

INITIAL STUDY (Recirculated)

Environmental Checklist and Evaluation for the County of Santa Clara

File Number:	11008-17GA-17EA	Date: April 22, 2019
Project Type:	Grading Abatement	APN(s): 898-34-003
Project Location / Address:	3555 Dryden Ave. Gilroy	GP Designation: Hillsides
Owner's Name:	Vietnamese Sangha Congregation	Zoning: HS-d1
Applicant's Name:	Thomas Nguyen	Urban Service Area: N/A
Project Description		
<p>This application is for a Grading Abatement to restore the site to pre-graded conditions. Approximately 2.19 acres of the site was converted into a flat surface for parking that required approximately 9,842 cubic yards of grading with up to 25 ft. in height of fill material. A new pond was excavated that resulted in 7,777 cubic yards of cut volume and 7 feet cut height, which altered a natural drainage swale that leads to Alamias Creek. The grading violation also include an additional 4,215 cubic yards of fill which will be removed and hauled away from site as surplus backfill created from alteration of pipeline utilities. The proposed project will entail 10,558 cubic yards of cut and 6,343 cubic yards of fill to restore the site to prior existing conditions by regrading the property to original contours.</p> <p>In addition to this Grading Abatement a number of building violations are required to be abated. On February 1, 2019 the Building Dept issued a violation report noting that the following buildings do not have permits: 1) accessory storage structure 2) greenhouse 3) carport 4) secondary dwelling 5) 200 sq. ft. deck over 30 inches in height, and 6) two trellises. The Grading Abatement conditions will require obtaining building permits for all these structures prior to grading abatement permit issuance. If any of the structures can not meet County codes, demolition permits will be required to remove the structures.</p>		
Environmental Setting and Surrounding Land Uses		
<p>The subject property has an existing religious institution (temple maintained by the Vietnamese Sangha Congregation) with an accessory care takers residence, barn, and community garden. These uses were determined to be code violations per County Zoning Ordinance, as evidenced by inspections which found alter and donation boxes on the interior and exterior of the premises, periodic large gatherings held at the site, and people seeking support, advice and meditation arriving on the property for guidance. The property owner is required to cease all religious institution uses on the lot as per the compliance order issued on October 5, 2018. The subject property is only permitted to be maintained as a private residence and garden for the owner – not affiliated with any religious institution. A religious institution requires review and approval of a Use Permit, which the property does not currently have.</p>		
Other agencies sent a copy of this document:		
CA Dept. of Fish and Wildlife, Regional Water Quality Control Board, Army Corp of Engineers, Santa Clara Valley Water District, National Marine Fisheries Service, CA Native American Heritage Commission		

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

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

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

Colleen Suchimoto
Signature

April 22, 2019
Date

Colleen Suchimoto
Printed name

Santa Clara County Planning
For

ENVIRONMENTAL CHECKLIST AND DISCUSSION OF IMPACTS

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

SETTING:

The project site is located within the Santa Clara Valley viewshed (-d1) Zoning District, within an unincorporated area of Santa Clara County, outside the City of Gilroy.

DISCUSSION:

However, the project does not impact any structural improvements, such as the residence on the property. As part of the compliance agreement entered into between the County and property owner, the property owner is required to convert the religious institution into a private residence for the owner, which is consistent with building permit issued for the structure. Also the existing secondary dwelling and smaller accessory structures (i.e. carport, greenhouse, and accessory storage) will be associated with the private residential use. Building permits are required to abate the building violations, and will be conditioned for within this grading abatement. If any of the structure can not meet County codes, demolition permits will be obtained to remove the structures. The purpose of this project is to restore the site to original contours, as grading was previously completed without permits to create a new parking area and pond, and alteration of pipeline utilities on-site. The grading conducted created a paved parking lot and pond which is not visible from the valley floor. Hydro seeding plantings have

since covered up the location of the parking area and backfill area #2. The pond has some partial plantings starting to surround the perimeter of the pond.

