i and ii) Less Than Significant Impact**

#### ***Fire Protection, Emergency, and Police Protection Services Construction***

The proposed project does not include the development of new residences or businesses that would result in a permanent increase in the local population. However, construction of the proposed project would introduce new trails and recreational amenities that could increase public use in the area. Construction would occur between 8:00 a.m. to 5:00 p.m., Monday through Friday, with access maintained from surrounding public roads. An average of five construction workers, and up to 15 workers during peak

construction, would be on site daily during the construction period. The construction workforce would be drawn from the local labor pool or would commute from within Santa Clara County. Public access to the project site would be restricted during construction and would reduce opportunities for unauthorized access and limit the potential need for police response.

Temporary lane or road closures would be required for installation of the traffic crossings. Temporary lane or road closures could affect the response times of emergency vehicles if an emergency were to occur in the area at the time of lane or road closure, which could result in a significant impact to emergency response times. The proposed project would require preparation of a traffic control plan, which requires appropriate signage and detours and would allow for access for emergency service providers. Given the small number of construction workers, the temporary and intermittent nature of construction activities, and preparation of a traffic control, the proposed project would not result in an increase in the demand for fire protection, emergency services, and police protection services such that new or physically altered facilities would be required. Construction impacts related to new or altered fire or police services would be less than significant.

#### **Operation and Maintenance**

Operation and maintenance of the proposed project would introduce new recreational trails and amenities that could modestly increase public use in the area, potentially increasing the demand for fire protection, emergency medical response, and police protection services. Public access would be limited to daylight hours, year-round from 8:00 a.m. to sunset and activities would consist of low-intensity, non-motorized trail use. New trail and vehicle gates would limit unauthorized use of the trails and parking areas outside of the designated hours. Under Santa Clara County regulations, open flame use is prohibited outside of designated facilities, and unattended campfires are not permitted. These restrictions reduce the potential for visitor-related ignition sources within the project site. Additionally, the inclusion of a designated helicopter landing zone in the southern parking area would improve emergency response capabilities in a rural location. This landing zone would facilitate faster emergency response, consistent with observed increases in trail-related incidents in nearby parks.

The project site would be operated and maintained by existing Santa Clara County Parks staff and would include regular patrols, routine maintenance, and annual vegetation management. While a modest increase in emergency and police protection service calls may occur with greater public use, the combination of Santa Clara County fire prevention regulations, controlled site access, and emergency access enhancements would ensure that no substantial increase in service demand would occur. Therefore, the proposed project would not result in the need for new or physically altered fire protection, emergency response, or police protection services. Operation and maintenance impacts would be less than significant.

#### **iii) No Impact**

##### ***School facilities***

The proposed project would not generate population growth that would introduce children to the area or otherwise affect any schools. No impact would occur.

#### **iv) Less Than Significant Impact**

##### ***Parks***

Construction activities associated with the proposed project would be confined to areas already designated for recreational use and would not result in the development of new parkland or displacement of existing park resources. The existing Rancho San Vicente parking area would be temporarily used for construction staging, which could limit public access to that specific parking facility during the construction period. However, this disruption would be short-term, localized, and managed by Santa Clara County Parks. Thus, the proposed project would not restrict access to the broader park network, and alternative trailheads and facilities would remain available.

Operation and maintenance of the proposed project and associated amenities would enhance recreational access and connectivity between Santa Teresa and Calero County parks. While the new trail and associated infrastructure such as the new parking areas may attract additional trail users, the proposed project is designed to better distribute existing recreational use rather than generate demand for new parkland or off-site park facilities. Therefore, construction and operation and maintenance impacts would be less than significant.

**v) No Impact**

***Other Public facilities***

The proposed project does not involve population growth that would generate additional demand for public facilities such as libraries, hospitals, or government services. No impact would occur.

**MITIGATION:**

*None required.*

**REFERENCES:**

San Jose Unified School District (SJUSD). n.d. "About - San Jose Unified School District." n.d.  
<https://www.sjUSD.org/about>.

Santa Clara County Fire Department (SCCFD). 2024. "Santa Clara County Fire Department 2024 Annual Report." [https://www.sccfd.org/wp-content/uploads/2025/03/2024.3.24\\_SCCFD\\_Annual-Report\\_FINAL-WEB.pdf](https://www.sccfd.org/wp-content/uploads/2025/03/2024.3.24_SCCFD_Annual-Report_FINAL-WEB.pdf).

| P. RECREATION                                                                                                                                                                                |                                      |                                                                |                                     |                          |                 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|----------------------------------------------------------------|-------------------------------------|--------------------------|-----------------|
| WOULD THE PROJECT:                                                                                                                                                                           | IMPACT                               |                                                                |                                     |                          | Source          |
|                                                                                                                                                                                              | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact  | No Impact                |                 |
| a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 2, 4, 5, 17h |
| b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?                       | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 3, 4, 5      |

## SETTING:

The project site lies in the southern foothills of the Santa Cruz Mountains, an area containing a high concentration of publicly accessible regional parkland managed by Santa Clara County Parks. Santa Clara County Parks owns and operates 28 regional parks encompassing more than 52,000 acres countywide, offering a range of recreational opportunities including hiking, biking, horseback riding, wildlife viewing, picnicking, and nature interpretation. Existing recreational use in the vicinity includes hiking, trail running, mountain biking, horseback riding, dog walking, and passive open space. The project site is located between Calero County Park to the south and Santa Teresa County Park to the north, both of which are major regional parks that provide trail-based recreation and public access to preserved open space. The existing Rancho San Vicente parking area is located south of McKean Road and currently serves as a public access point to the Calero County Park trail system. The existing parking area along San Vicente Avenue provides access to the Stile Ranch Trail and Fortini Trail within Santa Teresa County Park. The project site is part of the Santa Clara County Parks system and serves as important land for potential future trail connectivity between Calero and Santa Teresa County Parks.

## REGULATORY FRAMEWORK:

### *Federal Regulations, Policies, and Standards*

There are no applicable federal regulations pertaining to recreation.

### *State Regulations, Policies, and Standards*

There are no applicable state regulations pertaining to recreation.

### *Local Regulations, Policies, and Standards*

#### **Santa Clara County Parks Strategic Plan**

The 2018, Santa Clara County Parks Strategic Plan guides the planning and development of parklands across the County's more than 52,000-acre park system. The plan identifies priorities for recreational infrastructure, natural resource stewardship, and public access. The proposed project supports several goals outlined in the Strategic Plan, including expanding trail connectivity, improving recreational access, and enhancing regional linkages between existing park units. Specifically, the proposed project would advance long-term connectivity goals by linking Calero County Park and Santa Teresa County Park through a new trail corridor.

#### **Santa Clara County General Plan**

The Santa Clara County General Plan Recreation and Resource Conservation policies promote the protection and enhancement of recreational opportunities and open space. These policies encourage the development of multi-use trails, integration of recreational access with natural resource management, and

collaboration with other agencies to improve public enjoyment of County-managed lands. The following policies are related to planning strategies surrounding recreational resources:

- C-PR 30* Trails shall be temporarily closed when conditions become unsafe or environmental resources are severely impacted. Such conditions could include soil erosion, flooding, fire hazard, environmental damage, or failure to follow the specific trail management plan (see Countywide Trails Master Plan - Design and Management Guidelines).
- C-PR 32* All trails should be marked. Signed information should be provided to encourage responsible trail use. Appropriate markers should be established along historically significant trail routes.

### **Countywide Trails Master Plan**

Santa Clara's Countywide Trails Master Plan was adopted in 1995 as an element of the Parks and Recreation Chapter of the Santa Clara County General Plan and has since been updated by the 2024 Countywide Trails Master Plan Map Update, portions of which are also adopted into the County General Plan. The primary objective of the Countywide Trails Master Plan is to develop a comprehensive network of regional, sub-regional, and connector trails throughout the County. Santa Clara County Parks provides general oversight and coordination of the overall trail system in accordance with the Countywide Trails Master Plan. In 2022, Santa Clara County Parks initiated an update to the Countywide Trails Master Plan Map, which was completed and approved by the Board of Supervisors in the Fall of 2024. The following policies are related to planning strategies surrounding recreational resources:

- Policy PR-TS 1.2 / C-PR 20.1 / R-PR 22.1* Trail access should be provided for a range of user capabilities and needs (including persons with physical limitations) in a manner consistent with State and Federal regulations.
- Policy PR-TS (i) 1.A / C-PR(i) 12 / R-PR(i) 13* Work with interested groups (including but not limited to: affected landowner groups; trail interest groups; and organizations representing persons with disabilities) in developing recommendations for specific design and management plans. The recommendations should be consistent with County, State, and Federal design and management regulations and reflective of environmental and safety constraints, community needs, and the needs of the various user groups.
- Policy PR-TS 1.4 / C-PR 21 / R-PR 23* The countywide trail system should be linked to provide for regional trails including the Bay Area Ridge Trail, the Benito-Clara Trail, and the San Francisco Bay Trail systems encircling the urban areas of the County and the San Francisco Bay.
- Policy PR-TS (i) 1.E / C-PR(i) 13.3 / R-PR(i) 14.3* Monitor proposed development, including General Plan amendments and zoning changes and/or subdivision of properties with proposed trail routes, and work with property owners and/or their representatives to preserve the integrity of the proposed trail route in their project design.

### **Calero County Park Master Plan**

The 2013 Calero County Park Trails Master Plan expanded recreational access beyond previous restrictions that limited use to equestrians and hikers. The plan outlines the recently acquired property to expand Calero Park, and expansion of the existing trail system within the park. The plan also details the proposed trail routes, user safety and experience, strategies for implementation, trail design guidelines, conceptual designs for staging areas, and additional information about education, management, and plan flexibility. The area

along Fortini Road was identified in the Calero County Park Master Plan as a future cross valley link to the Santa Teresa County Park.

## **DISCUSSION:**

### **a) Less Than Significant Impact**

#### ***Construction***

Construction activities would involve grading for trail alignments and proposed parking areas, installation of multi-use bridges, vegetation removal, installation of trail amenities, and new traffic crossings along McKean Road and San Vicente Avenue. These activities would be confined to the project site and would not induce population growth or result in long-term increases in regional recreational demand. However, during construction, some temporary impacts to adjacent recreational facilities may occur. Specifically, construction staging may temporarily limit access to the existing Rancho San Vicente parking area or trailheads associated with Calero and Santa Teresa County parks. While recreationalists may be temporarily rerouted or experience minor access inconveniences to Calero and Santa Teresa County parks, these limitations would be localized and short term. Alternate park entrance points within Calero and Santa Teresa County Parks would remain available during construction activities and would minimize disruption to recreationalists, such as the Calero Reservoir Boat Launch for the Calero County Park, the Pueblo Day Use Area, and Bernal-Gulnac-Joice Ranch Historic area for the Santa Teresa County Park. Temporary disruptions from construction activities would be coordinated to minimize conflicts with recreationalists. Ample recreational opportunities are available within and surrounding the project site such that the few displaced recreationalists could use if discrete areas are unavailable due to construction activities.

Construction personnel may intermittently utilize adjacent recreational areas (e.g., trails, parking, picnic tables, restroom facilities) during break times or shift changes, which could lead to a modest, short-term increase in use of those facilities. However, given the limited number of workers and the short duration of construction, use of adjacent recreational areas from construction personnel is not expected to result in substantial wear or deterioration of existing recreational infrastructure. Therefore, construction of the proposed project would not result in long-term displacement or degradation of recreational facilities. Temporary disruptions would be minor and would not contribute to substantial physical deterioration or adverse changes in park use patterns. Therefore, construction-related impacts on recreation would be less than significant.

#### ***Operation and Maintenance***

The proposed project would expand recreational opportunities by establishing a formal trail connection between Calero and Santa Teresa County parks. The proposed project would not introduce new residential development or directly increase the population in a way that generates recreational demand. However, the proposed project would increase the number of trail users by improving trail connectivity and adding new parking areas, which is anticipated to increase demand and draw more visitors to the area. As discussed in Section Q. Transportation, the proposed project would result in 430 net new vehicle trips daily, but these would not be new vehicle trips to the Santa Clara County Parks system. The new trail connection and parking areas would shift trips from other local parks. The proposed parking areas are designed to accommodate existing and future parking demand as a result of the proposed project. While the proposed project would increase the number of trail users, most of the trail users are anticipated to comprise of visitors already using Calero and Santa Teresa County Parks and would be dispersed across the park network. In addition, the region provides ample recreational opportunities for recreationalists such that an increase in visitation would not result in physical deterioration of those facilities. Furthermore, the existing trails in the vicinity of the project site and in combination with the proposed trail have sufficient capacity to accommodate the increased visitation and overall use.

Santa Clara County Parks would continue to manage trail and facility conditions through routine maintenance activities and inspections. Because operation and maintenance of the proposed project would

be conducted by existing Santa Clara County Parks staff, the proposed project would not induce population growth in the project area that would in turn increase the use of the existing parks or other recreational facilities such that physical deterioration of the facilities would occur or be accelerated. Impacts would be less than significant.

## **b) Less Than Significant Impact**

### ***Construction***

Construction of the proposed project is not expected to induce substantial population growth that would in turn generate new recreational demand, requiring the construction or expansion of recreational facilities. Construction activities would involve ground disturbance, minor excavation, vegetation removal, and temporary use of designated staging areas, which could lead to impacts such as erosion, sedimentation, disturbance to biological resources, temporary water quality degradation, and noise and air quality effects. The impacts that could result from construction of the proposed project are addressed in the corresponding sections of this initial study (see Sections A. Aesthetics through U. Mandatory Findings of Significance). The construction of the proposed project would not result in significant impacts under any resource category and would not result in adverse physical effects on the environment. Therefore, impacts from construction of recreational facilities under the proposed project would be less than significant.

### ***Operation and Maintenance***

The proposed project would introduce new recreational infrastructure to the project site, which would facilitate increased recreational use within areas previously used for cattle grazing and agriculture. While these portions of the project site are already disturbed, the formalization of a trail corridor where none existed previously could result in localized physical effects on the environment from increased foot, bike, and equestrian traffic, particularly related to damage to existing vegetation and potential erosion. Impacts related to operation and maintenance of the proposed project are discussed in Sections A. Aesthetics through U. Mandatory Findings of Significance. Implementation of the mitigation measures described throughout this environmental document would ensure that the proposed project would not have an adverse physical effect on the environment. The proposed project would also adhere to Santa Clara County Parks' BMPs that collectively reduce the potential for physical environmental impacts. Furthermore, operation and maintenance activities would be limited to minor, periodic maintenance tasks such as vegetation management, waste disposal, repairs, and trail surface upkeep. Therefore, the recreational features included in the proposed project would not have a significant adverse physical effect on the environment. Impacts would be less than significant.

