

INITIAL STUDY

Environmental Checklist and Evaluation for the County of Santa Clara

File Number:	PLN20 – 063	Date: January 3, 2022
Project Type:	Grading Abatement Approval	APN(s): 712-23-005
Project Location / Address:	626 San Bruno, Morgan Hill	GP Designation: Agriculture Medium Scale
Owner's Name:	Santino Orozco	Zoning: A-20ac
Applicant's Name:	MH Engineering	Urban Service Area: NONE
Project Description		
<p>The project is a Grading Abatement Approval application to legalize 2,273 cubic yards of fill and 37 cubic yards of cut to establish a parking lot, driveways, and a 615-foot long/ 3-foot tall berm, which was originally installed while the property was used as an unpermitted Contractor's Facility at 626 San Bruno, Morgan Hill (APN: 712-230-005). The applicant has ceased the unpermitted Contractor's Facility and proposes to use the unpermitted grading to establish a Nursery-Wholesale on their property, as stated in the Grading Abatement Application submitted on June 16, 2020.</p> <p>By way of background, on February 11, 2019 the property owner was issued a Notice of Violation (Attachment A) for the unpermitted use of the site as a <i>Contractor's Facility</i>, including the storage of heavy equipment and cargo containers. Pursuant to Zoning Ordinance Section 2.10.040, <i>Contractors Facilities</i> are not a permitted use in any Rural Base Districts, such as the subject property (A-20ac: Agriculture Medium Scale).</p> <p>On March 26, 2019, the property owner was issued a second Notice of Violation (Attachment B) for conducting grading and drainage alteration work without obtaining County of Santa Clara (County) grading and drainage permits. In response to the February Violation, the property owner ceased use of the site as a Contractors Facility by April 23, 2019. In response to the March grading violation, the Appellant applied for a Grading Abatement Approval (Grading Abatement) to retroactively allow 2,273 cubic yards of fill and 37 cubic yards of cut to establish a parking lot, driveways, and a 615-foot long/ 3-foot tall berm, which was originally installed while the property was used as an unpermitted Contractor's Facility (Attachment C – Site Plan). However, the applicant proposed to use the unpermitted grading to establish a Nursery-Wholesale use on their property, as stated in the Grading Abatement Application submitted on June 16, 2020.</p> <p>The Planning Official determined that approval of the unpermitted grading did not meet all of the required Grading Findings, pursuant to Ordinance Code Section C12-433. The Grading Abatement application was denied by the Planning Official on November 30, 2020, as summarized in a Memorandum issued with the denial describing the Planning Official's findings of fact (refer to Attachment D for the Department's Final Action Memorandum).</p>		
PROJECT DESCRIPTION CONTINUED ON ATTACHED PAGE		

Environmental Setting and Surrounding Land Uses

The subject property, 626 San Bruno (APN: 712-23-005), is located in the rural unincorporated area south of San José, just north of Morgan Hill, within Coyote Valley. The property has a General Plan designation of Agriculture Medium Scale and is zoned Exclusive Agriculture with a 20-acre minimum lot size combining district (A-20ac). The subject property is approximately 10 acres in size and is mostly vacant with an unoccupied single-family residence, unpermitted base rock driveways and parking areas, a small orchard, and an unpermitted berm with palm trees planted in it. The property was previously enrolled within a Williamson Act Contract, which expired in January 2020. The property is surrounded by 10-acre properties to the north and east that are used for commercial agriculture purposes. To the south of the property is a 37-acre property with orchards and open space. Immediately to the west of the property are several single-family residential properties approximately 2 acres in size. Beyond those properties to the west is an 850-acre open space property owned by the Santa Clara Valley Habitat Agency.

The topography of the property is generally flat with an approximate slope of 1.5 percent (1.5%) towards the southeast of the property. Fisher Creek branch is located 450 feet to the south of the property, across San Bruno Avenue. The property consists of Statewide Importance Soils and Prime Farmland Soils according to the California Department of Conservation.

Assembly Bill 948 was adopted into law on September 27, 2019 and codified at sections 35180 to 35186 of the California Public Resources Code. AB 948 recognizes Coyote Valley is a *“unique landscape providing agricultural, wildlife, recreational, climate, and other natural infrastructure benefits and is a resource of statewide significance in need of restoration, conservation, and enhancement.”* In addition, AB 948 requires Coyote Valley to be “acknowledged as an area of statewide significance in local planning documents developed or update don or after January 1, 2020, affecting land use within Coyote Valley.” Coyote Valley is also recognized as a critical corridor for wildlife migrating between the Santa Cruz Mountains and the Diablo Range. Per Section 15300.2(a) of the California Environmental Quality Act (CEQA) grading may not be deemed exempt from environmental review and qualify for a Categorical Exemption if the project *“may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.”* As the property is located within the Coyote Valley that is recognized under AB 948 as an environmental resource designated, precisely mapped and adopted pursuant to state law, a Categorical Exemption Section 15303, Class 3, is not applicable for the proposed Grading Abatement Approval.

Other agencies sent a copy of this document:

Santa Clara Valley Open Space Authority

United States Department of Agriculture (USDA) National Resources Conservation Service (NRCS) Hollister Service

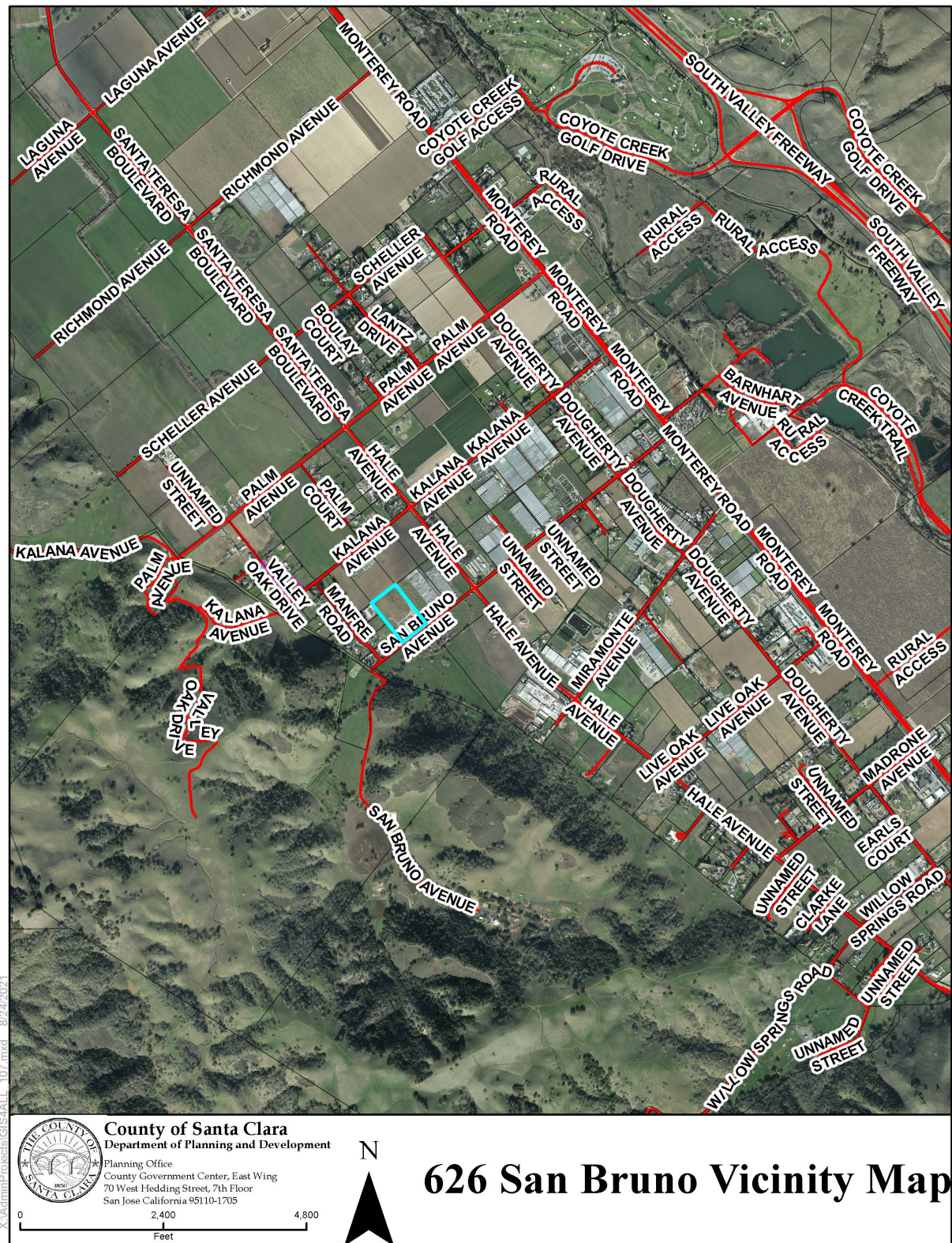


Figure 1 – Vicinity Map

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

Signature

Joanna Wilk _____
Printed name

January 3, 2022 _____
Date

For

ENVIRONMENTAL CHECKLIST AND DISCUSSION OF IMPACTS

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

SETTING:

The subject property is 10 acres in size and is characterized as a rectangular shaped lot at the far western side of San Bruno Avenue. To the west of the parcel is the Coyote Valley Open Space Preserve owned by the Santa Clara Valley Open Space Authority (OSA). The property is surrounded by 10-acre properties to the north and east that are used for commercial agriculture purposes. To the south of the property is a 37-acre property with orchards and open space. Immediately to the west of the property are several single-family residential properties approximately 2 acres in size. Beyond those properties to the west is an 850-acre open space property owned by the Santa Clara Valley Habitat Agency. All the aforementioned properties are with the unincorporated areas of Santa Clara County.

