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STAFF REPORT Zoning Administration February 2, 2023 **Public Hearing Item No. 2** Staff Contact: Charu Ahluwalia, Senior Planner

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File: PLN21-222 Architecture and Site Approval, Grading Approval and Building Site Approval for Vista De Lomas Agricultural Research Facility

Summary: Concurrent land use application for an Architecture and Site Approval and Grading Approval for a new 4,000 square foot (sq. ft.) agricultural research building with a 4,000 sq.ft. proposed future expansion, and a Building Site Approval for a 4,000 sq. ft. single-family dwelling with a 1,200 sq. ft. accessory dwelling unit. The project also proposes two 5,000 sq.ft. agricultural barns. Associated site improvements include driveway access from Vista De Lomas Avenue at three locations, two leach fields, one well, four water tanks (a 44,000-gallon water tank for the research facility and three 5-gallon water tanks for residential use), and two bioretention ponds. Thirty-two parking spaces are proposed with this project. Grading quantities for the project are 1,252 cubic yards of cut and 400 cubic yards of fill with a maximum cut depth of 2.5 feet, to establish the driveways and the bioretention ponds. No tree removal is proposed.

Owner: Liang Dangsheng and Han Jingrong	Gen. Plan Designation: Agricultural Large Scale
Applicant: Amanda Musy-Verdel	Zoning: A-40Ac-sr-cv
Address: Intersection of Burnett Av. and	Lot Size: 11.2 acres
Vista de Lomas Av., Morgan Hill	
APN : 728-38-001	Present Land Use: Vacant
Supervisorial District: 1	HCP: Area 1 – Private Development Covered

RECOMMENDED ACTIONS

- A. Adopt a CEQA Mitigated Negative Declaration; and
- B. Grant concurrent land use permit for an Architecture and Site Approval, Grading Approval and Building Site Approval, subject to Conditions of Approval in Attachment B.

ATTACHMENTS INCLUDED

Attachment A – (1) Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration (MND),

- (2) Initial Study /MND (Amended), and,
- (3) Mitigation Monitoring and Reporting Program (MMRP)
- Attachment B Preliminary Conditions of Approval
- Attachment C Location and Vicinity Map
- Attachment D Project Plans
- Attachment E Public Comments
- Attachment F Extension of Permit Streamline Act Deadline

PROJECT DESCRIPTION

The proposed project includes a request for an Architecture and Site Approval (ASA) and Grading Approval for the construction of a new 4,000 square foot (sq. ft.) agricultural research building with a 4,000 sq.ft. proposed future expansion; and a Building Site Approval (BSA) for a 4,000 sq. ft. single-family dwelling with a 1,200 sq. ft. accessory dwelling unit (ADU). The project also proposes two 5,000 sq.ft. agricultural barns, as shown on the site plan (see Attachment D). The subject property size is approximately 11.2 acres with frontage on both Burnett Avenue and Vista de Lomas Avenue. Driveway access to the property is proposed from Vista De Lomas Avenue at three locations. Thirty-two parking spaces are proposed. Two leach fields, one well, four water tanks (a 44,000-gallon water tank for the research facility and three 5-gallon water tanks for residential use), and two bioretention ponds are proposed. A row of newly planted coast redwood and deodar cedar trees is situated along the southern edge of the property adjoining Cochran Channel adjacent to Highway 101, and a row of newly planted shrubs (expected to grow 8-15 feet tall) is situated at the northern and western property edge adjoining Burnett Avenue and Vista de Lomas Avenue. A majority of the remaining land will be used for organic farming of high-value specialty vegetables and fruit trees. Grading quantities for the proposed project are 1,252 cubic yards of cut and 400 cubic yards of fill with a maximum cut depth of 2.5 feet, to establish the driveway and the two bioretention ponds.

