INITIAL STUDY

Environmental Checklist and Evaluation for the County of Santa Clara

File Number:	PLN20-003	**Date:** February 29, 2024
Project Type:	Use Permit, Architecture and Site Approval, and Grading Approval	**APN(s):** 756-30-024
Project Location / Address:	9201 El Matador Dr.	**GP Designation:** Hillsides
Owner's Name:	Bay Area Vipassana Center, c/o David Faria	**Zoning:** HS
Applicant's Name:	MH Engineering, David Faria	**Urban Service Area:** None

Project Description

The application is for the approval of a Use Permit (UP), Architecture and Site Approval (ASA), and Grading Approval for the development of a meditation camp and silent retreat center. The applicant, Bay Area Vipassana Center (BAVC or "BAVC retreat center"), is proposing a silent retreat center for teaching and practicing Vipassana meditation. The proposed project will house staff and volunteers and be open to the public for 10-day, 30-day, and 45-day retreats.

The project consists of 18 structures totaling 53,260 square feet (sq. ft.), demolition of an accessory structure (barn), and on-site improvements including a new 97,000-gallon water tank, driveway, access road, parking lot with 122 spaces, new landscaping, sewage collection lines, septic tanks, effluent collection lines, wastewater pre-treatment system (circulating textile filter system), pressure delivery effluent pipelines, pump stations, and subsurface drip disposal areas. Total development would consist of approximately 10 acres of the 54.59-acre site. Grading consists of 4,689 cubic yards (cy) of cut and 4,644 cy of fill.

The project site is a 54.59-acre parcel located at 9201 El Matador Road (APN 756-30-024) in Gilroy.

Environmental Setting and Surrounding Land Uses

The subject property is in a rural area of the unincorporated Santa Clara County, outside of the Urban Service Area, in the southern area of Gilroy (See Figure 1A – Project Location). The site is accessed from both El Matador Drive and the intersection of Redwood Retreat Rd. and El Matador Dr. The site is surrounded by rural single family residential homes to the northeast, southeast, and south of the subject site. East of the site is an open field and west is residential. Agricultural use can be found approximately 400 feet north of the project site. The project site is located more than a one-quarter mile from the nearest school.

The site is relatively flat within the eastern half of the property, then inclines steeply towards the west. Most, if not all, of the proposed development will occur in clusters within the eastern half of the parcel, which covers approximately 10 acres of the 54.59-acre site. Little Arthur Creek is located approximately 400 feet north of the property, and the property is located within the coverage area of the Santa Clara Valley Habitat Plan (SCVHP), specifically in the area where rural development equal to or greater than two acres are covered under the Habitat Plan. The property is not under a Williamson Act contract.

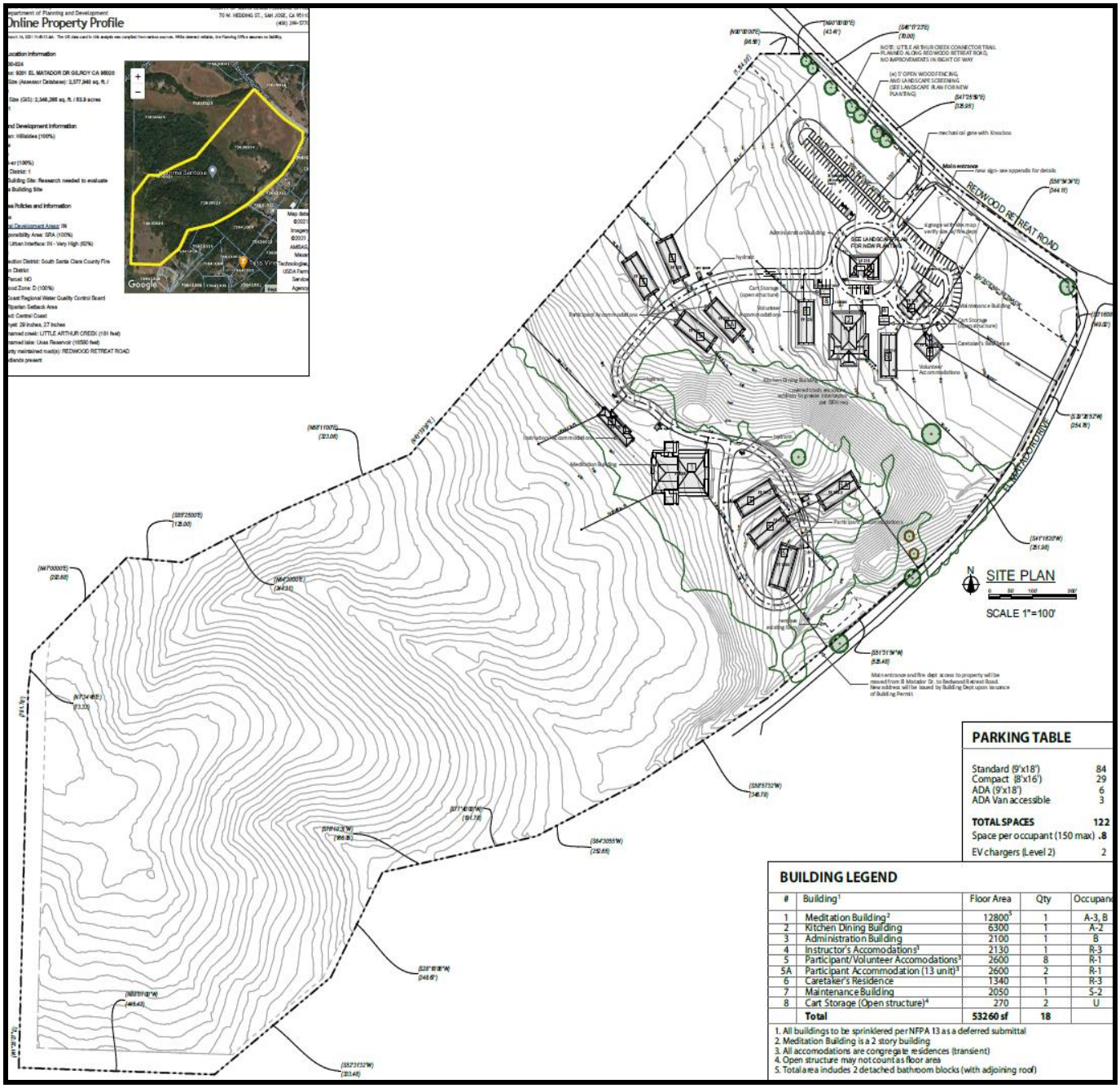
Environmental Setting and Surrounding Land Uses (continued)

The property is located within the Very High Fire Hazard Severity Zone and Wildlife Urban Interface (WUI) zone. The property is located within CalFIRE's State Responsibility Area (SRA). The property is located outside of the County Liquefaction Hazard Zones, and the Special Flood Hazard Areas. The General Plan designation of this parcel is Hillsides, and the zoning is Hillside – scenic road (HS-sr). A portion of the west end of the property contains a PG&E easement for access to high voltage powerlines.
Other agencies sent a copy of this document:
State Water Resources Control Board – Division of Drinking Water Valley Water District Santa Clara Habitat Agency

Figure 1A

Location Map

Figure 2A
Site Plan



The environmental factors checked below would be potentially affected by this project, involving at least

one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

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

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

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

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

Signature

February 28, 2024
Date

Valerie Negrete, Senior Planner
Printed name

Department of Planning and Development, Santa Clara County

A. AESTHETICS					
	IMPACT				SOURCE
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	
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐	2, 3, 4, 6,17f
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, along a designated scenic highway?	☐	☐	☒	☐	3, 6, 7, 17f
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐	2, 3
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐	3, 4

SETTING: The project site is located west of the City of Gilroy, west of Highway 101, and currently accessed from El Matador Drive. The property is zoned HS-sr for Hillside with a "-sr" Scenic Road combining district overlay due to its adjacent location to Redwood Retreat Rd., which is designated by the County as a scenic road, there are no historic resources on site. The purpose of the -s Scenic Roads combining district is to protect the visual character of scenic roads in Santa Clara County through special development and sign regulations. Pursuant to County Zoning Code Section 3.30, properties that are zoned with a "-sr" scenic road overlay are subject to certain setback requirements. In addition, the "-sr" overlay limits the number of signs that are allowed on each parcel.

Proposed structures are situated over two hundred feet from both Redwood Retreat Road and El Matador Road. Driveway access is proposed from Redwood Retreat Road and will include development of the following 18 buildings:

BUILDING LEGEND

#	Building[1]	Floor Area	Qty	Occupancy
1	Meditation Building[2]	12800[5]	1	A-3, B
2	Kitchen Dining Building	6300	1	A-2
3	Administration Building	2100	1	B
4	Instructor's Accomodations[3]	2130	1	R-3
5	Participant/Volunteer Accomodations[3]	2600	8	R-1
5A	Participant Accommodation (13 unit)[3]	2600	2	R-1
6	Caretaker's Residence	1340	1	R-3
7	Maintenance Building	2050	1	S-2
8	Cart Storage (Open structure)[4]	270	2	U
	Total	**53260 sf**	**18**	

1. All buildings to be sprinklered per NFPA 13 as a deferred submittal
2. Meditation Building is a 2 story building
3. All accomodations are congregate residences (transient)
4. Open structure may not count as floor area
5. Total area includes 2 detached bathroom blocks (with adjoining roof)

Source: Archtectural Plans dated April 3, 2021

Regulatory Framework

County General Plan Policies Related to Scenic Resources
The Resource Conservation Element of the Santa Clara County General Plan (Santa Clara County 1994b: H-40) includes the following General Plan policies that apply to the project:

- Policy R-RC 100: Signs allowable under the provisions of the zoning ordinance should be harmonious with the character of the area in which they are located and should be of the highest design standards.
- Policy R-RC 101: Roads, building sites, structures and public facilities shall not be allowed to create major or lasting visible scars on the landscape.

County Zoning Ordinance
The County Zoning Ordinance Chapter 3.30 lays out the regulations for -sr scenic roads combining district, and Section 3.30.030 states structures, including signs located within 100 feet of the right-of-way of a designated scenic roadway shall be subject to design review.

The subject property gradually inclines before it begins to steeply incline toward the west property boundary. The applicant proposes to construct 18 structures on a 10-acre portion of the 54.5 acres of land largely made up of natural slopes and landscaping to cover the built environment. The applicant will also add new native landscaping on-site consisting native drought tolerant trees of the species naturally found on the parcel. A total of 464 native trees will be planted as part of the development, many of them located within the 100 feet scenic road setback along Redwood Retreat Rd. and side street along El Matador Drive. The added trees and landscaping will create an additional visual buffer from the right of way and the new development as shown in Figure 3 below.

Figure - 1

Existing view traveling east on Redwood Retreat Road heading to El Matador Drive

Figure 1 indicates the view of the site along Redwood Retreat Road. A visualization model of the proposed structures without the proposed landscaping, from Redwood Retreat Road is shown in Figure 2 below.

Figure - 2
Visualization of Proposed Structures from Redwood Retreat Road

The added landscaping will enhance the view along the scenic road, and also aid in creating a visual buffer for the development. Figures 3, 4 and 5 provide a more detailed plan of the proposed landscaping throughout the site as well as various vantage points for further context. Due to the site's topography, the proposed structures will not be as visible from Redwood Retreat Road. Proposed structures were designed to remain tucked into the existing setting.

Figure - 3
Proposed Landscaping Plans

Figure - 4

Model rendering of the proposed project overlooking the intersection of Redwood Retreat Rd. and El Matador Dr.

Figure - 5
Rendering of view along Redwood Retreat Rd.

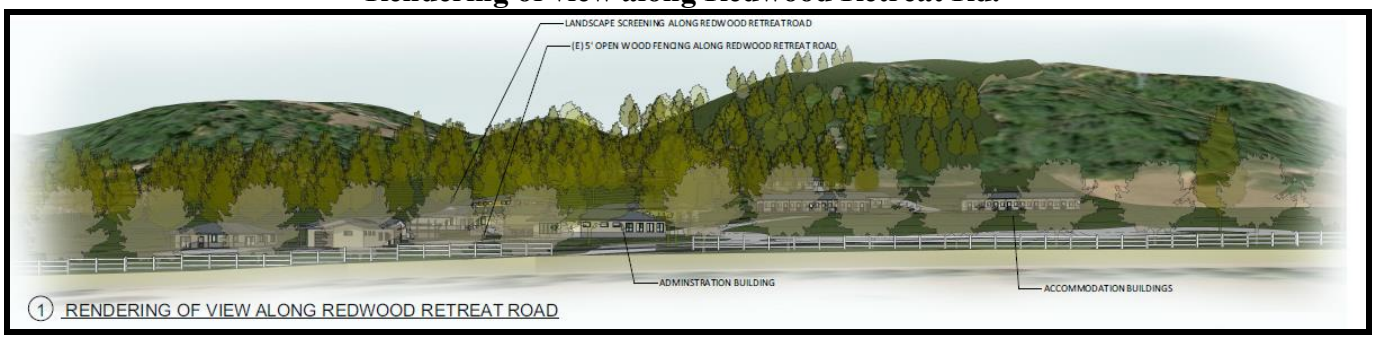
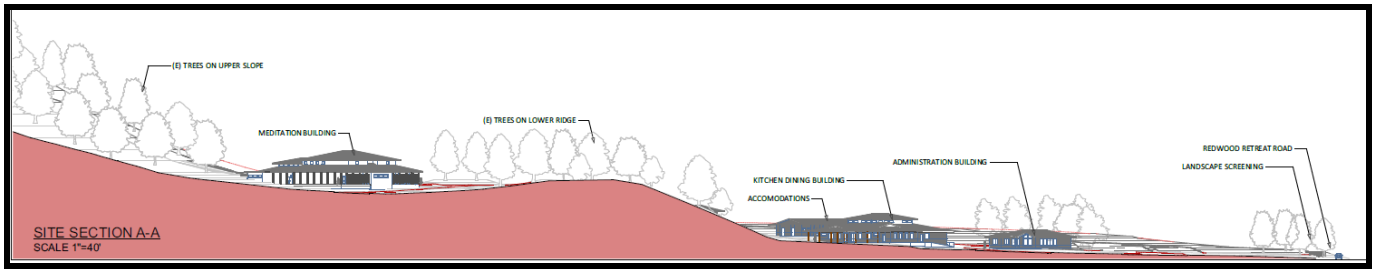


Figure - 6
Site Section



Signage

In accordance with the "sr" zoning limitations in Zoning Ordinance § 3.30.040, signs within this zoning designation are limited to no more than one (1) per parcel and their size is restricted. The proposed project will operate within a single parcel, and therefore only one sign will be allowed.

Accordingly, the BAVC retreat center proposes a single freestanding sign at the street entrance on Redwood Retreat Road, minimally lit with a solar powered light. The sign will be white with blue lettering identifying "Bay Area Vipassana Center" with a standard blue and white wheel design associated with this tradition. According to the applicant's project description, the sign is 6 feet in height and 36" x 30" in area (7.5 sq. ft.). There are currently no other existing signs on site.

Figure – 7
Proposed Monument Sign & Directional Sign at Redwood Retreat Road

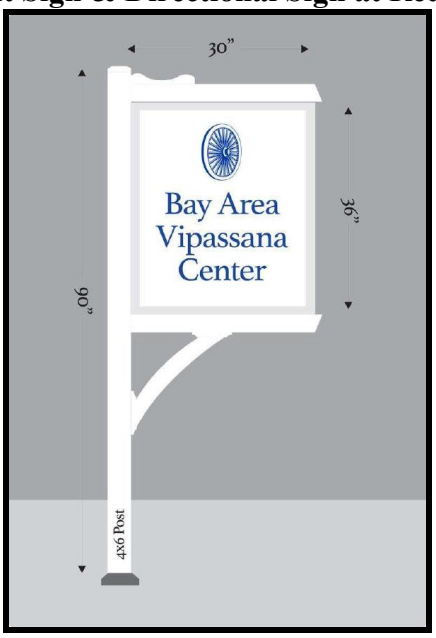
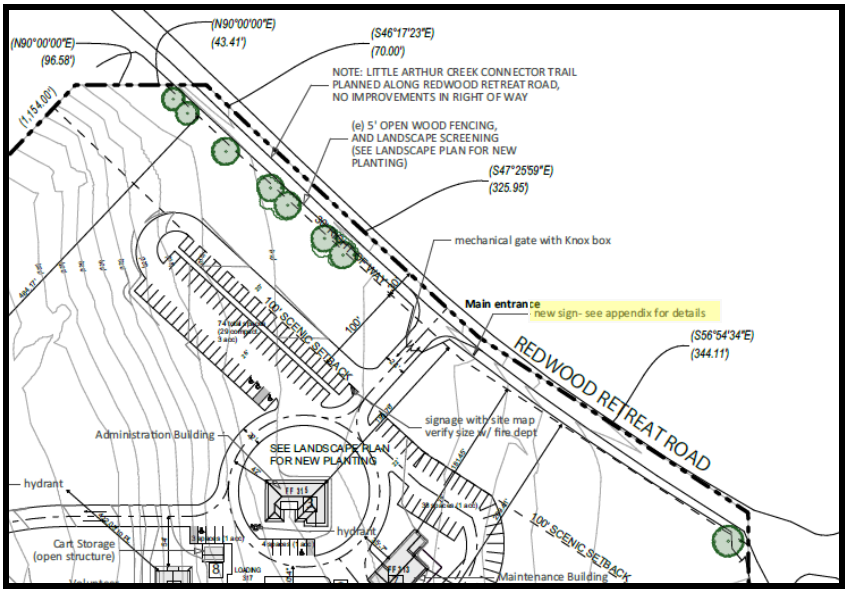


Figure – 8
Entry Sign location at Redwood Retreat Road



Lighting

The proposed project includes new outdoor lighting in association with the parking lot pursuant to County Zoning Ordinance Section §4.30.070(H). The applicant submitted a photometric plan dated April 29, 2021 prepared by RAB Lighting Inc. which demonstrated that the proposed lighting meets the requirements in the Zoning Ordinance, including lighting that is the equivalent of one (1) foot candle of illumination, with 90-degree cut-off and flat lenses, and would be confined to the premises. Lighting is proposed within the parking lot along Redwood Retreat Road and within the drive aisle onsite, as well as select locations along the buildings. A standard condition of approval will be required to ensure final lighting plans be provided prior to issuance of building permits to ensure that lighting proposed will adhere to the Zoning Ordinance requirements.