MITIGATION: N/A

B. AGRICULTURE / FOREST RESOURCES							
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.							
WOULD THE PROJECT:	IMPACT						Source
	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Analyzed in the Prior EIR</u>	<u>Substantially Mitigated by Uniformly Applicable Development Policies</u>	
a) Convert 10 or more acres of farmland classified as prime in the report <i>Soils of Santa Clara County (Class I, II)</i> to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3,23,24,26
b) Conflict with existing zoning for agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9,21a
c) Conflict with an existing Williamson Act Contract or the County's Williamson Act Ordinance (Section C13 of County Ordinance Code)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
d) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 28
e) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	32
f) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

SETTING:

The property consists of non-prime agricultural soils (Climara story clay (CmE), and Climara Clay(CiD)). The property is zoned HS-d1, not an agricultural zone. The property is not under any

Williamson Act Contract. There are no oak woodland habitat or other types of woodlands on the property.

DISCUSSION:

As such, the project would not impact prime farmland. Therefore, the project will not conflict with any Williamson act contract provisions. The property is not being used for conversion of forest land to other uses.

MITIGATION: N/A

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

SETTING:

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

DISCUSSION:

Operation

The proposed project would involve restoration of the site to pre-graded condition and contours (grading conducted for new pond and parking area without grading permits). BAAQMD has published

screening criteria for operational criteria pollutants for different land use types.¹ The land use type applicable to the proposed project is “Single-family.” The operational screening threshold for criteria pollutants for this land use type is 325 dwelling units. The proposed project would not impact any building area, which is well under this threshold. Therefore, operation of the proposed project would not conflict with or obstruct implementation of the applicable air quality plan or violate any air quality standard or contribute substantially to an existing or projected air quality violation or result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment.

Demolition/Construction

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

MITIGATION: N/A

D. BIOLOGICAL RESOURCES							
WOULD THE PROJECT:	IMPACT						Source
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 7, 17b, 17o,
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3,7, 8a, 17b, 17e, 22d, 22e, 33
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 7, 17n, 33

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

D. BIOLOGICAL RESOURCES							
WOULD THE PROJECT:	IMPACT						Source
	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Analyzed in the Prior EIR</u>	<u>Substantially Mitigated by Uniformly Applicable Development Policies</u>	
d) Have a substantial adverse effect on oak woodland habitat as defined by Oak Woodlands Conservation Law (conversion/loss of oak woodlands) – Public Resource Code 21083.4?				X			1, 3, 31, 32
e) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,7, 17b, 17o
f) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	32
g) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3,4, 17l

SETTING:

As noted in the project description, a new pond was excavated, which resulted in 7,777 cubic yards of unpermitted cut volume and up to 7 feet of cut height, which altered a natural drainage swale that leads to Alamas Creek. The grading violation also included an additional 4,215 cubic yards of fill which will be removed and hauled away from the site as surplus backfill created from the grading violation for alteration of pipelines utilities. Additionally, 2.19 acres of the site was converted into a flat surface for new parking lot of approximately 9,842 cubic yards of grading with up to 25 ft. in height of fill material

The proposed project will entail 10,558 cubic yards of cut and 6,343 cubic yards of fill to restore the site to previously existing conditions, including regrading to original contours.

DISCUSSION:

This has created biological impacts to the riparian habitat/drainage swale that leads to the major creek (Alamas Creek) on the property.

A biological report (“Land Cover Verification for 3555 Dryden Avenue, Gilroy, Santa Clara County, CA,” dated October 20, 2017, by Coast Range Biological) prepared by the applicant’s biologist has verified the impacted project area to include 0.06 acres of impact to seasonal wetlands. Per the

requirements, mitigation conditions will be implemented to restore the hydrology conditions, including planting of erosion control plantings so that further sedimentation will not impact the newly graded areas (See further details under mitigation). Per a site inspection, it appears that the owner has already started to initiate planting hydroseeding. This can be included as a part of the riparian restoration plan per the habitat conservation plan conditions.

The CA Department of Fish and Game's Natural Diversity Database does not identify any rare or endangered species on or in vicinity of the site. Additionally, there are no serpentine soils, on the project site, which are associated with a number of special status species. No existing trees were impacted with the grading violation as there are no trees within those areas of the property. According to the Land Cover Verification report (Coast Range Biological, October 20, 2017), land covers impacted by the project are designated California Annual Grassland, Seasonal Wetland, and Mixed Oak Woodland & Forest.