Agricultural research to be conducted on the subject site by Apex Bait Technologies, Inc. (Apex Bait) includes development of insect baits, attractants, and traps to control insect pests in agriculture, with a specific focus on control of insect pests at organic farms (for both annual vegetables and perennial fruit crops). The research aims to prevent damage to the environment by reducing the need for harmful insecticides sprays that pollute and harm beneficial insects. The type of agricultural crops and insect pests are proposed to change over time depending on availability. Apex Bait has projected that a key focus area of research effort would be to examine what kinds of plant, flowers, and food materials are attractive to insects, with the intention to develop attractant formulations for insect pests. The second most active research area would be formulation of bait through identification of food ingredients that are highly palatable to target pests. Apex Bait would develop and test proprietary technologies on the subject property and offer licensing rights to interested parties. The expected customers for the products would be agrochemical companies interested in licensing agricultural insect bait formulas to produce more effective insecticides. Other Apex Bait research activities and services would include efficacy studies of low-toxicity insecticides such as boric acid and silica gel, insect repellents, and contract research services for agrochemical companies.

The proposed agricultural research building would comprise of laboratory and office space. A facade mounted sign is proposed on the north and east elevation of the research building. Different kinds of agricultural insects needed for research would be raised in the research building. In addition, insect pests from the vegetables and fruit trees growing on the subject property would also be studied crops, in the laboratory. Two proposed agricultural barns would be used for storage of farm equipment, harvested crops, and packaging such crops.

Hours of operation would be 8:00 am to 6:00 pm Monday through Friday. A maximum of seven employees would be present on site at any given time. No delivery of materials would take place except typical delivery service by UPS/FedEx.

Setting/Location Information

The subject property is in a rural area of unincorporated Santa Clara County south of San José, in an area recognized as Coyote Valley. The site is accessed from both Burnett Avenue and Vista de Lomas Avenue and is a relatively flat farmland parcel. Surrounding parcels include a channelized creek (Cochran Channel, a tributary to Coyote Creek managed by Valley Water) and Highway 101 to the south, County-owned Coyote Creek Parkway to the west across Burnett Avenue, agricultural row crops to the east, and rural residential single-family homes to the north across Vista de Lomas Avenue.

The subject property is 11.2 acres, with a General Plan designation of Agriculture – Large Scale, and is within an Exclusive Agriculture zoning district, consisting of prime farmland soil.

The property is located within the coverage area of the Santa Clara Valley Habitat Plan and has a mapped landcover of Grain, Row-crop, Hay and Pasture, Disked / Short-term Fallowed. The property is not under a Williamson Act contract. No watercourses, creeks, serpentine soils, or rock outcrops are located on the subject property. Coyote Creek is located 1,000 feet north of the property separated by developed residential properties. The property is located within County liquefaction and State seismic liquefaction zone.

REASONS FOR RECOMMENDATIONS

A. Environmental Review and Determination (CEQA)

The environmental impacts of the project have been evaluated in the Mitigated Negative Declaration (MND) prepared by Staff for the project (see Attachment A). The MND concluded that although the proposed project could have a significant effect on the environment, mitigation measures would be incorporated into the project to avoid or reduce impacts to a less-than-significant level. As required by the California Environmental Quality Act (CEQA), a Notice of Intent to adopt the MND was posted and mailed out on November 22, 2022. As of the preparation of this Staff Report, two comments were received (Attachment E).

One was a public comment identifying an adjacent active farming operation across Vista de Lomas Avenue and requesting assurances from the applicant and the County that that whatever activities are performed at the proposed facility, would have no impacts on harvest potential of fruits grown on the adjacent farm. Staff reached out to the commenter and explained the scope of work associated with this project, and findings of the CEQA analysis. The other comment was from Valley Water requesting water demand calculations for the project and clarifications on design of the bioretention ponds. To address this comment, water demand calculations were provided by the applicant, which have been reviewed and accepted by Valley Water. Further to address Valley Water's comment relating to the bioretention ponds, LDE staff clarified that preliminary drainage design is of a sufficient size to mitigate for peak flow runoff for the proposed impervious area. Further, as conditioned, the grading permit process would prevent the development from causing on- or off-site erosion or increasing the rate or amount of surface peak flow runoff in a manner which would result in flooding on- or offsite.