The proposed undeveloped property is flat, with a 1.5% slope and contains several mature trees on the southwestern portion of the property adjacent to an existing single-family residence. There is a small orchard located on the western portion of the property, along with palm trees planted within a berm on the southcentral portion of the property.

The subject property has a General Plan designation of Agriculture – Medium Scale with an Exclusive Agriculture zoning designation. The property takes access from San Bruno Avenue, which is a County maintained road. San Bruno Avenue is not a County-designated scenic road nor is the property in a Design Review Viewshed area identified in the County General Plan or Zoning Ordinance. The property is within the Coyote Valley and is adjacent to the Coyote Valley Open Space Preserve which is part of the Coyote Valley Conservation Program (Assembly Bill [AB] 948). Although AB 948 recognizes Coyote Valley as an area of statewide significance, the legislation does not expressly designate Coyote Valley as a scenic resource.

The front of the property, along San Bruno Avenue, is lined with a chain link fence that has privacy slats which hides the berm and other materials associated with the Nursery use from San Bruno Avenue. Neighboring properties to the north, west, and east have homes over 350 linear feet away from the subject property. No exterior lighting is proposed as a part of the Nursery use.

DISCUSSION:

a, b, c, & d) No Impact. The subject property has chain link fencing along the front property line with privacy slats so Nursery operations cannot be seen from San Bruno Avenue. Neighboring properties to the north, west, and east have residences that are located over 350 feet from the subject property and associated Nursery operations. Additionally, no outdoor lighting is proposed with the Nursery operations. No scenic vistas, scenic roads, or other scenic resources are located within the vicinity of the subject property. Due to the existing fencing and proximity of neighboring structures, the proposed project would not impact the existing visual quality of public views. As such, the project does not pose an impact to items a, b, c and d listed above.

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.

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

SETTING:

The subject property has a General Plan designation of Agriculture – Medium Scale with an Exclusive Agriculture zoning designation (A-20ac) and is located within Coyote Valley which is identified as an area of statewide significance through AB 948. The property contains Farmland of Local Importance according to the 2018 Farmland Monitoring Program and Prime Farmland Soils according to the California Department of Conservation. The subject property is not within an active Williamson Act Contract and does not contain forestland or timberland.

The proposed grading associated with the Nursery – Wholesale use includes 2,273 cubic yards of fill for base rock utilized to create a parking lot and perimeter driveway on the property for vehicles.

DISCUSSION:

b, c, d, & e) No Impact. The subject property is zoned Agriculture which allows for Nursery – Wholesale uses to operate “by-right” meaning no land use entitlement is required from the County of Santa Clara Department of Planning and Development. Additionally, Nurseries are considered an agricultural use through the County of Santa Clara Department of Agriculture, as Nursery crops are the number one valued crop in Santa Clara County in the year 2020¹. Additionally, the subject property is not within an active Williamson Act Contract, nor does it contain forestland or timberland. As such, the project has no impact on items b, c, d, & e listed above.

a & f) Less Than Significant with Mitigation Incorporated. The project includes 2,273 cubic yards of fill for base rock utilized to create a parking lot and perimeter driveway on the property for vehicles which would convert the subsurface Prime Farmland Soils, and those areas would no longer be able to be used for soil dependent agriculture. As such the project may have an environmental impact on item a & f listed above.

However, the County of Santa Clara Planning Commission directed Staff on May 27, 2021 to include a Condition of Approval to the Grading Abatement application that requires the property owner to remove the base rock and remediate the subsurface soil upon termination of the Nursery – Wholesale use. This condition serves as a mitigation measure to items a & f listed above (see AG-MIT 1 below). As such, items a & f are less than significant.

MITIGATION:

- **AG-MIT 1: Subsurface Soil Remediation.** In order to preserve the underlying agricultural soils on site, all imported base rock associated with the Nursery Wholesale use is to be removed once the Nursey operation has ceased. Additionally, the subsurface soils shall be remediated back to agriculturally productive soils (to the extent possible) as determined by a Soil Health Assessment performed by the United States Department of Agriculture (USDA) National Resources Conservation Service (NRCS) Hollister Service Center.

¹ <https://ag.sccgov.org/crop-reports-newsletters-monthly-agricultural-updates>

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5,29, 30
b)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5,29, 30
c)	Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5,29, 30
d)	Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5, 29, 30

SETTING:

The subject property is located 2 miles west of Highway 101 and takes access from San Bruno Avenue which is west of Monterey Road and is not located within the San Francisco Bay Area Air Quality Management District (BAAQMD) PM 2.5 Air Hazard Zone. The property is surrounded by 10-acre properties to the north and east that are used for commercial agriculture purposes. To the south of the property is a 37-acre property with orchards and open space. Immediately to the west of the property are several single-family residential properties approximately 2 acres in size. Neighboring properties to the north, west, and east have residences that are located over 350 feet from the subject property and associated Nursey operations.

The proposed Nursery – Wholesale use will include two employees (see Attachment E – Business Plan) on site which sell plants on a wholesale basis primarily and directly to retailers or landscape contractors, with less than 20 percent of transactions to the general public (Zoning Ordinance Section 2.10.040 – Nurseries – Wholesale). No odorous plants are proposed to be sold on the property.

DISCUSSION:

a, b, c, & d) No Impact. The proposed project is located within the San Francisco Bay Area Air Quality Management District (BAAQMD), which regulates air pollutants, including those that may be generated by construction and operation of development projects. These criteria pollutants include reactive organic gases, carbon monoxide, nitrogen dioxide, and particulate matter (PM). BAAQMD also regulates toxic air contaminants (fine particulate matter), long-term exposure to which is linked with respiratory conditions and increased risk of cancer. Major sources of toxic air contaminants in the Bay Area include major automobile and truck transportation corridors (e.g., freeways and

expressways) and stationary sources (e.g., factories, refineries, power plants). The subject property takes access from San Bruno Avenue, approximately 2 miles west of Highway 101, in unincorporated Santa Clara County.

The subject property is not located within the Bay Area Air Quality Management District (BAAQMD) Air Hazard (Cancer; PM_{2.5}) area. There is no operational criteria pollutant screening identified in the BAAQMD 2017 Guidelines for agricultural and/or nursery uses, however the closest land use identified is a warehouse use which has an operational criteria pollutant screening size of 541,000 square feet and the construction-related screening size is 259,000 square feet. The proposed Grading Abatement and associated Nursery – Wholesale use is well below these screening levels and is well below the BAAQMD operational-related emissions and construction emission thresholds.

Development of the proposed Grading Abatement and associated Nursery – Wholesale use may involve grading and construction activities. Fugitive dust would be created during any improvements to the on-site driveway and parking lot. However, dust emissions would be controlled through standard Best Management Practices (BMPs) dust control measures that are a condition of the project. The proposed Grading Abatement and associated Nursery – Wholesale use would not expose sensitive receptors (such as children, elderly, or people with illness) to substantial pollutant concentrations or involve criteria pollutants emissions as the nearest off-site single-family residence is over 350 feet away. The use of the property as a Nursery – Wholesale would not significantly increase the regional population growth, nor would it cause significant changes in daily vehicle travel, as the business consists of two employees and does not primarily sell plants to the general public.

As such, the proposed development would not conflict with or obstruct implementation of an applicable air quality plan, 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, expose sensitive receptors to substantial pollutant concentrations, or result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

MITIGATION:

- None required

D. BIOLOGICAL RESOURCES					
		IMPACT			
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?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
					1, 7, 17b, 17o
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
					3,7, 8a, 17b, 17e, 22d, 22e, 33
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
					3, 7, 17n, 33
d) Have a substantial adverse effect on oak woodland habitat as defined by Oak Woodlands Conservation Law (conversion/loss of oak woodlands) – Public Resource Code 21083.4?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
					1, 3, 31, 32
e) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
					1,7, 17b, 17o
f) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
					32
g) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
					3,4, 17l

SETTING:

The property is located in the Santa Clara Valley Habitat Plan (“SCVHP”) Area and is located in Area 3: Rural Development Not Covered. Landcovers consist of Grain, Row-crop, Hay and Pasture, Disked / Short-term Fallowed and Urban – Suburban. There are no sensitive landcovers and is not within any wildlife and/or plant survey areas or any unmapped burrowing owl occupied nesting habitat, serpentine, riparian, stream, pond, or wetland land covers. Per the California Natural Diversity Database (“CNDDDB”), the project site does not contain any species identified in the database. The project site has approximately two existing mature trees, none of which are proposed for removal.

DISCUSSION:

a, b, c, d, e, f, & g) No Impact. The U.S Fish & Wildlife Service Department map and CNDDDB database show no known raptor, migratory birds, or special-status species on the project site. The project site does not contain any wetland resources and, therefore, will not adversely affect federally protected wetlands as defined by Section 404 of the Clean Water Act. Development of the proposed project would not result in the loss of tree. All existing trees on site will be protected in place. The site is not currently used as a migratory wildlife corridor and does not contain a native wildlife nursery site.