Project needs the following Agency approvals/permits for altering the watercourses on-site. Prior to final grading abatement issuance the applicant shall provide evidence of obtaining permits or clearance regarding the following:

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

Habitat Conservation Plan Conditions

The project site is located in the Santa Clara Valley Habitat Plan area, a Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) that complies with State and Federal Endangered Species Act requirements. The project impacts Seasonal Wetlands, a sensitive land cover, and requires Habitat Plan coverage subject to complying with Habitat Plan Conditions of Approval and payment of Habitat Plan fees prior to issuance of grading permit.

Habitat Plan Conditions of Approval include Avoidance & Minimization Measures (AMMs) for impacts to legally protected plant and wildlife species, hydrologic conditions and water quality, rural development, wetland and ponds, oak woodlands, and require species-specific wildlife surveys. In addition, a Riparian/Wetland Restoration Plan shall be submitted for review and approval by the County and Habitat Agency prior to issuance of grading permit.

MITIGATION:

To mitigate water course impacts resulting from excavation of a manmade pond, the following recommendations shall be followed as advised in the biological report and per County requirements:

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

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

[BIO-MIT No. 3]: Erosion control plantings shall be installed to prevent further erosion in the pond area as part of the grading restoration work.

[BIO-MIT No. 4]: An erosion control plan is required to minimize erosion and siltation impacts during the grading work. Erosion control plan shall be incorporated into final grading abatement permit plans.

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

SETTING:

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

DISCUSSION:

Therefore, an archaeological study prepared by a qualified archaeologist was required for submittal evaluating the project’s impacts to cultural resources. “Cultural Resource Evaluation of the Property at 3555 Dryden Avenue Vietnamese Sangha Project in the County of Santa Clara,” prepared by Archaeological Resource Management dated May 3, 2017 concludes that there is one previously recorded archaeological site within the subject property within the creek impacted area. Therefore, archaeological monitoring is recommended.

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

MITIGATION:

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

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

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

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

SETTING:

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

DISCUSSION:

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

MITIGATION: N/A

G. GEOLOGY AND SOILS							
WOULD THE PROJECT:	IMPACT						Source
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

G. GEOLOGY AND SOILS							
WOULD THE PROJECT:	IMPACT						Source
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	6, 17c, 43
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	6, 17c
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6, 17c, 17n, 18b
iv) Landslides	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	6, 17L, 118b
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	6, 14, 23, 24
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 3, 17c, 23, 24, 42
d) Be located on expansive soil, as defined in the report, <i>Soils of Santa Clara County</i> , creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	14,23, 24,
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3,6, 23,24,
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2,3,4,40,41

SETTING:

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

DISCUSSION:

A geologic letter was prepared, "Additional Evaluation of Fill Slope Grading Violation," dated July 17, 2017, by Silicon Valley Soil Engineering, that presented field observations and recommendations for remedial grading which are part of the geologic conditions to restore the site

The project will be subject to Santa Clara County's Policies and Standards Pertaining to Grading and Erosion Control. The County Geologist requires that a geotechnical engineer's Plan Review letter be submitted prior to final grading abatement permit issuance to confirm the plans conform with the intent of the geologic letter recommendations, and prior to Grading completion a Construction Observation letter be submitted that verifies the work was completed in accordance with the plans.

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

MITIGATION: N/A

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

SETTING:

Given the overwhelming scope of global climate change, it is not anticipated that a single development project would have an individually discernible effect on global climate change. It is more appropriate to conclude that the greenhouse gas emissions generated by a proposed project would combine with emissions across the state, nation, and globe to cumulatively contribute to global climate change. The primary GHG associated with a development project is carbon dioxide, which is directly generated by fuel combustion (vehicle trips, use of natural gas for buildings) and indirectly generated by use of electricity.

DISCUSSION:

The proposed project would regrade the site to pre existing graded conditions. BAAQMD has published screening level sizes for operational GHG emissions for different land use types.² The land use type applicable to the proposed project is “Single-family.” The operational screening level sizes for GHG emissions for this land use type is 56 dwelling units. The proposed project does not impact any new building area. GHG emissions from construction are considered to be less than significant when the development is below the operational screening level size. Therefore, construction and operation of the facility would not result in a cumulatively considerable net increase in GHG emissions.