## **MITIGATION:**

*None required.*

## **REFERENCES:**

- Santa Clara County. 1994. *Santa Clara County General Plan Draft Environmental Impact Report*. <https://plandev.santaclaracounty.gov/codes-and-policies/general-plan>.
- Santa Clara County Parks. 2013. *Calero County Park Trails Master Plan*. October 8. <https://files.santaclaracounty.gov/migrated/calero-tmp-adopted-100813.pdf>.
- Santa Clara County Parks. 2025. "About the Parks." <https://parks.santaclaracounty.gov/about-us>.
- Santa Clara County Parks. n.d. "Countywide Trails Master Plan Map Update Project." Accessed April 12, 2024. <https://parks.sccgov.org/countywide-trails-master-plan-map-update-project>.
- Santa Clara County Parks and Recreation Department (Santa Clara County Parks). 2024. "Countywide Trails Connectivity Related to the Countywide Trails Master Plan Map Update." November 20.

Santa Clara County Trails Plan Advisory Committee. 1995. *Santa Clara County Countywide Trails Master Plan*.

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

## SETTING:

### *Roadways*

The proposed project is bounded by San Vicente Avenue to the north, Fortini Road to the east, and McKean Road to the south. McKean Road is a two lane east-west roadway that runs along the south side of the project site. McKean Road is designated as a highway in the Santa Clara County General Plan and connects the Almaden Expressway to Morgan Hill and Gilroy. The existing Rancho San Vicente parking area is accessed via McKean Road. San Vicente Avenue is a two lane east-west local road that provides access to Santa Teresa County Park. Fortini Road is a two lane north-south local road that connects McKean Road to San Vicente Avenue on the eastern side of the project site.

### *Public Transit*

Valley Transit Authority (VTA) provides light rail and bus services throughout Santa Clara County and the City of San Jose. The VTA Local Bus Route 83 operates in the vicinity of the project site. The nearest bus stop for Local Bus Route 83 is located at the intersection of Camden Avenue and Harry Road approximately two miles west of the project site. Local Bus Route 83 runs every 60 minutes on weekdays between 6:30 a.m. and 9:10 p.m.

### *Bicycle and Pedestrian Facilities*

There are no existing bicycle facilities on San Vicente Avenue, Fortini Road, and McKean Road near the project site. Portions of McKean Road near Harry Road and south of the Claero County Park Boat Launch Parking Lot have designated Class II on-street bicycle facilities. These Class II facilities are part of the Santa Clara Valley Transportation Authority's bicycle network. McKean Road is a popular route for recreational road cycling. However, there are no formal existing or planned bicycle facilities, and bicyclists use the existing shoulders along McKean Road.

Pedestrian facilities commonly include sidewalks and crosswalks as well as paved and unpaved trails. There are no on-street pedestrian facilities near the project site. Unpaved trails are available for use by bicyclists, pedestrians, and equestrians at the Santa Teresa and Calero County Parks at the northern and southern ends of the project site.

<sup>6</sup> The provisions of this section shall apply prospectively as described in section 15007. A lead agency may elect to be governed by the provisions of this section immediately. Beginning on July 1, 2020, the provisions of this section shall apply statewide. The County of Santa Clara has elected not to be governed by the provisions of this section until they become effective statewide on July 1, 2020.

## **REGULATORY FRAMEWORK:**

### ***Federal Regulations, Policies, and Standards***

No federal laws or regulations pertaining to transportation or traffic are applicable to the Project. Federal measures, such as the ADA, are incorporated into the governing state regulations described below.

### ***State Regulations, Policies, and Standards***

#### **Senate Bill 743**

Senate Bill 743 (Stats. 2013, ch. 386) (SB 743) implements several statewide CEQA changes that are relevant to the Project; specifically, it eliminated traffic congestion and automobile delay as a significant impact under CEQA (Pub. Res. Code § 21099(b)(1); CEQA Guidelines § 15064.3(a)). OPR's Technical Advisory defines *automobile* as excluding heavy-duty trucks, i.e., automobile is defined as "on-road passenger vehicles, specifically cars and light trucks." (OPR SB743 Technical Advisory, p. 4; see also Pub. Res. Code § 21168.6.6(a)(3)(A)(ii)(II); Gov. Code § 65080(b)(2)(A).)

CEQA Guidelines section 15064.3(b) implements SB 743 and sets forth guidelines for determining the significance of automobile transportation impacts. SB 743 required OPR to establish new metrics for determining the significance of automobile transportation impacts of projects. OPR selected VMT as the preferred transportation impact metric and applied their discretion to require its use statewide. This legislation also established that aesthetic and parking impacts of a residential, mixed-use residential, or employment center projects on an infill site within a transit priority area shall not be considered significant impacts on the environment. (Pub. Res. Code § 21099(d).)

To aid in SB 743 implementation, the following non-binding state guidance has been produced:

- Technical Advisory on Evaluating Transportation Impacts in CEQA, California Governor's Office of Planning and Research, December 2018
- California Air Resources Board 2017 Scoping Plan-Identified VMT Reductions and Relationship to State Climate Goals, California Air Resources Board, January 2019
- VMT-Focused Transportation Impact Study Guide, Caltrans, May 20, 2020
- Final 2022 Scoping Plan Update, California Air Resources Board, November 16, 2023

In the Technical Advisory on Evaluating Transportation Impacts in CEQA (December 2018), OPR recommends that a per capita or per employee VMT that is 15 percent below that of existing development may be a reasonable threshold. This threshold is based on evidence that suggests a 15-percent reduction in VMT is an achievable reduction at the project level in a variety of place types and would help the State achieve its climate goals based on currently available information. OPR also recommends a number of screening criteria designed to help jurisdictions determine types of projects for which a VMT impact is unlikely, such as adjacent to high quality transit services, in existing low VMT areas, or providing local-serving retail or public facilities (e.g., grocery store, neighborhood school, library, drug store, dry cleaners, gym) Caltrans' VMT-Focused Transportation Impact Study Guide supports the use of the OPR recommendations for land use projects and plans.

The CARB 2017 Scoping Plan-Identified VMT Reductions and Relationship to State Climate Goals recommended that a reduction in light-duty VMT of 16.8 percent is necessary to achieve the State's GHG reduction goals. The Final 2022 Scoping Plan Update indicates that to meet statewide greenhouse gas reduction goals, statewide VMT must decrease by 30 percent per capita.

### ***Local Regulations, Policies, and Standards***

#### **Plan Bay Area 2050**

On October 21, 2021, the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) jointly adopted Plan Bay Area 2050 and its related supplemental reports. Plan Bay Area 2050 includes the region's sustainable communities strategy as required by SB 375, and the Regional Transportation Plan (RTP). Plan Bay Area 2050 is the updated long-range RTP and Sustainable

Communities Strategy (SCS) for the nine-county San Francisco Bay Area. It is intended to function as the Bay Area's roadmap for forecasting transportation needs through the year 2050, preserving the character of communities throughout the region, and adapting to the challenges of future population growth.

Plan Bay Area 2050 transportation strategies provide for carrying millions more passengers on the area's trains, ferries, buses, and roads, along with more people telecommuting. The plan identifies funding to operate and maintain the Bay Area's existing system of transit routes, roads and bridges; reversing pandemic-related cuts to total transit service hours; and creating a seamless transit experience. In addition to an optimized transportation system, roads would be made safer for all users — including drivers, cyclists, and pedestrians — through context-specific speed limit reductions and a network of protected bike lanes and trails designed for people of all ages and physical abilities. Finally, Plan Bay Area 2050 proposes investments in transit to meet the needs of a growing population and deliver fast, frequent, and reliable service throughout the region.

#### **Valley Transportation Plan**

The Valley Transportation Plan (VTP) 2040 provides long-term guidance for transportation in Santa Clara County. The VTP's main objectives are to facilitate and create a transportation system that serves all socio-economic groups in a sustainable manner. In addition, the VTP aims to develop and implement advances in best practices for transportation in the county. Furthermore, the VTP aims to be an advocate for transportation projects, programs, and funding in the region. The VTA operates LRT and bus transit services throughout the Santa Clara Valley. The VTA also designs and funds highway and roadway improvements and oversees several transportation programs such as the Congestion Management Plan, Valley Transportation Plan 2040, and Countywide Bicycle Plan.

#### **DISCUSSION:**

##### **a) Less Than Significant Construction**

Project construction would generate additional vehicle travel on nearby roadways from construction-worker vehicles and truck trips associated with delivery of equipment and materials and removal of excavated material and waste. Construction of the proposed project would require approximately 30 worker trips and a maximum of 5 haul trips per day. All vehicle and equipment staging would occur on site. Project-related vehicles and equipment would generally travel from staging areas or contractor yards to work sites daily. Lane and/or road closures would be required to install the road crossings along McKean Road and San Vicente Avenue. Temporary lane and road closures on McKean Road and San Vicente Avenue could affect motor vehicle circulation during construction activities. However, the closures would be temporary and short-term, and access would be restored following construction. As required by the Santa Clara County Roads and Airport Department, a traffic control plan would be prepared in accordance with the California Manual on Uniform Traffic Control (MUTCD), which would include circulation and detour plans, temporary traffic markings to direct the flow of traffic, and traffic controls devices that would minimize disruptions to the road network during construction.

As discussed above, the VTA Local Bus Route 83 is located approximately 2 miles west of the project site. Access to the bus route 83 stop would remain during project construction. The proposed project would not degrade public transit access as all public transit in proximity to the project would remain accessible. Therefore, implementation of the proposed project would not conflict with plans, programs, and policies regarding transit facilities or decrease the performance of such facilities.

There are no existing or proposed on-street bicycle or pedestrian facilities within the vicinity of the project site. Bicyclists informally use McKean Road, which would be subject to temporary lane or road closures during construction activities. Bicyclists would be able to use nearby roadways during times when McKean Road is closed due to construction of the proposed project. As noted above, the closures would be temporary and short-term, and access along McKean Road would be restored after construction.

Additionally, the traffic control plan would include detours/alternative routes for bicyclists. Impacts would be less than significant.

### **Operation**

The proposed project would increase vehicle trips to the project site due to the introduction of the new trails and parking areas (see Appendix A, Final Transportation and Parking Report for the Fortini Site Plan). Some trail users may shift from other parks or park entrances to access the new trail and parking areas. The estimated number of existing and future vehicle trips to the on-site parking areas are shown in Table 14 and Table 15 respectively.

**Table 14 Existing Daily Vehicle Trips Parking at Rancho San Vicente and Santa Teresa Parking Areas**

| <b>Parking area</b>   | <b>Total parking spaces</b> | <b>Vehicles per day</b> | <b>Vehicle trips per day (A)</b> | <b>Maintenance trips (B)</b> | <b>Total vehicle trips (A+B)<sup>1</sup></b> |
|-----------------------|-----------------------------|-------------------------|----------------------------------|------------------------------|----------------------------------------------|
| Rancho San Vicente    | 130                         | 300                     | 600                              | 8                            | 610                                          |
| Santa Teresa          | 10                          | 50                      | 100                              | 2                            | 100                                          |
| <b>Existing Total</b> |                             |                         | 700                              | 10                           | 710                                          |

Source: (Fehr and Peers 2025)

Notes:

1. Values rounded to the nearest 10 visitors.

**Table 15 Future Daily Vehicle Trips Parking at Rancho San Vicente and Santa Teresa Parking Areas**

| <b>Parking area</b>                                                                       | <b>Total parking spaces</b> | <b>Vehicles per day</b> | <b>Vehicle trips per day (A)</b> | <b>Maintenance trips (B)</b> | <b>Total vehicle trips (A+B)<sup>1</sup></b> |
|-------------------------------------------------------------------------------------------|-----------------------------|-------------------------|----------------------------------|------------------------------|----------------------------------------------|
| Rancho San Vicente                                                                        | 190                         | 450                     | 900                              | 8                            | 910                                          |
| Santa Teresa <sup>2</sup>                                                                 | 40                          | 110                     | 220                              | 8                            | 230                                          |
| <b>Existing Total</b>                                                                     |                             |                         | 1,120                            | 16                           | 1,140                                        |
| <b>Change in daily vehicle trips at Rancho San Vicente and Santa Teresa Parking Areas</b> |                             |                         | 420                              | 6                            | 430                                          |

Source: (Fehr and Peers 2025)

Notes:

1. Values are rounded to the nearest 10 visitors and therefore approximate.
2. Includes both existing and future lot.

Operation of the proposed project would generate approximately 430 net new vehicle trips to the area. However, these trips are anticipated to be shifted from other parks in the vicinity of the project site and are not new vehicle trips to the Santa Clara County Parks system. The trail connection and new parking areas would make this area in the Santa Clara County Parks system more accessible and convenient for some recreationalists, which would shift trips from other local parks. A portion of the trips would likely shift to the proposed parking areas from other Calero and Santa Teresa County Park entrances where parking is more constrained. The trail connection would also improve recreational access between parks, including hikers and bicyclists. The proposed project would allow some visitors would previously drove to the area to recreate access to the parks by bike. Therefore, operation of the proposed project would not conflict with plans, programs, and policies regarding bicycle, pedestrian, or transit facilities or decrease the performance of such facilities and the impact would be less than significant.

### **b) Less Than Significant Impact**

In accordance with the *Technical Advisory on Evaluating Transportation Impacts in CEQA*, section 21099 of the Public Resources Code states that the criteria for determining the significance of transportation impacts must promote 1) reduction of GHG emissions; 2) development of multimodal transportation networks; and 3) a diversity of land uses (Governor's Office of Planning and Research [OPR] 2018). The Governor's Office of Planning and Research identifies a screening threshold for identifying small land use projects those that generate or attract fewer than 110 trips per day. Projects that generate fewer than this threshold may be assumed to cause a less-than-significant transportation impact.

### **Construction**

During project construction, VMT would temporarily increase due to construction vehicles and equipment. Construction would require a maximum of approximately 30 worker trips and a maximum of 5 haul trips per day. The daily number of vehicle trips associated with the proposed project construction would not exceed 110 trips per day.

### **Operation**

Over 62 percent of vehicle trips to the existing Rancho San Vicente Parking Lot originate from between 5 and 25 miles from the site. Between the hours of 8:00 a.m. and 6:00 p.m., the average trip length of vehicles driving to the existing Rancho San Vicente Parking Lot is 9 miles. While the proposed project would increase the number of new vehicle trips, the distribution of vehicle trips would remain consistent with existing trip distribution patterns and would originate between 5 and 25 miles from the project site. As shown in Table 16, the 430 new vehicle trips are anticipated to be shifted from other parks in the vicinity of the project site. The proposed trail would also improve connectivity across the trail network, which would increase access for bicyclists and equestrians. As noted above, trail users that previously drove to nearby parks may shift to biking from their origin to the parks. The proposed parking areas are expected to continue to serve local populations and would not attract regional visitors. Therefore, a regional increase in VMT is not expected to occur. The impact is less than significant.