There will be no impact on movement of migratory or native fish or wildlife species on the project site. Additionally, the project does not conflict with the SCVHP as there are no covered species or landcovers on the property. As such, the proposed Grading Abatement and associated Nursery use will not impact items a, b, c, d, e, f & g listed above.

MITIGATION:

- None required

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

SETTING:

The project is a Grading Abatement Approval application to legalize 2,273 cubic yards of fill and 37 cubic yards of cut to establish a parking lot, driveways, and a 615-foot long/ 3-foot tall berm, which was originally installed while the property was used as an unpermitted Contractor's Facility at 626 San Bruno, Morgan Hill (APN: 712-230-005). The applicant has ceased the unpermitted Contractor's Facility and proposes to use the unpermitted grading to establish a Nursery-Wholesale on their property, as stated in the Grading Abatement Application submitted on June 16, 2020. No existing structures are proposed to be demolished.

DISCUSSION:

a, b, &c) No Impact. The project site currently has a single-family residence, a berm, driveways, parking lot, and a small orchard. Historically, the property was used for agriculture or was vacant until it was used recently used as an unpermitted contractor's facility. There are no cultural resources listed in the County Historic Resources Database on the subject property or surrounding area, and no known paleontological resources or unique geologic features. As such it is unlikely the unpermitted grading (2,273 cubic yards of fill) and the associated Nursery – Wholesale use would disturb any human remains. Therefore, the proposed project would have no impact on items a, b, & c listed above.

MITIGATION:

- None required

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

SETTING:

The proposed project includes the legalization of unpermitted grading and a proposed use of a Nursery – Wholesale. No construction of energy sources are proposed at this time. No landscaping is proposed as a part of this project; therefore, the Santa Clara County Sustainable Landscaping Ordinance does not apply.

DISCUSSION:

a & b) No Impact. The Grading Abatement and associated Nursery – Wholesale use is a relatively low-impact development and does not propose to utilize energy resources, such as gas, electricity, and water, in an inefficient manner during construction or during its use as a residence. Additionally, the proposed residence and its associated energy resources does not conflict with local or state plans for energy efficiency. As such, the proposed project does will not result in potentially significant environmental impact do to wasteful, inefficient, or unnecessary construction of energy resources during project consumption or operation and will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Therefore, the project proposed no impact to items a & b listed above.

MITIGATION:

- None required

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

SETTING:

The proposed Grading Abatement and associated Nursery – Wholesale use does not include the construction of any new structures. Associated development includes the legalization of base rock used to create driveways and parking lots, and a berm associated with the proposed Nursery – Wholesale

use. The property is not located in fault rupture, landslide, or earthquake hazard zone. Additionally, none of the improvements are in the County liquefaction zone. No septic systems are proposed on the property and no known unique geologic features have been identified on the property.

DISCUSSION:

ai, aii, aiii, aiv, b, c, d, e, & f) No Impact. As the proposed project and its associated improvements are not located in a fault rupture, landslide, earthquake hazard, and liquefaction zone, no geologic impacts would result from the implementation of the Grading Abatement and associated Nursery – Wholesale use. The project does not include a use that would increase the likelihood of topsoil erosion on the subject property. No septic systems are proposed on the property and no known unique geologic features have been identified on the property. As such, the project would not result in impacts listed as ai, aii, aiii, aiv, b, c, d, e & f listed above.

MITIGATION:

- None required

H. GREENHOUSE GAS EMISSIONS					
		IMPACT			
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?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
					5,29, 30
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
					5,29, 30

SETTING:

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

The proposed project includes two employees associated with the nursery use. Additionally, the nursery will not primarily serve the general public and will sell the plants on a wholesale basis. As such, it is anticipated that vehicle trip generated by the proposed use are minimal.

DISCUSSION:

a & b) No Impact. The Grading Abatement and associated Nursery – Wholesale use will have minimal greenhouse gas emission impacts and would involve GHG emissions through the operation of construction equipment and from worker/builder supply vehicles, which typically use fossil-based fuels to operate. Project excavation, grading, and construction would be temporary, occurring only over the construction period, and would not result in a permanent increase in GHG emissions. The Grading Abatement and associated Nursery – Wholesale use would consume electricity; however, the amount would be minimal, and therefore would not make a cumulatively considerable contribution to the effect of GHG emissions on the environment. As such, the project would have no 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				
WOULD THE PROJECT:		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 4, 5
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 3, 5
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 1/4 mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	46
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	47
e)	For a project located within an airport land use plan referral area or, where such a plan has not been adopted, within two miles of a public airport or public use airport, or in the vicinity of a private airstrip, would the project result in a safety hazard, or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 22a
f)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5, 48
g)	Expose people or structures either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	4, 17g

SETTING:

The proposed project is located approximately 7 miles away from the nearest school which is northwest of the development site. The project site is not listed on the County of Santa Clara Hazardous Waste and Substance Sites List, it is not located in the County Airport Land Use plan area and is not located in the Wild Urban Interface Fire Area (WUI).

DISCUSSION:

a, b, c, d, e, f & g) No Impact. The proposed project is a nursery and would not involve the use or transportation of any hazardous materials, and it is not located on site designated as hazardous under Section 65962.5, as verified on EnviroStor, accessed on December 18, 2020.

The project is located within a. agricultural neighborhood, and would not change the local roadway circulation pattern, access, or otherwise physically interfere with local emergency response plans. The access to the project site is from an existing public road. The development plans have been reviewed

and conditionally approved by the County Fire Marshal's Office. The proposed project will not impair or physically interfere with any emergency response or evacuation plans.

Due to the project's location outside a ¼ mile from a school, its location outside of the County Airport Land Use plan area, and because it is not listed on the Hazardous Waste and Substance Sites List or within the WUI area, the proposed project does not have an impact on emitting hazardous substances within a ¼ mile of a school, creating a significant hazard to the public or the environment due to its listing as a hazardous materials site, or create a safety hazard, or excessive noise for people residing or working in the project area due to its proximity to an airport, or 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:		<u>Potential v Significant t Impact</u>	<u>Less Than Significant With Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	
a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	34, 36
b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 4
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 17n,
i)	Result in substantial erosion or siltation on- or off-site	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3 , 17p
II)	Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 5, 36, 21a
III)	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 5
IV)	Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 17p, 18b, 18d
d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 18b, 18d
e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 3, 4, 17p

SETTING:

The subject property is located outside of all flood zones, does not contain a creek or watercourse, and does not include new impervious surface area (as the proposed project includes the legalization of base rock importation). The use does not include use of groundwater supplies.

DISCUSSION:

a, b, ci, cii, ciii,, civ, d, e) No Impact. The project is located out of all flood zones area and therefore will not release pollutants in a flood zone area. The project will be conditioned to ensure Best Management Practices that will be required during construction to minimize erosion. In addition, the project and all associated improvements have been reviewed and conditioned by County Land Development Engineering, ensuring that drainage improvements have been designed and sized adequately to deal with the increase in run-off and changes to drainage off-site, and ensuring that no stormwater would be displaced from the property. As such, there is no impacts on items listed as a, b, ci, cii, ciii,, civ, d, e above.

MITIGATION:

- None required

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

SETTING:

The subject property has a General Plan designation of Agriculture – Medium Scale with an Exclusive Agriculture zoning designation (A-20ac) and is located within Coyote Valley which is identified as an area of statewide significance through AB 948. The property maintains an agriculture use which is the primary use in the neighboring properties.

DISCUSSION:

a & b) No Impact. The subject property is zoned Agriculture which allows for Nursery – Wholesale uses to operate “by-right” meaning no land use entitlement is required from the County of Santa Clara Department of Planning and Development. Primary uses in Agriculture zones are agriculture uses. Nurseries are considered an agricultural use through the County of Santa Clara Department of Agriculture, as Nursery crops are the number one valued crop in Santa Clara County in the year 2020. As such, the project poses no impact to items a & b listed above.

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 3, 6, 44
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 3, 6, 8a

SETTING:

The project consists of a Grading Abatement and associated Nursery – Wholesale use and does not include utilizing the subject property for mining. No known valuable mineral resources are located on the subject property, which are delineated on a local general plan, specific plan or other land use plan.

DISCUSSION:

a & b) No Impact. Due to the project's use of the property as a nursey, and the lack of known valuable mineral resources within the proposed development, the project will not 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, or 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

MITIGATION:

- None required

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

SETTING:

The project consists of a Grading Abatement and associated Nursery – Wholesale use and associated improvements legalizing a berm, driveways, and a parking lot associated with the nursery use. Local ambient noise comes from the nearby residences and minor occasional traffic noise from the nearby public streets. The project is not located in an airport land use plan referral area.

DISCUSSION:

a, b, & c) No Impact. Legalization of the driveways, parking lot, and berm residence will not result in any new noise in the immediate project area as the project was already constructed without permits. If any construction is required, associated noise could have an impact on the nearest sensitive (residential) uses. Implementation of noise abatement measures described below will reduce potential construction impacts to a less-than-significant level. Noise levels would not exceed standards of the Santa Clara County Noise Ordinance. Noise impacts on the residential uses near the project site would be minimal and temporary, as they are located over 350 feet away from the subject property.