DISCUSSION:

a, b, c, d) Less Than Significant Impact. The project proposes development of a camp and retreat which consists of 18 structures totaling 53,260 sq. ft. The Project is located along Redwood Retreat Road which is designated as a scenic road built well beyond the 100-foot scenic road setback for Redwood Retreat Road. The Project also consists of new landscaping, adding a total of 464 new native trees along the street frontages of Redwood Retreat Road and El Matador Drive.

The proposed project does not encroach on the 100-foot setback for scenic roads, ensuring that the scenic character of the roadway is maintained. A single new sign is proposed near the entrance, within the 100-foot scenic road setback. The proposed sign is within the size requirements of the Zoning Ordinance and minimally lit.

No rock outcroppings or historic buildings are located along Redwood Retreat Road. As a result, there will be a less than significant impact to scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, along a designated scenic highway.

After completion of construction, the visual character of the site will be made consistent with the surrounding landscape by the added landscaping and trees along Redwood Retreat Road and El Matador Drive. Therefore, the Project will have less than significant impact on the visual character or quality of the site and its surroundings.

The Project will include new lighting onsite. According to the County's adopted ASA guidelines and requirements in Zoning Ordinance Section §4.30.070(H), any proposed lighting shall be subdued and shall enhance the building design and landscaping. A photometric plan was prepared by RAB Lighting Inc. indicated the proposed new lighting on site would not omit lighting spillage over the property line. According to the plan, new lighting impact on the site consisted mostly within the parking lot, driveway and structures on the property caused minimal light trespass, if none, along the right of way. A standard condition of approval will be required to ensure final lighting plans be provided prior to issuance of building permits to ensure that lighting proposed will adhere to the Zoning Ordinance requirements. Therefore, Project will have less than significant impact on new sources of light.

MITIGATION:
None required.

B. AGRICULTURE / FOREST RESOURCES

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

	IMPACT				
WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	**Source**
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Natural Resources Agency, to non-agricultural use?	☐	☐	☒	☐	3, 23, 24, 26
b) Conflict with existing zoning for agricultural use?	☐	☐	☒	☐	9, 21a
c) Conflict with an existing Williamson Act Contract or the County's Williamson Act Ordinance (Section C13 of County Ordinance Code)?	☐	☐	☐	☒	1, 28
d) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒	1, 17, 32
e) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☒	☐	17, 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?	☐	☐	☐	☒	3, 4, 17, 26

SETTING: The California Important Farmland Finder provides data compiled by the Farmland Mapping Monitoring Program (FMMP) pursuant to Section 65570 of the California Government Code. FMMP combines current land use information with U.S. Department of Agriculture Natural Resources Conservation Service soil survey data to calculate the area and type of Important Farmland in an area of interest. While the project site is zoned HS-sr, Hillside with scenic road overlay, the project site is listed as Farmland of Local Importance in the FMMP database.

Surrounding uses to the north and west of the project site consists of land encumbered by the Williamson Act contract. However, adjacent properties to the south and east do not appear to actively utilize the land

as agricultural. The project site is not located within a forest or timberland area. The project site is currently vacant and has not been historically used for agricultural cultivation.

Regulatory Setting

LESA Model – Department of Conservation
The Land Evaluation and Site Assessment (LESA) is a term used to define an approach for rating the relative quality of land resources based upon specific measurable features. The model is intended to provide guidance to lead agencies as an optional methodology to ensure that significant effects on agricultural land conversions are considered and consistently applied. Factors included in the model include soil, project size, water sources, surrounding uses and surrounding protected resources. The County is utilizing the LESA model in order to assess the significance of conversion of prime farmlands. The analysis is the basis for the analysis in this Section.

Based on historical aerials of the property, this project site does not appear to have been farmed or cultivated within at least the past 10 years.

DISCUSSION:

a, b, & f) Less Than Significant Impact – The subject property consists of one parcel 54.59 acres in size. The property is currently vacant with an accessory building along El Matador Drive and open dirt track roads within the open space located along Redwood Retreat Drive. The eastern portion of the lot contains land that is characterized as *Farmland of Local Importance,* per the FMMP database. As defined by each county's local advisory committee and Board of Supervisors, *Farmland of Local Importance* is land that is either producing or has the capability of production but does not meet the criteria to be considered Prime, Statewide, or Unique Farmland. A smaller portion of the eastern area contains prime farmland soil and statewide importance soils by the California Department of Conservation. However, the LESA model indicates that the project's impact is not considered significant. The site is not largely surrounded by active agricultural uses, and its inherent soil-based qualities and soil make-up do not support a finding that the property is of significant quality to prohibit a non-agricultural use.

c, d, & e) No Impact. The property is not encumbered by a Williamson Act contract, or within a forestland/timberland area, and therefore the proposed development would not conflict with County Williamson Act Guidelines, the County's Williamson Act Ordinance, or existing zoning for forestland or timberland areas. No protected trees are proposed for removal, and the property is not within a forestland area, and therefore the proposed development will not result in the loss of forest land.

MITIGATION:
None required.

C. AIR QUALITY					
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.					
	IMPACT				**SOURCE**
WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒	5, 29, 30

C. AIR QUALITY					
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.					
	IMPACT				SOURCE
WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☐	☒	5, 29, 30
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒	5, 29, 30
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐	5, 29, 30

SETTING: Total development would consist of approximately 10 acres of the 54.59-acre site and would include the demolition of an existing barn. Development of the camp and retreat would consist of 18 structures totaling 53,260 sq. ft. The Project includes retreats which would typically accommodate up to a maximum of 150 participants each, typically for a period of ten (10) consecutive days. It is anticipated that two (2) retreats could occur each month. After approximately 5 years the facility will replace three 10-day retreats to an annual 30-day retreat. Eventually, a 45-day retreat will replace another 10-day retreat. In addition to retreat participants, the proposed project will also house BAVC staff and volunteers for various amounts of time.

Santa Clara County is currently designated as a nonattainment area for the 1-hour state ambient air quality standard and the 8-hour state and national ambient air quality standards (BAAQMD 2017). Ozone is primarily a problem in the summer, when prevailing seasonal northerly winds carry ozone precursors southward across the county. Santa Clara County is designated as a nonattainment area for the state PM10 (i.e., respirable particulate matter with an aerodynamic diameter of 10 micrometers or less) standard and unclassified for the national PM10 standard. The County is designated as nonattainment under State standards for PM2.5 (i.e., respirable particulate matter with an aerodynamic diameter of 2.5 micrometers or less) standards (BAAQMD 2017), but not under Federal standards. The County experiences many exceedances of the PM2.5 standard each winter, due to high population density, wood smoke, industrial and freeway traffic, and poor wintertime air circulation caused by extensive hills to the east and west that block wind flow into the region.

Regulatory Framework

Federal
At the federal level, the United States Environmental Protection Agency (EPA) is responsible for overseeing implementation of the Clean Air Act and its subsequent amendments. The federal Clean Air Act requires the EPA to set national ambient air quality standards for the six common criteria pollutants including PM, O3, CO, SOx, NOx, and lead. The EPA and the California state regulatory agency, the California Air Resources Board (CARB), have adopted ambient air quality standards establishing permissible levels of these pollutants to protect public health and the climate.

State
CARB is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act. The Bay Area Air

Quality Management District (BAAQMD) seeks to improve air quality conditions in Santa Clara County through a comprehensive program of planning, regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues.

BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect public health, the 2017 CAP describes how BAAQMD will continue its progress toward attaining state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the 2017 CAP includes control measures designed to reduce emissions of methane and other super-greenhouse gases (GHGs) that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

Local Climate

The California Energy Commission (CEC) updates the California Building Energy Efficiency Standards every three years, in alignment with the California Code of Regulations. Title 24 Parts 6 and 11 of the California Building Energy Efficiency Standards and the California Green Building Standards Code (CALGreen) seek to improve energy efficiency and combat climate change. The 2019 CAL Green standards include substantial changes intended to increase the energy efficiency of buildings.

Locally, on December 7, 2021, the Santa Clara County Board of Supervisors approved the "REACH codes" ordinance that requires development projects to exceed the minimum Building Energy Efficiency requirements. Reach codes require or encourage electrification of buildings which in turn help to reduce greenhouse gas emissions, reduces reliance of natural gases as well as improves interior ventilation.

DISCUSSION:

a - d) No Impact. The development of a camp and retreat will consist of 18 structures totaling 53,260 sq. ft. In accordance with BAAQMD guidance, projects would not result in significant air quality impacts from construction activities if construction-related activities are: 1) below the applicable operational screening size, 2) include BAAQMD-recommended dust control measures, and 3) do not include extensive construction activities.

BAAQMD has established screening level sizes for criteria air pollutants based on land use types.[1] If the project meets the applicable screening criteria, the project would not result in the generation of operational- and construction-related criteria air pollutants and/or precursors that exceed the thresholds of significance established by BAAQMD, which is average daily emissions (lb/day) of 54 for ROG, NO_x, and $PM_{2.5}$, and 82 for PM_{10}.

> The designation of General Office Building land use has a screening size of 346,000 sf. for operations and 277,000 sf. for construction. Although the use is not exclusively an office use, this category is the closest classification which reflects the structures that will be developed and therefore will provide the appropriate screening threshold needed to assert the potential impact. This use is also more conservative as a typical office use would have more daily activity than this retreat center. The project proposes 53,260 sq. ft. of new commercial space which will be located closest to Redwood Retreat Road. Therefore, there will be no impact in air quality for any existing use.

The operational criteria pollutant screening size for evaluating air quality impacts for single-family residential projects is 325 dwelling units, and 114 dwelling units for the construction-related screening. The proposed use does not involve more than 325 residential units therefore, the emissions generated would be below the applicable thresholds for residential development. The project does not involve more than 325 residential dwelling units therefore the impact of the project is considered less than significant.

Thresholds of significance provide guidance on assessing both air quality and GHG impacts individual projects may have on the environment. The project does not pose a new significant impact that would otherwise increase air pollutants, the project would not conflict with or obstruct implementation of the applicable air quality plan nor result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard.

MITIGATION:
None required.

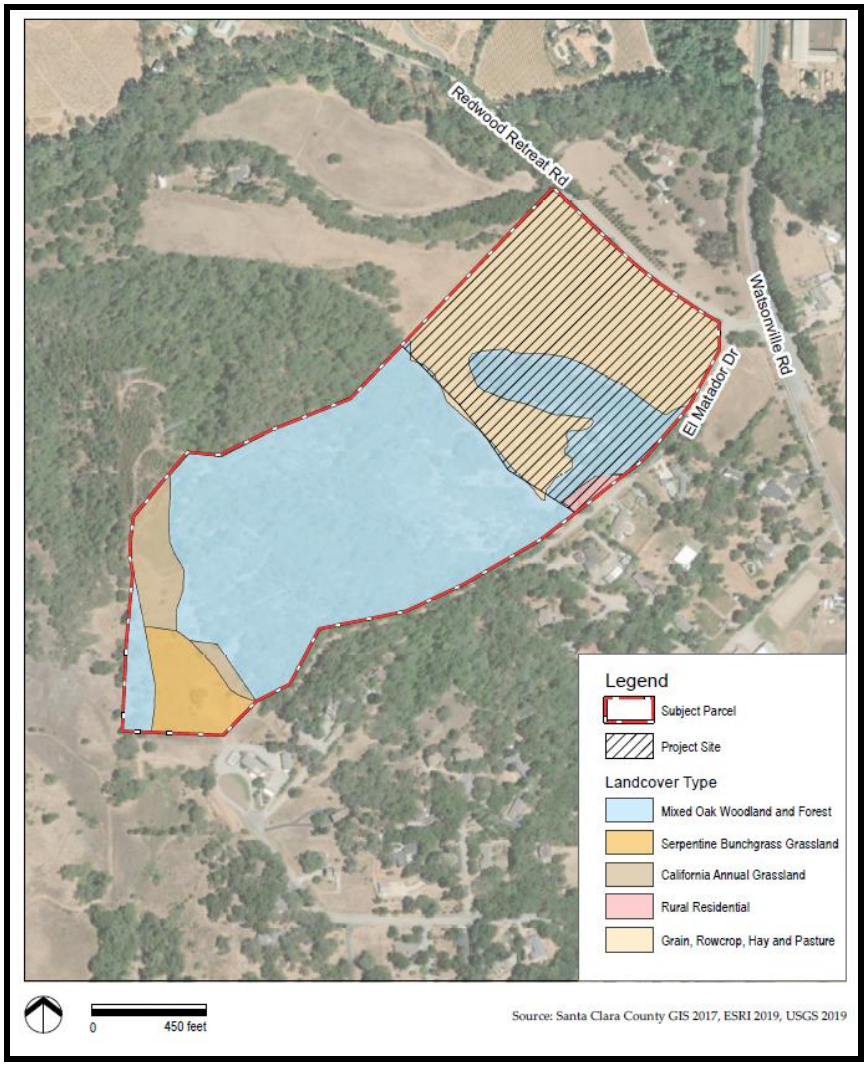
D. BIOLOGICAL RESOURCES					
	IMPACT				**SOURCE**
WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified 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?	☐	☒	☐	☐	1, 7, 17b, 17o
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☒	☐	☐	3, 7, 8a, 17b, 17e, 22d, 22e, 32
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☒	☐	☐	3, 7, 17n, 33, 34
d) Have a substantial adverse effect on oak woodland habitat as defined by Oak Woodlands Conservation Law (conversion/loss of oak woodlands) – Public Resource Code 21083.4?	☐	☒	☐	☐	1, 3, 31, 32, 33
e) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites?	☐	☐	☒	☐	1, 7, 17b, 17o, 32
f) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐	32, 33
g) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	☐	☐	☒	☐	3,4, 17l

SETTING: The property is within the coverage area for the Santa Clara Valley Habitat Plan and has a mapped landcover Land Cover: Grain, Row-crop, Hay and Pasture, Disked / Short-term Fallowed. Specifically, according to the Habitat Plan land cover type data, the entire 55-acre subject parcel is mapped mainly as "Grain, Row-crop, Hay & Pasture, Disked/Short-term Fallowed (15.2 acres)" and "Mixed Oak Woodland and Forest (33.3 acres)", with "California Annual Grassland (2.4 acres)", Serpentine Bunchgrass Grassland (2.5 acres)", and "Rural Residential (0.4 acres)".

Plant communities in and immediately adjacent to the project site are non-native grassland (matching the Habitat Plan land cover of "Grain, Row-crop, Hay and Pasture, Disked/Short-term Fallowed") and mixed oak woodland. Trees include native coast live oak (Quercus agrifolia), along with non-native ornamental (planted) olive (Olea sp.) and English walnut (Juglans regia), plus additional species at the eastern edge of the project site, adjacent to El Matador Drive. Plants common in the disturbed grassland areas include non-native oats (Avena sp.), barley (Hordeum murinum), annual beard grass (Polypogon monspeliensis), ripgut brome (Bromus diadrus), scarlet pimpernel (Anagallis arvensis), English plantain (Plantago lanceolata), wild radish (Raphanus sativus), cut-leaved plantain (Plantago coronopus), shortpod mustard (Hirschfeldia incana), and curly dock (Rumex crispus); native California poppy (Eschscholzia californica) and coyote bush (Baccharis pilularis) are also present.