**Table 16 Future Daily Vehicle Trips Parking at Rancho San Vicente and Santa Teresa Parking Areas**

| <b>Trip type</b>                                                                                 | <b>Change in daily vehicle trips</b> |
|--------------------------------------------------------------------------------------------------|--------------------------------------|
| <b>New trips generated by improved trail connections</b>                                         |                                      |
| New bike trips that were previously vehicle trips                                                | -100                                 |
| New equestrian trips (with vehicles parking at the proposed parking areas)                       | 100                                  |
| <b>Net new vehicle trips</b>                                                                     | <b>0</b>                             |
| <b>Trips shifted from other locations due to expanded parking capacity</b>                       |                                      |
| Vehicle trips shifted from other Calero Park parking lots                                        | 200                                  |
| Vehicle trips shifted from other Santa Teresa Park parking lots                                  | 100                                  |
| Vehicle trips shifted from other local city and county parks                                     | 130                                  |
| <b>Total additional daily vehicle trips at Rancho San Vicente and Santa Teresa parking areas</b> | <b>430</b>                           |

Source: (Fehr and Peers 2025)

### **c) Less Than Significant**

### ***Construction***

As described above, the installation of the road crossings along San Vicente Avenue and McKean Road would require temporary road and/or lane closures. The circulation system could be disrupted from lane closures during construction activities which would temporarily increase traffic hazards. The increased traffic hazard from lane closures may be significant. A traffic control plan would be prepared for the proposed, as required by the Santa Clara County Roads and Airports Department, and consistent with MUTCD. The plan would include requirements for flaggers and signage to redirect bicycles and vehicles and prevent conflicts with construction traffic. Hazards from temporary lane and road closures would be less than significant.

The use of heavy construction equipment could damage the surface of roadways adjacent to staging areas and along McKean Road and San Vicente Avenue, where there would be a higher volume of heavy construction vehicle entry and exit. Damage to roadways would create a road hazard should the damaged area not be repaired, which would result in a significant impact. The proposed project would require an encroachment permit from the Santa Clara County Roads and Airports Department. The encroachment permit would require Santa Clara County Parks to assess road conditions along McKean Road and San Vicente Avenue before construction and to repair any damages caused by the proposed project no more than 30 days after activities along the roadways are complete. If any damage creates a substantial transportation hazard, the damages must be adequately marked and repaired within 48 hours. Impacts from roadways damage would be less than significant.

### ***Operation***

The proposed raised crossing and signalized crossing would involve changes to the public roadway design. Vehicles consistently drive between 10 and 20 mph over the posted speed limit of 40 mph on McKean Road, which poses a hazard to recreationalists crossing the intersection. The proposed crossings would include traffic calming measures that would slow vehicles along McKean Road and San Vicente Avenue. Road crossings would allow the safe crossing of recreationalists (i.e., bikers, hikers, equestrians) between Santa Teresa and Calero County Parks and the proposed trail alignment. The new crossings would be intended to improve safety for vehicles and recreationalists and thus would not substantially increase hazards. The impact would be less than significant.

### **d) Less Than Significant Impact**

#### ***Construction***

Construction of the proposed project would include the installation of road crossings along McKean Road and San Vicente Avenue. These roadways would require temporary lane and/or road closures. The temporary closure of roadways could restrict emergency access, which may result in significant impacts. Santa Clara County Parks would prepare a traffic control plan for the proposed project, which would include traffic control measures to allow for emergency vehicle access. Impacts on emergency access would be less than significant.

#### ***Operation***

Temporary lane or road closures would not occur during operation and maintenance of the proposed project. The proposed parking areas would be designed for ingress and egress of fire trucks and other emergency vehicles. The raised multi-use crossing along San Vicente Avenue and signalized crossing at the intersection of McKean Road and Fortini Road would not impede emergency access by emergency vehicles. Additionally, the southern proposed parking area would include a helicopter landing zone that would improve emergency access in the event of an emergency. Therefore, impacts on emergency access would be less than significant.

### **MITIGATION:**

*None required*

**REFERENCES:**

Fehr and Peers. 2025. "Fortini Site Plan Final Transportation and Parking Report." July.

MTC and ABAG. 2021. "Plan Bay Area 2050." <https://planbayarea.org/plan-bay-area-2050>.

Valley Transportation Authority. 2018. "Countywide Bicycle Plan." May.  
<https://www.vta.org/projects/santa-clara-countywide-bike-plan-update-2018>.

Valley Transportation Authority. 2021. "2021 Congestion Management Program Document."  
<https://www.vta.org/programs/congestion-management-agency>.

Valley Transportation Authority. 2022. "VTP2024 The Long-Range Transportation Plan for Santa Clara County." <https://www.vta.org/about/documents?topic=1519231>.

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| 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                                                                                                                                                                                                                           | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/>     | <input type="checkbox"/> |        |
| ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/>     | <input type="checkbox"/> |        |

## SETTING:

The project site lies within the ancestral territory of the Ohlone people. The ancestral territory of the Ohlone people extended roughly from present-day Richmond to Big Sur. The Tamien tribelet specifically occupied the lower Santa Clara Valley, including what is now Almaden Valley and the City of San José.

To identify known tribal cultural resources within the project site, a request was submitted to the California Native American Heritage Commission (NAHC) on February 5, 2024, to conduct a search of the Sacred Lands File (SLF) and to obtain a list of Native American tribes with cultural affiliation in the vicinity of the project site.

On February 22, 2024, the NAHC responded that the SLF search returned no known sacred sites within the project site. The NAHC emphasized that the absence of listings in the SLF does not preclude the presence of tribal cultural resources and recommended outreach to tribal contacts for further information. The tribes listed by the NAHC for notification included the Amah Mutsun Tribal Band, Indian Canyon Mutsun Band of Costanoan, Muwekma Ohlone Indian Tribe, Tamien Nation, The Ohlone Indian Tribe, and the Wuksachi Indian Tribe/Eshom Valley Band.

The SLF results and tribal contact list were forwarded to Santa Clara County Parks on February 22, 2024, for use in the Santa Clara County Park's AB 52 notification and consultation process. On August 14, 2024, Santa Clara County Parks mailed notification of the proposed project to the specified tribes pursuant to AB 52. Response letters were received from Muwekma Ohlone Tribe on August 20, 2024, requesting consultation with Santa Clara County Parks. On May 16, 2025, a virtual meeting was held between Santa Clara County Parks, Zander Westbrook Design, and the Muwekma Ohlone Tribe to discuss the proposed project. On August 6, Santa Clara County Parks provided the draft mitigation measures proposed for use in

this IS/MND to the Muwekma Ohlone Tribe, as requested during the May 16, 2025, meeting. The Muwekma Ohlone Tribe responded to Santa Clara County Parks on August 6 and accepted the draft mitigation measures and requested that if evidence of one of the Tribe's ancestral heritage sites is discovered during construction of the proposed project, then the Muwekma leadership would like to submit an updated ethnohistory about the Tribe's relationship with the project area. The Muwekma Ohlone Tribe also requested that Santa Clara County Parks consider the creation and placement of educational signage about the history and heritage of the Muwekma Ohlone Tribe. These requests have been included as a part of Mitigation Measure CUL-1: Cultural Resource Monitoring.

## **REGULATORY FRAMEWORK:**

### ***Federal Regulations, Policies and Standards***

No federal plans, policies, regulations, or laws related to tribal cultural resources are applicable to the proposed project.

### ***State Regulations, Policies and Standards***

#### **California Health and Safety Code section 7050.5**

If Native American human remains or related cultural material are encountered, section 15064.5(e) of the CEQA Guidelines (as incorporated from PRC section 5097.98) and California Health and Safety Code Section 7050.5 define the subsequent protocol. If human remains are encountered, excavation or other disturbances shall be suspended at the site and any nearby area reasonably suspected to overlie adjacent human remains or related material. Protocol requires that a county-approved coroner be contacted to determine if the remains are of Native American origin. Should the coroner determine the remains to be Native American, the coroner must contact the NAHC within 24 hours. The NAHC will assign a most likely descendent, who may make recommendations to the landowner or the person responsible for the excavation work, for means of treating, with appropriate dignity, the human remains, and any associated grave goods as provided in PRC section 5097.98 (14 CCR 15064.5(e)).

#### **PRC Sections 5097.91 through 5097.98: California Native American Heritage Commission**

The California NAHC identifies and catalogs places of special religious or social significance to Native Americans and known graves and cemeteries of Native Americans on private lands. Section 5097 was amended in 1987 (5097.9) to require consultation with the California NAHC whenever Native American graves are found. When the NAHC is notified of human remains, it shall immediately notify those persons it believes to be the most likely descendants. Section 5097.98 1(b) states the following:

Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this section, with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment.

It also states possible preferences the most likely descendants may have for said treatment, including preservation in place, nondestructive removal and analysis, relinquishment to the most likely descendants, or other appropriate treatment. *Conferral*, or discussion, between the most likely descendant and landowner is described in section 5097.98 2(c) as “meaningful and timely discussion and careful consideration of the views of each party, in a manner that is cognizant of all parties’ cultural values, and where feasible, seeking agreement.”

#### **California Public Resources Code 13 PRC Section 21080.3.1 (formerly AB 52)**

AB 52 amended CEQA to address California Native American tribal concerns regarding how cultural resources of importance to tribes are treated under CEQA. With the addition of AB 52, CEQA now

specifies that a project that may cause a substantial adverse change in the significance of a *tribal cultural resource* (as defined in PRC § 21074(a)) is a project that may have a significant effect on the environment. According to the AB 52, tribes may have expertise in tribal history and “tribal knowledge about land and TCRs at issue should be included in environmental assessments for projects that may have a significant impact on those resources.” The AB 52 process entails the following:

1. The CEQA lead agency must begin consultation with a California Native American tribe(s) that is traditionally and culturally affiliated with the geographic area of the proposed project, if the tribe(s) requested to the lead agency, in writing, to be informed by the lead agency of proposed projects in that geographic area and the tribe(s) requests consultation.
2. A proposed Negative Declaration, Mitigated Negative Declaration (MND), or a Draft Environmental Impact Report cannot be released for public review before the tribe(s) has had the opportunity to request consultation.
3. If the tribe(s) requests formal consultation, a MND cannot be released for public review until consultation between the tribe(s) and the lead agency is completed and mitigation measures acceptable to the tribe(s) are incorporated into the MND and the related Mitigation Monitoring or Reporting Program.

AB 52 further defines the legislative terms as follows:

**California Native American Tribe:** New PRC section 21074 defines a “California Native American Tribe” to mean a Native American tribe located in California that is on the contact list maintained by the NAHC. This definition is broader than the concept of a “federally recognized tribe” that is typically used in implementing various federal laws, including the National Environmental Policy Act.

**Consultation:** Within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency shall provide notification to the designated contact of, or a tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, which shall be accomplished by means of at least one written notification notice that includes a brief description of the project and its location as well as the lead agency contact information, and a notification statement that the California Native American tribe has 30 days to request consultation.

**Treatment of Mitigation Measures and Alternatives:** PRC section 21080.3.2 provides that as part of the consultation process, parties could propose mitigation measures. If the California Native American tribe requests consultation to include project alternatives, mitigation measures, or significant effects, the consultation would be required to cover those topics. Section 21082.3 provides that any mitigation measures agreed upon during this consultation “shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring program” if determined to avoid or lessen a significant impact on a TCR.

## **DISCUSSION:**

### **a(i) & a(ii) Less Than Significant Impact with Mitigation Incorporated**

As discussed in Section E. Cultural Resources, a records search, pedestrian survey, and subsurface archaeological testing were conducted for the project site and no tribal cultural resources were identified. Due to the proximity of the project site to floodplains and nearby tribal cultural resources, there is potential for tribal cultural resources to occur within the project site. Previously unidentified tribal cultural resources may be inadvertently discovered during ground-disturbing activities associated with the proposed project. If tribal cultural resources are inadvertently discovered, damage to those resources during construction would be a significant impact. Mitigation Measure CUL-1 requires work to halt within 50 feet of an unanticipated archaeological discovery until the resource is examined by a qualified archaeologist. If human remains are discovered onsite, Mitigation Measure CUL-2 requires all work within 50 feet of the remains to halt and

the County Coroner would be notified immediately. A qualified archaeologist would be contacted to assess the situation. If the remains are determined to be of Native American descent, the Coroner would have 24 hours to notify the California NAHC. The NAHC would identify a MLD to inspect the site and provide recommendations for the proper treatment of the remains and associated funerary objects. With implementation of Mitigation Measures CUL-1 and CUL-2, impacts to tribal cultural resources would be less than significant.

**MITIGATION:**

Refer to Section E, Cultural Resources for full description of Mitigation Measure CUL-1: Cultural Resource Monitoring and Mitigation Measure CUL-2: Impact to Previously Undiscovered Human Remains

**REFERENCES:**

Dudek. 2024. "Cultural Resources Assessment for the Fortini Trail Project, Santa Clara County, California." March 19.

| S. UTILITIES AND SERVICE SYSTEMS                                                                                                                                                                                                                                                     |                                |                                                    |                                     |                                     |             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|-------------------------------------|-------------------------------------|-------------|
| WOULD THE PROJECT:                                                                                                                                                                                                                                                                   | IMPACT                         |                                                    |                                     |                                     | Source      |
|                                                                                                                                                                                                                                                                                      | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact        | No Impact                           |             |
| a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 3,6,70      |
| b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years                                                                                                                             | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 1, 3, 6,24b |
| c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?                                                  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 1, 3,6,70   |
| d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?                                                                                              | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 1, 3, 5,6   |
| e) Be in non-compliance with federal, state, and local management and reduction statutes and regulations related to solid waste?                                                                                                                                                     | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 3,5, 6      |

## SETTING:

The proposed project site has limited utility and service system connections due to its rural nature and because surrounding land uses are primarily recreational or low-density residential. The following discussion provides an overview of water supply, solid waste management, and wastewater systems, as these topic areas could be affected by the proposed project.

### *Water Supply*

An existing water line operated and maintained by Santa Clara Valley Water District (Valley Water) is located along the edge of McKean Road adjacent to the project site. Two associated utility vaults are also present near the project site. However, Valley Water has indicated that the proposed project site is not served by a formal water retailer. Instead, properties in the surrounding area typically rely on private groundwater wells that draw water from the Santa Clara Valley Groundwater Basin.

### *Solid Waste*

Solid waste management within the existing park facilities is handled by the Santa Clara County Parks. Santa Clara County Parks is responsible for on-site trash collection and disposal at the project site, including parking areas and trailheads. Solid waste collected in the region may be sent to four active Class III landfills that serve Santa Clara County:

- Newby Island Sanitary Landfill – a landfill with a remaining permitted capacity of approximately 50.1 million cubic yards, with operations expected to continue through approximately 2041.
- Guadalupe Landfill – municipal solid waste landfill with a permitted capacity of around 23.4 million cubic yards, and an estimated closure year of 2048.

- Kirby Canyon Landfill – a Class III landfill with a permitted capacity of about 48.1 million cubic yards, with expected operations through approximately 2059.
- Zanker Road Resource Management – a recycling and construction and demolition debris disposal facility with a remaining capacity of about 4.2 million cubic yards, anticipated to reach capacity by approximately 2025.

### ***Wastewater***

No municipal sewer infrastructure serves the project site or immediate vicinity. Surrounding rural residential properties along Fortini Road, Calero Arroyo Road, and Chona Court are assumed to rely on individual septic systems.