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 (Ldn value in dBs).

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 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, between 10:00 p.m. to 7:00 a.m., or construction activity during weekdays and Saturday's hours from 7:00 p.m. to 7:00 a.m., or at any time on Sundays or holidays.

The noise levels created during the grading and demolition/construction of this project could create a temporary disturbance. The project is required to conform to the County Noise Ordinance at all times for 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. Thus, it is anticipated that short-term noise resulting from the grading and demolition/construction will not present a significant impact to neighboring property owners. Therefore, the project would not create any noise impacts.

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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 4
b)	Displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 3, 4

SETTING:

The project includes the legalization of unpermitted grading in order to establish a nursery on the subject property. No new housing or associated infrastructure is proposed. The proposed nursery use will not create a significant increase in jobs in the area as it has two total employees. No housing is proposed to be demolished.

DISCUSSION:

a & b) No Impact. As the project does not include the creation of new housing and it proposes to include two employees, there is no significant increase in housing or jobs in the project area. No housing is proposed to be demolish and therefore no housing will be displaced as a result of the project. Additionally, no new infrastructure (such as road improvements) is proposed. As such, there is no impact on items a & b listed above.

MITIGATION:

- None required

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

SETTING:

The proposed Grading Abatement and associated Nursey – Wholesale use is located within the unincorporated County of Santa Clara and is not within an Urban Service Area. It is currently in the Local Response Area for fire emergency response. The project does not require any additional public services, as what public services already exists are adequate for the subject property and proposed use.

DISCUSSION:

ai, aii, aiii, aiv, av) No Impact. The proposed Grading Abatement and associated Nursery – Wholesale use would not significantly increase the need for additional fire or police protection to the area. Other public services, such as those provided by schools or parks, would not be significantly impacted.

MITIGATION:

- 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 4, 5, 17h
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 4, 5

SETTING:

The proposed project does not include sales of plants primarily to the general public and therefore no increase in members of the general public would occur in the project area. No road improvements are proposed which would increase general public traffic in the area. These lack of improvements, and no increase in members of the public visiting the project site, would not result in an increase of use of nearby recreational sites such as the 850 acre open space property owned by the Santa Clara Valley Habitat Agency located to the west of the property.

DISCUSSION:

a & b) No Impact. The proposed project is for a Grading Abatement and Nursery – Wholesale use will not result in an impact to existing parks or recreational facilities due to the minimal increase in population to the neighborhood. As such, the project would not cause a substantial physical deterioration of existing recreational facilities.

Additionally, the proposed Grading Abatement and Nursery – Wholesale use does not include any recreational uses or structures, nor does the addition of a new-single family residence require an expansion to existing recreational facilities. As such, the project does not have an impact on items a & b listed above.

MITIGATION:

- None required

Q. TRANSPORTATION						
			IMPACT			SOURCE
WOULD THE PROJECT:	YES				NO	
		<u>Potential v Significant Impact</u>	<u>Less Than Significant With Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		1, 4, 5, 6, 7, 49, 52
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)? ₂	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		6, 49, 50, 52
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		3, 5, 6, 7, 52
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		1, 3, 5, 48, 52

SETTING:

The proposed Grading Abatement and associated Nursery-Wholesale use takes access off of San Bruno Avenue (a County maintained road) which is west of Monterey Road. The project includes an existing permitted driveway apron which connected to the proposed base rock driveways and parking lots associated with the Nursery – Wholesale use.

DISCUSSION:

a, b, c, & d) No Impact. The proposed project, consisting of a Grading Abatement and associated Nursery-Wholesale use includes two employees and does not sell plants primarily to the general public. As such, the proposed use does not include a significant increase in daily trips to the subject property. In addition, the project was reviewed by the County of Santa Clara Roads and Airports Department to ensure requirements of the Official County Road Book (2021) are met. Also, the project was reviewed and conditionally approved by the County Fire Marshal's Office to ensure adequate fire safety access is proposed. Therefore, the project will not generate substantial new traffic, impair existing transportation facilities, or result in inadequate emergency access. Construction activities for the proposed structures would involve a small number of vehicle trips related to delivery of material and workers commuting to the site. Because the number of trips would be temporary and small in number, and road use in the vicinity is relatively light, the proposed project would not have impacts on traffic and circulation. Onsite parking associated with the nursery use is in conformance with the County parking requirements.

MITIGATION:

- None required

² The provisions of this section shall apply prospectively as described in section 15007. A lead agency may elect to be governed by the provisions of this section immediately. Beginning on July 1, 2020, the provisions of this section shall apply statewide. The County of Santa Clara has elected not to be governed by the provisions of this section until they become effective statewide on July 1, 2020.

R. TRIBAL CULTURAL RESOURCES				
	IMPACT			SOURCE
WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>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:</p>				
<p>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</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SETTING:

The subject property is not 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:

ai & aii) No Impact. The County has not received any letters from Native American tribes requesting tribal consultation per Public Resources Code, Section 21080.3.1(b) regarding the potential for a Native American tribal cultural resource located on or near the project site. Hence, there is no evidence to indicate the presence of a tribal cultural resource listed or eligible for listing in the California Register of Historical Resources, or of significance pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. Therefore, the proposed two-lot subdivision would not cause a substantial adverse change in the significance of a tribal cultural resource, and no mitigation measures would be necessary.

MITIGATION:

- None required

S. UTILITIES AND SERVICE SYSTEMS					
WOULD THE PROJECT:	IMPACT				SOURCE
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3,6,70
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 6,24b
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3,6,70
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 5,6
e) Be in non-compliance with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3,5, 6

SETTING:

The proposed Grading Abatement Nursery use does not include new wastewater treatment systems, new water connections or services. The project would not require or result in the construction of off-site new or expanded wastewater treatment.

DISCUSSION:

a, b, c, d & e) No Impact. Construction activities would involve minimal amounts of debris that would need to be removed and disposed of, and existing landfill capacity would need to be sufficient to accommodate it. Development on the site would be subject to post-construction of stormwater regulations, including requirements for Low Impact Development, stormwater quality treatment, stormwater runoff retention, and hydromodification, as applicable to the specific development proposed.

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. Additionally, the proposed project does not include or require the instalment or expansion of onsite wastewater treatment systems or the expansion of existing water source doe the property. As such, there is no impact to items a, b, c, d, & e listed above.

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 3, 6, 44
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 3, 6,8a
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 4, 5, 17h
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 4, 5

SETTING:

The subject property is located in the Local Response Area of South Santa Clara County Fire Prevention District. It is not located within a Wildlife Urban Interface (WUI) area. The project does not include any removal of trees or maintenance of infrastructure that would exacerbate fire risk. No streams are located on or near the property. Additionally, the property is relatively flat.

DISCUSSION:

a, b, c, & d) No Impact. The project was reviewed and conditionally 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. The installation of a firetruck turnaround and a water connection to the proposed development site does not exacerbate fire risk that may result in temporary or ongoing impacts to the environment. The proposed development is on a relatively flat site and is therefore not at risk of downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Additionally, the property is not located in the WUI. As such, the project imposes no impact to items a, b, c & d listed above.

MITIGATION:

- None required

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

DISCUSSION:

a, b, & c) No Impact. No special status species or habitat are located on or near the property. 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.

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.

The proposed project is a Grading Abatement associated with a Nursery Wholesale use. As described in the environmental topic sections of this Initial Study, the proposed project would not have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly.

Initial Study Source List*

1. Environmental Information Form
https://www.sccgov.org/sites/dpd/DocsForms/Documents/EnvAss_Form.pdf
2. Field Inspection
3. Project Plans
4. Working knowledge of site and conditions
5. Experience with other Projects of This Size and Nature
6. County Expert Sources:
Geologist
<https://www.sccgov.org/sites/dpd/PlansOrdinances/GeoHazards/Pages/Geology.aspx>
Fire Marshal
<https://www.sccgov.org/sites/dpd/AboutUs/Fire/Pages/Fire.aspx>
Roads & Airports
<https://www.sccgov.org/sites/rda/Pages/rda.aspx>
Environmental Health
<https://www.sccgov.org/sites/deh/Pages/deh.aspx>
Land Development Engineering
<https://www.sccgov.org/sites/dpd/AboutUs/LDE/Pages/LDE.aspx>
Parks & Recreation
<https://www.sccgov.org/sites/parks/Pages/Welcome-to-Santa-Clara-County-Parks.aspx>
Zoning Administration,
Comprehensive Planning,
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. 2019 CEQA Statute Guidelines [Current Edition]
http://resources.ca.gov/ceqa/docs/2019_CEQA_Statutes_and_Guidelines.pdf

Area Specific: San Martin, Stanford, and Other Areas

San Martin

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

20b. San Martin Water Quality Study

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

Stanford

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

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

Other Areas

22a. South County Airport Comprehensive Land Use Plan and Palo Alto Airport comprehensive Land Use Plan [November 19, 2008]

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

22c. County Lexington Basin Ordinance Relating to Sewage Disposal

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

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

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

Soils

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

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

Agricultural Resources/Open Space

25. Right to Farm Ordinance

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

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

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

Air Quality

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

30. BAAQMD CEQA Air Quality Guidelines (2017)-
http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en

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

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

32. Site-Specific Biological Report

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

Section C16, Santa Clara County Guide to Evaluating Oak Woodlands Impacts
https://www.sccgov.org/sites/dpd/DocsForms/Documents/Oakwoodlands_Guide.pdf