The small corner at the far northern section of the subject parcel is designated as a required survey for least Bell's vireo (Vireo bellii pusillus) and tricolored blackbird (Agelaius tricolor); however, according to the HCP Geobrowser approximately 10 feet of the parking lot area is within the tricolored bird wildlife survey area. As such, a HCP mitigation measure for the tricolored black bird has been incorporated into the project mitigations (Mitigations 11 through 14).

Figure – 9
Land Cover Habitat Plan Identified



Regulatory Framework

Federal

Endangered Species Act
The Endangered Species Act establishes protections for fish, wildlife, and plants that are listed as threatened or endangered. This act provides for adding species to and removing them from the list of threatened and endangered species, and for preparing and implementing plans for their recovery. It also provides for interagency cooperation to avoid take of listed species and for issuing permits for otherwise prohibited activities and provides for cooperation with States, including authorization of financial assistance and implements the provisions of the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES).[2]

Migratory Bird Act
The Migratory Bird Treaty Act (MBTA) prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service. This Act is intended to ensure the sustainability of populations of all protected migratory bird species.[3]

State

California Endangered Species Act
The California Endangered Species Act (CESA) is a California environmental law administered by the California Department of Fish and Wildlife (CDFW) that conserves and protects plant and animal species at risk of extinction. Plant and animal species may be designated threatened or endangered under CESA after a formal listing process by the California Fish and Game Commission.[4]

Pursuant to the California Endangered Species Act (CESA), Section 2081 of the California Fish and Game Code, an Incidental Take Permit from the California Department of Wildlife (CDFW) is required for projects that could result in the "take" of a state-listed Threatened or Endangered species. Take is defined under the Act as an activity that would directly or indirectly kill an individual of a species; take is defined in Section 86 of the California Fish and Game Code as ″hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill″. If a proposed project would result in the take of a state-listed species, then a CDFW Incidental Take Permit, including the preparation of a species conservation plan, would be required.

California Fish and Game Code Sections 3505, 3503.5, and 3800 of the California Fish and Game Code prohibit the take, possession, or destruction of birds, including their nests or eggs. Birds of prey (the orders Falconiformes and Strigiformes) are specifically protected under provisions of the California Fish and Game Code, Section 3503.5. This section of the Code establishes that it is unlawful to take, possess, or destroy any birds of prey or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this Code. Disturbance that causes nest abandonment and/or loss of reproductive effort, such as construction during the bird nesting season, is considered take by the CDFW.

2 Endangered Species Act. https://www.fws.gov/law/endangered-species-act
3 Migratory Bird Species Act. https://www.fws.gov/law/migratory-bird-treaty-act-1918
4 California Department of Fish and Wildlife. Threatened and Endangered Species Threatened and Endangered Species (ca.gov), accessed February 6, 2023

Local

Santa Clara Valley Habitat Plan

The Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (SCVHP) covers approximately 520,000 acres, or approximately 62 percent of Santa Clara County. The Plan was developed and adopted through a partnership between Santa Clara County, the cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District (Valley Water), Santa Clara Valley Transportation Authority (VTA), U.S. Fish and Wildlife Service (USFWS), and CDFW. The SCVHP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in southern Santa Clara County. The Santa Clara Valley Habitat Agency is responsible for implementing the SCVHP.[5] The SCVHP is a document that meets federal Endangered Species Act (ESA) requirements and enables local agencies to allow projects and activities to occur in endangered species' habitats. In exchange, those projects and activities must incorporate HCP-prescribed measures to avoid, minimize, or compensate for adverse effects on natural communities and endangered species. A regional HCP allows local governments to evaluate projects and activities holistically to mitigate for potential impacts on species. The SCVHP is a regional effort which allots funds from implementation to preserve larger in-tact areas, which further preserves these local resources.

Santa Clara County General Plan

The Santa Clara County General Plan's Resource Conservation policies include the following for managing resources:

- C-RC-1-natural and heritage resources shall be protected and conserved for their ecological, functional, economic, aesthetic, and recreational values.
- C-RC-27-habitat types and biodiversity within Santa Clara County and the region should be maintained and enhanced for their ecological, functional, aesthetic, and recreational importance.
- CR-RC-33-linkages and corridors between habitat areas should be provided to allow for migration and otherwise compensate for the effects of habitat fragmentation (Santa Clara County).

Protected Tree Ordinance

The County of Santa Clara Tree Preservation and Removal Ordinance, Division C16 regulates tree removal on private land. This ordinance provides protection to "Heritage" trees and all trees regardless of species that are 12-inches or greater in diameter at a height of 4.5 feet above ground level within areas zoned Hillsides, combining zoning district of Design Review, or parcels within the Los Gatos Hillside Specific Plan.

DISCUSSION:

a) Less Than Significant Impact with Mitigation. Development of a camp and retreat will include the construction of 18 buildings and many associated improvements. To assess the impacts of development on biological resources, a Biological Report was prepared by Janet Walther of EMC Planning Group dated April 14, 2021. The Report concluded that development within the project site has low potential to impact biological resources. However, in addition to participation and compliance with the Habitat Plan, recommended measures are identified in the Biology Report dated April 14, 2021 to avoid or minimize

5 Santa Clara Valley Habitat Agency. https://scv-habitatagency.org/ accessed February 7, 2023

any potential impacts that may occur as a result of development of the project site. (See BIO-MIT 1 through 14.)

Special-Status Species

American Badger

The American Badger is a special-status terrestrial wildlife species reported in the CNDDB as occurring within close proximity to the subject parcel were evaluated for their potential to occur within the project site. American badger was recorded in 1995 approximately two miles east of the subject property. The project site contains suitable habitat for badger activity. Because the subject parcel is within the species' known distribution range and suitable habitat is present, American badger has potential to occur on the project site. If badgers or denning activity is present on or adjacent to the area during soil-disturbing or construction activities, including vegetation removal and site preparation, development within the project site may directly result in the loss of individuals.

MITIGATION:

American Badger

BIO–MIT 1: No less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities, a qualified biologist shall conduct pre-construction surveys for American badger throughout the project site.

BIO–MIT 2: If present, occupied badger dens shall be flagged and ground-disturbing activities avoided within 50 feet of the occupied den avoided. Maternity dens shall be avoided during pup-rearing season (February 15 through July 1) and a minimum 200-foot buffer established. Buffers may be modified with the concurrence of CDFW.

BIO–MIT 3: Maternity dens shall be flagged for avoidance, identified on construction maps, and a biological monitor shall be present during construction. If avoidance of a non- maternity den is not feasible, badgers shall be relocated by slowly excavating the burrow (either by hand or mechanized equipment under the direct supervision of the biologist, removing no more than four inches at a time) before or after the rearing season (February 15 through July 1). Any relocation of badgers shall occur only after consultation with the CDFW.

Nesting Birds

BIO-MIT 4: If project-related work is scheduled during bird nesting season, January 15-September 15 (February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), a qualified biologist shall conduct preconstruction nesting bird surveys to ensure that no nests would be disturbed during construction activities.

BIO – MIT 5: Two surveys for active nests of such birds shall occur within 14 days prior to start of construction, with the second survey conducted with 48 hours prior to start of construction. An appropriate minimum survey radius surrounding each work area is typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys shall be conducted at the appropriate times of day to observe nesting activities.

If the qualified biologist documents active nests within the project site or in nearby surrounding areas, an appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have

fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize "normal" bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g. defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active. If pre-construction nesting bird surveys are necessary, then a survey report shall be prepared prior to commencement of construction activities.

BIO–MIT 6: No less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities, a qualified biologist shall conduct pre-construction surveys for American badger throughout the project site.

Bats

BIO–MIT 7: Fourteen days prior to tree removal activities, ground disturbing activities or brush removal, a qualified biologist shall conduct a habitat assessment for bats and potential roosting sites in trees to be removed, in trees within 50 feet of the development footprint, and within and surrounding any structures that may be disturbed by the project. The entire project site will be included in these surveys. These surveys will include a visual inspection of potential roosting features (bats need not be present) and a search for presence of guano within the project site, construction access routes, and 50 feet around these areas. Cavities, crevices, exfoliating bark, and bark fissures that could provide suitable potential nest or roost habitat for bats shall be surveyed. Assumptions can be made on what species is present due to observed visual characteristics along with habitat use, or the bats can be identified to the species level with the use of a bat echolocation detector such as an "Anabat" unit. Potential roosting features found during the survey shall be flagged or marked.

BIO--MIT 8: If no roosting sites or bats are found, a letter report confirming absence will be prepared and no further mitigation is required.

BIO–MIT 9: If bats or roosting sites are found, bats will not be disturbed without specific notice to and consultation with CDFW.

BIO–MIT 10: If bats are found roosting outside of the nursery season (May 1 through October 1), CDFW will be consulted prior to any eviction or other action. If avoidance or postponement is not feasible, a Bat Eviction Plan will be submitted to CDFW for written approval prior to project implementation. A request to evict bats from a roost includes details for excluding bats from the roost site and monitoring to ensure that all bats have exited the roost prior to the start of activity and are unable to re-enter the roost until activity is completed. Any bat eviction will be timed to avoid lactation and young-rearing. If bats are found roosting during the nursery season, they will be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. Therefore, if a maternal roost is present, a 50-foot buffer zone (or different size if determined in consultation with the CDFW) will be established around the roosting site within which no construction activities including tree removal or structure disturbance will occur until after the nursery season.

Tri-colored Black bird

BIO–MIT 11: Projects require surveys if the project is within 250 feet of field-verified riparian, coastal and valley freshwater marsh (perennial wetlands), or pond land cover types. Field verification must be done by a qualified biologist. If a qualified biologist verifies that the project area is within 250 feet of these land covers (riparian, marsh, ponds), a qualified biologist will conduct a field investigation to identify and map potential nesting substrate. Nesting substrate generally includes flooded, thorny, or spiny vegetation (e.g., cattails, bulrushes, willows, blackberries, thistles, nettles). If potential nesting substrate is found, the project proponent may revise the proposed project to avoid all areas within a 250-foot buffer around the potential nesting habitat, and surveys will be concluded.

BIO–MIT 12: Preconstruction Surveys. If the project proponent chooses not to avoid the potential nesting habitat and the 250-foot buffer, additional nesting surveys are required. Prior to any ground disturbance related to covered activities, a qualified biologist will:

a. Make his/her best effort to determine if there has been nesting at the site in the past 5 years. This includes checking the CNDDB, contacting local experts, and looking for evidence of historical nesting (i.e., old nests).
b. If no nesting in the past 5 years is evident, conduct a preconstruction survey in areas identified in the habitat survey as supporting potential tricolored blackbird nesting habitat. Surveys will be made at the appropriate times of year when nesting use is expected to occur. The surveys will document the presence or absence of nesting colonies of tricolored blackbird. Surveys will conclude no more than 2 calendar days prior to construction.

To avoid last-minute changes in schedule or contracting that may occur if an active nest is found, the project proponent may also conduct a preliminary survey up to 14 days before construction. If a tricolored blackbird nesting colony is present (through Steps 1 or 2 above), a 250-foot buffer will be applied from the outer edge of all hydric vegetation associated with the site and the site plus buffer will be avoided (see below for additional avoidance and minimization details). The project proponent will notify the local jurisdiction or the Habitat Agency, and the Habitat Agency will notify the Wildlife Agencies immediately of nest locations.

BIO–MIT 13: Avoidance and Minimization. Covered activities must avoid tricolored blackbird nesting habitat that is currently occupied or has been used in the past 5 years. If tricolored blackbird colonies are identified during the breeding season, covered activities will be prohibited within a 250-foot no-activity buffer zone around the outer edge of all hydric vegetation associated with the colony. This buffer may be reduced in areas with dense forest, buildings, or other habitat features between the construction activities and the active nest colony, or where there is sufficient topographic relief to protect the colony from excessive noise or visual disturbance.

Depending on site characteristics, the sensitivity of the colony, and surrounding land uses, the buffer zone may be increased. Land uses potentially affecting a colony will be observed by a qualified biologist to verify that the activity is not disrupting the colony. If it is, the buffer will be increased. Habitat Agency technical staff will coordinate with the Wildlife Agencies and evaluate exceptions to the minimum no-activity buffer distance on a case-by-case basis.

BIO–MIT 14: Construction Monitoring. If construction takes place during the breeding season when an active colony is present, a qualified biologist will monitor construction to ensure that the 250-foot buffer zone is enforced. If monitoring indicates that construction outside of the buffer is affecting a breeding colony, the buffer will be increased if space allows (e.g., staging areas moved farther away). If space does not allow, construction will cease until the colony abandons the site or until the end of the breeding season, whichever occurs first. The biological monitor will also conduct training of construction personnel on avoidance procedures, buffer zones, and protocols in the event that tricolored blackbirds enter an active construction zone (i.e., outside the buffer zone).

The subject property is not located in any state or federally protected wetlands. Riparian, aquatic, and serpentine communities present in the greater subject parcel are considered sensitive; however, there is no serpentine within the project site and the small riparian and aquatic areas within the project site are entirely avoided. According to the biological report, no impacts to special-status natural communities are anticipated.

Sensitive Habitat

With development proposed to occur within previously disturbed non-native grassland areas of the site (fallow agricultural field), and with the serpentine area in the southwestern portion of the site completely avoided, no impacts to special-status plants within the project vicinity are expected to occur. The project site is void of suitable habitat for special-status species.

Riparian, aquatic, and serpentine communities present in the greater subject parcel are considered sensitive; however, the serpentine area is outside of the project site.

b – c) Less Than Significant Impact with Mitigation. Development is proposed to take place in an area that is disturbed from past bike use. There is a small creek in the southeastern corner of the project site, and a riparian area at the far northern corner. The creek enters the site to the northeast of the existing barn and continues behind the barn. The riparian area is located at the tip of the northern corner of the project site. The proposed project does not include disturbance in the areas where these features occur. There are no proposed improvements within the vicinity of the creek, and the nearest proposed improvement (replacement leach field) is located a minimum of 300 feet from the riparian area.

As show in Figure 9 above, the site contains serpentine areas at the northern edge of the property. Focused plant surveys for the serpentine areas, special serpentine fees, least Bell's vireo and tricolored blackbird surveys in the riparian area at the northern-most corner of the site, and a riparian buffer setback would be required according to the Habitat Plan if the project site analyzed in this report included the 35 acres in the southwestern portion of the parcel. However, none of these are required as the project site does not include these resource areas for the southwestern portion of the property. A Habitat Plan permit and associated fees would still be required prior to development due to their presence on the project site.

According to the Biologist, impacts to potentially jurisdictional features are not anticipated as there is no riparian habitat within the development area. The Project is also not found to 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 nor 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.

d) Less Than Significant Impact with Mitigation. According to the Habitat Plan land cover type data, the 55-acre subject parcel is comprised mainly of "Grain, Row-crop, Hay & Pasture, Disked/Short-term Fallowed (15.2 acres)" and "Mixed Oak Woodland and Forest (33.3 acres)" land covers, with small amounts of "California Annual Grassland (2.4 acres)", Serpentine Bunchgrass Grassland (2.5 acres)", and "Rural Residential (0.4 acres)".

Trees on the project site include native coast live oak (Quercus agrifolia), along with non-native ornamental (planted) olive (Olea sp.) and English walnut (Juglans regia), plus additional species at the eastern edge of the project site, adjacent to El Matador Drive. The northern portion of the property is composed of oak woodland and at the approximate center of the project site with non-native grasses and ruderal (weedy) vegetation within the fallow agricultural field, as further shown in Figure 9. Development is situated outside of the oak woodland habitat, with permitted removal of a falling oak tree in the area of the proposed water tanks.

Nesting Birds

The trees on and around the project site could support nesting birds. Raptors such as red-shouldered hawk (Buteo linatus) and red-tailed hawk (Buteo jamaicensis) could use trees as foraging and perch sites. Bat species such as hoary bat (Lasiurus cinereus), pallid bat (Antrozous pallidus), and Townsend's big-eared bat (Corynorhinus townsendii) could roost in trees in and adjacent to the project site, however, impacts to these species are not anticipated with mitigations 7 through 9 which address impacts to potentially nesting birds and roosting during any disturbance during nursery season. Therefore, with mitigations 4 through 9 will be a less than significant effect on oak woodland habitat as defined by Oak Woodlands Conservation Law (conversion/loss of oak woodlands) – Public Resource Code 21083.4.

e) Less Than Significant Impact. California Department of Fish and Wildlife, Conservation Analysis Unit (CAU) develops and maintains spatial data and models of wildlife movement, corridors, and habitat connectivity across California. Wildlife movement includes migration (i.e., usually movement one way per season), inter-population movement (i.e., long-term dispersal and genetic flow), and small travel pathways (i.e., daily movement within an animal's territory). Ecological corridors and wildlife corridors alike help connect habitats which set the foundation for many important ecological processes such as genetic flow, dispersal, seasonal migrations, and habitat shifts in response to climate change. As the human population continues to grow, so do demands for new development and infrastructure. This leads to urbanization of lands that were once wild, and the fragmentation of the surrounding habitats that remain.