### ***Stormwater Drainage***

In unincorporated Santa Clara County, stormwater drainage is regulated under Santa Clara County's National Pollutant Discharge Elimination System (NPDES) Municipal Regional Permit (MRP) and managed locally through Santa Clara County's Stormwater Management Program. The Santa Clara County Department of Planning and Development enforces drainage standards that require new development to control runoff, prevent pollution, and implement erosion and sediment control through the use of BMPs. During the rainy season (October through April), construction projects that disturb one acre or more must submit an Erosion Control Plan incorporating BMPs, which are subject to review and inspection by Santa Clara County staff.

Santa Clara County's Watershed Protection Division oversees stormwater system inspections, enforces the cleanup of illegal discharges, and ensures long-term maintenance of post-construction BMPs. Additionally, Santa Clara County participates in the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP), a multi-jurisdictional effort under the Bay Area-wide Municipal Regional Permit. This program supports compliance with regional stormwater treatment and low-impact development standards and provides technical resources for stormwater pollution prevention efforts in unincorporated areas.

### ***Electricity and Natural Gas***

Pacific Gas and Electric Company (PG&E) provides electricity services to unincorporated Santa Clara County; Several 115-kilovolt (kV), 230 kV, and 500 kV transmission lines are located within a 1.5-miles of the project site. PG&E is also responsible for maintaining the natural gas (methane) pipe delivery system throughout Santa Clara County. Gas delivered by PG&E originates from gas fields in California, the southwestern U.S., the Rocky Mountains, and Canada and gets distributed to individual businesses and residences throughout the County. Natural gas pipelines are present throughout Santa Clara County, including the vicinity of the project site.

## **REGULATORY FRAMEWORK:**

### ***Federal Regulations, Policies, and Standards***

There are no applicable federal regulations pertaining to utilities and service systems.

### ***State Regulations, Policies, and Standards***

#### **California Integrated Waste Management Act of 1989**

The California Integrated Waste Management Act of 1989 (Public Resources Code division 30), enacted through AB 939 and modified by subsequent legislation, requires all California cities and counties to implement programs to reduce, recycle, and compost at least 50 percent of wastes by 2000 and to divert at least 75 percent of generated waste (based on per capita disposal rates) by 2020. A jurisdiction's diversion rate is the percentage of the total waste that a jurisdiction diverts from disposal through reduction and recycling programs. The law requires all California counties, in coordination with their respective cities, to develop and implement integrated waste management plans. As part of these plans, counties must ensure that a minimum of 15 years of disposal capacity is available to serve the county and its cities. Since 2007, the achievement of waste-diversion rates has been measured based on per-capita disposal rates, expressed

in pounds per person per day, of waste disposed in landfills. To achieve the target waste-diversion rates, the California Department of Resources Recycling and Recovery (CalRecycle) established a target disposal rate of 8.6 pounds per person per day in Santa Clara County in 2021.

#### **Construction and Demolition Waste Materials Diversion (Senate Bill 1374)**

Signed in 2002, the Construction and Demolition Waste Materials Diversion Requirements (Senate Bill [SB] 1374) are codified in PRC section 42919 and require that jurisdictions include in their annual AB 939 reports a summary of progress realized in diverting construction and demolition waste from the waste stream. SB 1374 requires the California Integrated Waste Management Board (CIWMB) to develop and adopt a model construction and demolition diversion ordinance by March 1, 2004, for voluntary implementation by local jurisdictions. The legislation also requires that CIWMB report on other methods and programs to increase the diversion of construction and demolition debris for implementation by local governments and general contractors. CalRecycle adopted the model ordinance on March 16, 2004, and requires diverting 50 percent to 75 percent of all construction and demolition waste from landfills.

#### **Utility Notification Requirements**

Title 8 section 1541 of the California Code of Regulations (CCR) requires excavators to determine the approximate locations of subsurface utility lines prior to opening an excavation. California law requires owners and operators of underground utilities to become a member of and provide utility location information to regional notification centers such as Underground Service Alert-Northern California (USA North) (California Government Code §§ 4216 et seq.). According to section 4216.1, operators of subsurface installations that are members of, participate in, and share in the costs of a regional notification center are in compliance with this section of the code.

Sections 4216 through 4216.9, Protection of Underground Infrastructure, require an excavator to contact a regional notification center (e.g., Underground Services Alert [USA] or Dig Alert) at least 2 days before excavation of any subsurface installations. Any utility provider seeking to begin a project that could damage underground infrastructure can call USA North 811, the regional notification center for northern California. USA North 811 will notify the utilities that may have buried lines within 1,000 feet of a project. Representatives of the utilities then are notified and are required to mark the specific location of their facilities within the work area before the start of project activities in the area.

#### ***Local Regulations, Policies, and Standards***

##### **Santa Clara County Integrated Waste Management Plan**

The Santa Clara County Countywide Integrated Waste Management Plan (CIWMP) was completed and approved by the California Integrated Waste Management Board in 1996. Each of the jurisdictions (cities and towns) in the county has implemented the CIWMP. Since 2000, the County and local municipalities have successfully diverted a 50 percent or more of the waste stream from landfill disposal. The jurisdictions and Santa Clara County have established the following countywide policies for reducing waste and implementing the programs identified in the CIWMP:

1. Similar waste reducing programs selected by neighboring jurisdictions should be combined when and if this will result in the achievement of economies of scale in capitalizing and operating programs, and as long as such consolidation does not conflict with the interests of the jurisdictions.
2. The cities of the county will work together to ensure that new disposal and non-disposal facilities are appropriately sized, designed, and sited, to avoid duplication of effort, unnecessary expenditure of funds, and environmental degradation, and so that the specific integrated waste management needs of each jurisdiction are met.
3. To avoid confusion and duplication of effort, the Solid Waste Commission of Santa Clara County, advised by the Technical Advisory Committee, shall coordinate and oversee implementation of new countywide integrated waste management programs, administer programs selected for countywide

implementation, and address issues of regional or countywide concern, as these arise. State and local legislation dealing with integrated waste management issues affecting Santa Clara County shall be monitored and countywide compliance with State and federal requirements shall be encouraged.

#### **Santa Clara County Zero Waste 2020 Vision**

Santa Clara County developed Zero Waste 2020 Vision to encourage local governments to adopt policies and develop plans that motivate community members to eliminate waste. This vision statement and action plan were developed to provide Santa Clara County jurisdictions with a working document for use to guide decision-making policies and programs toward achieving zero waste by 2020. Santa Clara County's vision was that, by 2020, all discarded materials in Santa Clara County were to be recovered for their highest and best use, and no materials were to be sent to landfills or incinerators. Implementation of Zero Waste 2020 Vision actions to achieve Santa Clara County's mission was and continues to be based on the following guiding principle regarding recycling and composting:

- Recycling and Composting: Manage Materials to Minimize Environmental Impacts Downstream
  - All organic materials shall be recovered and productively used.
  - Recovered materials shall be directed to their highest and best use.
  - Materials sent to landfill shall be minimized.

#### **Santa Clara County General Plan**

The Santa Clara County General Plan, 1995–2010, guides utility and service systems planning efforts for the county, in both incorporated and unincorporated areas. The following Santa Clara County General Plan policies may be applicable to the proposed project.

#### **Resource Conservation Chapter**

*Policy C-RC 8:* Environmental impacts of all state and local water supply planning and decision-making should be taken into full consideration. *Policy C-RC 9* Conservation should continue to be considered an integral component of local water “supply” resources, effectively minimizing the amount of supplemental supplies which must be obtained from other sources.

#### **Health and Safety Chapter**

*Policy C-HS 42:* The long-term viability and safety of underground aquifers and groundwater systems countywide shall be protected to highest degree feasible.

### **DISCUSSION:**

#### **a) Less Than Significant Impact**

##### ***Construction***

The proposed project would not include the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunication facilities. Water would be required intermittently for dust suppression during construction and would be well below the operational yield of Valley Water, the regional wholesaler. Construction water would be obtained from municipal supplies and not from groundwater or surface water sources such as Calero Reservoir as discussed in Section J. Hydrology and Water Quality. Construction activities would not require the installation of new septic or sewer systems. Wastewater would be generated during construction from worker sanitary facilities and would be served by temporary portable toilets. Therefore, construction of the proposed project would not require or result in the relocation or construction of new or expanded utility systems that could cause significant environmental effects. Impacts would be less than significant.

##### ***Operation and Maintenance***

Operation and maintenance of the proposed project would involve routine upkeep of the trail, parking areas, and associated amenities. Operation and maintenance activities would be limited in scale and would

not require connections to permanent utility infrastructure. Water use may occur on a very limited basis for maintenance purposes, such as for cleaning or goat grazing activities. The proposed project would not generate wastewater during its operation and would not necessitate the use of septic systems or sewer connections. The proposed project would not create a significant area of impervious surfaces such that additional stormwater infrastructure would be required. As described in Section J. Hydrology and Water Quality, the minor increase in flooding would not extend beyond the project site, and the proposed project would be designed to minimize stormwater flooding. Maintenance activities would also not require permanent electricity, natural gas, or telecommunications connections.

Therefore, operation and maintenance of the proposed project would not require or result in the construction or relocation of utility infrastructure that could cause significant environmental effects. Operation and maintenance impacts would be less than significant.

#### **b) Less Than Significant Impact**

##### ***Construction***

The proposed project would require minimal water use during construction and primarily for dust suppression. This water demand would be short-term and intermittent and would not require a permanent connection to a municipal or private water supply system. Water used during construction would be provided by a water truck or other portable source arranged by the contractor. Given the limited volume and duration of water use, existing regional water supplies would be sufficient to accommodate this temporary demand, even under dry or multiple dry year conditions. Therefore, water supply impacts during construction would be less than significant.

##### ***Operation and Maintenance***

The proposed project would not involve development that would generate long-term water demand. Ongoing water use would be negligible and limited to periodic trail maintenance or annual goat grazing activities. No permanent irrigation or potable water supply would be required for proposed project operation. This being the case, the proposed project would not place a substantial demand on regional water supplies and would not contribute to water supply shortfalls during dry or multiple dry years. Therefore, operation and maintenance impacts related to water supply availability would be less than significant.

#### **c) No Impact**

##### ***Construction***

The proposed project would not generate wastewater during construction that would require treatment by a municipal or regional wastewater treatment provider. Sanitary needs during construction would be met through the use of portable toilets or other temporary facilities, which would be serviced and disposed of off-site by a licensed waste hauler. Accordingly, no demand would be placed on any public wastewater treatment systems during construction. No impact would occur.

##### ***Operation and Maintenance***

The proposed project does not include the development of restrooms or other facilities that would produce wastewater during operation. Because the proposed project would not generate any ongoing wastewater, it would not affect the capacity of any wastewater treatment provider. No impact would occur.

#### **d) Less Than Significant Impact**

##### ***Construction***

Construction waste generated by the proposed project would be managed in compliance with applicable local and state solid waste regulations, including CalRecycle diversion requirements and Santa Clara County's construction and demolition (C&D) waste policies. Waste would be hauled to permitted regional facilities such as the Guadalupe Landfill, Kirby Canyon Landfill, or Zanker Road Material Processing Facility which have capacity to receive the waste. Given the short duration and limited scale of

construction, solid waste generated during this phase would not exceed the capacity of local infrastructure or conflict with applicable waste reduction goals. Therefore, construction-related solid waste impacts would be less than significant.

### ***Operation and Maintenance***

The proposed project would generate minor amounts of solid waste associated with recreational use, such as litter and trash from trail users. To support effective waste management and reduce the potential for littering, trash receptacles would be installed at the proposed northern parking area. Waste collection and disposal would be incorporated into routine park maintenance activities managed by Santa Clara County Parks. Solid waste generated by proposed project operation would be minimal and well within the capacity of existing local landfill facilities and would not conflict with applicable state or local solid waste diversion goals or policies. Operation and maintenance of the proposed project would result in less-than-significant solid waste impacts.

### **e) No Impact**

Solid waste generated during construction and operation of the proposed project would be properly disposed of at Newby Island Sanitary Landfill, Guadalupe Landfill, Kirby Canyon Landfill, or Zanker Road Resource Management facility. The proposed project would comply with all applicable federal, state, and local solid waste management regulations. The proposed project would align with the Santa Clara CIWMP and the County's Zero Waste 2020 Vision, which promote waste diversion and the highest and best use of recovered materials. During operation and maintenance of the proposed project, Santa Clara County Parks would be responsible for solid waste collection. County Park's operation and maintenance procedures would ensure compliance with diversion and disposal standards. Therefore, the proposed project would not conflict with or obstruct the implementation of solid waste regulations at the state or local level. No impact would occur.

### **MITIGATION:**

*None Required.*

### **REFERENCES:**

CalRecycle. 2023. *Diversion Disposal Progress Report*.

<https://www2.calrecycle.ca.gov/LGCentral/AnnualReporting/DiversionDisposal>.

CalRecycle. n.d. *Construction and Demolition (C&D) Diversion Informational Guide*. Accessed May 1, 2024. <https://calrecycle.ca.gov/lgcentral/library/canddmodel/>.

Pacific Gas & Electric Company (PG&E). n.d. "Core Gas Supply." <https://www.pge.com/en/about/doing-business-with-pge/core-gas-supply.html>.

Santa Clara County. 1994. *Santa Clara County General Plan Draft Environmental Impact Report*. <https://plandev.santaclaracounty.gov/codes-and-policies/general-plan>.

Santa Clara County Department of Planning and Development (Santa Clara County). n.d. "Stormwater Management Program." Stormwater Management Program. <https://plandev.santaclaracounty.gov/programs-and-studies/stormwater-management-program>.

Santa Clara Valley Water District (Valley Water). 2017. "Guide For the Private Well Owner.Pdf." May. <https://www.valleywater.org/sites/default/files/2018-01/Guide%20For%20the%20Private%20Well%20Owner.pdf>.

Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP). 2025. "About SCVURPPP." SCVURPPP, February 13. <https://scvurppp.org/about-scvurppp/>.