Initial Study Source List*

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

- 33. Clean Water Act, Section 404
<https://www.epa.gov/cwa-404/permit-program-under-cwa-section-404>
- 34. Santa Clara Valley Water District – GIS Data:
<https://www.valleywater.org/learning-center/watersheds-of-santa-clara-valley>
- 35. CA Regional Water Quality Control Board, Water Quality Control Plan, San Francisco Bay Region [1995]
- 36. Santa Clara Valley Water District, Private Well Water Testing Program [12-98]
- 37. SCC Nonpoint Source Pollution Control Program, Urban Runoff Management Plan [1997]
- 38. County Environmental Health / Septic Tank Sewage Disposal System - Bulletin "A"
- 39. County Environmental Health Department Tests and Reports

Archaeological Resources

- 40. Northwest Information Center, Sonoma State University
- 41. Site Specific Archaeological Reconnaissance Report

Geological Resources

- 42. **Site Specific Geologic Report**
- 43. State Department of Mines and Geology, Special Report #42
- 44. State Department of Mines and Geology, Special Report #146

Greenhouse Gas Emissions

- 45. **BAAQMD CEQA Air Quality Guidelines (2017)-
http://www.baagmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en**

Hazards & Hazardous Materials

- 46. Section 21151.4 of California Public Resources Code
- 47. State Department of Toxic Substances, Hazardous Waste and Substances Sites List
- 48. County Office of Emergency Services Emergency Response Plan [1994 version]

Noise

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

***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.**

INITIAL STUDY

Environmental Checklist and Evaluation for the County of Santa Clara 626 San Bruno Grading Abatement Approval

Project Description; Continued

On December 10, 2020, the Property Owner (Appellant) appealed the Planning Official's denial of the Grading Abatement on the grounds that the grading is necessary to establish a Nursery – Wholesale use (Attachment D). On May 27, 2021, the appeal was heard at the County Planning Commission and resulted in the Commission declaring their intent to **grant the appeal** and rescind the decision of the Planning Official to deny the Grading Abatement application; and return to the Planning Commission for final action. Additionally, the Planning Commission directed staff to include a Condition of Approval for the property owner to remove the base rock from the property once the nursery operation ceases in order to remediate the underlying agricultural soils.

Subsequently, Planning Staff prepared to bring the Grading Abatement application back to the January 27, 2021 Planning Commission meeting by preparing Conditions of Approval, a Compliance Agreement pursuant to Municipal Code Section C1-71, and Environmental Review as the subject property is located within Coyote Valley (an area of statewide importance pursuant to AB 948).



Code Enforcement Office
Phone: (408) 299-6723
CodeEnforcement@pln.sccgov.org

Notice of Violation and Public Nuisance; Intent to Record

(Via Standard and Certified U.S. Postal Mail and Posting at Property)

February 11, 2019

Responsible Person:

Luciano Turchet Trustee & Et Al
945 Durlston Rd.
Redwood City, CA. 94062

Violation Address:

626 San Bruno Ave.
Morgan Hill, CA. 95037
APN: 712-23-005

Re: Violation Number: VIO19-00080

Inspection Date: February 8, 2019

Dear Luciano Turchet Trustee & Et Al:

During an inspection of the Violation Address, County of Santa Clara Department of Planning and Development (Planning Department) staff observed the following violations of the County Ordinance Code and County Zoning Ordinance. The violations are a public nuisance.

As the Violation Address owner, you are responsible for the violations. You must correct the violations as set out in Section II. If you do not do so, the consequences are set out in Section III and include **fines of up to \$1,000 per day for each of the remaining violations until corrected.**

If you have any questions or reasons why you cannot complete the required corrections, please contact me at the number or email below.

I. VIOLATIONS:

Code Section	Description of Violation
Zoning Ord. § 1.20.070	Failure to comply with Zoning Ordinance
Zoning Ord. § 2.20.020	Non-Residential Use in a Rural Base District – Contractors' Facility (Prohibited)
Zoning Ord. § 2.20.050	A Districts: Agricultural Preservation – Exclusive Agricultural District

II. REQUIRED CORRECTIONS:

1. **Immediately** cease all known and unknown illegal uses of the Subject Property in violation of the Ordinance Code and Zoning Ordinance, including the use of the property as a Contractors' Facility and for Non-Agricultural use.
2. **By March 12, 2019**, cease further use of the property as a Contractors' Facility. The storage and use of heavy equipment on the property and cargo containers that are not associated to permitted agricultural use is prohibited.

By March 12, 2019, cease further use of the property that does not preserve exclusive agricultural use.

3. **By March 12, 2019**, obtain a final clearance inspection from the Code Enforcement Division to show that all required corrective work has been properly completed.

III. CONSEQUENCES OF FAILURE TO CORRECT:

The Planning Department hopes you will perform the required corrections and no further action is required. However, if you do not, the County may:

1. Impose administrative fines of up to \$1,000 per violation per day and/or administrative citations until the violations are corrected.
2. Seek civil penalties of up to \$2,500 per violation per day.
3. Take further legal action against you, including civil or criminal prosecution.

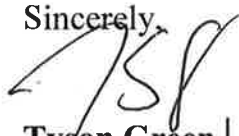
IV. INTENT TO RECORD NOTICE OF THE VIOLATIONS:

The Planning Department intends to record notice of the violations against the Violation Address with the County Clerk-Recorder's Office. Within 30 days of this Notice or no later than March 14, 2019, you may request a meeting with the Code Enforcement Division Manager to challenge the existence of or your responsibility for the violations. To request a meeting, please contact James Stephens at 408-299-5794 or at james.stephens01@pln.sccgov.org.

If you do not request a meeting with the Code Enforcement Division Manager within 30 days of this Notice or no later than March 14, 2019, or if after the meeting the Code Enforcement Division Manager still determines violations exist, the Code Enforcement Division Manager will record notice of the violations. The recorded notice of the violations can be expunged once the violations are corrected.

We look forward to your cooperation in this matter.

Sincerely,



Tyson Green | Code Enforcement Officer

Department of Planning and Development, County of Santa Clara

70 W. Hedding St., East Wing, 7th Floor

San Jose, CA. 95110

408-299-5793

tyson.green@pln.sccgov.org

CC: Code Enforcement File
Planning File



Notice of Violation and Public Nuisance

(Via Standard and Certified U.S. Postal Mail and Posting at Property)

March 26, 2019

Responsible Person:
Luciano Turchet
945 Durlston Road
Redwood City, CA 94062

Violation Address:
626 San Bruno Ave.
Morgan Hill, CA 95037

Inspection Date: February 28, 2019

Re: Record Number: VIO19-00080

Dear Luciano Turchet:

County of Santa Clara Department of Planning and Development Land Development Engineering staff inspected the property at the Violation Address and observed the following County Ordinance Code violations:

I. VIOLATIONS

Code Section	Description of Violation
C12-406	Non-exempt grading without permits; grading resulting in a hazardous condition and/or endangering adjacent property
C12-408	Non-exempt drainage alteration work without permits
C12-514	Grading Creating Erosion/Sediment Problems
A1-34, C12-536	Grading Creating a Nuisance

The violations are a public nuisance. As the owner of the property at the Violation Address, you must correct the violations as follows.

II. REQUIRED CORRECTIONS

1. Immediately install any necessary erosion protection and sediment controls.
2. Immediately stop all other grading, drainage, and site work until appropriate permits are issued by the Department of Planning and Development.
3. By June 17, 2019, submit a grading abatement approval application to the Planning Department to obtain the required permits to remove or legalize all work done in violation. Please contact me to obtain application materials and details about the abatement process and any particular issues for the Violation Address.

4. By September 16, 2019, obtain Conditions of Approval for the grading abatement application.
5. By October 31, 2019, obtain a grading abatement permit.
6. By December 2, 2019, complete all work to correct the violations in accordance with the approved permit and obtain a clearance inspection from the Land Development Engineering Construction Inspection Division. The name and contact for this inspection will be provided with your permits.

We want to work with you to correct the violations. If you have any questions or need assistance or additional time to correct the violations, please contact me as soon as possible at the number or email below.

III. CONSEQUENCES OF FAILURE TO CORRECT

If you perform the required corrections by the deadlines, there will be no further consequences. Alternatively, if you disagree that the violations exist, you may contact me within 30 days of this Notice to request a meeting with the Grading Official to present your evidence that you have not violated the County Ordinance Code.

If you do not either completely correct the violations by the deadlines, request and obtain an extension to correct them, or establish the violations do not exist, the County will:

1. Record notice of the violations against the Violation Address with the County Clerk-Recorder's Office; and/or
2. Impose administrative fines of up to \$1,000 per violation per day until the violations are corrected; and/or
3. Institute civil or criminal prosecution, with civil penalties of up to \$2,500 per violation per day, and if soil sediments or other prohibited materials are transported to downstream watercourses, up to \$37,500 per day.