The project vicinity includes important wildlife movement corridors. The oak and other trees are potentially important for roosting birds and possibly bats. The non-native grasslands can provide both stopover and nesting habitat for migrating birds and small mammals. Obstructions to these corridors could 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. Proposed development of the subject area does not impact the oak woodland at the approximate center of the project site, and additional woodland areas exist immediately to the west. According to the Biologist Report, there is ample land surrounding the project site such that any wildlife can continue with alternate routes. Therefore, impact to wildlife movement should be negligible and considered less than significant.

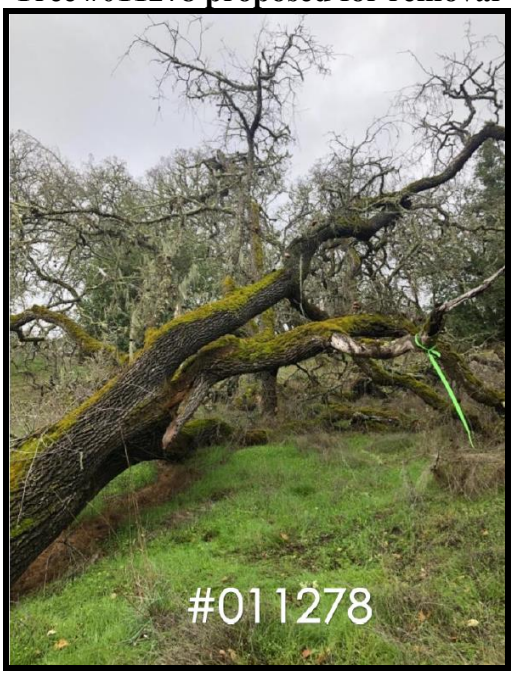
f – g) Less Than Significant Impact. The project is subject to the Habitat Conservation Plan. According to the Santa Clara Valley Habitat Agency Geobrowser (Habitat Agency 2019), the project site is located within the Habitat Plan permit area, in Fee Zone A (Ranchlands and Natural Lands) and Fee Zone B (agricultural and valley floor lands). According to the Habitat Plan land cover type data, the entire 55-

acre subject parcel is mapped mainly as “Grain, Row-crop, Hay & Pasture, Disked/Short-term Fallowed (15.2 acres)” and “Mixed Oak Woodland and Forest (33.3 acres)”, with “California Annual Grassland (2.4 acres)”, Serpentine Bunchgrass Grassland (2.5 acres)”, and “Rural Residential (0.4 acres)”. Focused surveys would be required for serpentine areas, least Bell’s vireo and tricolored blackbird areas as well as surveys in the riparian area at the northern-most corner of the site, and a riparian buffer setback would be required according to the Habitat Plan if the project site analyzed in this report included the 35 acres in the southwestern portion of the parcel. However, no surveys would be required, other than for tricolored black bird along the parking lot area. Habitat Plan permit fees would still be required prior to issuance of either grading or building permits. As a result, the project would be in compliance with the Habitat Plan and impacts to these resources would be considered less than significant.

Tree Removal

An Arborist Report was prepared by Moki Smith dated November 13, 2020 and October 28, 2021 in order to inventory protected trees within the development area. According to that Report, only one tree would be significantly impacted by construction, referred to as Tree #011278, the "fallen" Valley oak within the proposed location of the water tank. Pursuant to the County Guidelines for Tree Protection and Preservation, replacement of trees would not be required however the applicant proposes to plant 464 native drought tolerant trees. As proposed, the project would not conflict with any local policies or ordinances protecting biological resources, including the County’s tree preservation policy, and therefore there would be a less than significant impact.

Figure – 10
Tree #011278 proposed for removal



MITIGATION: Refer to **BIO – MIT 1** through **BIO – MIT 14**.

E. CULTURAL RESOURCES		
	IMPACT	**SOURCE**

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

SETTING: Total development would consist of approximately 10 acres of the 54.59-acre site and would include the demolition of an existing barn. Development of the camp and retreat would consist of 18 structures totaling 53,260 sq. ft. An accessory structure used as a barn is located along El Matador and will be demolished as part of this project. The subject site is not listed as historically significant nor listed on the local register, nor are any historically significant structures on the property.

Figure 11 –
Aerial Image of Site in 1995

Regulatory Framework

Federal

National Register of Historic Places

The National Register of Historic Places (NRHP) is the official list of the nation's historic places worthy of preservation. The NRHP is authorized by the National Historic Preservation Act of 1966 and is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect American historic and archaeological resources.[6]

State

California Register of Historical Resources
The California Register of Historical Resources (CRHR) is intended to encourage public recognition and protection of resources of architectural, historical, archeological and cultural significance; it identifies historical resources for State and local planning purposes, determines eligibility for State historical preservation grant funding, and affords certain protections under CEQA. Criteria for designation under the CRHR includes the following:

- Associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States (Criterion 1).
- Associated with the lives of person important to local, California, or national history (Criterion 2).
- Embodies the distinctive characteristics of a type, period, region or method of construction or represents the work of a master or possesses high artistic values (Criterion 3).
- Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation (Criterion 4).

DISCUSSION:
A Cultural Resources Evaluation of the site was conducted by William Roop of Archaeological Resource Service dated December 23, 2020. As part of this evaluation, the area was examined for any indication of an archaeological deposit and no artifacts, discolored soils, burned rocks, shell, or other potential indicators of the presence of archeological materials was observed west of Redwood Retreat Road. The cultural resources evaluation and archaeological investigation stated that no artifacts or potentially significant cultural features were observed at any location in the project area.

a) No Impact. As discussed in the Existing Setting, above, no historical resources are located on-site. Thus, project implementation would not cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines. Therefore, there will be no impact to historic resources due to demolition of alterations.

b-c) Less than Significant Impact. The Report concluded that the potential for uncovering intact subsurface archaeological deposits during construction is considered low. Additionally, no potentially significant artifacts or features were observed at any location in the project area. While unlikely, there is always a possibility that unknown resources could be uncovered during any site disturbance activities. As such, a standard condition of approval will be applied to the project, stating that in the event that previously unidentified cultural (archaeological) resources are encountered during any ground disturbance activities, such as concentration of flaked stone artifacts, or culturally modified soil (midden), the project would be immediately halted until an archaeologist evaluates the find and determines appropriate subsequent procedures in accordance with Federal, State, and local guidelines, including those set forth in the California Public Resources Code Section 21083.2. With compliance with this standard condition, impacts to archaeological resources would be to less than significant levels.

6 National Park Services, Register of Historical Places. National Register of Historic Places (U.S. National Park Service) (nps.gov) accessed February 6, 2023.

It is not anticipated that human remains, including those interred outside of formal cemeteries, would be encountered during construction activities. If human remains are found, however, those remains would require proper treatment, in accordance with applicable laws. California Health and Safety Code Sections 7050.5 through 7055 describe the general provisions for human remains. Following compliance with these regulations, impacts related to the disturbance of human remains are less than significant.

MITIGATION:
None required.

F. ENERGY

	IMPACT				SOURCE
WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary construction of energy resources during project consumption or operation?	☐	☐	☒	☐	3, 5
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐	5

SETTING: The project entails the development of 18 structures for a silent camp and retreat. The project proposes lighting and landscaping in the parking lot in accordance with County Zoning Ordinance § 4.30.070. Proposed landscaping exceeds 500 sq. ft. and is therefore subject to the County's Sustainable Landscaping Ordinance. All new structures will require building permits that are subject to the California Building Code and its associated energy usage regulations.

Regulatory Framework

State

California Building Energy Efficiency Standards (Title 24)
The 2019 California Building Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations, Title 24, Part 6), commonly referred to as "Title 24," became effective on January 1, 2020. Title 24 requires the design of buildings to conserve energy. The standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods. Under 2019 Title 24 standards, nonresidential buildings would use about 30 percent less energy, mainly due to lighting upgrades, when compared to those constructed under 2016 Title 24 standards.

California Green Building Standards (CALGreen)
The CALGreen Code (California Code of Regulations, Title 24, Part 11), is a statewide mandatory construction code that was developed and adopted by the California Building Standards Commission and the California Department of Housing and Community Development. CALGreen standards require new residential and commercial buildings to comply with mandatory measures under five topical areas: planning and design; energy efficiency; water efficiency and conservation; material conservation and resource efficiency; and environmental quality. CALGreen also provides voluntary tiers and measures that local governments may adopt which encourage or require additional measures in the five green building topics. The most recent update to the CALGreen Code was adopted in 2019 and went into effect

on January 1, 2020. CALGreen requires new buildings to reduce water consumption by 20 percent, divert 50 percent of construction waste from landfills, and install low pollutant-emitting materials.

DISCUSSION:
a & b) Less Than Significant Impact. The project involves the development and operation of 18 structures for the operation of a silent retreat. When building permits are applied for, the project would be required to comply with 2019 Title 24 and CALGreen standards pertaining to building energy efficiency. Compliance with 2019, Title 24 standards and 2019 CALGreen Code would ensure the project incorporates energy-efficient windows, insulation, lighting, and ventilation systems, as well as low flow fixtures.

Construction energy consumption would be temporary and would not require additional capacity or increased peak or base period demands for electricity or other forms of energy. The project would not result in wasteful, inefficient, or unnecessary consumption of energy.

MITIGATION:
None required.

G. GEOLOGY AND SOILS					
	IMPACT				**SOURCE**
WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒	6, 17c, 42, 43, 44
ii) Strong seismic ground shaking?	☐	☐	☐	☒	6, 17c, 42, 43
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒	6, 17c, 17n, 42, 43
iv) Landslides	☐	☐	☐	☒	6, 17j, 42, 43
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒	6, 10, 23, 24, 42
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒	2, 3, 17c, 42, 43
d) Be located on expansive soil, as defined in the report, *Soils of Santa Clara County*, creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐	14, 23, 24, 42, 43
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒	3, 6, 23, 24, 42, 43
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒	4, 6, 40, 41

SETTING: Total development would consist of approximately 10 acres of the 54.59-acre site and would include the demolition of an existing barn. Development of the camp and retreat would consist of 18 structures totaling 53,260 sq. ft. Associated development would include, among other things, grading to create a driveway, parking area, and building pad areas for the 18 buildings. The property is not located

in a fault rupture, landslide, or earthquake hazard zone. Additionally, none of the improvements are in the County liquefication zone, no known unique geologic features have been identified on the property, and the development is not located on soils with high shrinkage and swelling.

DISCUSSION:

a- i, ii, & iv, b, c, e & f) No Impact. The site is not within any designated State Earthquake Fault Zone or State Seismic Hazard Zone mapped for earthquake faults by the California Geological Survey. The project site is not located within an Alquist-Priolo Earthquake Fault Zone. The possibility of damage due to ground rupture is considered low since no active faults are known to cross the site or be present in the vicinity (the closest fault is located approximately 0.73 miles away). Therefore, the likelihood of surface fault rupture at the site is minimal.

Furthermore, the site is not located in Santa Clara County geologic hazard zones for fault rupture, landslides, or soil liquefaction, and potentially liquefiable soils were not encountered in exploratory borings. Thus, measures to mitigate potential soil liquefaction and other geologic hazards are not considered necessary for the project. Adherence to the California Building Code will ensure planned improvements will be designed to resist seismic shaking in accordance with current California Building Code (CBC) requirements.

The average slope of the entire parcel is 28.9%. However, the eastern portion of the lot where most of the development is proposed is relatively flat, therefore, the likelihood of soil erosion is low. The soil type is not unstable, nor is it a type that would become unstable as a result of the project. Given the topography of the site, the development will not potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. The project was reviewed by the County Geologist and no geological hazards or concerns were notated for the proposed development.

Percolation tests and soil profiles have been conducted by Questa Engineering Corporation on March 2021, and test results and analysis indicate that the project site can accommodate the anticipated wastewater flows from the proposed Project and meet the requirements of the Santa Clara County Onsite Wastewater Systems Ordinance. Percolation testing showed excellent rates throughout the three areas proposed for wastewater disposal. Soil conditions in the disposal areas consist of sandy loams and sandy clay loams that are excellent for wastewater disposal. Proper separation to groundwater can be maintained in the proposed wastewater disposal areas due to the well-drained nature of the soils, lack of any observed mottling in the upper soil horizons, and the proposed use of shallow subsurface drip disposal systems. Cumulative impact analysis shows that with the combined used of an alternative secondary pre-treatment system and sub-surface drip disposal fields, the proposed system will meet the minimum groundwater mounding requirements in each disposal area and have final nitrate concentration values well below the 7.5mg/N/L criterion. Data was provided to and reviewed by County Department of Environmental Health (DEH). DEH staff have determined that the soils are capable of supporting a septic system which meets County requirements.

d) Less than Significant Impact. Expansive soils are those that undergo volume changes as moisture content fluctuates, swelling substantially when wet or shrinking when dry. Soil expansion can damage structures by cracking foundations, causing settlement, and distorting structural elements. A search on the County's Soils of Santa Clara County GIS map indicates that the site, particularly the eastern portion of the proposed development, contains soils with shrink-swell values ranging from 3.60 to 7.40, indicating moderate to high shrink-swell potential. Moderately to highly expansive soils can damage buildings, roads, hardscape, and other structures. Prior to issuance of a building permit, the applicant will be required to submit a geotechnical (soils) report that includes laboratory testing to determine the expansion potential of the near surface soils and recommendations to mitigate the potential impacts of expansive

soils on foundations and other proposed improvements. Typical remedial measures to mitigate expansive soils include, but are not limited to, removal and replacement with non-expansive materials, deepened foundations, post-tensioned slabs, and lime treatment. A plan review letter prepared by the geotechnical consultant confirming that their recommendations were incorporated into the design plans will also be required prior to issuance of a building permit. During construction, observation and testing by the geotechnical consultant will be required. Upon completion of construction, a construction observation letter prepared by the geotechnical consultant will be required prior to issuance of a final building permit. Implementation of these measures will reduce the potential impact of expansive soils on the project to a less than significant level.

MITIGATION:
None required.

H. GREENHOUSE GAS EMMISSIONS					
	IMPACT				**SOURCE**
WOULD THE PROJECT:	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?	☐	☐	☒	☐	5, 29, 30
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐	5, 29, 30

SETTING: 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.

Regulatory Framework

California Building Energy Efficiency Standards

The 2019 Building Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations, Title 24, Part 6), commonly referred to as "Title 24," became effective on January 1, 2020. Title 24 requires the design of buildings to conserve energy. The standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods. Under 2019 Title 24 standards, nonresidential buildings would use about 30 percent less energy (mainly due to lighting upgrades) when compared to 2016 Title 24 standards. The standards require installation of energy efficient windows, insulation, lighting, ventilation systems, and other features that reduce energy consumption in homes and businesses.

California Green Building Standards (CALGreen) and the CALGreen Code (California Code of Regulations, Title 24, Part 11), is a statewide mandatory construction code that was developed and adopted by the California Building Standards Commission and the California Department of Housing and Community Development. CALGreen standards require new residential and commercial buildings to comply with mandatory measures under five topical areas: planning and design; energy efficiency; water efficiency and conservation; material conservation and resource efficiency; and environmental quality. The Bay Area Air Quality Management District (BAAQMD) adopted GHG emissions thresholds of significance to assist in the review of projects under CEQA. These thresholds were created to provide the level at which the BAAQMD has determined that GHG emissions would cause significant environmental impacts. The GHG emissions thresholds identified by BAAQMD are shown below in Table 1.

Table 1
BAAQMD CEQA Significance Thresholds

Criteria Air Pollutant	Construction Thresholds	Operational Thresholds	
	Average Daily Emissions (lbs./day)	Average Daily Emissions (lbs./day)	Annual Average Emissions (tons/year)
ROG	54	54	10
NO_x	54	54	10
PM_{10}	82 (Exhaust)	82	15
$PM_{2.5}$	54 (Exhaust)	54	10
CO	Not Applicable	9.0 ppm (8-hour average) or 20.0 ppm (1-hour average)	
Fugitive Dust	Construction Dust Ordinance or other Best Management Practices	None	
Health Risks and Hazards	**Single Sources Within 1,000-foot Zone of Influence**	**Combined Sources (Cumulative from all sources within 1000-foot zone of influence)**	
Excess Cancer Risk	10 per one million	100 per one million	
Hazard Index	1.0	10.0	
Incremental annual $PM_{2.5}$	0.3 µg/m^3	0.8 µg/m^3	
Note: ROG = reactive organic gases, NOx = nitrogen oxides, PM_{10} = course particulate matter or particulates with an aerodynamic diameter of 10 micrometers (µm) or less, $PM_{2.5}$ = fine particulate matter or particulates with an aerodynamic diameter of 2.5µm or less.			