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

## SETTING:

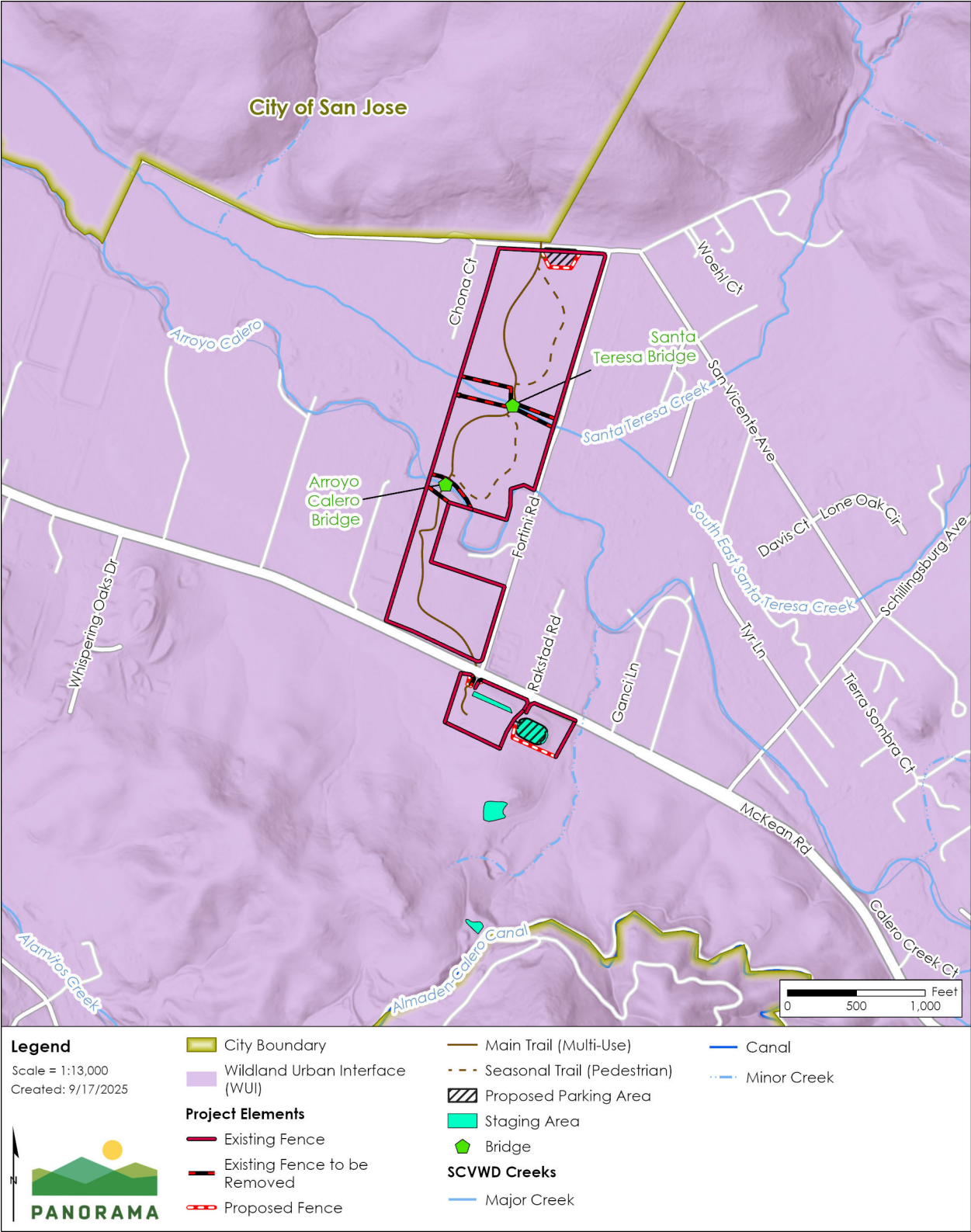
The proposed project site is located in the foothills of the Santa Cruz Mountains within the *wildland urban interface* (WUI) (see Figure 7). The landscape supports grassland and riparian vegetation types, which can present elevated fire risk, particularly during the dry season. According to the California Department of Forestry and Fire Protection (CAL FIRE), the project site lies within the State Responsibility Area (SRA)<sup>7</sup> and includes areas designated as both moderate and high Fire Hazard Severity Zones (FHSZs), as shown in Figure 8. These hazard designations are based on fuel loading, slope, weather patterns, and fire behavior modeling under California Government Code Sections 51175–51189 and Public Resources Code Sections 4201–4204.<sup>8</sup> The Santa Clara County Central Fire Protection District (SCCCFPD) provides structural fire protection and emergency response services for the project site, while CAL FIRE retains wildland fire suppression authority under the State Responsibility Area (SRA) designation.

The project site is not within a designated evacuation plan or emergency response plan. Regional fire safety efforts are outlined in the 2023 Santa Clara County Community Wildfire Protection Plan (SCCCWPP), which supports coordinated strategies to reduce wildfire risk through fuel management, interagency collaboration, and public safety measures in parklands and open space areas. These efforts are further supported by cooperation among the Santa Clara County Fire Department (SCCFD), CAL FIRE, Santa Clara County Parks, and the Santa Clara County Firesafe Council. Santa Clara County Parks also maintains the Santa Clara County Parks and Recreation Department Roads and Airport Department Fire Prevention Operational Procedure, a Memorandum of Understanding (MOU) with CAL FIRE (2012) that standardizes procedures to be followed while performing mowing, disking, and hot work operations by Parks staff during fire emergencies.

<sup>7</sup> State Responsibility Areas (SRAs) are lands where the State, through CAL FIRE, has financial and legal responsibility for wildland fire protection.

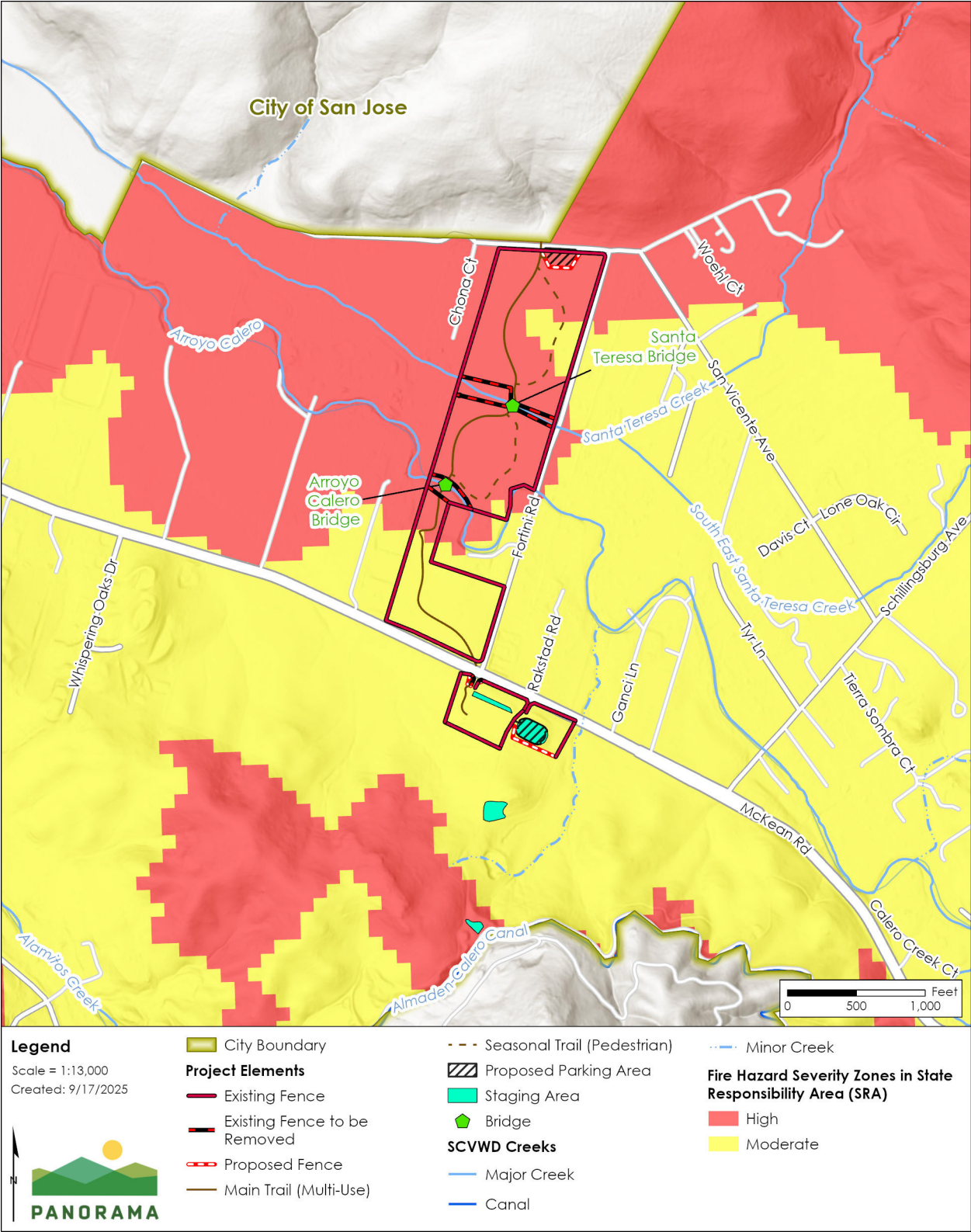
<sup>8</sup> Fire Hazard Severity Zones (FHSZs) are geographic areas classified by CAL FIRE based on factors such as vegetation, topography, weather patterns, and historic fire behavior to indicate the potential for wildfire spread and damage. These zones are categorized as Moderate, High, or Very High, reflecting the relative level of fire hazard. CAL FIRE uses predictive models that consider fuel type, slope, and wind conditions to assign these designations. FHSZ maps are used to help communities understand and prepare for wildfire risks and to inform land use planning, building standards, and emergency response strategies.

Figure 7 Wildland-Urban Interface



Source: (City of San José 2025c; 2025a; Santa Clara Valley Water District 2025; City of San José 2025b)

Figure 8 Fire Hazard Severity Zones



Source: (City of San José 2025c; 2025b; Santa Clara Valley Water District 2025; Santa Clara County Department of Planning and Development 2025)

All County employees are designated disaster service workers and may assist in emergency response, including wildland fire suppression. Additionally, Santa Clara County Parks radios are programmed with CAL FIRE and County Fire frequencies, enabling direct communication with local fire crews.

## **REGULATORY FRAMEWORK**

### ***Federal Regulations, Policies, and Standards***

#### **Federal Wildland Fire Management Policy**

The 1995 Federal Wildland Fire Management Policy, which was updated in 2001, was developed to standardize federal policies and programs related to wildland fire across all federal land management agencies. This document identifies wildland fire protection priorities, establishes goals for prescribed fires to reduce the risk of catastrophic wildland fire on federal land, requires the development of area-specific fire management plans, and establishes the roles and responsibilities of federal agencies in the concerted effort to reduce wildland fire risk.

### ***State Regulations, Policies, and Standards***

#### **2024 Strategic Fire Plan for California**

Developed by the California Department of Forestry and Fire Protection (the Department) and the California Natural Resource Agency, the 2024 Strategic Fire Plan for California (2024 Plan) outlines the goals and objectives to implement CAL FIRE's overall policy direction and vision. The 2024 Plan demonstrates CAL FIRE's focus on: (1) improving operational effectiveness and delivery of core capabilities of emergency response, natural resource protection, and prevention and regulatory oversight, (2) enhance internal core operations to maximize effectiveness, (3) ensure health and safety of employees, and (4) build and engaged, motivated, innovative workforce .

#### **California's Wildfire and Forest Resilience Action Plan**

The Wildfire and Forest Resilience Action Plan is designed to strategically accelerate efforts to restore the health and resilience of California forests, grasslands and natural places, improve the fire safety of communities; and sustain the economic vitality of rural forested areas. The plan addresses topics such as forest restoration, expanding the use of prescribed fire, and improving community wildfire resilience. The key goals and actions laid out in the plan identify actions to be taken by the State as well as federal agencies with forest management roles (such as the U.S. Forest Service); the plan does not prescribe actions that must be taken by local agencies or water utilities.

#### **California's Strategic Plan for Expanding the Use of Beneficial Fire**

California's Strategic Plan for Expanding the Use of Beneficial Fire (Strategic Plan) is intended to guide the expansion of beneficial fire across the state through 2025, as set forth in California's Wildfire and Forest Resilience Action Plan. The Strategic Plan provides a roadmap for the significantly increasing the pace and scale of prescribed fire, cultural burning, and fire managed for resource benefit. The Strategic Plan establishes acreage targets for a broad spectrum of State and federal agencies, California Native American tribes, and nongovernmental partners. Under this Strategic Plan, land managers sought to deploy beneficial fire on 400,000 acres annually by 2025. The Strategic Plan identifies goals related to workforce training, leveraging private landowner interest in prescribed fire, and reducing regulatory barriers for beneficial fire. The Strategic Plan does not establish specific geographic priorities for beneficial fire.

#### **California Emergency Plan**

Pursuant to the Emergency Services Act (California Government Code §§ 8550 et seq.), California has developed an Emergency Plan to coordinate emergency services provided by federal, state, and local government agencies and private individuals. Response to wildfires is one part of the Emergency Plan. The Emergency Plan is administered by the California Governor's Office of Emergency Services (Cal OES). Cal OES coordinates the response of other agencies, including the EPA, California Highway Patrol, California Department of Fish and Wildlife, the Regional Water Quality Control Boards (in this case, the San Francisco Bay Regional Water Quality Control Board), the local air districts, and other local agencies.

The Emergency Plan defines the policies, concepts, and general protocols for the proper implementation of California's Standardized Emergency Management Systems (SEMS). The SEMS is an emergency management protocol that agencies in California must follow during multiagency response efforts, whenever State agencies are involved.

#### **California Fire Code**

The California Fire Code is Part 9 of the California Code of Regulations under Title 24, also referred to as the California Building Standards Code. The purpose of the California Fire Code is to establish the minimum requirements consistent with nationally recognized good practices to safeguard public health, safety, and general welfare from the hazards of fire, explosions, or dangerous conditions in new and existing buildings, structures, and premises and to provide safety and assistance to firefighters and emergency responders during emergency operations. This code establishes regulations affecting or relating to buildings, structures, processes, premises, and a reasonable degree of life and property safeguards regarding fire hazards, fire suppression, or alarm systems and conditions affecting the safety of emergency responders.

#### **California Public Resources Code**

Sections 4290 and 4291 of the California Public Resources Code (PRC) pertain to minimum fire safety standards related to defensible space that are applicable to SRA lands under the authority of CAL FIRE and to lands classified and designated as very high FHSZs. The PRC requires maintenance of a 100-foot defensible space, with space from each side and from the front and rear of a structure but not beyond the property line. Other defensible space requirements include vegetation management of trees and shrubs and maintenance of roofs by removing vegetative materials.

#### **California State Hazard Mitigation Plan**

The 2023 California Hazard Mitigation Plan represents the State's primary hazard mitigation guidance document and is composed of comprehensive and valuable input provided by State Hazard Mitigation Team members and stakeholders. The State Hazard Mitigation Plan continues to build on the State's commitment to reduce or eliminate potential risks and impacts of natural and human-caused disasters so as to help communities and their mitigation and disaster resiliency efforts. The State Hazard Mitigation Plan includes an updated statewide risk assessment, disaster history, and statistics; recent mitigation progress, success stories, and best practices; updated State hazard mitigation goals, objectives, and strategies; and updated climate mitigation progress and adaptation strategies.

#### **CAL FIRE 2024 Strategic Fire Plans**

The CAL FIRE 2024 Strategic Fire Plan for the Santa Clara Unit is intended as a planning and assessment tool to identify and prioritize pre-fire and post-fire management strategies and tactics that are meant to reduce the loss of values at risk within each respective unit. The 2024 Strategic Fire Plans identify values, goals, and objectives; present an ignition analysis; and discuss priority landscapes, unit preparedness and firefighting capabilities, fire prevention, and vegetation management.

#### **CAL FIRE Operational Guide for Use of Equipment in Grass, Brush, Or Forest Covered Areas**

CAL FIRE requires that operations conducted within or adjacent to any grass, brush, or forest areas be conducted using the following rules:

- No operations shall occur within 24 hours of a predicted red flag event as determined by the National Weather Service.
- Prior to commencement of any operations, (when possible) a non-divertible fire pump equipped pickup truck should be in operation. It should be staffed with an additional employee. The employee shall be familiar with the operation of the fire apparatus, the vehicle radio, and the location of the operation.