MITIGATION: N/A

I. HAZARDS & HAZARDOUS MATERIALS							
WOULD THE PROJECT:	IMPACT						Source
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 5
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2, 3, 5
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 1/4 mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	46
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	47
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 22a

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

I. HAZARDS & HAZARDOUS MATERIALS							
WOULD THE PROJECT:	IMPACT						Source
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
residing or working in the project area?							
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5, 48
g) Expose people or structures either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4, 17g

SETTING:

The property is located in the South Santa Clara County Fire Department Area. The site is not located near any airport. There is no wildland habitat on-site (major trees).

DISCUSSION:

No new development is being proposed. The proposed grading will restore the site to pre-graded conditions. There is no storage of hazardous materials associated with this project.

MITIGATION: N/A

J. HYDROLOGY AND WATER QUALITY							
Would the project:	IMPACT						SOURCE
	Potential Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	34, 36
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 4
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 17n,

i)	result in substantial erosion or siltation on- or off-site	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3 , 17p
II)	substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5, 36, 21a
III)	create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5
IV)	impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 17p, 18b, 18d
d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 18b, 18d
e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2, 3, 4, 17p

SETTING:

The nearest water course is Alamas Creek, located on the border of the site adjacent to Leavesley Road. As noted in the project description, a new pond was excavated that resulted in 7,777 cubic yards of cut volume, and up to 7 feet of cut height, which altered a natural swale drainage that leads to Alamas Creek. The grading violation also included an additional 4,215 cubic yards of fill which will be removed and hauled away from the site as surplus backfill created from the grading violation for alteration of pipelines utilities. Additionally, 2.19 acres of the site was converted into a flat surface for a parking lot of approximately 9,842 cubic yards of grading with up to 25 ft. in height of fill material

DISCUSSION:

This has created biological impacts to the riparian habitat/drainage swale that leads to the major creek (Alamas Creek) on the property.

Project needs the following Agency approvals/permits for altering the watercourses on-site. Prior to final grading abatement issuance the applicant shall provide evidence of obtaining permits or clearance regarding the following:

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

The proposed project will entail 10,558 cubic yards of cut and 6,343 cubic yards of fill to restore the site to prior existing conditions to regrade to original contours. Mitigations as described below in the mitigation section will mitigate impacts to Alamas Creek during the grading abatement activities:

MITIGATION:

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

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

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

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

SETTING:

The proposed project is an application for a Grading Abatement to restore the site to pre-graded conditions. A pond, and parking area were graded for without permits. As noted in the project description, 2.19 acres of the site was converted into a flat surface of approximately 9,842 cubic yards of grading with up to 25 ft. in height of fill material. A pond was excavated that resulted in 7,777 cubic yards of cut volume and 7 feet cut height which blocked and altered a natural swale drainage that leads to Alamias Creek and a new parking area was created. The proposed project will entail 10,558 cubic yards of cut and 6,343 cubic yards of fill to restore the site to prior existing conditions to regrade to original contours. An additional 4,215 cubic yards of fill will be hauled away from the site as surplus backfill created from the grading violation.

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

DISCUSSION:

The subject property is zoned HS-d1 (Hillsides within Santa Clara Valley Viewshed area -d1). It is the intent of the Hillsides District to preserve mountainous lands unplanned or unsuited for urban development primarily in open space, and to promote those uses which support and enhance a rural character, which protect and promote best use of natural resources, and which avoid the risks imposed by natural hazards found in these areas. The intent of the -d1 district (Santa Clara Valley Viewshed) is to conserve the scenic attributes of the hillsides most immediately visible from the valley floor. It is intended to minimize the visual impacts of structures and grading on the natural topography and landscape, using a combination of design guidelines.

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

MITIGATION: N/A

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

SETTING/DISCUSSION:

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

MITIGATION: N/A

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

SETTING:

The project site is located near the intersection of Dryden Avenue and Leavesley Avenue. The surrounding land uses are residential. The nearest sensitive receptor is a rural residence, located on the parcel adjacent to the property west of the site, which is approximately 30 ft. away from the site. Other sensitive receptors include rural residences north of the site, located approximately 250 ft. away, a rural residence approximate 500 ft. away, east of the site, and a rural residence approximately 650 ft. south of the site.