Source: Bay Area Air Quality Management District, 2017

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

DISCUSSION:
a & b) Less than Significant Impact. The proposed use would have minimal greenhouse gas emission impacts stemming from vehicles traveling to and from the site, which typically use fossil-based fuels to operate. The Traffic Impact Analysis prepared by Alex Georgevitch Consulting anticipates that the proposed project would generate up to 92 average daily trips during the 10-day retreat courses. The threshold for further vehicle miles traveled (VMT) analysis in the State's Technical Advisory on Evaluating Transportation Impacts in CEQA is 110 daily trips. Therefore, the proposed use is exempt from further VMT analysis pursuant to the State guidelines. As such, it is anticipated that vehicle trips generated by the proposed use are minimal.

Project excavation, grading, and construction would also generate GHG emissions, but those would be temporary, occurring only over the construction period, and would not result in a permanent increase in GHG emissions. The California Emissions Estimator Model (CalEE Mod) Version 2022.1.1.21 was used to estimate the emissions from on-site construction activity, construction vehicle trips and

evaporated emission. The project land use type was inputted as General Office, as this was the closest land use type to predict emissions from construction traffic which includes worker travel and haul trucks for site preparation. Table 2 below shows the annualized average daily construction emissions, which would not exceed the BAAQMD significance thresholds during any year of construction.

Table 2
Construction Period Emissions

Year	ROG	Nox	PM_{10} Exhaust	$PM_{2.5}$ Exhaust
2024	0.09	0.86	0.04	0.03
Average Daily Construction Emissions Per year (pounds/day)				
2024				
BAAQMD Thresholds *(pounds per day)*	54	54	82	54
Exceed Thresholds?	No	No	No	No

The proposed structures would need to be in compliance with the Department of Planning and Development's all-electric reach codes, which would be reviewed during the building permit process, which combats climate pollution by reducing greenhouse gas emissions. As such, the project would have a less than significant impact on greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, and would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.

MITIGATION:
None required.

I. HAZARDS & HAZARDOUS MATERIALS					
	IMPACT				SOURCE
WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	**Source**
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒	1, 3, 4, 5
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒	2, 3, 5
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 1/4 mile of an existing or proposed school?	☐	☐	☐	☒	47
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?	☐	☐	☐	☒	48
f) For a project located within an airport land use plan referral area or, where such a plan has not been adopted, within two miles of a public airport or public use airport, or in the vicinity of a private airstrip, would the project result in a safety hazard, or excessive noise for people residing or working in the project area?	☐	☐	☐	☒	3, 22a
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐	5, 49
h) Expose people or structures either directly or indirectly to a	☐	☐	☒	☐	4, 17g

I. HAZARDS & HAZARDOUS MATERIALS					
	IMPACT				SOURCE
WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
significant risk of loss, injury or death involving wildland fires?					

SETTING: Total development would consist of approximately 10 acres of the 54.59-acre site and would include the demolition of an existing barn. Development of the camp and retreat would consist of 18 structures totaling 53,260 sq. ft. The site is not located at or adjacent to any hazardous sites. The project site is not listed on the County of Santa Clara Hazardous Waste and Substance Sites List, and it is not located in the County Airport Land Use plan area. The project is located within the very high Wildlife Urban Interface (WUI) area.

Regulatory Framework

Local

County Hazardous Materials Business Plan (HMBP) program is to protect both human and environmental health from adverse effects as a result of the storage or possible release of those materials. This is done primarily by documenting significant amounts of hazardous materials so that emergency responders can effectively protect the public.

The Airport Land Use Plan was adopted in order to protect the public from the adverse effects of aircraft noise, to ensure that people and facilities are not concentrated in areas susceptible to aircraft accidents, and to ensure that no structures or activities adversely affect navigable airspace. The closest airport is the San Martin Airport.

State

California Environmental Protection Agency

The California Environmental Protection Agency (CalEPA) is tasked with protecting and enhancing the environment, to ensure public health, environmental quality, and economic viability. CalEPA oversees the development, implementation and enforcement of environmental laws that regulate air, water and soil quality, pesticide use and waste recycling and reduction. CalEPA consists of several departments which carry out the agency's mission and include the California Air Resources Board (CARB), the Department of Pesticide Regulation (DPR), the Department of Resources Recycling and Recovery (CalRecycle), the Department of Toxic Substances Control (DTSC), the Office of Environmental Health Hazard Assessment (OEHHA), and the State Water Resources Control Board (SWRCB).[7] Specifically, DTSC carries out CalEPA's mission by compiling and updating the Cortese List which includes a list of several types of hazardous material gathered by various agencies.

Wildland Urban Interface

The California Department of Forestry and Fire Protection (CAL FIRE) is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. The Fire Hazard Severity Zone maps were developed using a science-based and field-tested computer model that assigns a hazard score based on the factors that influence fire likelihood and fire behavior.

DISCUSSION:

7 California Environmental Protection Agency. About Us | CalEPA Accessed February 8, 2023.

a, b, c, d, e, f) No Impact. The project consists of the development of 18 structures, totaling 53,260 sq. ft., over the 54.59-acre site for the purpose of establishing a silent meditation retreat facility. The project does not include the transportation, or release of any hazardous materials.

The closest school is the Pacific Point Christian Elementary School, which is approximately 2.8 miles southwest of the subject property. No hazardous materials are expected to be emitted from the project, the project site is located beyond the one-quarter mile from schools.

The project site is not designated as hazardous under County Code Section 65962.5. The property is outside of the County Airport Land Use plan area and would not create excessive noise for people residing or working in the project area due to proximity to an airport.

g, h) Less than Significant Impact. The project is located within the Wildland Urban Interface area (WUI). Proposed buildings shall be equipped with an approved fire sprinkler system complying with National Fire Protection Association Codes and Standards (NFPA) 13. The Project proposes to construct a 97,000-gallon storage tank for fire suppression and potable water needs and will be conditioned to comply with fire safety requirements in order to reduce impacts to less than significant. The proposed project will not impair or physically interfere with any emergency response or evacuation plans. As such, this project will not expose people or structures either directly or indirectly to a significant risk of loss, injury or death involving wildland fires.

MITIGATION:
None required.

J. HYDROLOGY AND WATER QUALITY

	IMPACT				SOURCE
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐	34, 35, 36, 37, 38, 39
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐	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:	☐	☐	☒	☐	3, 17n
i) Result in substantial erosion or siltation on- or off-site	☐	☐	☒	☐	3, 17p
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☐	☒	☐	1, 3, 5, 36, 21a
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐	1, 3, 5
iv) Impede or redirect flood flows?	☐	☐	☒	☐	3, 17p, 18b, 18d
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒	3, 18b, 18d
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒	2, 3, 4, 17p

SETTING: Based on County GIS data, the parcel is not located within the Special Flood Hazard Area or in a Flood Plain. Surrounding parcels to the north are located within the floodplain but no activity is proposed in these areas.

The project site, located in Santa Clara County (County) near the City of Gilroy, is within the Llagas Subbasin, which is a portion of the Gilroy-Hollister Valley Groundwater Basin. According to the Valley Water's 2021 Ground Water Management Plan (GWMP), between the years of 2010 to 2019 the Gilroy-Hollister Valley Groundwater Basin was designated a high priority basin. As documented in Valley Water's 2021 GWMP, the long-term average groundwater pumping in the Llagas Subbasin is about 42,000 acre-feet per year (AFY). It should be noted that Valley Water estimates the operational storage capacity of the Llagas Subbasin to range between 152,000 and 165,000 acre-feet (AF). The Llagas Subbasin, while a high priority subbasin, is not in a condition of chronic overdraft because of Valley Water's managed recharge of local and imported surface water.

Regulatory Framework

Federal

Clean Water Act
The Federal Water Pollution Control Act, commonly referred to as the Clean Water Act (CWA) was enacted in 1948 and expanded in 1972 as a basic structure for regulating discharges of pollutants into the waters of the United States. The U.S. Environmental Protection Agency (EPA) is the federal agency responsible for water quality management pursuant to the CWA. The purpose of the CWA is to protect and maintain the quality and integrity of the Nation's waters by requiring states to develop and implement state water plans and policies.

State

Porter-Cologne Water Quality Control Act
The Porter-Cologne Water Quality Control Act (Division 7 of the California Water Code) provides the basis for water quality regulation within California and establishes the authority of the California State Water Resources Control Board (SWRCB). The SWRCB administers water rights, sets state policy for water pollution control, and implements various water quality functions throughout the state, while the California Regional Water Quality Control Board (RWQCB) conducts planning, permitting, and most enforcement activities. The proposed Project is within the jurisdiction of Region 3, the Central Coast Regional Water Quality Control Board (CCRWQCB).

National Pollutant Discharge Elimination System (NPDES) Waste Discharge Program
The Clean Water Act established the NPDES program to protect the water quality of receiving waters of the United States. In California, the SWRCB and RWQCBs implement the NPDES program, which is integrated with the Porter-Colognes Act's waste discharge requirements (WDRs) program. Under Clean Water Act Section 402, discharging pollutants to receiving waters of the United States is prohibited unless the discharge is in compliance with an NPDES permit. There are two types of NPDES permits: individual permits tailored to an individual facility and general permits that cover multiple facilities or activities within a specific category. The NPDES permit relevant to the Project is described below.

NPDES Construction General Permit
The State of California adopted a Construction General Permit as part of the NPDES program on September 2, 2009 (Order No. 2009-0009-DWQ as amended by 2010-0014-DWQ and 2012- 0006-

DWQ). The Construction General Permit regulates construction site stormwater management by mandating that 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, must obtain coverage under the Construction General Permit for discharges of stormwater associated with their construction activity. The project is then required to comply with the permit requirements that serve to control stormwater discharges from the project site. Construction activity subject to this permit include clearing, grading, and disturbances to the ground, such as stockpiling or excavation as would occur on the future soil borrow site, as well as construction of buildings.

Anti-Degradation Policy

The SWRCB Anti-Degradation Policy, formally known as the Statement of Policy with Respect to Maintaining High Quality Water in California (SWRCB Resolution No. 68-16), restricts degradation of surface and groundwaters. Specifically, this policy protects water bodies where existing quality is higher than necessary for the protection of beneficial uses and requires that existing high quality water bodies be maintained to the maximum extent possible. Discharges from the Project that could affect surface water quality would be required to comply with the Anti-Degradation Policy, which is included as part of the NPDES permit requirements for point source discharges.

Sustainable Groundwater Management Act of 2014

The Sustainable Groundwater Management Act of 2014 (SGMA) applies to all groundwater basins in California (Water Code Section 10720.3). By enacting the SGMA, the California state legislature intended to provide local agencies with the authority and the technical and financial assistance necessary to sustainably manage groundwater within their jurisdiction (Water Code Section 10720.1). Pursuant to SGMA, any local agency that has water supply, water management, or land use responsibilities within a groundwater basin may elect to be a "groundwater sustainability agency" (GSA) for that basin (Water Code Section 10723). Santa Clara Valley Water District (Valley Water) is the GSA for the Santa Clara and Llagas subbasins and has an adopted Groundwater Management Plan (GWMP) for these subbasins. Groundwater management actions developed in the GWMP would pertain to the groundwater pumping proposed by the proposed Project and all other groundwater users overlying these subbasins.

California Safe Drinking Water Act

The proposed Project is subject to clearance from the Division of Drinking Water (DDW) of the State Water Resources Control Board to proceed with development of a Public Water System. The applicant has submitted the following technical reports and information to address development of a public water system. Environmental Science Associates (ESA) provided third-party review of said reports in association with development of a public water system for the proposed Project.

1. Project Description, prepared by BAVC, dated May 19, 2021
2. Water Supply Assessment, prepared by Mohr HydroGeoScience, updated;
3. Bay Area Vipassana Center, Consolidation Evaluation and Water Supply Permit Requirements, prepared by State Water Resources Control Board, Division of Drinking Water, dated February 9, 2021;
4. BAVC On-Site Wastewater Disposal Feasibility Report, prepared by Questa Engineering Corp., dated April 2021;
5. Water Supply Assessment Addendum, prepared by Mohr HydroGeoScience, dated December 16, 2021;

6. E-mail Regarding BAVC Test Well Requirements for Conversion to Production Well, prepared by State Water Resources Control Board, Division of Drinking Water, dated July 6, 2022;
7. BAVC Test Well Installation and Testing Report, prepared by Luhdorff & Scalmanini. dated July 26, 2022;
8. CEQA Impacts Analysis – Hydrology and Water Quality: Water Supply, Storm Water and Waste Water, prepared by Mohr HydroGeoScience, dated October 25, 2022;
9. Request for Siting and Design Concurrence – BAVC Test Well No. 1, prepared by Luhdorff & Scalmanini, dated November 8, 2022.
10. BAVC Permit Process and Status, prepared by State Water Resources Control Board, Division of Drinking Water, dated January 19, 2023

County of Santa Clara

Santa Clara General Plan
The County of Santa Clara General Plan Safety and Noise element contains the following planning strategies, policies, and implementation recommendations regarding water quality:

- Policy 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:
    a. erosion and sedimentation
    b. organic matter and wastes
    c. pesticides and herbicides
    d. effluent from inadequately functioning septic systems
    e. effluent from municipal wastewater treatment plants
    f. chemicals used in industrial and commercial activities and processes
    g. industrial wastewater discharges
    h. hazardous wastes
    i. non-point source pollution
- Policy C-RC 19: The strategies for maintaining and improving water quality on a countywide basis, in addition to ongoing point source regulation, should include:
    a. effective non-point source pollution control
    b. restoration of wetlands, riparian areas, and other habitats which serve to improve Bay water quality
    c. comprehensive Watershed Management Plans and BMPs
- Policy R-RC 13: Sedimentation and erosion shall be minimized through controls over development, including grading, quarrying, vegetation removal, road and bridge construction, and other uses which pose such a threat to water quality.
- Policy R-RC 35: Flood control modifications to be made in streams that have substantial existing natural areas should employ flood control designs which enhance riparian resources and avoid to the maximum extent possible significant alteration of the stream, its hydrology, and its environs.

- Policy R-RC 43: Large scale grading and clearing of land should not be allowed if it will significantly degrade valuable habitat or impair surface water quality.

- Policy R-RC 73: The extraction of mineral resources, including sand and gravel, should be carefully conditioned and regulated to mitigate potential adverse environmental impacts, including mitigation measures for potential increases in siltation and/or pollution of water resources to adequately protect the local water supply.

Santa Clara Valley Water District
Valley Water operates as the water supply and flood management agency for the County. Valley Water's stewardship includes creek restoration, pollution prevention efforts, and groundwater recharge. Valley Water requires permits for all new wells including construction and abandonment/destruction work, and most exploratory boring for groundwater exploration.

DISCUSSION:

Construction
Construction of the proposed project would occur after the Division of Drinking Water (DDW) of the State Water Resources Control Board has granted clearance to proceed with development of a Public Water System.

Proposed Project construction would require the use of water for dust control and other construction activities, which will be sourced from on-site wells. As stated in the Project Description, the proposed Project includes approximately 53,260 sq. ft. (approximately 1.25 acres) of impervious surfaces associated with new structures and facilities, not including 122 parking spaces[8]. The parking area will be constructed of compacted aggregate base that would allow for positive drainage. Aggregate base is somewhat pervious and would therefore allow stormwater to percolate into the underlying geology and provide local recharge to the underlying groundwater system. Although the proposed project would include approximately 1.25 acres of impervious surfaces the majority of the 54.49-acre site (approximately 53.24 acres) would remain as undeveloped grassland, oak woodlands, native open space and bioretention swales and would largely remain capable of groundwater recharge during storm events.

Operations
Water demand for the proposed project during operation is estimated at 6,160 gallons per day (gpd) for the Average Day Demand (ADD) and 8,440 gpd for the Maximum Daily Demand (MDD)[9], based on water use records from a similar meditation center currently operating in California's Central Valley. For sustainability purposes, the Proposed project would use several water-saving methods including the installation of low-flow toilets, showers and lavatory fixtures, and the use of graywater, as applicable and rainfall harvesting for irrigation purposes to reduce on-site water demand.