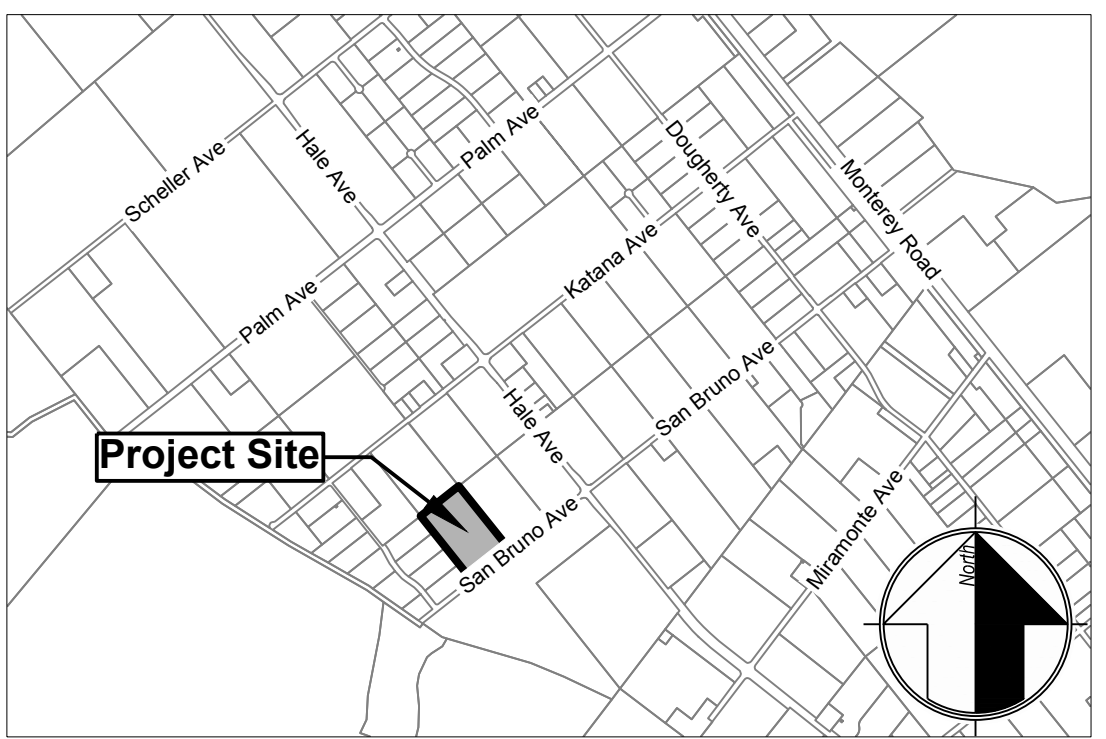
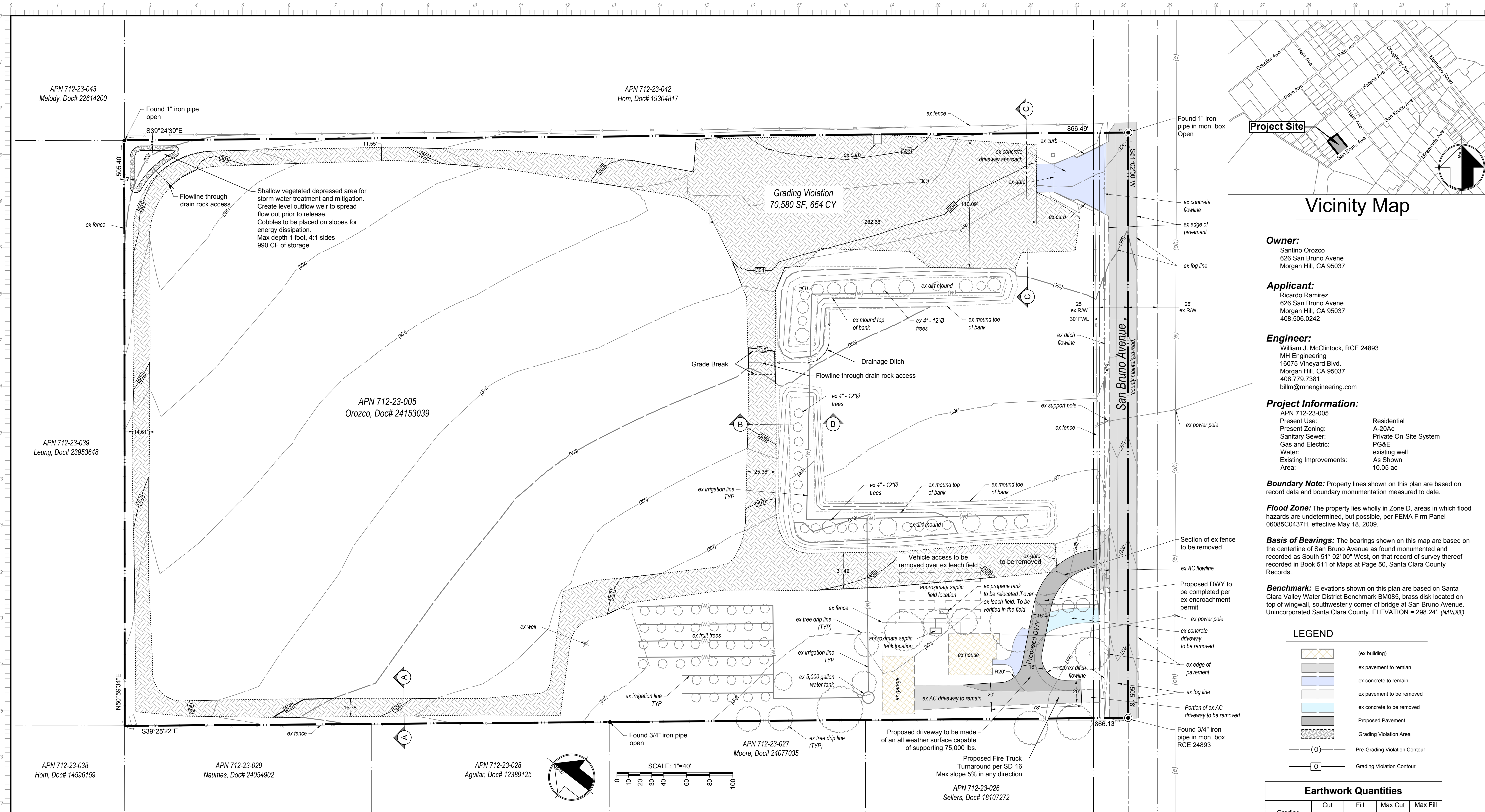
We look forward to working with you to correct the violations. Please complete the required corrections by the deadlines to avoid further consequences.

Sincerely,



Darrell Wong, P.E. | Principal Civil Engineer

Department of Planning and Development, County of Santa Clara
70 W. Hedding St., East Wing, 7th Floor
San Jose, CA 95110
408-299-5735
darrell.wong@pln.sccgov.org



Owner:
Santino Orozco
626 San Bruno Avenue
Morgan Hill, CA 95037

Applicant:
Ricardo Ramirez
626 San Bruno Avenue
Morgan Hill, CA 95037
408.506.0242

Engineer:
William J. McClintock, RCE 24893
MH Engineering
16075 Vineyard Blvd.
Morgan Hill, CA 95037
408.779.7381
billm@mhengineering.com

Project Information:
APN 712-23-005
Present Use: Residential
Present Zoning: A-20Ac
Sanitary Sewer: Private On-Site System
Gas and Electric: PG&E
Water: existing well
Existing Improvements: As Shown
Area: 10.05 ac

Boundary Note: Property lines shown on this plan are based on record data and boundary monumentation measured to date.

Flood Zone: The property lies wholly in Zone D, areas in which flood hazards are undetermined, but possible, per FEMA Firm Panel 06085C0437H, effective May 18, 2009.

Basis of Bearings: The bearings shown on this map are based on the centerline of San Bruno Avenue as found monumented and recorded as South 51° 02' 00" West, on that record of survey thereof recorded in Book 511 of Maps at Page 50, Santa Clara County Records.

Benchmark: Elevations shown on this plan are based on Santa Clara Valley Water District Benchmark BM085, brass disk located on top of wingwall, southwesterly corner of bridge at San Bruno Avenue. Unincorporated Santa Clara County. ELEVATION = 298.24' (NAVD88)