DISCUSSION:

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

MITIGATION: N/A

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

SETTING:

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

DISCUSSION:

This will not alter or increase growth in the area.

MITIGATION: N/A

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

SETTING/DISCUSSION:

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

MITIGATION: N/A

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

SETTING/DISCUSSION:

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

MITIGATION: N/A

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

SETTING:

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

DISCUSSION:

No new operational traffic will be created as a result of the project. There may be temporary increase in trips to and from the site while grading abatement activities are occurring. Up to 12 cubic yard of dirt can be hauled in one truck load. The applicant will be required to use approved haul routes and expose of hauled earthwork to an approved disposal site.

MITIGATION: N/A

R. TRIBAL CULTURAL RESOURCES							
WOULD THE PROJECT:	IMPACT						SOURCE
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
	a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:						
i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Public Resources Code section 5020.1(k), or

- 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.

SETTING:

The project area has no known tribal cultural resources.

DISCUSSION:

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

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

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

MITIGATION: N/A

S. UTILITIES AND SERVICE SYSTEMS							
WOULD THE PROJECT:	IMPACT						SOURCE
	<u>Potentially Significant Impact</u>	<u>Less Than Significant With Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Analyzed in the Prior EIR</u>	<u>Substantially Mitigated by Uniformly Applicable Development Policies</u>	
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3,6,70
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 6,24b

c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3,6,7,0
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5,6
e) Be in non-compliance with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3,5, 6

SETTING

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

DISCUSSION:

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

MITIGATION: N/A

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

SETTING:

The property is not located within any fire hazard severity zone.

DISCUSSION:

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

MITIGATION: N/A

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

DISCUSSION:

a) **Less Than Significant Impact.** As discussed in the Biological Resources section, the proposed project is located in the Santa Clara Valley Habitat Plan (SCVHP) area, which establishes standardized measures that mitigate impacts upon species covered by the SCVHP to a less-than-significant level. The proposed project would not have the potential to substantially reduce the habitat of any fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number of, or restrict the range of, a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. Archaeological monitoring mitigation is required to mitigate potential impacts to a recorded archaeological resource within the subject project area, and installation of erosion control plantings are required to mitigate impacts to the pond area.

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

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

References:

1. Biological Resources: "Land Cover Verification for 3555 Dryden Avenue, Gilroy, Santa Clara County, CA," dated October 20, 2017, by Coast Range Biological.
2. Cultural Resources: "Cultural Resource Evaluation of the Property at 3555 Dryden Avenue Vietnamese Sangha Project in the County of Santa Clara," dated May 3, 2017, by Archaeological Resource Management.
3. Geological Resources: "Additional Evaluation of Fill Slope Grading Violation," dated July 17, 2017 by Silicon Valley Soil Engineering.