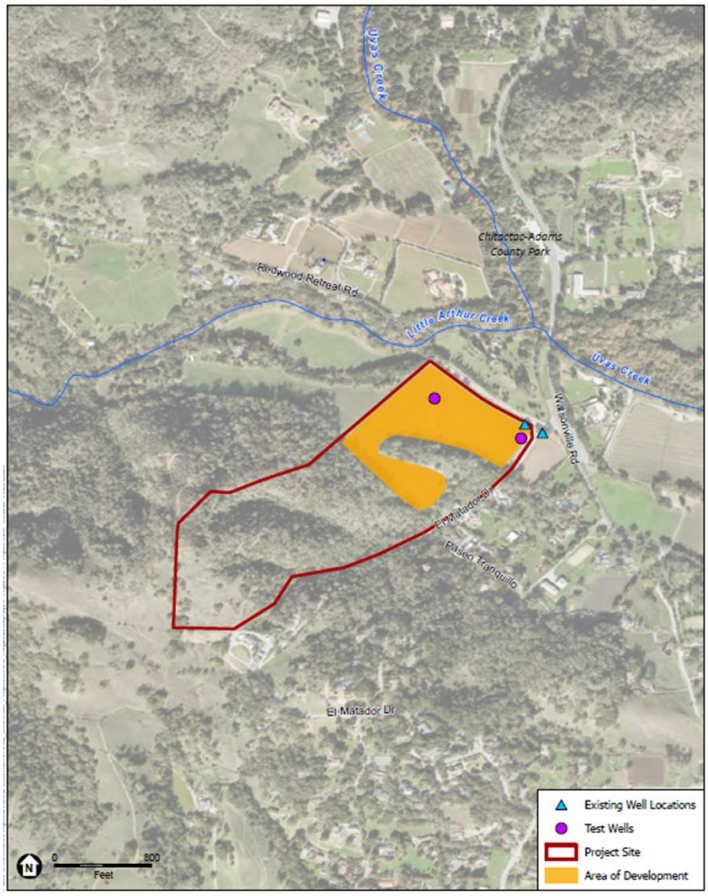
If the site operated at MDD for a year, the amount of water used would be approximately 9.5 AFY, 0.02 percent of the 42,000 AF pumped on average in the Llagas Subbasin each year. If the site operated for a year at ADD, the amount of water used would be approximately 6.9 AFY, 0.016 percent of the average amount of groundwater pumped in the Llagas Subbasin as documented in Valley Water's 2021 GWMP.

As part of the proposed project's small public water system application, Luhdorff & Scalmanini Consulting Engineers (LSCE) installed one test well and one monitoring well in the alluvial aquifer at the project site to conduct a well pumping test to determine if the alluvial aquifer can meet the anticipated

8 BAVC Project Description - May 19, 2021
9 Water Supply Assessment, Mohr HydroGeoScience, undated

water demand for the proposed BAVC facility. A test well was installed south of the existing onsite BAVC irrigation well and the Happy Acres Mutual Water Company Well (HAMWC) well with the screened section between 70 and 150 feet below ground surface (Figure 12).

Figure 12 -
Well Locations



As required, the test well was pumped for 72 hours to assess the long-term pumping water level and sustainable yield of this groundwater well. Nearby groundwater wells including the HAMWC well, the BAVC irrigation well, BAVC Monitoring Well No. 1 (the well installed near the north corner of the site, and the Swenson Well, located about 800 feet east of the test well and across Watsonville Road were monitored to determine if pumping at the test well would cause interference or adverse drawdown of these nearby wells. During the well pump test, the static water level started at 37.75 feet below the top of the well casing and stabilized at 81 to 82 feet below ground surface after 7 hours of pumping. This means that the water pumped from the test well was being replaced by groundwater in the aquifer at the same rate after 7 hours. There were no discernable impacts on water levels in the monitored wells due to pumping of the test well. The approximate 2 feet of water level decline observed in the HVMWC well in the 16 hours of the pump test is not believed to be due to pumping of the test well because similar water levels were observed in the HAMWC well before pumping of the test well began. In addition, approximately 1 foot of drawdown was observed in the BAVC irrigation well in response to pumping of the HVMWC well.

Approximately 8 hours after the 72-hour test pump ended, the water level in the test well recovered to 36.69 feet, representing a 96 percent recovery of pre-test groundwater level. Approximately 21,600 gallons of water was pumped from the well each day of the 72-hour test, which equates to 2.5 times the

projected MDD of 8,440 gallons as noted in the Water Supply Assessment (WSA). At an average pumping rate of 15 gallons per minute (gpm), the projected MDD of 8,440 gpd would be met in 9.4 hours of continuous pumping, if necessary. On-site storage would be used to meet MDD demand, and fire flows, as such, continuous pumping is not anticipated. As observed during the 72-hour pump test, monitored wells were not adversely impacted and no drawdown responses occurred, based on these observations' groundwater pumping to meet demand associated with the proposed project is not expected to cause pumping interference, drawdown issues or negatively impact the local groundwater supplies.

Furthermore, the proposed project's WSA Addendum indicates that the alluvial aquifer underlying the eastern portion of the BAVC property is continuously recharged by flow in Uvas Creek. The alluvial aquifer properties include high storativity and high transmissivity, as demonstrated by prompt recovery following minimal drawdown in response to pumping during the well pump test as described above. Groundwater pumped to meet water demand for the proposed project would therefore be replenished by groundwater in storage and recharged through continual flows in Uvas Creek.

a) Less than Significant Impact. The project would be served by a site septic system along with an onsite wastewater treatment system (OWTS). The OWTS would consist of seven septic tanks, associated pumps and sanitary sewer pipes, and a grease trap. The pre-treatment system would be equipped with three fiberglass filter pods, a 7,000-gallon recirculation pump chamber, an 8,000-gallon emergency storage tank, and a 4,000-gallon pump chamber to deliver the treated water to the drip (leach) field dosing tank. The OWTS feasibility for the project has been reviewed and approved by the Department of Environmental Health ensuring that the proposed OWTS could be designed and sized to meet all applicable water quality standards, soil requirements, and groundwater standards. Therefore, the proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.

b) Less than Significant Impact. Given that the majority of the subject property will remain largely undeveloped (i.e., approximately 51-acres would be maintained as grasslands, open space, oak woodlands and bioretention swales), implementation of the proposed project would not substantially interfere with groundwater recharge. The proposed project would use a maximum of 9.5 AFY of available groundwater from the underlying alluvial aquifer, or 0.02 percent of the 42,000 AFY average pumped from the Llagas Subbasin. As discussed above, the Llagas Subbasin is sustainably managed by Valley Water to maintain sufficient groundwater in storage in all water year types. While the proposed project could pump up to 9.5 AFY of locally sourced groundwater from the alluvial aquifer, because the underlying alluvial aquifer is continually recharged through Uvas Creek stream flows, the proposed project would not decrease groundwater supplies or adversely affect local groundwater wells as demonstrated in the well pump test.

As such, the proposed project would not interfere substantially with groundwater recharge and would not impede Valley Water's sustainable groundwater management of the subbasin.

c.i-iv) Less than Significant Impact. Grading of the site for future development may slightly alter on-site drainage patterns. In addition, future development of the structures, and driveways would add impervious surfaces to the project site. The County requires erosion control standards be incorporated into project design to avoid erosion on- and off-site that could violate water quality standards during construction and requires all stormwater run-off to be retained on site. Therefore, site development would not substantially alter the existing drainage pattern of the site or area, increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite, or create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

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

MITIGATION:
None required.

K. LAND USE					
	IMPACT				SOURCE
WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Physically divide an established community?	☐	☐	☐	☒	2, 4
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒	8a, 9, 18a

SETTING: The property contains an accessory structure used as a barn which will be demolished as part of the project. Development is located within the southern portion of unincorporated Santa Clara County. Surrounding parcels include rural residential single-family homes to the south and to the north. Access to the site can be made from both Redwood Retreat Road and El Matador Drive. The subject property has a General Plan Designation of Hillsides and is zoned Hillside with a Scenic Road overlay.

A retreat center, also categorized as camp and retreat, is allowed subject to attaining a Use Permit and Architectural and Site Approval within the Hillside zoning designation.

DISCUSSION:

a, b) No Impact. The project site is bounded by Redwood Retreat Road to the northwest of the property and El Matador Drive to the southwest of the property. Little Arthur Creek is located on an adjacent property north of the subject site which is situated over 150-feet from the proposed parking lot and over 400-feet from the closest proposed structure (Administration Building). The site is accessed from both El Matador Drive and the intersection of Redwood Retreat Rd. and El Matador Dr. The site is surrounded by rural single family residential homes to the northeast, southeast, and south of the subject site. Agricultural use can be found approximately 400 feet north of the project site. The proposed development is within one parcel and does not physically divide an established community.

The County's General Plan land use designation for Hillsides, as stated in R-LU 16 and R-LU 17, is to support and enhance rural character, protect and promote wise management of natural resources, avoid risks associated with the natural hazards characteristic of those areas, and protect the quality of reservoir watersheds critical to the region's water supply. The site is designated as Hillside, which denotes important resources such as grazing lands, mineral deposits, forests, wildlife habitat, rare or locally unique plan and animal communities, historic and archeological sites, and recreational and scenic areas of regional importance, which serve to define the setting for the urbanized portions of Santa Clara County, and the County General Plan specifies that allowable uses shall be consistent with the conservation and wise use of these resources.

The proposed project will maintain much of the rural character and land use, and by design has been sited to avoid removal of the natural features on the site such as trees and natural slopes. As such, the proposed

project will not physically divide a community nor 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 therefore there will be no impact with conflicts in land use.

MITIGATION:
None required.

L. MINERAL RESOURCES					
	IMPACT				SOURCE
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?	☐	☐	☐	☒	1, 2, 3, 6, 8a, 44, 45
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒	1, 2, 3, 6, 8a

SETTING: According to the Mineral Land Classification for Construction Aggregate Resources in the Monterey Bay Production-Consumption Region: California Geological Survey, Special Report 251, the project site is located within Mineral Resource Zone 4 (MRZ-4), a classification that is undefined, meaning geologic information is inadequate to assign any other mineral resource zone category. No valuable mineral resources are located on the subject property that are delineated on a local general plan, specific plan, or other land use plan.

DISCUSSION:

a & b) No impact. The project is located on MRZ-4, which is an area that has no significant mineral deposits or where it is judged that little likelihood exists for their presence. Given the project's location on MRZ-4, and the fact that it is not considered a locally important mineral resource recovery site as designated by the Santa Clara County General Plan, a substantial loss of mineral resources would not occur. Therefore, the project would not result in the loss of availability of a known mineral resource that would be of regional or statewide value.

MITIGATION:
None required.

M. NOISE					
	IMPACT				SOURCE
WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐	8a, 13, 22a, 49
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐	13, 49
c) For a project located within the vicinity of a private airstrip	☐	☐	☒	☐	1, 5, 22a

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?

SETTING: The project site generally lies west of the intersection of El Matador Road and Redwood Retreat Road and is surrounded by mostly agricultural and rural residential land uses. A noise study dated March 8, 2021 was prepared by WJV Acoustics to assess the noise levels generated by the proposed project. According to this report, the closest off-site sensitive receptors (residential land uses) are located along the east side of El Matador Road. Existing noise levels in the project vicinity are dominated by vehicle traffic on local roadways and aircraft overflights. The project site is not near an airport (approximately 4.7 miles north) therefore does not require referral to the Airport Land Use Committee. Additionally, a source of noise observed during a site visit by the Noise consultant included birds, barking dogs and construction activities occurring at nearby residential land uses.

As part of their assessment, WJV Acoustics staff conducted background (ambient) noise level measurements near the project site on February 24, 2021. The measurement sites were located in the direction and vicinity of the closest off-site residential land uses near the two site-bordering roadways, to determine existing (without project) noise levels. Ambient noise levels were measured simultaneously at two (2) locations (A-1 and A-2), show in Figure 9 below. Ambient noise measurement site A-1 was located near existing residential land uses located along El Matador Drive. Ambient noise measurement site A-2 was located near the project site frontage at Redwood Retreat Road.

Figure 9 -
Noise monitor locations (A-1 and A-2)

The measured L_{dn} value at site A-1 during the 24-hour noise measurement period was 57.4 dB L_{dn}. Measured hourly energy average noise levels (L_{eq}) at site A-2 ranged from a low of 40.1 dB between 1:00 a.m. and 2:00 a.m. to a high of 59.7 dB between 4:00 p.m. and 5:00 p.m. Hourly maximum (L_{max}) noise levels at site A-2 ranged from 59.1 to 86.8 dB. Residual noise levels at the monitoring site, as defined by the L_{90} statistical descriptor ranged from 29.9 to 42.5 dB. The measured L_{dn} value at site A-2 during the 24-hour noise measurement period was 58.5 dB L_{dn}.

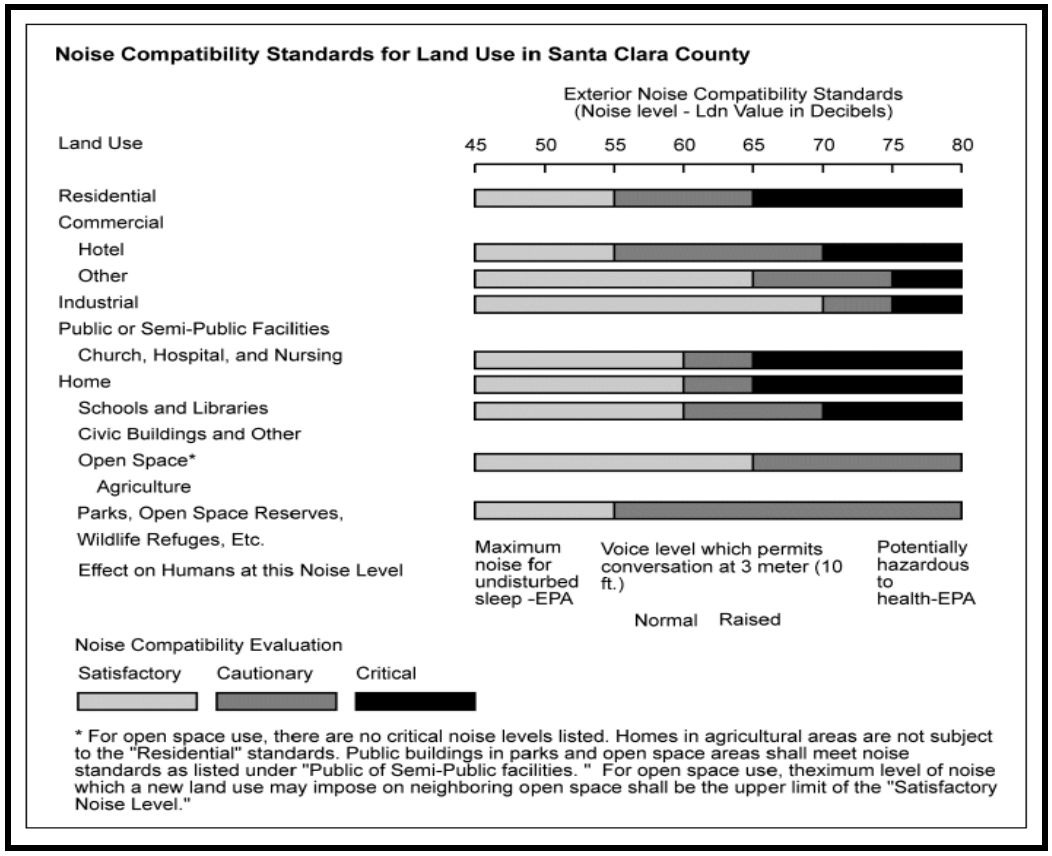
Regulatory Framework

Local

The County General Plan Noise Element measures noise levels in Day-Night Average Sound Level (DNL), a 24-hour time weighted average, as recommended by the Environmental Protection Agency (EPA) for community noise planning. Noise Compatibility Standards for exterior noise specify three (3) classifications of compatibility between ambient noise levels at the site and various land uses: satisfactory, cautionary, and critical. According to the Noise Element Noise Compatibility Standards for Land Use in Santa Clara County, the satisfactory exterior noise compatibility standard for residential land uses is 55 dB (decibels).

County Noise Ordinance restricts exterior noise limits (refer to Figure 10 below), for a cumulative period not to exceed more than 30 minutes in any hour, for one- and two- family residential land uses at 45 dBA between 10:00 p.m. to 7:00 a.m., and 55 dBA between 7:00 a.m. to 10:00 p.m. In addition, specifically prohibited acts include amplified sound, such as musical instruments, radios, and loudspeakers, from 10:00 p.m. to 7:00 a.m., or construction activity during weekdays and Saturdays from 7:00 p.m. to 7:00 a.m., or at any time on Sundays or holidays.

Figure 10
County Noise Standards



DISCUSSION:

a-c) Less Than Significant Impact. Existing ambient noise levels were measured to be in the range of approximately 57 to 59 dB Ldn. WJVA conducted a basic analysis of project-related increases in traffic noise, based upon project traffic volume estimates provided by Alex Georgevitch Consulting and existing traffic counts conducted by Santa Clara County. The analysis indicated that the project would not result in any increases of traffic noise along roadways in the project vicinity. The closest airport is located over 4 miles north of the project site therefore, exposure to people residing or working in the project area to excessive noise levels would be less than significant.