<u>No significant impact was identified, or mitigation measures added as a result of the comments received.</u> Minor changes to the analysis of the Utilities section pertaining to water demand calculations and Aesthetics section pertaining to clarification on outdoor lighting cutout timing were incorporated into an amended MND. Project description was also amended to clarify the County permit requirements for the project (ASA for the agricultural research facility and BSA for the residential development). The change in the project description <u>does not change</u> the CEQA analysis of the project. Pursuant to Section 15073.5 (c), new information added to the MND that merely clarifies, and makes insignificant modifications to the MND, does not require recirculation of the MND prior to adoption.

As such, pursuant to CEQA, Staff recommends approval of the MND as part of this project approval.

B. Project/Proposal

The project consists of an Architecture and Site Approval and Grading Approval for construction of a new 4,000 sq. ft. agricultural research building with a 4,000 sq.ft. proposed future expansion; and a Building Site Approval for a 4,000 sq. ft. single-family dwelling with a 1,200 sq. ft. ADU. The project also includes two 5,000 sq.ft. agricultural barns.

C. ASA Findings:

Pursuant to §5.40.040 of the County Zoning Ordinance, the Zoning Administration Hearing Officer may grant an Architecture & Site Approval contingent upon specific findings. In the following discussion, the scope of review findings are listed in **bold**, and an explanation of how the project meets the required standard is in plain text below.

1. Adequate traffic safety, on-site circulation, parking and loading areas, and insignificant effect of the development on traffic movement in the area;

The proposed project is for an agricultural research facility. Highway 101 is located along the southern edge of the subject property. The project would take driveway access from Vista De Lomas Avenue, at three locations, which is a County-maintained road. Access would be utilizing 25 feet wide asphalt driveways for the research facility and a 12 feet driveway for the residence.

The project would generate 21 average daily trips (ADT) for the research facility. A Traffic Impact Analysis report was prepared by Jeff Waller Consulting, dated July 15, 2021, that analyzed the following three intersections in the project vicinity: (1) Vista De Lomas / Burnett Avenue, (2) Freeway Vista / Burnett Avenue; and (3) Monterey Road / Burnett Avenue, for *existing* conditions and *existing plus project* conditions. Intersection

traffic operations were evaluated using level of service (LOS). Per the traffic report analysis, the vehicle trips to and from the site are nominal and will not affect the prevailing LOS at the three study intersections. Thus, the proposed use will not worsen traffic congestion in the surrounding area.

On-site circulation and site distance analysis provided in the traffic report have been reviewed and accepted by the Department of Roads and Airports. There are no existing obstructions that would affect sight distance at any of the three project driveways. The proposed landscaping strip along the eastern edge of the project site is offset about 20 feet from Vista De Lomas, thus would not affect driveway sight distance. All three project driveways will have sufficient sight distance to and from Vista De Lomas and its side-street intersections. The Fire Marshall's office has also reviewed the project and found the site has adequate on-site circulation for emergency vehicles. Trucks can easily turn into and out of the project site with the proposed driveway design, as well as circulate within the project site.

The use classification for the proposed project is for an Agricultural Research Facility. The zoning ordinance requires 1 parking space per 350 square feet, plus 1 space per employee. The project includes a cumulative 8,000 sq. ft. agricultural research facility (including future proposed expansion) and up to 7 employees, which requires 30 spaces. As required by County code, up to one Americans with Disabilities Act (ADA) compliant spaces must be provided for up to 25 spaces. The project plans indicate an employee parking lot with a total of 30 parking spaces with 2 ADA-compliant spaces. All employees will park on-site.

As such, on-site circulation and parking is adequately designed to support the proposed use, and the proposed project would not have any impact to traffic safety or traffic movement in the area.

2. Appearance of proposed site development and structures, including signs will not be detrimental to the character of the surrounding neighborhood or zoning district;

The site is located east of Highway 101, at the southeast corner of Burnett Avenue and Vista de Lomas Avenue, in Morgan Hill. Surrounding uses are residential homes (north and east), Coyote Creek Parkway (west), and a channelized creek, Cochran Channel, a tributary to Coyote Creek managed by Valley Water (south). The property is zoned A-40Ac-sr-cv for Exclusive Agriculture with a "-40Ac" Lot-size Combining District overlay, "-sr" scenic road overlay due to its proximity to Highway 101, which is designated by the County as a scenic highway, and "-cv" overlay for its location within the Coyote Valley Climate Resilience Combining District. Pursuant to County Zoning Code Section 3.30.030 (C), no building or structure, including signs, may be located within 100 feet of the right of way of 101.