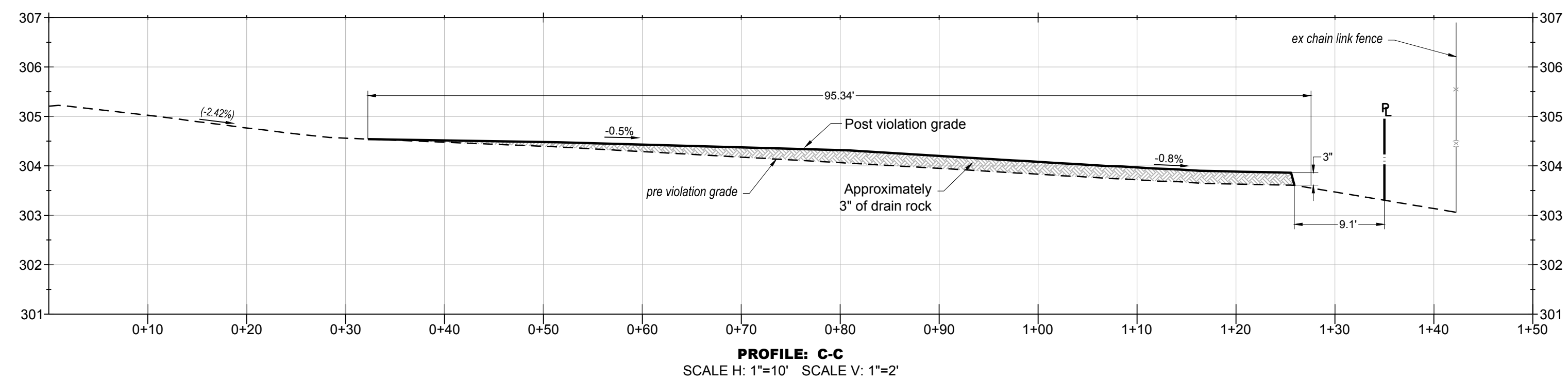
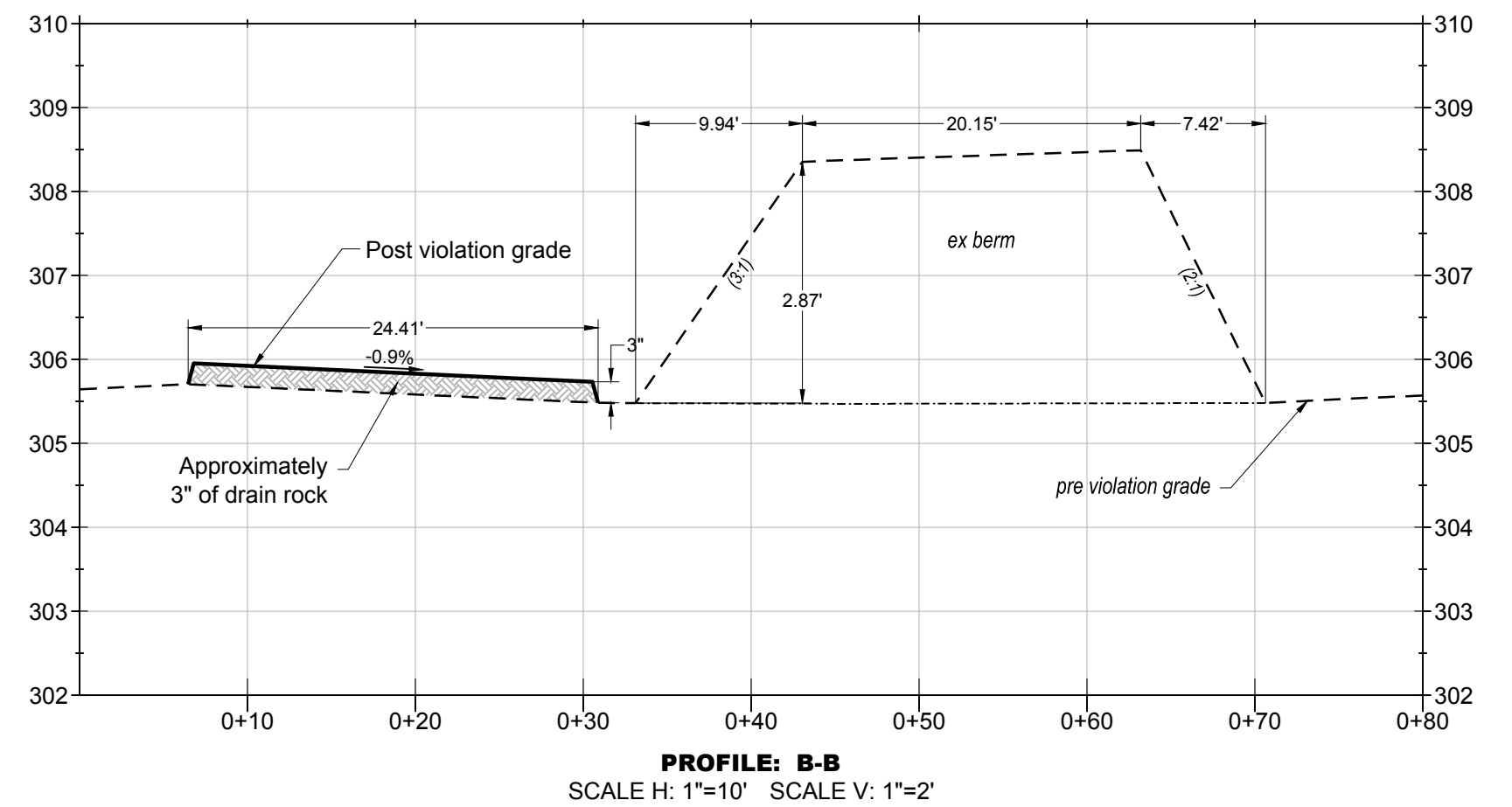
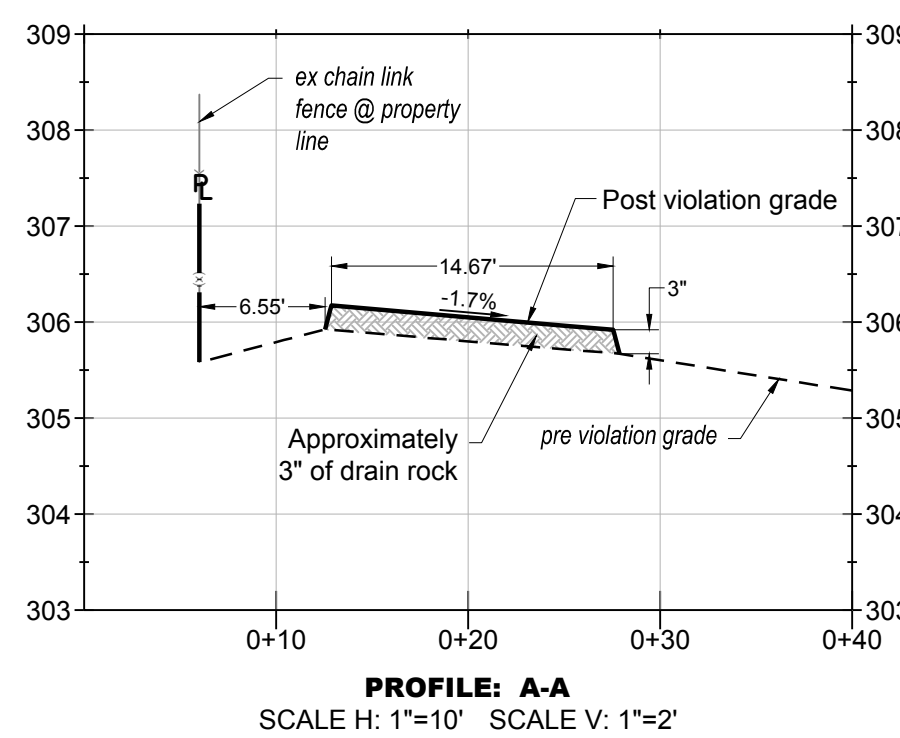
LEGEND

	(ex building)
	ex pavement to remain
	ex concrete to remain
	ex pavement to be removed
	ex concrete to be removed
	Proposed Pavement
	Grading Violation Area
	Pre-Grading Violation Contour
	Grading Violation Contour

Earthwork Quantities

	Cut	Fill	Max Cut	Max Fill
Grading Violation	0 cy	654 cy	0.00'	0.50'
Berms	0 cy	1,619 cy	0.00'	3.00'
Vegetated Area	37 cy	0 cy	1.00'	0.00'
Total	37 cy	2,273 cy		

Scope of Work: Legalize imported drain rock and berm fill to establish a wholesale nursery.



REGISTERED PROFESSIONAL ENGINEER
WILLIAM J. MCCLINTOCK
No. 24893
EXP. 12-31-2021
FOR PLANCHHECK ONLY
signature and seal must be present on all sheets

MH engineering Co.
16075 Vineyard Boulevard
Morgan Hill, CA 95037

Ramirez - Preliminary Grading Plan
San Bruno Avenue - APN 712-23-005

DATE: 8/25/2020
SCALE: 1" = 40'
DRAWN BY: DF
CHECKED BY: WJM
JOB NO: 219073
SHEET 1 OF 1



STAFF MEMORANDUM

November 30, 2020

Staff Contact: Joanna Wilk, Associate Planner
(408) 299-5799, joanna.wilk@pln.sccgov.org

FILE: PLN20-063
ADDRESS: 626 San Bruno Avenue, Morgan Hill (APN: 712-23-005)
SUBJECT: Grading Abatement/Approval to legalize 2,273 cubic yards of fill and 37 cubic yards of cut for a Wholesale Nursery.

BACKGROUND

The subject property, located at 626 San Bruno (APN: 712-23-005), is located within the southern portion of the County of Santa Clara, just south of Morgan Hill. The property is zoned Agriculture (A-20ac), with a General Plan Designation of Agriculture Medium Scale. The subject property is approximately 10 acres in size. The property was previously enrolled within a nonrenewed Williamson Act Contract, which completely terminated in January of 2020.

On February 11, 2019, the property owner was issued a Notice of Violation (Attachment A: File No. VIO19-00080-ZON1) for the unpermitted use as a “contractor’s facility,” including the use of heavy equipment and cargo containers. In March of 2019, the property owner was issued a second Notice of Violation (Attachment B: File No. VIO19-00080-GRD1) for conducting grading and draining alteration work without obtaining County-required permits. The second violation included a 615-foot long, 3-foot tall berm, as well as modified on-site drainage that resulted in erosion and sedimentation infractions. By April of 2019, the property owner removed heavy equipment and ceased all identifiable contractors’ facilities operations, as contractor facilities are not a permitted use within the County’s Agriculture zoning district.