WJVA also conducted reference noise level measurements at an existing Vipassana Retreat Center located in North Fork, CA, while a meditation retreat was occurring. Noise levels were measured at three locations, at distances ranging from approximately 100 to 150 feet from retreat activities. Noise levels measured at the three monitoring sites over the five-day period during which participants were on site were measured to be in the range of approximately 36 to 41 dB Ldn. By contrast, retreat activities at the proposed Santa Clara County project site would generally be at distances greater than 300 feet from any off-site residential land uses. Therefore, noise levels associated with the proposed project site (during meditation retreat activities) would not be expected to exceed any Santa Clara County noise level standards and would be below existing ambient noise levels in the project vicinity.

Construction related noise may be heard by sensitive receptors located over 200 feet from the project site along El Matador Drive. The County Noise Ordinance restricts exterior noise limits, for a cumulative period not to exceed more than 30 minutes in any hour, for one- and two- family residential land uses to 45 dBA between 10:00 p.m. to 7:00 a.m., and 55 dBA between 7:00 a.m. to 10:00 p.m. However, the project is required to conform to the County Noise Ordinance at all times during construction. Construction noise (including noise generated by truck traffic to and from the project site) is regulated by time-of-work restrictions and decibel maximum specified in the County Noise Ordinance.

MITIGATION:
None required.

N. POPULATION AND HOUSING					
	IMPACT				SOURCE
WOULD THE PROJECT:	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)?	☐	☐	☒	☐	1, 3, 4
b) Displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	1, 2, 3, 4

SETTING: The project contains an accessory structure used as a barn located on the southern portion of the lot along El Matador Dr. Towards the eastern portion of the lot, there are open dirt bike tracks. The applicant is proposing to use approximately 10 acres within the relatively flat portion of the eastern side of the 54.59-acre parcel for the development of 18 structures to facilitate a silent meditation retreat.

The meditation is a temporary opportunity for people to rest and meditate for a period of 10 to 45 days. Approximately 20 to 150 participants will visit the site to participate in meditation or volunteer as staff to support the operation of the facility.

DISCUSSION:

a) Less than Significant Impact. The retreat site will utilize existing roads to service the site. The development of the retreat site would not directly or indirectly require extensions of roads or other off-site infrastructure.

Water supply for the development will be provided by a State-permitted public water system and a second well for fire prevention, both of which will specifically serve the facility and will not involve extension of infrastructure from nearby wells or water systems.

The project will be served by a wastewater facility consisting of new sewage collection lines, septic tanks, effluent collection lines, wastewater pre-treatment system, pressure delivery effluent pipelines, pump stations, and subsurface drip disposal areas.

There are no other adjacent or nearby parcels that would be able to access the existing on-site well and create an increase in population growth. The usage of the retreat center will be temporary for visitors, and camps and retreat are an allowed use with an approved use permit.

b) No impact. The proposed use of the site for meditation would not displace existing housing or people. The site is currently vacant with one accessory structure used as a barn, which will be removed. Therefore, it will not displace existing housing or people. The proposed project only includes temporary housing for staff or volunteers, and the temporary nature of the services offered by the business will not induce substantial unplanned population growth.

MITIGATION:
None required.

O. PUBLIC SERVICES					
	IMPACT				SOURCE
WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:					
i) Fire Protection?	☐	☐	☐	☒	1, 3, 5
ii) Police Protection?	☐	☐	☐	☒	1, 3, 5
iii) School facilities?	☐	☐	☐	☒	1, 3, 5
iv) Parks?	☐	☐	☐	☒	1, 3, 5, 17h
v) Other public facilities?	☐	☐	☐	☒	1, 3, 5

SETTING: The project is located within the very high fire hazard severity zone and the Wildlife Urban Interface with South Santa Clara County Fire Protection (County Fire) as first responders for fire protection and is located within the State Responsibility Areas. Emergency calls would go to the Santa Clara County Sheriff's Office communications. No new school facilities or parks would be required as part of this project, since the retreat site is a temporary use for the participants. The property has an on-site well with associated water tanks for the facility, fire protection water supply, domestic supply, and landscaping. Electric services will be provided by PG&E.

DISCUSSION:

a-i, a-ii, a-iii, a-iv, & a-v) No Impact. The project would not substantially increase the need for additional fire or police protection to the area in a manner that would interfere with or require changes to existing public services. Other public services, such as those provided by schools or parks, would not be impacted.

MITIGATION:
None required.

P. RECREATION					
	IMPACT				SOURCE
WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant 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?	☐	☐	☐	☒	1, 2, 4, 5, 17h
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒	1, 3, 4, 5

SETTING: The site is located in the Hillside zoning district with scenic road overlay. Little Arthur Creek and Uvas Creek runs approximately 200 and 700 feet north of the project. The Chitactac-Adams County Park is located approximately 700 feet north of the project, and the Mr. Madonna County Park is located approximately 2,745 feet west of the project. There are no trail routes near the project site that are featured in the Santa Clara County Countywide Trails Master Plan Update (Countywide Trails Plan), an element of the Parks and Recreation Section of the County General

DISCUSSION:

a & b) No Impact. The project consists of a meditation and retreat center on a currently vacant parcel. All of the activities will occur within the parcel of project lot and will not affect recreational facilities.

MITIGATION:
None required.

Q. TRANSPORTATION

	IMPACT				SOURCE
WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☐	☒	1, 4, 5, 6, 7, 50
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?[10]	☐	☐	☐	☒	6, 50, 51, 53
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒	3, 5, 6, 7, 53
d) Result in inadequate emergency access?	☐	☐	☐	☒	1, 3, 5, 48, 50, 51, 53

SETTING: The parcel is currently vacant with one unpermitted barn located along El Matador Drive and open dirt bike track road within the eastern portion of the lot along Redwood Retreat Rd. The main routes to the site are along Watsonville Road to the north and south. Driveway access is proposed along Redwood Retreat Road. Redwood Retreat Road is a County Minor Collector Rural two-lane road with approximate 10-foot travel lanes and no shoulders. El Matador Drive is a local road that is mainly unimproved with two 10-foot travel lanes and a roadside ditch.

The proposed project includes 122 parking spaces which will include 9 Accessible spaces along the Redwood Retreat Road parking lot located 100-feet from the road. In accordance with County Zoning Ordinance regulations, Camp and Retreat use parking space requirements are prescribed within the Use Permit and ASA. In this case, the project proposes parking to accommodate their peak operation times an average of 92 trips will be generated on the first and last day of the courses for a fully built-out center with 120 students and up to 30 volunteers. Courses are offered twice a month and start on Wednesday and end on Sunday.

Regulatory Framework

10 The provisions of this section shall apply prospectively as described in section 15007.

State

Vehicle Miles Traveled (VMT)

Senate Bill 743 (SB 743), which became effective September 2013, initiated reforms to the CEQA Guidelines to establish new criteria for determining the significance of transportation impacts that "promote the reduction of GHG emissions, the development of multi-modal transportation networks, and a diversity of land uses." Specifically, SB 743 directed the Governor's Office of Planning and Research to update the CEQA Guidelines to replace automobile delay—as described solely by Level of Service or similar measures of vehicular capacity or traffic congestion—with VMT as the recommended metric for determining the significance of transportation impacts.

The Office of Planning and Research has updated the CEQA Guidelines by adding a new section 15064.3 to the Guidelines, which became effective statewide July 1, 2020. CEQA Guidelines section 15064.3(a) defines VMT as the amount and distance of automobile travel attributable to a project. CEQA Guidelines section 15064.3, subdivision (b), establishes criteria for evaluating a project's transportation impacts under CEQA. CEQA Guidelines section 15064.3(b)(1) states that for land use projects, VMT exceeding an applicable threshold of significance may indicate a significant impact. As noted above, a lead agency has the discretion to choose the most appropriate methodology to evaluate VMT, including whether to express the change in absolute terms, per capita, per household, or any other measure. For purposes of establishing VMT thresholds, the County has chosen to treat unincorporated areas inside Urban Service Areas (USAs) and unincorporated areas outside of the USAs (i.e. rural areas) as separate regions. The County has also established that the average VMT for rural unincorporated County as 32.2 VMT/capita for residential trips and 31.6 VMT/capita for employment-based trips. To meet the State's goal of a 15 percent reduction to the VMTs, a new project would have to generate 27.4 VMT/capita (for residential trips) and 26.9 VMT/capita (for employment trips). If a project meets these numbers, or is below, VMT impacts are considered less than significant, and no additional analysis or mitigation is required. If the per Capita VMT is between the 15 percent reduction number and the regional average, the County will review the overall VMT being generated to determine if any mitigation would be required.

Santa Clara County has developed the "Santa Clara Countywide VMT Evaluation Tool (SCC VMT Evaluation Tool)," which is a web-based tool (available at https://vmttool.vta.org) to help users conduct a baseline VMT screening evaluation for residential, office, and industrial land use projects in Santa Clara County. It is consistent with the "Technical Advisory on Evaluating Transportation Impacts in CEQA," State of California Governor's Office of Planning and Research, December 2018 (OPR Guidelines), which provides implementation guidance for SB 743 for evaluating development proposals. The SCC VMT Evaluation Tool is the basis for the following VMT analysis.

DISCUSSION:

A traffic impact analysis dated October 13, 2019 was prepared by Alex Georgevitch Consulting in order to analyze the traffic related impacts of the project. The project includes retreats which would typically accommodate up to a maximum of 150 people each (120 participants and 30 volunteers), typically for a period of ten (10) consecutive days. It is anticipated that two (2) retreats could occur each month. During each 10-day retreat, participants arrive over the course of one day and depart over the course of one day, with little to no traffic on the other days. According to the traffic assessment, participants arrive between noon to 6:00 p.m. in the afternoon of what is referred to as Day 0, for the start of the retreat at 8:00 pm. The final morning of the retreat is twelve days later, the second Sunday. The departure time ranges from 6:30 a.m. to 9:00 a.m. In addition, the retreat center organizes ride-sharing (carpooling) via a website for participants who have been accepted to a retreat. Use of mass transportation is strongly encouraged. An EV group shuttle operated by the retreat center will transport those using mass transportation to and from the retreat center. Vehicles parked in the lot will remain there for the duration of the retreat and participants will not have access to them during that time.

a – d) Less than Significant Impact. Santa Clara Valley Transportation Agency (VTA) has established a process to determine if projects could have a significant impact on vehicle miles traveled (VMT). The State VMT guidelines are presented in the Technical Advisory on Evaluating Transportation Impacts in CEQA, State of California Governor's Office of Planning and Research, dated December 2018. The State publication establishes that projects generating less than 110 daily trips are exempt from any further VMT analysis. According to the traffic impact analysis the proposed development generates 30 PM Peak hour and 50 AM Peak hour trips on the days when students are coming or going from the site (on average four days per month, two Wednesdays and two Sundays). Refer to Table 3 for average trip distribution.

Table 3
Summary of trip generation

Proposed Trip Generation Estimates				
Meditation Center (ITE Code N/A)	Trips	Trips		
		Total	Enter	Exit
			100%	0%
Daily[1]	92	92	92	0
			100%	0%
PM Peak Hour	30	30	30	0
			0%	100%
AM Peak Hour	50	50	0	50
			0%	100%
Sunday Daily	92	92	0	92

As the traffic impact analysis prepared by Alex Georgevitch Consulting anticipates that the proposed project generates an average of 92 daily trips during the 10-day retreat courses, the project qualifies for this exemption and there is no need for further VMT analysis. As such, the project would be consistent with CEQA Guidelines Section 15064.3(b).

The project site is located in a rural area of Santa Clara County. There are no pedestrian facilities, bike lanes or routes, or transit services at or near the project site whose performance could be affected by the proposed project. there are no plans to install bicycle lanes or transit improvements in the project vicinity. Therefore, the proposed project does not conflict with any adopted policies, plans or programs regarding public transit, bicycle or pedestrian facilities. There are no measures of effectiveness (MOE's), applicable plans or ordinances impacted by the project.

The proposed project does not have any geometric design feature or geometric feature that could increase hazards.

The project was also reviewed by the County Fire Marshal's Office to ensure adequate fire safety access is proposed and no conflicts were found to exist. Onsite parking is in conformance with the County parking requirements and includes the installation of EV charging stalls to further support clean transportation vehicles. Because the project will not generate substantial new traffic, impair existing transportation facilities, or result in inadequate emergency access, it will have a less than significant impact on transportation.

MITIGATION:
None required.

R. TRIBAL CULTURAL RESOURCES		
	IMPACT	**SOURCE**

WOULD THE PROJECT:	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 tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:					
i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☐	☐	☒	41, 42
ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☐	☒	41, 42, 52

SETTING: The subject property is within the Ohlone (Costanoan) cultural region. Under an update to CEQA through state legislation known as AB 52, lead agencies must consult with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of a proposed project, if so, requested by the tribe. Section 21084.2 of the Public Resources Code also specifies that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. The subject property does not contain any known Tribal Cultural Resources that are eligible or listed in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)

The subject property does not contain any known Tribal Cultural Resources that are eligible or listed in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).

DISCUSSION:

a-i & a-ii) No Impact. On November 20th 2023, staff sent letters to the Tamien Nation and Amah Mutsun Tribal Band, which are the two tribes that have requested notice of CEQA projects. As of the drafting of this Initial Study the County has not received any request to consult on the project. Hence, there is no evidence to indicate the presence of a tribal cultural resource listed or eligible for listing in the California Register of Historical Resources, or of significance pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.

Furthermore, a letter by Archaeological Resource Center dated September 6, 2018, summarized during an early site inspection of the property and stated that a brief examination of the rock outcrops through the center of the proposed project area did not reveal any bedrock mortars, petroglyphs, grinding surfaces, or any other artifacts or indicators of Native American use of the area. Inspection of the project perimeter also failed to produce any indication of Native American artifacts or sites. Therefore, the proposed project would not cause a substantial adverse change in the significance of a tribal cultural resource, and no mitigation measures are necessary.

MITIGATION:

None required.

S. UTILITIES AND SERVICE SYSTEMS					
	IMPACT				SOURCE
WOULD THE PROJECT:	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?	☐	☐	☒	☐	3, 6 ,7
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐	1, 3, 6, 24b
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒	1, 3, 6, 7, 39
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☐	☒	1, 3, 5, 6
e) Be in non-compliance with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒	3, 5, 6

SETTING: The project site is located within PG&E's service area. The project site has no access to public water or wastewater utilities. Construction of the proposed project would occur after the Division of Drinking Water (DDW) of the State Water Resources Control Board has granted clearance to proceed with development of a Public Water System. The proposed on-site wastewater treatment system must be applied for and approved by the Central Coast Regional Water Quality Control Board

Regulatory Framework

Federal

Federal Safe Drinking Water Act
The U.S. Environmental Protection Agency (USEPA) administers the Safe Drinking Water Act (SDWA), the primary federal law that regulates the quality of drinking water and establishes standards to protect public health and safety. The SWRCB implements the SDWA and oversees public water system quality statewide. The SWRCB also establishes legal drinking water standards for contaminants that could threaten public health.

State

California Safe Drinking Water Quality Act
The California Safe Drinking Water Act strengthens the federal Safe Drinking Water Act by authorizing the State to protect the public from contaminants in drinking water by establishing maximum contaminants levels (MCLs) that are at least as stringent as those developed by the USEPA.

Assembly Bill 341

AB 341 set forth requirements of the statewide mandatory commercial recycling program in the Public Resources Code that are applicable to the project's operations. Businesses that generate four or more cubic yards of garbage per week are required to recycle (Public Resources Code Section 42649-42649.7).

Local

Santa Clara County General Plan
The following Santa Clara County General Plan policies regarding water supply and solid waste management would apply to the project:

- 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 12: More efficient use of water for agricultural irrigation and industrial processes should be promoted through improved technology and practices.
- Policy C-RC 64: Countywide solid waste management efforts shall be guided by the hierarchy of strategies outlined below, emphasizing resource recovery in accordance with state law: a. Source reduction and reuse, b. Recycling and composting, c. Transformation, and d. Landfilling as final option.
- Policy C-RC 65: All solid waste management services and facilities shall conform to applicable federal, state, and local regulations and standards.

DISCUSSION:

a) Less than Significant Impact. The project includes an on-site wastewater treatment system and will be County Department of Environmental Health has reviewed soil and percolation tests submitted by the applicant and determined that the septic systems are feasible in the areas identified for development. Stormwater would be retained on site. Therefore, no expansion of utilities would be required.

b) Less than Significant Impact. Construction of the proposed project would occur over 60 months, starting from DDW's clearance. During construction, the proposed project would require the use of water for dust control and other construction purposes, which will be sourced from the on-site wells. The primary water supply will be sourced from the underlying alluvial aquifer. Operational water demand is estimated at 6,160 gallons per day (gpd) for the ADD and 8,440 gpd for the MDD[11], based on water use records from a similar meditation center currently operating in California's Central Valley. Water saving practices would also be implemented during project operation. These practices include the installation and use of low-flow lavatory fixtures, toilets and showers, the use of graywater and rainwater harvesting for irrigation, and stormwater bioretention swales for aquifer recharge.