Initial Study Source List*

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

Area Specific: San Martin, Stanford, and Other Areas

San Martin

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

Stanford

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

Other Areas

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

Soils

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

Agricultural Resources/Open Space

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

Air Quality

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

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

 31. Site-Specific Biological Report

Initial Study Source List*

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

33. Clean Water Act, Section 404

34. Riparian Inventory of Santa Clara County, Greenbelt Coalition, November 1988

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

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

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

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

39. County Environmental Health Department Tests and Reports

Archaeological Resources

40. Northwest Information Center, Sonoma State University

41. Site Specific Archaeological Reconnaissance Report

Geological Resources

42. Site Specific Geologic Report

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

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

Noise

45. County Noise Ordinance

Hazards & Hazardous Materials

46. Section 21151.4 of California Public Resources Code

47. State Department of Toxic Substances, Hazardous Waste and Substances Sites List

48. County Office of Emergency Services Emergency Response Plan [1994 version]

Transportation/Traffic

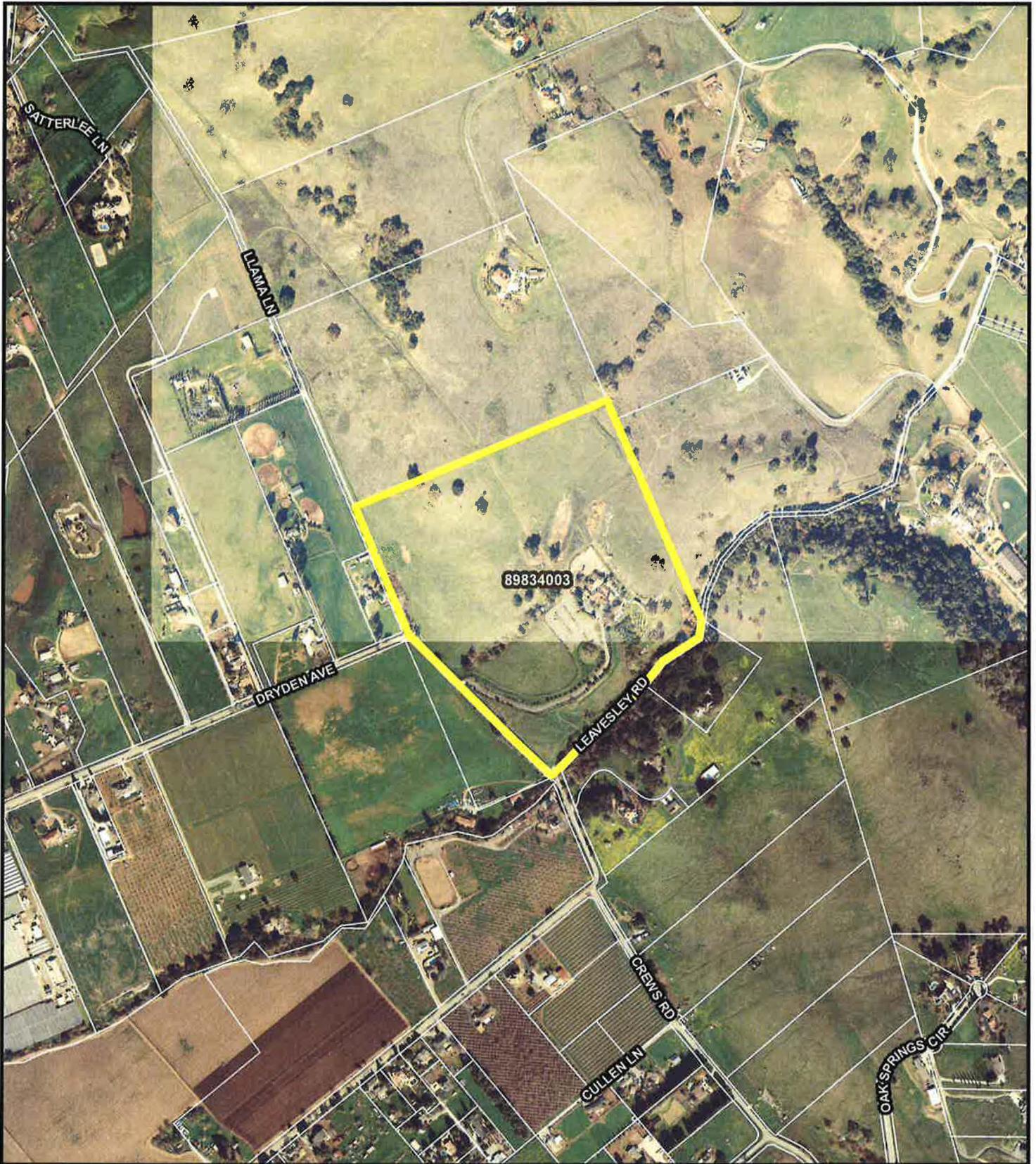
49. Transportation Research Board, "Highway Capacity Manual", Special Report 209, 1995.

50. SCC Congestion Management Agency, "Monitoring and Conformance report" (Current Edition)

51. Official County Road Book

52. Site-specific Traffic Impact Analysis Report

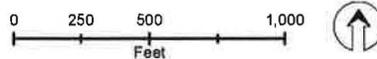
*Items listed in bold are the most important sources and should be referred to during the first review of the project, when they are available. The planner should refer to the other sources for a particular environmental factor if the former indicate a potential environmental impact.



Project Location Map

File 11008-17EA

Attachment B



This map created by the Santa Clara County Planning Office. The GIS data was compiled from various sources. Where deemed available, the Planning Office assumes no liability. 5/11/2018 9:58:05 AM Y:\IS\Repor\110081708_vicinity_map.mxd



Project Location