In October of 2019, the property owner participated in a Pre-Screening meeting to discuss the applicant’s desire to legalize the unpermitted grading on the property. During the meeting, the applicant explained that the 2,273 cubic yards of fill for a parking lot, driveways, and a 615-foot long/ 3-foot tall berm was necessary for an intended future use of the property as a “Wholesale Nursery,” which would include purchasing small trees and shrubs, maintaining them for a time period, and transplanting them from small containers to larger containers until mature (Attachment C: Business Plan). The property owner described that that Wholesale Nursey operation would include selling potting mixture, the use of two trucks, a backhoe to handle the planting mix, and a loader used to lift the trees and shrubs. The property owner’s business plan also noted that sales were already completed with 3 landscape contractors.

During the meeting, Planning Staff explained to the property owner that upon Grading Abatement/Approval application submittal (emphasis added), Staff would need evidence of an operating Wholesale Nursey in order to prove that the unpermitted grading is necessary for the proposed use as a nursery, which would enable Staff to make the Grading Findings listed in Municipal Code Section C12-433. Furthermore, Staff explained that Wholesale Nurseries are

County of Santa Clara

Department of Planning and Development
Planning Office

County Government Center, East Wing, 7th Floor
70 West Hedding Street
San Jose, California 95110-1705
(408) 299-5770 FAX (408) 288-9198
www.sccplanning.org



allowed “by-right” in Agriculture zoning districts, and therefore no planning permit would be required in order for the owner to begin operating their Wholesale Nursery business.

On June 17, 2020, the property owner provided their first Grading Abatement/Approval application submittal without submitting evidence of an operating Wholesale Nursery. The initial application was deemed incomplete for processing by the County Land Development Engineering Division, the Fire Marshal’s Office, and the Department of Environmental Health. On September 1, 2020, the Grading Abatement/Approval application was resubmitted, whereby the property owner addressed all incomplete comments provided by the agencies above. Additionally, the property owner used photos and receipts of potted trees purchased from Lowes Hardware as evidence of an operating Wholesale Nursery.

On October 1, 2020, Planning Staff determined that all the information needed to make a final action on the application was submitted, and the application was subsequently deemed complete for processing. After reviewing the complete application, Staff found that the unpermitted grading was not necessary to establish or maintain a Wholesale Nursery use, whereby the use would be permitted by-right on the property. Additionally, Staff found that there was a lack of substantive evidence that the subject property is currently being used and operating as a legitimate or valid Wholesale Nursery business. Receipts and photos submitted by the property owner to the County indicate that the property owner purchased palm trees from Lowes Hardware, however none of the receipts indicate sales of palm trees (or other plants) from the subject property directly to retailers or landscape contractors on an on-going basis. As such, Staff informed the property owner that Staff would not be able to support the project and would be preparing a Final Action Memorandum to deny the application.

DISCUSSION

Pursuant to Municipal Code Section C12-433, Grading Abatement/Approval may only be granted if all the following findings are made. The findings that cannot be supported by Staff are identified below in **bold**, followed by a discussion of said findings.

- (a) **The amount, design, location, and the nature of any proposed grading is necessary to establish or maintain a use presently permitted by law on the property.**
- (b) The grading will not endanger public and/or private property, endanger public health and safety, will not result in excessive deposition of debris or soil sediments on any public right-of-way, or impair any spring or existing watercourse.
- (c) **Grading will minimize impacts to the natural landscape, scenic, biological and aquatic resources, and minimize erosion impacts.**
- (d) For grading associated with a new building or development site, the subject site shall be one that minimizes grading in comparison with other available development sites, taking into consideration other development constraints and regulations applicable to the project.
- (e) **Grading and associated improvements will conform with the natural terrain and existing topography of the site as much as possible, and should not create a significant**

County of Santa Clara

Department of Planning and Development
Planning Office

County Government Center, East Wing, 7th Floor
70 West Hedding Street
San Jose, California 95110-1705
(408) 299-5770 FAX (408) 288-9198
www.sccplanning.org



visual scar.

(f) Grading conforms with any applicable general plan or specific plan policies; and

(g) Grading substantially conforms with the adopted "Guidelines for Grading and Hillside Development" and other applicable guidelines adopted by the County.

After a thorough review of the project, Staff was able to make Findings (b), (d) and (e). Legalizing the unpermitted grading would not endanger the public health and safety, the project could be engineered to mitigate soil erosion and drainage for the development of the site, and is not subject to the County's *Guidelines for Grading and Hillside Development*, as the property is relatively flat and located within an Agriculture zoning district.

While Staff was able to make some of the required Grading Findings, Staff found that not all of the findings listed above could be met. Wholesale Nurseries are permitted by-right in Agriculture zones and no planning permit is required in order to operate such a use, however the proposed grading is subject to review of a Grading Abatement/Approval. After approximately one year of communication with the property owner, Staff has yet to receive adequate evidence that a legitimate and identifiable Wholesale Nursery operation exists on the property. As such, Staff is unable to make the finding that the unpermitted grading for a parking lot, driveways, and berm is necessary to maintain the use of the lot as a Wholesale Nursery. As such, Staff does not have sufficient evidence to make Finding (a).

Additionally, the 615-foot long and 3-foot tall berm provides a large impact to the surrounding landscape. The unpermitted berm does not blend in with the surrounding flat topography, which is typical for properties within the Agriculture zoning districts within the County, and can be seen from San Bruno Avenue. As such, Staff is unable to make Findings (c) and (e).

Lastly, the Grading Abatement/Approval proposes permitting over 70,000 square feet of drain rock for a parking lot and driveway. Santa Clara County General Plan Policies R-RC 61 and R-LU 11 state:

"Allowable land uses in exclusive agricultural areas shall be limited to

- a. agriculture and ancillary uses,*
- b. uses necessary to directly support local agriculture, and*
- c. other uses compatible with agriculture which clearly enhance the long-term viability of local agriculture and agricultural lands."*

The introduction of base rock eliminates the future use of the subject property for soil-dependent agricultural purposes and degrades the natural resources identified for protection in the Agricultural zoning district. This General Plan policy, coupled with the fact that the property owner has not provided sufficient evidence that the property is being used as a legitimate, operating Wholesale Nursery, Staff is unable to make Finding (f).

CONCLUSION

Based on the analysis described above, Staff is unable to make all of the required Findings to grant

County of Santa Clara

Department of Planning and Development
Planning Office

County Government Center, East Wing, 7th Floor
70 West Hedding Street
San Jose, California 95110-1705
(408) 299-5770 FAX (408) 288-9198
www.sccplanning.org



the Grading Abatement/Approval application for 2,273 cubic yards of fill and 37 cubic yards of cut for a parking lot, driveways, and a 615-foot long/ 3-foot tall berm for a Wholesale Nursery that is not currently in operation. As such, the Zoning Administrator hereby denies the Grading Abatement/Approval by the Planning Division.

APPEALS

An appeal may be filed at the Planning Office at 70 W. Hedding or through the [online public portal](#) within 15 days of the Final Action Memorandum, accompanied by the appropriate appeal fee. A decision is required by law on the current application, as it has been deemed “complete” for processing on October 1, 2020.

REVIEWED BY

Prepared by: Joanna Wilk, Associate Planner

Approved by: Leza Mikhail, Principal Planner & Zoning Administrator

Attachments:

- A) Attachment A: File No. VIO19-00080-ZON1
- B) Attachment B: File No. VIO19-00080-GRD1
- C) Attachment C: Business Plan
- D) Attachment D: Grading Plans

From: Gloria Ballard <gloriab@mhengineering.com>
Sent: Thursday, December 5, 2019 5:13 PM
To: Wilk, Joanna <joanna.wilk@pln.sccgov.org>
Subject: [EXTERNAL] FW: San Bruno Ave.

RE: Business Plan

Good afternoon Joanna,

Mr. Ramirez came in and went over his business plan. I offered to submit to you via email. This is what we discussed:

His goal is to continue to purchase small trees and shrubs. Maintain them for a time and transplant from small container to larger container until mature. It is labor intensive, but believes if he grows a strong healthy product, small landscapers will purchase from him. His price will be competitive with larger retail nurseries. Planting mix will also be produced and sold. He currently has sold to 3 landscape contractors.

His inventory is currently about 100 trees. They are: Canary Palms, Pepper trees, different fruit trees and Olive trees. Each year, as profit allows, he will add more to his inventory. The more mature the product, the better the profit.

The equipment used for his wholesale nursery is :

- Two trucks to pick up and deliver.

- Backhoe to handle the planting mix and move the shrubs and trees.

- Loader is used to lift the trees and shrubs in replanting from smaller to larger container and to transport product.

His intent is to enjoy providing this service and create a market for a well-cared for product.

His hours of operation are tentatively 7AM-7PM, Mon-Sat. with two employees.

Gloria V. Ballard

Vice President

MH engineering Co.

Subdivisions - Land Planning - Land Surveys

16075 Vineyard Blvd.

Morgan Hill, CA 95038

(408) 779-7381 office

(408) 226-5712 fax

<http://www.mhengineering.com>

gloriab@mhengineering.com