The WSA prepared for the proposed project evaluated water supply under normal, single-dry, and multiple dry years. The WSA concluded that the groundwater capacity of the underlying alluvial aquifer is anticipated to exceed the water demand under all hydrologic conditions (water years). Ongoing surface water releases from Uvas Reservoir to Uvas Creek continually provide recharge through underlying sediments and substrate materials to the alluvial aquifer underlying the project area. Therefore, the proposed project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.

11 Water Supply Assessment, Mohr HydroGeoScience, undated

c) No Impact. The project applicant proposes to install an onsite wastewater treatment system (OWTS) consisting of seven septic tanks, associated pumps and sanitary sewer pipes, one grease tank for the kitchen, one pre-treatment system (three fiberglass filter pods, a 7,000-gallon recirculation pump chamber, an emergency storage tank of approximately 8,000 gallons, a 4,000-gallon pump chamber to deliver the treated water to the drip field dosing tank, and a 5,000-gallon anoxic tank would recycle treated effluent to aid in nitrogen reduction), and three sub-surface drip disposal fields (i.e., leach fields). The OWTS assumes the volume of wastewater to be treated could average 5,520 gpd and peak at 6,900 gpd (assumes dry weather). Gray water from showers and laundry systems could be used for seasonal irrigation purposes. In summary, the OWTS can accommodate the anticipated wastewater flows from the proposed project, in addition to satisfying the requirements of the Santa Clara County Onsite Wastewater Systems Ordinance. Because the proposed BAVC facility would construct and operate its own OWTS, it would not rely on public wastewater treatment providers and thus would not impact the wastewater treatment provider's ability to serve existing wastewater treatment commitments.

d, & e) No Impact. The County Department of Environmental Health has reviewed soil and percolation tests submitted by the applicant and determined that the septic systems are feasible in the areas identified for development. Stormwater would be retained on site. Therefore, no expansion of utilities would be required. As a standard condition of approval for all projects within the County of Santa Clara, property owners are to provide proof of garbage service at the time of final occupancy sign-off. Garbage service in the unincorporated areas of Santa Clara County is mandatory.

MITIGATION:
None required.

T. WILDFIRE					
	IMPACT				**SOURCE**
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	1, 2, 4, 5, 17h, 48, 53, 54
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒	1, 2, 3, 6, 8a, 53, 54
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒	1, 2, 4, 5, 17h, 53, 54
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒	1, 3, 4, 5, 53, 54

SETTING: The property is developed for the purpose of providing a retreat center for silent meditation. The 18 structures developed on site will be used for the purpose of administrative office use, kitchen, dining, and rooms for meditation, teaching, rest, and sleep. The project is located within the very high Wildlife Urban Interface (WUI) area, and although the project is within the State Responsibility Area and not in the Local Response Area (LRA), South Santa Clara County Fire Protection is the first responder for fire protection.

DISCUSSION:

a) No Impact. Building permits will be reviewed and approved in accordance with the Santa Clara County Fire Marshal's Office. The project includes adequate fire safety access and emergency evacuation; as such the project does not impair an adopted emergency response plan or emergency evacuation plan and has no impact to item a listed above.

b, d) Less than Significant with Mitigation. According to the Wildfire Risk Report prepared by David Goldemburg, the project includes infrastructure such as fire hydrants and water supply to further prevent the spread of a wildfire. The development area is relatively flat and listed as a "moderate" fire hazard zone, but the site slopes upwards approximately 700 feet from Redwood Retreat Road which is listed as a "Very High" fire hazard zone. Steep terrain is more susceptible to wildfire but the project does not include development in this area except for the proposed water tank. Winds can also spread wildfires; however measures are being proposed to reduce the spread of fire by including defensible space around structures as well as vegetation management (Refer to **WF-MIT 1 - 3**). The likelihood of slope instability after a fire is low as there is little to no modification of the existing vegetation which is important in maintaining the integrity of the existing slope. No development is proposed in the higher sloped area.

Although the project is located within the WUI and is at risk for wildfire, the project meets appropriate fire safety requirements such as adequate access for emergency services, new standard fire hydrants, adequate water storage tanks for fire suppression, as well as fire sprinkler system complying with NFPA 13 throughout the site. Therefore, as mitigated consistent with the Defensible Space Site Plan contained as part of the Wildfire Risk Report prepared by David Goldemburg the project would not expose project occupants to a significant risk of uncontrolled spread of a wildlife and landslides as a result of run-off, post-fire slope instability or drainage changes.

WF-MIT 1: Defensible Space**.** The area within 5 horizontal feet of the structure, including attached decks of stairs, shall not contain any combustible decorative structures, attached gates or fences made of combustible materials, storage structures, wood piles, woody mulch, combustible boards, combustible landscape materials (including but not limited to lumber, railroad ties, creosote- or pressure-treated wood), potted plants in combustible pots, or synthetic lawns. Mature trees shall only be allowed within 5 feet of the structure if the branches are 10 feet above the roof and 10 feet from any chimney. Irrigated and mowed grass shall be kept below a maximum height of 3 inches. All plants within 5 feet of the structure shall be irrigated, non-woody, and/or herbaceous, and are not to exceed 2 feet in height. All pots for potted plants within 5 feet of the structure shall be made of ceramics, metals, or cement.

In the area from 5 feet to 30 feet horizontally from the structure (within the property boundaries), all dead plants, grass, and weeds will be removed. Dead or dry leaves will be removed on an ongoing basis. Trees shall be trimmed on an ongoing basis to keep 10 feet of distance between branches of different trees. Dead tree limbs which overhang the roof are to be removed on an ongoing basis. Grasses are to be cut to a maximum of 4 inches on an ongoing basis.

In the area from 30 feet to 100 feet horizontally from the structure (within the property boundaries), grasses must be cut down to a maximum height of 4 inches. Horizontal and vertical space must be created and maintained between grass, shrubs and trees. Fallen leaves, needles, twigs, bark, cones, and small branches must be removed or kept to a

maximum depth of 3 inches. All exposed wood piles must have a minimum of 10 feet of clearance down to bare mineral soil, in all directions.

WF-MIT 2: Building Hardening. The project is required to comply with all WUI requirements within the California Building Code Chapter 7A. The applicant shall also propose building materials, windows, and vents which exceed these requirements. Communication equipment, including high-speed internet service, shall be fire-hardened.

WF-MIT 3: Parking. Parking of vehicles along the fire access route, including the common driveway, fire department turnout, and fire department turnaround, shall be prohibited at all times.

As a result, the proposed project will have no additional impacts to the spread of wildfire on the project occupants under item b above.

c) Less than Significant with Mitigation. The portion of the site to be developed is within the "moderate" fire hazard zone and will be required to underground utilities in order to reduce the risk of further spread of a wildlife. There is an existing power line along Redwood Retreat Road which will be converted to an underground line to mitigate a potential fire risk from an above ground energized line. With this mitigation, the project would not require the installation of additional associated infrastructure such as an access road, fuel break, or emergency water sources that may exacerbate fire risk.

WF-MIT 4: Utilities. All utilities, including powerlines, shall be undergrounded.

MITIGATION: Refer to **WF-MIT 1** through **WF- MIT 3**.

U. MANDATORY FINDING OF SIGNIFICANCE					
	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?	☐	☒	☐	☐	1 to 54
b) Have impacts that are individually limited, but cumulatively considerable ("Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐	1 to 54
c) Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐	1 to 54

DISCUSSION:

a) Less Than Significant Impact with mitigations. The proposed project would allow the development of a camp and retreat consisting of 18 structures totaling 53,260 sq. ft. and associated on-site improvements including a 97,000-gallon water tank on the project site of 54.59-acre parcel. The development area is vacant and sensitive habitat has been avoided in order to develop the property. As discussed in the Biological Resources section, impacts of the proposed project on special status species or habitat would be reduced to a less-than-significant level through incorporation of mitigation measures. The proposed project would not have the potential to substantially reduce the habitat of any fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to 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.

American Badger

BIO - MIT 1: Pre- construction surveys for American badger.

BIO - MIT 2: If found, occupied badger dens shall be flagged and ground-disturbing activities avoided within 50 feet of the occupied den avoided.

BIO -MIT 3: If avoidance of a non- maternity den is not feasible, badgers shall be relocated.

Nesting Birds

BIO - MIT 4: Pre-construction survey for nesting bird.

BIO - MIT 5: Two surveys for active nests of such birds shall occur within 14 days prior to start of construction.

BIO - MIT 6: No less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities, a qualified biologist shall conduct pre-construction surveys for American badger throughout the project site.

Bats

BIO - MIT 7: Habitat assessment for bats and potential roosting sites.

BIO - MIT 8: If no roosting sites or bats are found, a letter report confirming absence is required.

BIO - MIT 9: If bats or roosting sites are found, bats will not be disturbed without consultation with CDFW.

BIO - MIT 10: If bats are found roosting outside of the nursery season a Bat Eviction Plan will be submitted to CDFW for written approval prior to project implementation.

Tricolored Black bird

BIO – MIT 11: A qualified biologist shall verify potential nesting substrate.

BIO – MIT 12: If potential nesting habitat within the 250-foot buffer, biologist shall notify the local jurisdiction or the Habitat Agency, and the Habitat Agency will notify the Wildlife Agencies immediately of nest locations.

BIO – MIT 13: Covered activities must avoid tricolored blackbird nesting habitat that is currently occupied or has been used in the past 5 years.

BIO – MIT 14: Construction Monitoring shall take place during the breeding season when an active colony is present.

b) Less than Significant Impact. The project site is current vacant with one accessory structure on site which will be demolished as part of this project. 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) Less Than Significant Impact with mitigations. 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. However, the proposed project is located in a fire hazard zone and therefore new structures could increase potential for harm for the occupants. Mitigations in the Wildfire section is designed to mitigate for these impacts to a less than significant level.

WF-MIT 1: Defensible Space**.** The area horizontally from the structure shall be defensible space.

WF-MIT 2: Building Hardening. The project is required to comply with all WUI requirements.

WF-MIT 3: Parking. Parking shall not impede the fire access route.

WF-MIT 4: Utilities. All utilities, including powerlines, shall be undergrounded.

Initial Study Source List*

1. **Environmental Information Form**
   https://www.sccgov.org/sites/dpd/DocsForms/Documents/EnvAss_Form.pdf

2. **Field Inspection**

3. **Project Plans**

4. **Working knowledge of site and conditions**

5. **Experience with other Projects of This Size and Nature**

6. **County Expert Sources:**
   Geologist
   https://www.sccgov.org/sites/dpd/PlansOrdinances/GeoHazards/Pages/Geology.aspx
   Fire Marshal
   https://www.sccgov.org/sites/dpd/AboutUs/Fire/Pages/Fire.aspx
   Roads & Airports
   https://www.sccgov.org/sites/rda/Pages/rda.aspx
   Environmental Health
   https://www.sccgov.org/sites/deh/Pages/deh.aspx
   Land Development Engineering
   https://www.sccgov.org/sites/dpd/AboutUs/LDE/Pages/LDE.aspx
   Parks & Recreation
   https://www.sccgov.org/sites/parks/Pages/Welcome-to-Santa-Clara-County-Parks.aspx
   Zoning Administration,
   Comprehensive Planning,
   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

9. **SCC Zoning Regulations (Ordinance)**
   https://www.sccgov.org/sites/dpd/DocsForms/Documents/ZonOrd.pdf

10. **County Grading Ordinance**
    https://library.municode.com/ca/santa_clara_county/codes/code_of_ordinances?nodeId=TITCCODELAUS_DIVC12SULADE_CHIIIGRDR#TOPTITLE

11. **SCC Guidelines for Architecture and Site Approval**
    https://www.sccgov.org/sites/dpd/DocsForms/Documents/ASA_Guidelines.pdf

12. **SCC Development Guidelines for Design Review**
    https://www.sccgov.org/sites/dpd/DocsForms/Documents/DR_Guidelines.pdf

13. **County Standards and Policies Manual (Vol. I - Land Development)**
    https://www.sccgov.org/sites/dpd/DocsForms/Documents/StandardsPoliciesManual_Vol1.pdf

14. **Table 18-1-B of the Uniform Building Code (expansive soil regulations) [1994 version]**
    http://digitalassets.lib.berkeley.edu/ubc/UBC_1994_v2.pdf

15. **SCC Land Use Database**

16. **Santa Clara County Heritage Resource (including Trees) Inventory [computer database]**

17. **GIS Database**
    a. SCC General Plan Land Use, and Zoning
    b. USFWS Critical Habitat & Riparian Habitat
    c. Geologic Hazards
    d. Archaeological Resources
    e. Water Resources
    f. Viewshed and Scenic Roads
    g. Fire Hazard
    h. Parks, Public Open Space, and Trails
    i. Heritage Resources - Trees
    j. Topography, Contours, Average Slope
    k. Soils
    l. HCP Data (habitat models, land use coverage, etc)
    m. Air photos
    n. USGS Topographic
    o. Dept. of Fish & Game, Natural Diversity Data
    p. FEMA Flood Zones
    q. Williamson Act
    r. Farmland monitoring program
    s. Traffic Analysis Zones
    t. Base Map Overlays & Textual Reports (GIS)

18. **Paper Maps**
    a. SCC Zoning
    b. Barclay's Santa Clara County Locaide Street Atlas
    c. Color Air Photos (MPSI)
    d. Santa Clara Valley Water District - Maps of Flood Control Facilities & Limits of 1% Flooding

Initial Study Source List*

e. Soils Overlay Air Photos
f. "Future Width Line" map set

19. 2023 CEQA Statute Guidelines [Current Edition]
https://www.califaep.org/docs/CEQA_Handbook_2023_final.pdf

Area Specific: San Martin, Stanford, and Other Areas

San Martin

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

20b. San Martin Water Quality Study

20c.Memorandum of Understanding (MOU) between Santa Clara County & Santa Clara Valley Water District

Stanford

21a. Stanford University General Use Permit (GUP), Community Plan (CP), Mitigation and Monitoring Reporting Program (MMRP), and Environmental Impact Report (EIR)
https://www.sccgov.org/sites/dpd/Programs/Stanford/Pages/Docs.aspx

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

Other Areas

22a. South County Airport Comprehensive Land Use Plan and Palo Alto Airport Comprehensive Land Use Plan [November 19, 2008]
https://stgenpln.blob.core.windows.net/document/ALUC_E16_CLUP.pdf

22b. Los Gatos Hillsides Specific Area Plan
https://www.sccgov.org/sites/dpd/DocsForms/Documents/GP_Book_B.pdf

22c.County Lexington Basin Ordinance Relating to Sewage Disposal

22d. User Manual Guidelines & Standards for Land Uses Near Streams: A Manual of Tools, Standards and Procedures to Protect Streams and Streamside Resources in Santa Clara County by Valley Water Resources Protection Collaborative, August 2005 – Revised July 2006.
https://www.valleywater.org/contractors/doing-businesses-with-the-district/permits-for-working-on-district-land-or-easement/guidelines-and-standards-for-land-use-near-streams

22e. Guidelines and Standards for Land Use Near Streams: Streamside Review Area – Summary prepared by Santa Clara County Planning Office, September 2007.

22f. Monterey Highway Use Permit Area
https://www.sccgov.org/sites/dpd/DocsForms/Documents/SanMartin_GeneralPlanInformation.pdf

Soils

23. USDA, SCS, "Soils of Santa Clara County

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

Agricultural Resources/Open Space

25. Right to Farm Ordinance

26. State Dept. of Conservation, "CA Agricultural Land Evaluation and Site Assessment Model"
https://www.conservation.ca.gov/dlrp/Documents/TOC%20and%20Intro.pdf

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

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

Air Quality

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

30. BAAQMD CEQA Air Quality Guidelines (2022)-
https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines

31. BAAQMD Annual Summary of Contaminant Excesses & BAAQMD, "Air Quality & Urban Development - Guidelines for Assessing Impacts of Projects & Plans" [current version]

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

32. Site-Specific Biological Report

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

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

Initial Study Source List*

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

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

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

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

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

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

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

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

40. County Environmental Health Department Tests and Reports

Archaeological Resources

41. Northwest Information Center, Sonoma State University

42. Site Specific Archaeological Reconnaissance Report

Geological Resources

43. Site Specific Geologic Report

44. California Geological Survey, Special Publication #42

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

Hazards & Hazardous Materials

46. Section 21151.4 of California Public Resources Code

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

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

Noise

49. County Noise Ordinance
https://www.sccgov.org/sites/cpd/programs/NP/Documents/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

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

---

***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.**