- Prior to commencement of any operations, a weather sampling will be conducted at the site. Mowing operations should be completed by 10 AM. Additional weather sampling will be conducted every 2 hours thereafter until completion of the operation. If the ambient temperature reaches 80 degrees Fahrenheit at any time during the operation, weather samplings must be taken hourly. Operations will cease immediately if the relative humidity is at or below 30% and if sustained wind speeds reach 10 mph or higher.

### ***Local Regulations, Policies, and Standards***

#### **Santa Clara County Community Wildfire Protection Plan**

The Santa Clara County Community Wildfire Protection Plan (SCCCWPP) is a countywide strategic plan with goals for creating a safer WUI community, accompanied by report annexes that address specific issues and projects by jurisdiction and stakeholder organizations to meet the strategic goals. The purpose of the SCCWPP is to assist in protecting human life and reducing property loss from wildfire throughout the planning area. The plan is the result of a community-wide wildland fire protection planning process and the compilation of documents, reports, and data that were developed by a wide array of contributors. The Santa Clara County Community Wildfire Protection Plan includes the following goals in Annex 18 of the SCCCWPP:

*Goal SCCP-FG1* Enhance emergency access throughout County Parks through maintenance of fire roads, trails, and gates usable by fire suppression personnel.

*Goal SCCP-FG2* Reduce hazardous vegetation and manage fuels through prescribed fire, grazing, and mechanical thinning consistent with ecological and public safety objectives.

#### **Santa Clara County General Plan**

Adopted in 1994, the Santa Clara County General Plan, 1995–2010, guides wildfire hazard mitigation efforts for the county. The Health and Safety Element of the General Plan specifically provides historical evidence, risk factors, and acknowledgement of fire hazards in Santa Clara County. The Health and Safety Element includes the following policies related to fire hazards that are relevant to the proposed project:

*Policy R-HS 5* Strategies for reducing the threat of natural hazards to life and property within rural unincorporated areas shall include maintaining low resident population densities, designing and locating development to avoid or withstand hazards, and providing public information regarding natural hazards.

*Policy R-HS 6* Inventories and mapping of natural hazards shall be adequately maintained for use in planning and decision-making.

*Policy R-HS 22* Adequate access and water supplies for fire safety shall be required for all new development.

### **DISCUSSION:**

#### **a) Less Than Significant Impact**

##### ***Construction***

McKean Road is identified as an evacuation route in the SCCCWPP. Construction activities would require temporary lane or road closures during installation of the traffic crossings along McKean Road and San Vicente Avenue. To minimize disruption, a traffic control plan would be prepared and implemented, which is further described in Section Q Transportation. The plan would include provisions for signage, flagging, and detour routing to ensure that emergency access is maintained at all times. Construction traffic would be limited in volume and duration along nearby roadways. Staging areas would be located off main roadways within or adjacent to the existing Rancho San Vicente parking area or along access routes within

Calero County Park and would not interfere with public or emergency vehicle circulation. Project construction would not conflict with or obstruct implementation of any adopted emergency response or evacuation plans such as the SCCCWPP. Therefore, construction impacts would be less than significant with mitigation.

### ***Operation and Maintenance***

Operation and maintenance of the proposed project would not require any lane or road closures that could interfere with emergency response or evacuation access. The raised crossing along San Vicente Road and new signalized crossing along McKean Road would slow vehicles down to allow pedestrians to safely cross the roadways but would not restrict emergency access. Although trail use and associated vehicle traffic could increase modestly, this activity would be dispersed across the surrounding road network and would not be expected to impede emergency access or response times. Furthermore, the proposed project includes gated trailhead access and a designated helicopter landing zone at the southern parking area, which would improve emergency response times. The proposed project would be managed by existing Santa Clara County Parks staff, who would monitor access and maintain trail safety. Therefore, the proposed project would not conflict with adopted emergency response or evacuation plans, and operation and maintenance impacts would be less than significant.

### **b) Less Than Significant Impact**

#### ***Construction***

Vehicles and equipment used during construction activities could generate sparks that could increase the risk of wildland fire ignition, which would expose nearby people and structures to a significant risk of loss, injury, or death. Therefore, the impact from a wildfire ignition would be potentially significant. To reduce this risk, the proposed project would implement the Santa Clara County Parks and Recreation Department Roads and Airport Department Fire Prevention Operational Procedure. The fire prevention operational procedure requires construction equipment to be equipped with functioning spark arrestors and includes specific requirements for activities during fire season. Construction personnel would be trained in fire prevention and emergency response procedures, and fire suppression tools such as extinguishers or on-site water supplies would be kept on site during fire season. Implementation of the fire prevention operational procedure would reduce the exposure of people or structures to a significant risk of loss, injury, or death involving wildland fires. The impact would be less than significant.

#### ***Operation and Maintenance***

The proposed trail would be open to unsupervised access from trail users during the designated access hours (generally 8 a.m. to sunset). Trail users could increase wildfire risk from unauthorized activities (e.g., smoking, campfires, unauthorized off-trail use). Due to the high fire severity of the project site, even a small number of trail users engaging in unauthorized activities could increase wildfire risk, which would be a significant impact. However, the proposed project incorporates features that reduce fire risk, including restricting public access outside of specified operational hours by closing gate entry points, thereby limiting both vehicle and pedestrian access. Vehicles and equipment would be used to perform maintenance and vegetation management activities, including mechanical vegetation removal (e.g., mowing). Annual vegetation maintenance, including mowing and grazing, would be used to meet the Santa Clara County's defensible space requirements and would help reduce fuel loads on the project site. The proposed trail alignment and amenities are sited on terrain that does not exhibit steep slopes or other topographic features that would exacerbate fire behavior or smoke exposure. In the event of a wildfire, County Park Rangers and Natural Resource Management staff are trained and equipped to handle initial attacks on wildfires within the parks, with typically one maintenance vehicle in each park is equipped with 50- to 100-gallon slip-on units. The proposed project would not introduce new ignition sources or increase the potential for the spread of wildfire. Therefore, operation and maintenance impacts related to wildfire risk and pollutant exposure would be less than significant.

### **c) Less Than Significant Impact**

#### ***Construction***

Construction of the proposed project would not require the installation or maintenance of associated infrastructure such as roads, power lines, fuel breaks, or emergency water systems that may exacerbate fire risk (see Section I Hazards and Hazardous Materials). The proposed project would utilize existing roadways for access to the project site and would not include improvements that alter fire risk characteristics in the area. However, the proposed project would require the installation of two parking areas. The northern parking area would consist of crushed rock and the southern parking area would include paved roads and permeable parking spaces. Paving within the southern parking area could exacerbate fire risk as a result of sparks from repaving equipment. The Santa Clara County Parks and Recreation Department Roads and Airport Department Fire Prevention Operational Procedure requires the implementation of wildfire risk reduction measures to reduce the potential for sparks during construction activities. Therefore, the proposed project would not involve the installation of infrastructure that could exacerbate wildfire risk or cause ongoing environmental impacts. Construction impacts would be less than significant.

#### ***Operation and Maintenance***

The proposed project does not include power lines, water supply systems, roads, fuel breaks, or other utilities that could introduce new ignition sources or increase fire risk (see Section I Hazards and Hazardous Materials). Maintenance would be conducted by existing Santa Clara County Parks staff and would include routine trail upkeep, waste disposal, vegetation management (e.g., grazing, mowing), and gate operation. These activities would be low in intensity and consistent with standard park operations. Therefore, the proposed project would not result in the need for infrastructure that could exacerbate fire risk or cause environmental impacts. Operation and maintenance impacts would be less than significant.

### **d) Less Than Significant Impact**

The proposed project would occur on relatively flat terrain and would not modify site topography in a way that would increase post-fire instability or landslide risk. As discussed in Section J Hydrology and Water Quality, the proposed project is located primarily within a FEMA-designated 100-year flood zone (Zone A), with a portion of the southwestern site in Zone X, an area protected from 100-year flood events. The study found that the proposed project would slightly raise the 100-year flood elevation by up to 0.25 foot upstream of the Santa Teresa Creek bridge and by up to 0.1 foot on the upstream side of the Arroyo Calero bridge abutment. Increases in the 100-year flood elevation would be confined to the project site. While the proposed project would result in a minor increase in flooding on site, the project site is already subject to periodic flooding during the wet season. The proposed project would result in a minor increase in the amount of impervious surfaces on site that could result in erosion and siltation. As discussed in Section G Geology and Soils, the proposed project would result in approximately 0.3-acre of impervious surfaces, which would not result in erosion or topsoil loss that would cause increased runoff. The proposed project would adhere to hydrological and geological BMPs outlined in the Project Description, which include measures to minimize erosion risk and loss of topsoil.

These BMPs are further discussed in Section G Geology and Soils, and Section J Hydrology and Water Quality. Therefore, the proposed project would not expose people or structures to significant risks related to flooding, landslides, or post-fire runoff. Impacts would be less than significant.

### **MITIGATION:**

*None Required.*

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| U. MANDATORY FINDINGS OF SIGNIFICANCE                                                                                                                                                                                                                                                                                                                                                                                                                               |                                |                                                    |                                     |                          |         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|-------------------------------------|--------------------------|---------|
| WOULD THE PROJECT:                                                                                                                                                                                                                                                                                                                                                                                                                                                  | IMPACT                         |                                                    |                                     |                          | 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? | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/> | 1 to 52 |
| b) Have impacts that are individually limited, but cumulatively considerable ("Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?                                                                                                                            | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1 to 52 |
| c) Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?                                                                                                                                                                                                                                                                                                                                         | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/> | 1 to 52 |

## DISCUSSION:

### a) Less Than Significant Impact with Mitigation Incorporated

As described under Section D. Biological Resources, four special-status wildlife species have a moderate potential to occur and two special-status wildlife species are known to be present on the project site. No special-status plant species have the potential to occur on the project site. Two trees would be removed as part of the proposed project that could provide suitable habitat for nesting birds. The proposed project would comply with all requirements outlined in the SCVHP. Additionally, the proposed project would be required to comply with Mitigation Measures BIO-1, BIO-2, and BIO-3, which would reduce significant impacts to special-status wildlife species to less-than-significant levels.

The cultural records search identified three previously recorded archaeological sites within 0.25-mile of the APE. As discussed in Section E. Cultural Resources, no archaeological or tribal cultural resources were identified within the APE during the pedestrian field survey or subsurface testing. One newly identified historic-period built environment feature, consisting of a well, utility pole, vault, and associated items, was documented within the APE but lack historical integrity or significance and would be avoided by the proposed project. Mitigation Measure CUL-1 requires all ground-disturbing activities to halt within 50 feet of any unanticipated discovery of archaeological materials until assessed by a qualified archaeologist. Mitigation Measure CUL-2 requires the preparation and implementation of an Archaeological and Tribal Monitoring Plan during initial ground-disturbing activities in culturally sensitive areas. As a result, the proposed project would not eliminate important examples of major periods of California history or prehistory, and the impact would be less than significant with mitigation.

### b) Less Than Significant Impact

The geographic scope for the analysis of cumulative impacts is within 1 mile or less of the project site. Three cumulative projects occur within the vicinity of the site, as shown in Table 17, below, and Figure 9. Table 17 describes each cumulative project within 1-mile of the project site. The proposed project is identified in both the Calero County Park Trails Master Plan and the 1995 CWTMP, as updated by the 2024 Countywide Trails Master Plan Map Update, which outline planned trail connections, staging area improvements, and regional linkages to surrounding parks and open space areas. Implementation of the

proposed project would therefore be consistent with these adopted planning documents and would contribute to the County's broader trail network objectives.

**Table 17 Cumulative Projects**

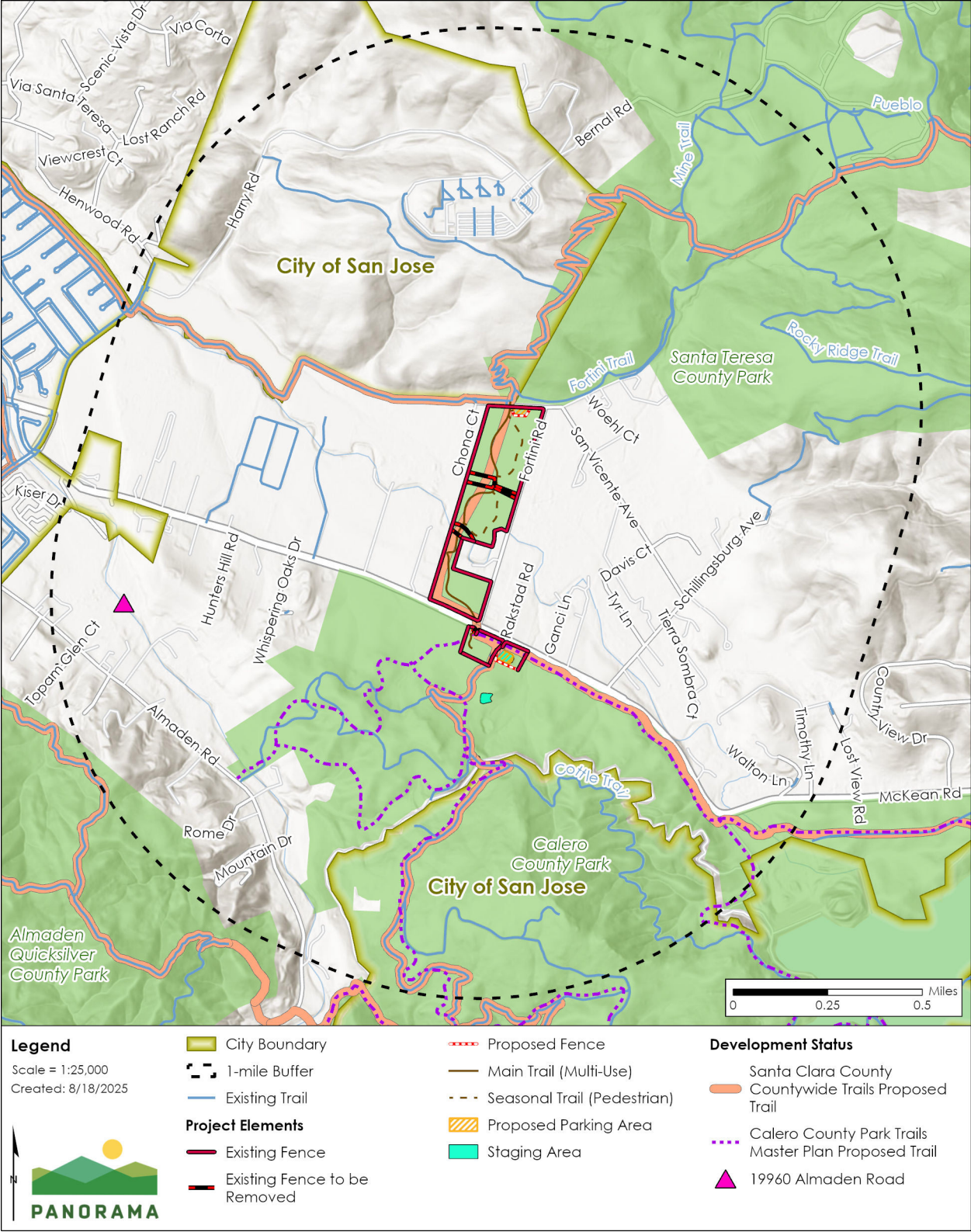
| <b>Project</b>                                                                  | <b>Description</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Schedule</b> |
|---------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| The 1995 CWTMP, as updated by the 2024 Countywide Trails Master Plan Map Update | Ongoing countywide planning effort to update the Trails Master Plan, including revisions to trail alignments, staging areas, and connectivity priorities throughout the County Park system. The update refines regional linkages among Santa Clara County parks, open space preserves, and partner agency lands, and incorporates opportunities to enhance regional multi-use trail networks such as the regional Bay Area Ridge Trail and the subregional West Valley Trail. The plan emphasizes sustainable trail design, habitat protection, and equitable public access. | Ongoing         |
| Calero County Park Trails Master Plan                                           | Ongoing implementation of the Trails Master Plan for Calero County Park, including trail and staging area development in the Rancho San Vicente area. The plan supports regional trail connections to Santa Teresa and Almaden-Quicksilver County parks, the Coyote Valley Preserve, and incorporates segments of the West Valley Trail and Bay Area Ridge Trail as part of the broader Countywide Trails Master Plan.                                                                                                                                                       | Ongoing         |
| 19960 Almaden Road Project                                                      | A 44-unit residential development proposed at 19960 Almaden Road, located approximately 0.81 miles west of the project site.                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Planning        |

### ***Aesthetics***

The geographic scope of potential cumulative impacts on aesthetic resources encompasses the locations from which a viewer could see the proposed project along with views of other projects in the cumulative scenario. Cumulative projects expected to be visible with at least some portion of the proposed project include the Calero County Trails Master Plan and the 1995 CWTMP, as updated by the 2024 Countywide Trails Master Plan Map Update.

As discussed in Section A. Aesthetics, project construction and operation would have a less-than-significant impact on scenic vistas and scenic resources. A cumulatively significant effect on aesthetic resources would result if the effects of the proposed project combined with those of cumulative projects would cause substantial degradation of the same scenic vistas and resources. Although the cumulative projects would involve construction equipment and activity that could have an adverse effect on scenic features in the project site, the cumulative projects are long-term planning documents and projects identified within the master plans would be implemented over a long time period, and the associated visual effects would be dispersed. As a result, construction of the proposed project, in combination with the cumulative projects, would have a less-than-significant cumulative impact on scenic vistas and scenic resources.

**Figure 9 Cumulative Project**



During operation, long-term visual impacts could occur if the proposed project, in combination with the cumulative projects, would result in a substantial adverse effect on a scenic vista. The cumulative projects involve the long-term implementation of recreational projects that would increase the number of opportunities for recreationalists to view scenic vistas. The proposed project and the cumulative projects are located in areas zoned for their respective uses and would be consistent with the surrounding land uses. The cumulative projects include design guidelines and BMPs to limit the visual effects of new recreational facilities. The proposed project is identified in both master plans and would be required to comply with the same design guidelines and BMPs as the cumulative projects. Operation of the proposed project, in combination with the identified cumulative projects, would have a less-than-significant cumulative impact on scenic vistas and scenic resources and would not conflict with regulations governing scenic quality.

### ***Agriculture and Forestry***

The geographic scope of potential agriculture and forestry resources includes the project site and development within surrounding Santa Clara County Parks and unincorporated Santa Clara County. The 19960 Almaden Road cumulative project is located on “Other Land” and is not located on land designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Additionally, the Calero County Trails Master Plan cumulative project is located on land designated as “Grazing Land”. Portions of the Countywide Trails Master Plan within the vicinity of the project site are also on land designated as Grazing Land.

The cumulative projects include lands that are zoned as Exclusive Agriculture, Exclusive Agriculture Hillside, and Exclusive Agriculture Hillside Scenic Road. However, the implementation of the cumulative projects would not conflict with agricultural zoning. The proposed project would not involve conversion of agricultural or forest land to non-agricultural or non-forest use and would not conflict with a Williamson Act Contract. Therefore, the proposed project would result in a less than significant impact, both individually and cumulatively, on agricultural or forest resources.

### ***Air Quality***

The SFBAAB is currently designated as a non-attainment area for federal and state ozone standards, the State PM<sub>10</sub> standard, and the Federal and State PM<sub>2.5</sub> standards. Past and present projects in the SFBAAB have resulted in the non-attainment statuses. As discussed in Section A. Air Quality, past, present, and future development projects contribute to the SFBAAB’s adverse air quality impacts on a cumulative basis, and no individual project is sufficient in size to result in nonattainment of ambient air quality standards. If a project’s emissions do not exceed the numerical thresholds in the SFBAAB, the project would not considerably contribute to the cumulatively significant air quality impact.

Construction and operation of the proposed project would result in minor criteria pollutant emissions and would not generate emissions in excess of the SFBAAB’s significance thresholds. Equipment would emit criteria air pollutants below the thresholds of significance. Therefore, the proposed project’s contribution to a significant cumulative impact would not be cumulatively considerable.

Vehicles and equipment used during implementation of the cumulative projects would generate localized diesel and fugitive dust emissions near sensitive receptors. Construction of the cumulative projects could only result in cumulative impacts if the project construction overlapped within 1,000 feet to generate increased pollutant levels at individual receptors. The 1995 CWTMP, as updated by the 2024 Countywide Trails Master Plan Map Update, and Calero County Trails Master Plan are within 1,000 feet of the proposed project. Both cumulative projects include design guidelines and BMPs, respectively, that include measures to minimize air quality impacts. Therefore, the proposed project in combination with the cumulative projects would result in a less than significant cumulative impact on sensitive receptors from toxic air contaminants.

### ***Biological Resources***

As described in Section D. Biological Resources, the project site does not contain suitable habitat for special-status plant species but contains suitable habitat for special-status wildlife species. All special-status wildlife species with a moderate to high potential to occur within the project site are covered under the SCHVP. The project and cumulative projects could result in cumulative impacts on special-status wildlife species if they resulted in take of individuals. The cumulative projects are within the permit area of the SCVHP and would be required to comply with the requirements outlined in the SCVHP. Therefore, the proposed project in combination with the cumulative projects would not combine to result in a cumulatively significant impact.

The project site and cumulative projects contain trees that could be used by nesting birds. A cumulative impact could occur if the proposed project and cumulative projects would result in substantial tree removal that would limit suitable nesting habitat for birds or disturb the same nesting birds during project and cumulative project construction. Cumulative projects would also be subject to the California Fish and Game Code and Migratory Bird Treaty Act regulations. Because cumulative projects would also need to avoid impacts to nesting birds, the cumulative impact on nesting birds would be less than significant.

In addition, the proposed projects would not conflict with any local policies or ordinances protecting biological resources and, therefore, would not contribute to any such potential cumulative impact.

### ***Cultural and Tribal Cultural Resources***

The geographic scope for cumulative cultural and tribal cultural resource impacts includes areas within or adjacent to the project site. As discussed under Section E. Cultural Resources, the proposed project would not cause a substantial adverse change in the significance of a historical resource. Therefore, the proposed project would not contribute to any potential cumulative impact associated with an adverse change to a historical resource. The cumulative impact would be less than significant.

As discussed in Section E. Cultural Resources and Section R. Tribal Cultural Resources, the proposed project would have a less-than-significant impact on archaeological resources and human remains with implementation of Mitigation Measure CUL-1 and Mitigation Measure CUL-2. While archaeological resources and human remains are often site-specific, adjacent projects could impact the same potential archaeological resource, particularly when the adjacent projects areas are modeled as having high or very high potential for archaeological sensitivity. The Calero County Trails Master Plan and the 1995 CWTMP, as updated by the 2024 Countywide Trails Master Plan Map Update, overlap with or are adjacent to the project site. The Calero County Park Trails Master Plan Final Initial Study/Mitigated Negative Declaration (IS/MND) identified a significant impact related to historic resources, archaeological resources, and human remains. The Calero County Park Trails Master Plan IS/MND requires the implementation of mitigation measures to reduce the impact to less-than-significant levels. The 1995 CWTMP, as updated by the 2024 Countywide Trails Master Plan Map Update, includes design guidelines to minimize impacts to cultural resources, such as design guidelines D-3.1.2 and D-3.7. Design guidelines D-3.1.2 require that trail development should minimize construction necessary to provide for public safety and protect natural and cultural resources, and design guideline D-3.7 requires trail design to minimize negative impacts on cultural resources by avoiding grading where such resources are known to exist. Therefore, the cumulative projects would not result in a significant impact related to archaeological resources or human remains and would not combine with the proposed project to result in a significant cumulative impact. The cumulative impact would be less than significant.

### ***Energy***

The geographic scope for potential cumulative impacts on energy resources includes the proposed project vicinity and the broader region. Cumulative development in unincorporated Santa Clara County would generate short-term energy demand during construction and limited energy use during long-term operation.

As discussed in Section B. Energy, the proposed project would consume fuel during construction for equipment and worker vehicles over a short duration, and ongoing operations would involve minimal energy use limited to periodic maintenance by Santa Clara County Parks staff. No permanent energy infrastructure would be installed, and energy demands would be minor.

All cumulative projects would be required to comply with applicable state and local energy efficiency regulations, including the California Building Energy Efficiency Standards, CALGreen, California Energy Action Plan, and CARB's In-Use Off-Road Diesel-Fueled Fleets Regulation. None of the cumulative projects are anticipated to result in wasteful, inefficient, or unnecessary consumption of energy, nor would they conflict with state or local plans for renewable energy or energy efficiency. Therefore, the proposed project, in combination with cumulative projects, would not result in a cumulatively considerable impact on energy resources. The cumulative impact would be less than significant.

### ***Geology and Soils***

The geographic scope for impacts related to geology and soils is limited to the project site and immediately adjacent properties. The Calero County Trails Master Plan and the 1995 CWTMP, as updated by the 2024 Countywide Trails Master Plan Map Update, intersect or are directly adjacent to the project site. The two cumulative projects include potential trails and recreational improvements that would be implemented over a long period of time. The master plans include design guidelines and BMPs related to geology, and soils that would be applied to all trails constructed under the plans. Slope and soil disturbance associated with the cumulative projects and proposed project would not affect the same areas or combine in a manner that would result in significant cumulative impacts on geology or soils.

### ***Greenhouse Gas Emissions***

GHG impacts are cumulative in nature because one project by itself cannot significantly contribute to or cause significant environmental effects. Many past, present, and reasonably foreseeable development projects worldwide have or will contribute to the cumulative conditions for GHG emissions. The proposed project would contribute to GHG emissions during construction and operations. The proposed project would comply with the air district's recommended design elements to reduce GHG emissions. Therefore, the proposed project's contribution would not be cumulatively considerable. The impact would be less than significant.

### ***Hazards and Hazardous Materials***

The effects of hazardous materials releases generally are highly localized and site-specific; therefore, the geographic scope for cumulative impacts related to hazards and hazardous materials would encompass the project site and immediate project vicinity. The Calero County Trails Master Plan and the 1995 CWTMP, as updated by the 2024 Countywide Trails Master Plan Map Update, intersect with or are adjacent to the project site. Hazardous materials, particularly fuel, may be transported to and from each site, which would increase the risk of accident and release. The hazard to the public from fuel leaks from the cumulative projects would be highly localized geographically and temporally due to the small amount of hazardous materials that vehicles and equipment typical would use and the quick response time to clean up any spill. The cumulative projects would be required to comply with all applicable regulations regarding the transportation of hazardous materials. The proposed project in combination with the cumulative projects would therefore not combine to result in a cumulatively significant impact due to accidental releases of hazardous materials or herbicide.

### ***Hydrology and Water Quality***

The geographic extent for the cumulative impact analysis for hydrology and water quality includes cumulative projects that are in the vicinity of the project (0.25 mile or less) or within the same regional area that would impact water quality in the same areas or impact the same hydrologic features. The Calero County Trails Master Plan and the 1995 CWTMP, as updated by the 2024 Countywide Trails Master Plan Map Update, are within 0.25 mile of the project site.

The cumulative projects are long-term recreational planning documents, and projects implemented under these plans would result in smaller amounts of impervious surfaces than other land uses. The master plans include design guidelines and BMPs related to hydrology, erosion, and water quality that would be implemented. The cumulative projects would be required to comply with applicable regulatory requirements to minimize impacts on hydrologic features and water quality. The cumulative projects would not result in any cumulatively considerable impacts that would affect water quality in the same areas or connected hydrologic features due to nature of the projects and their separation distances.

### ***Land Use and Planning***

The cumulative context for land use effects typically is localized within the immediate project vicinity or at the neighborhood level. The nearby cumulative development projects would not physically divide an established community by constructing a physical barrier to neighborhood access or removing a means of access. The nearby cumulative development projects are required to comply with applicable plans, policies, and regulations, including those adopted for avoiding or mitigating an environmental impact, such as the 2017 Clean Air Plan, Santa Clara County General Plan, and Santa Clara County Green Building Ordinance. Therefore, the proposed project, in combination with the cumulative projects would not result in a significant cumulative impact related to the physical division of an established community or a conflict with a land use plan, policy, or regulation adopted for avoiding or mitigating an environmental impact. No cumulative impact to land use would occur.

### ***Mineral Resources***

The cumulative projects are within or adjacent areas that are developed with land uses that are not compatible with mineral resource extraction activities. As discussed in Section L. Mineral Resources, there are no known mineral resources within the project site and, therefore, no cumulative impact would occur.

### ***Noise***

As discussed in Section F. Noise, construction of the proposed project would be dispersed along the linear trail and would take place over 7 months. Cumulative construction-related noise impacts would occur if nearby projects were constructed at the same time as the proposed project and affected the same sensitive receptors. The geographic extent for evaluating cumulative noise impacts is limited to projects within approximately 1,000 feet of the project site, as construction noise attenuates substantially with distance and may be further reduced by vegetation and terrain. Cumulative projects within 1,000 feet include the 1995 CWTMP, as updated by the 2024 Countywide Trails Master Plan Map Update, and the Calero County Trails Master Plan. The master plans are long-term planning documents, and individual trails proposed in the master plans would be implemented over decades. Therefore, construction schedules for the cumulative projects are unlikely to overlap with the proposed project. The cumulative projects would be required to comply with the Santa Clara County Noise Ordinance. If construction of the two projects coincided at all, the period when construction could be heard by the same receptors would be short and intermittent throughout the day. Therefore, the cumulative effect of the proposed project combined with effects from cumulative projects from be less than significant.

### ***Population and Housing***

The geographic scope for the population and housing cumulative impact analysis encompasses unincorporated Santa Clara County. The 19660 Almaden Road is the only cumulative project within 1 mile of the project site that contains housing components. As discussed in Section N. Population and Housing, existing County Staff would perform inspections and maintenance activities in conjunction with those conducted for other parks owned and managed by Santa Clara County Parks. The proposed project would not displace any housing or result in the need for replacement housing. In addition, the proposed project would not develop new housing that could directly induce population growth. Therefore, the proposed project would not contribute to a cumulative impact related to direct population growth.

### ***Public Services***

The geographic scope for potential cumulative impacts on other public services includes areas served by CAL FIRE, SCCFD, and the Santa Clara County Sheriff's Office. The potential increase in demand for police, fire, and emergency services during construction of the proposed and cumulative projects would be temporary. Operation and maintenance activities for the project would be conducted by existing Santa Clara County Parks staff and would not induce population growth. The 19960 Almaden Road cumulative project is the only cumulative project that involves the development of new housing in the vicinity of the proposed project; however, this cumulative project would establish 44 single-family residential units, which would not result in a substantial increase in population and/or demand for emergency services such as fire and police protection. The 1995 CWTMP, as updated by the 2024 Countywide Trails Master Plan Map Update, and the Calero County Trails Master Plan would introduce new trails to the Santa Clara County Parks trail network that could increase the number of trail users in the area. However, these additional trail users are expected to consist of recreationalists already using Santa Clara County Parks recreational areas. Therefore, the proposed project would not contribute to a cumulative impact related to public services.

### ***Recreation***

The geographic scope of potential recreational impacts includes the project site and surrounding recreational areas. The 19960 Almaden Road cumulative project would construct 44 new residential units that would result in a minor increase in recreational demand. The 1995 CWTMP, as updated by the 2024 Countywide Trails Master Plan Map Update, and the Calero County Trails Master Plan cumulative projects would involve constructing new trails and recreational facilities that would be able to accommodate the minor increase in recreational demand from the 19960 Almaden Road cumulative project. Implementation of the two master plans would increase the number of recreationalists using County Park's facilities. The proposed project would increase the number of trail users in the vicinity of the project site, but most of the trail users are expected to comprise of visitors already using Calero and Santa Teresa County Parks and would be dispersed across the park network. Therefore, the proposed project contribution to cumulative impacts on recreation would be less than considerable and thus less than significant.

### ***Transportation***

The cumulative projects would generate vehicle trips to and from project sites on similar roadways as the proposed project. The cumulative project may involve sidewalk or roadway improvements that would require lane or road closures. Implementation of the 1995 CWTMP, as updated by the 2024 Countywide Trails Master Plan Map Update, and the Calero County Trails Master Plan cumulative projects could occur over decades and are unlikely to overlap with the proposed project. The construction schedule for 19660 Almaden Road cumulative project is unknown at this time and could overlap with the proposed project. Overlapping schedules would increase the potential for conflict between project vehicles, including large trucks and normal traffic along roadways, particularly if lanes or roads are closed. The cumulative projects would be required to comply with the California MUTCD, which would reduce the potential hazards of lane and road closures. With adherence to applicable regulations, impacts would not be cumulatively significant.

### ***Utilities and Service Systems***

The geographic scope of potential cumulative impacts to utilities and service systems encompasses unincorporated Santa Clara County and the City of San Jose. The proposed project would not impact wastewater treatment requirements, water or wastewater treatment facilities, stormwater drainage facilities, wastewater treatment capacity, or solid waste regulations. Therefore, the proposed project would not contribute to any potential cumulative impacts associated with these facilities or topics. The proposed project would avoid impacts on the existing utilities within the project site during construction and would not impact any utilities during operation or maintenance. Construction activities associated with the proposed project would not result in significant impacts that would affect the management or delivery of

utility services. Therefore, the proposed project, in combination with the cumulative projects, would have a less-than-significant cumulative impact on utilities and service systems. No mitigation is required.

### ***Wildfire***

The geographic scope for cumulative wildfire impacts includes the wildland–urban interface areas of unincorporated Santa Clara County, including the foothills of the Santa Cruz Mountains where the proposed project is located. Implementation of the cumulative projects could increase wildfire risk in the project area. As described in Section T. Wildfire, vehicles and equipment used during construction activities could generate sparks that could increase the risk of wildland fire ignition, which would expose nearby people and structures to a significant risk of loss, injury, or death. The proposed project’s contribution to a significant impact from exposure of receptors to pollutants from a wildfire and exacerbation of wildfire risk would be considerable during construction due to equipment activity in vegetated areas. Implementation of the Santa Clara County Parks and Recreation Department Roads and Airport Department Fire Prevention Operational Procedure requires that all construction equipment are equipped with functioning spark arrestors and includes requirements for work during fire season. Therefore, the proposed project’s contribution to a significant cumulative impact related to exposure of sensitive receptors to pollutants from a wildfire and exacerbation of wildfire risk would not be cumulatively considerable.

### **c) Less Than Significant Impact with Mitigation Incorporated**

In general, impacts on human beings are associated with air quality, geology and soils, hydrology and water quality, hazards and hazardous materials, and noise. The project site is within a Santa Clara County Liquefaction Zone, is moderately susceptible to landslides, and is located along the margin of the Santa Clara County-designated Fault Rupture Hazard Zone and transects Monte-Vista Shannon Fault traces. A geotechnical report would be prepared for the proposed project to address potential adverse impacts related to seismic ground shaking, liquefaction, and landslides. As described in Section I. Hazards and Hazardous Materials, the public could be exposed to hazardous materials due the presence of a REC on the project site. Adverse impacts to hazardous materials would be reduced to less-than-significant levels with implementation of Mitigation Measure HAZ-1. The proposed project could adversely affect human beings if emergency vehicle access was restricted or if human beings were exposed to wildfire. A traffic control plan would be prepared for the proposed project to address potential adverse impacts from emergency access restrictions, and exposure to wildfire would be reduced with implementation of the Santa Clara County Parks and Recreation Department Roads and Airport Department Fire Prevention Operational Procedure and a traffic control plan. Therefore, the impact of the proposed project on human beings would be less than significant.

## Initial Study Source List\*

1. Environmental Information Form  
[https://www.sccgov.org/sites/dpd/DocsForms/Documents/EnvAss\\_Form.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/EnvAss_Form.pdf)
2. Field Inspection
3. Project Plans
4. Working knowledge of site and conditions
5. Experience with other Projects of This Size and Nature
6. County Expert Sources:
  - Geologist  
<https://www.sccgov.org/sites/dpd/PlansOrdinances/GeoHazards/Pages/Geology.aspx>
  - Fire Marshal  
<https://www.sccgov.org/sites/dpd/AboutUs/Fire/Pages/Fire.aspx>
  - Roads & Airports  
<https://www.sccgov.org/sites/rda/Pages/rda.aspx>
  - Environmental Health  
<https://www.sccgov.org/sites/deh/Pages/deh.aspx>
  - Land Development Engineering  
<https://www.sccgov.org/sites/dpd/AboutUs/LDE/Pages/LDE.aspx>
  - Parks & Recreation  
<https://www.sccgov.org/sites/parks/Pages/Welcome-to-Santa-Clara-County-Parks.aspx>
  - Zoning Administration,  
Comprehensive Planning,  
Architectural & Site Approval Committee  
Secretary
7. Agency Sources:
  - Santa Clara Valley Water District  
<https://www.valleywater.org/>
  - Santa Clara Valley Transportation Authority  
<http://www.vta.org/>
  - Midpeninsula Regional Open Space District  
<https://openspace.org/>
  - U.S. Fish & Wildlife Service  
<https://www.fws.gov/>
  - CA Dept. of Fish & Game  
<https://www.wildlife.ca.gov/>
  - Caltrans  
<https://dot.ca.gov/>
  - U.S. Army Corps of Engineers  
<https://www.usace.army.mil/>
  - Regional Water Quality Control Board  
<https://www.waterboards.ca.gov/>
  - Public Works Depts. of individual cities
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](https://www.sccgov.org/sites/dpd/DocsForms/Documents/GP_Book_B.pdf)
9. SCC Zoning Regulations (Ordinance)  
<https://www.sccgov.org/sites/dpd/DocsForms/Documents/ZonOrd.pdf>
10. County Grading Ordinance  
[https://library.municode.com/ca/santa\\_clara\\_county/codes/code\\_of\\_ordinances?nodeId=TITCCODELAUS\\_DIVC12SULADE\\_CHIIIGRDR#TOPTITLE](https://library.municode.com/ca/santa_clara_county/codes/code_of_ordinances?nodeId=TITCCODELAUS_DIVC12SULADE_CHIIIGRDR#TOPTITLE)
11. SCC Guidelines for Architecture and Site Approval  
[https://www.sccgov.org/sites/dpd/DocsForms/Documents/ASA\\_Guidelines.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/ASA_Guidelines.pdf)
12. SCC Development Guidelines for Design Review  
[https://www.sccgov.org/sites/dpd/DocsForms/Documents/DR\\_Guidelines.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/DR_Guidelines.pdf)
13. County Standards and Policies Manual (Vol. I - Land Development)  
[https://www.sccgov.org/sites/dpd/DocsForms/Documents/StandardsPoliciesManual\\_Vol1.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/StandardsPoliciesManual_Vol1.pdf)
14. Table 18-1-B of the Uniform Building Code (expansive soil regulations) [1994 version]  
[http://digitalassets.lib.berkeley.edu/ubc/UBC\\_1994\\_v2.pdf](http://digitalassets.lib.berkeley.edu/ubc/UBC_1994_v2.pdf)
15. SCC Land Use Database
16. Santa Clara County Heritage Resource (including Trees) Inventory [computer database]
17. GIS Database
  - a. SCC General Plan Land Use, and Zoning
  - b. USFWS Critical Habitat & Riparian Habitat
  - c. Geologic Hazards
  - d. Archaeological Resources
  - e. Water Resources
  - f. Viewshed and Scenic Roads
  - g. Fire Hazard
  - h. Parks, Public Open Space, and Trails
  - i. Heritage Resources - Trees
  - j. Topography, Contours, Average Slope
  - k. Soils
  - l. HCP Data (habitat models, land use coverage etc.)
  - m. Air photos
  - n. USGS Topographic
  - o. Dept. of Fish & Game, Natural Diversity Data
  - p. FEMA Flood Zones
  - q. Williamson Act
  - r. Farmland monitoring program
  - s. Traffic Analysis Zones
  - t. Base Map Overlays & Textual Reports (GIS)
18. Paper Maps
  - a. SCC Zoning
  - b. Barclay's Santa Clara County Locaide Street Atlas
  - c. Color Air Photos (MPSI)
  - d. Santa Clara Valley Water District - Maps of Flood Control Facilities & Limits of 1% Flooding

## Initial Study Source List\*

- e. Soils Overlay Air Photos
- f. "Future Width Line" map set

**19. 2019 CEQA Statute Guidelines [Current Edition]**  
[http://resources.ca.gov/ceqa/docs/2019\\_CEQA\\_Statutes\\_and\\_Guidelines.pdf](http://resources.ca.gov/ceqa/docs/2019_CEQA_Statutes_and_Guidelines.pdf)

**Area Specific: San Martin, Stanford, and Other Areas**

**San Martin**

**20a. San Martin Integrated Design Guidelines**  
[https://www.sccgov.org/sites/dpd/DocsForms/Documents/SanMartin\\_DesignGuidelines.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/SanMartin_DesignGuidelines.pdf)

**20b. San Martin Water Quality Study**

**20c. Memorandum of Understanding (MOU) between Santa Clara County & Santa Clara Valley Water District**

**Stanford**

**21a. Stanford University General Use Permit (GUP), Community Plan (CP), Mitigation and Monitoring Reporting Program (MMRP) and Environmental Impact Report (EIR)**  
<https://www.sccgov.org/sites/dpd/Programs/Stanford/Pages/Docs.aspx>

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

**Other Areas**

**22a. South County Airport Comprehensive Land Use Plan and Palo Alto Airport comprehensive Land Use Plan [November 19, 2008]**

**22b. Los Gatos Hillside Specific Area Plan**  
[https://www.sccgov.org/sites/dpd/DocsForms/Documents/GP\\_Book\\_B.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/GP_Book_B.pdf)

**22c. County Lexington Basin Ordinance Relating to Sewage Disposal**

**22d. User Manual Guidelines & Standards for Land Uses Near Streams: A Manual of Tools, Standards and Procedures to Protect Streams and Streamside Resources in Santa Clara County by Valley Water Resources Protection Collaborative, August 2005 – Revised July 2006.**  
<https://www.valleywater.org/contractors/doing-business-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](https://www.sccgov.org/sites/dpd/DocsForms/Documents/SanMartin_GeneralPlanInformation.pdf)

**Soils**

**23. USDA, SCS, "Soils of Santa Clara County"**

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

**Agricultural Resources/Open Space**

**25. Right to Farm Ordinance**

**26. State Dept. of Conservation, "CA Agricultural Land Evaluation and Site Assessment Model"**  
<https://www.conservation.ca.gov/dlrp/Documents/TOC%20and%20Intro.pdf>

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

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

**Air Quality**

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

**30. BAAQMD CEQA Air Quality Guidelines (2017)-**  
[http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa\\_guidelines\\_may2017-pdf.pdf?la=en](http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en)

**31. BAAQMD Annual Summary of Contaminant Excesses & BAAQMD, "Air Quality & Urban Development - Guidelines for Assessing Impacts of Projects & Plans" [current version]**

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

**32. Site-Specific Biological Report**

**33. Santa Clara County Tree Preservation Ordinance**  
[https://www.sccgov.org/sites/dpd/DocsForms/Documents/Tree\\_Ordinance.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/Tree_Ordinance.pdf)

**Section C16, Santa Clara County Guide to Evaluating Oak Woodlands Impacts**  
[https://www.sccgov.org/sites/dpd/DocsForms/Documents/Oakwoodlands\\_Guide.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/Oakwoodlands_Guide.pdf)

## Initial Study Source List\*

Santa Clara County Guidelines for Tree Protection and Preservation for Land Use Applications  
[https://www.sccgov.org/sites/dpd/DocsForms/Documents/Brochure\\_TreePreservation.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/Brochure_TreePreservation.pdf)

**33. Clean Water Act, Section 404**

<https://www.epa.gov/cwa-404/permit-program-under-cwa-section-404>

**34. Santa Clara Valley Water District – GIS Data:**

<https://www.valleywater.org/learning-center/watersheds-of-santa-clara-valley>

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

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

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

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

**39. County Environmental Health Department Tests and Reports**

**Archaeological Resources**

**40. Northwest Information Center, Sonoma State University**

**41. Site Specific Archaeological Reconnaissance Report**

**Geological Resources**

**42. Site Specific Geologic Report**

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

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

**Greenhouse Gas Emissions**

**45. BAAQMD CEQA Air Quality Guidelines (2017)-  
[http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa\\_guidelines\\_may2017-pdf.pdf?la=en](http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en)**

**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://www.sccgov.org/sites/cpd/programs/NP/Docuements/NP\\_Noise\\_Ordinance.pdf](https://www.sccgov.org/sites/cpd/programs/NP/Docuements/NP_Noise_Ordinance.pdf)

**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

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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.**

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