As shown in the site plan (see Attachment D), the proposed structures are set back 100 feet from the southern property. Further, the proposed structures would be minimally visible from the highway (Figure 1). Motorists along Highway 101 would not see the proposed structures on the subject site.

The site is within a rural, low intensity development area. The nearest structures are residential dwellings averaging in size from 2,500 sq. ft. to 4,000 sq. ft. (on approximately 2.5-acre parcels north of the Vista de Lomas Avenue), one to two stories in massing. The residential portion of the proposed project is relatively similar in size and massing to the surrounding existing houses. As for the research facility, instead of a larger building, two 4,000 sq. ft. buildings are proposed. Further, design of the research facility building offsets its massing through architectural articulation such as vertical bands of windows proposed on the façade, as well as a lower height pergola projection at entrances constructed of material such as wood and stone, which are compatible with the rural character (see Attachment D for proposed elevations)

Landscaping has been newly planted to provide a visual screen of the proposed development from public viewpoints along Burnett Avenue and Vista de Lomas Avenue. This landscaping would not fully screen the development but is considered sufficient landscaping (rows of shrubs and trees) and mirrors the typical landscaping north across Vista de Lomas Avenue.

No freestanding signage is proposed. A facade mounted sign is proposed on the north and east elevation of the research building.

Given the size of structures on a relatively larger property (approximately 11 acres), ample separation and appropriate location of the research and residential structures on the site plan, height of the research facility buildings maintained at 24 feet (well below the 35 feet maximum height allowance for the base district), and a continuous row of shrubs and trees planted along property edges, appearance of proposed site development and structures, including signs will not be detrimental to the character of the surrounding neighborhood or zoning district.

The proposed business will operate Monday through Friday between 8am and 6pm, and therefore there will be no activity during the evening. No exterior lighting for the parking lot shall be permitted after 6:30 p.m. (till 30 minutes after closing time). According to the County's adopted ASA guidelines, any proposed lighting shall be subdued and shall enhance the building design and landscaping. Lighting fixtures should not create glare for occupants or neighboring properties. The site is vacant and surrounded by residential properties to the north and east. A preliminary lighting plan was submitted as a part of this application that indicates downward directed lighting with no spillover beyond the property lines. A condition of approval has also been incorporated (see Condition of Approval no. 22), that requires a photometric plan, prior to building permit issuance, indicating lighting locations and details. Lighting shall include light fixtures that are shielded such that the light source is not visible from beyond the boundaries of the subject property. All lighting shall be downward directed and shall only illuminate the area intended. With the implementation this standard condition of approval, the project will not create glare which would impact the nighttime views of the area.

For the reasons stated above, this finding *can* be made.



Figure-1 - Visual Simulation of Proposed Structures (View from Highway 101)

Figure–2 - Visual Simulation of Proposed Structures (View from corner of Burnett Avenue and Vista de Lomas Avenue)



3. Appearance and continued maintenance of proposed landscaping will not be detrimental to the character of the surrounding neighborhood or zoning district;

A row of newly planted coast redwood and deodar cedar trees is situated along the southern edge of the property adjoining Cochran Channel adjacent to Highway 101, and a row of newly planted shrubs (expected to grow 8-15 feet tall) is situated at the northern and western property edge adjoining Burnett Avenue and Vista de Lomas Avenue, as

shown in Figures 4 and 5. Seven trees over 12-inch located to the southwest of the property. No tree removal or additional landscaping is proposed with this project. A majority of the remaining land will be used for organic farming of high-value specialty vegetables and fruit trees.

The site is within a rural, low intensity development area, adjacent to the Coyote Creek Parkway and has a developed shared trail route featured in the Countywide Trails. The Countywide Trails Plan indicates the four trail routes in the project site vicinity as shown in Figure 3.

Newly planted perimeter landscaping would serve as a visual screen to the proposed development from public viewpoints along Burnett Avenue and Vista de Lomas Avenue, and existing trails. In addition, the project is appropriately designed to support the trail network, as proposed driveway access to the property would be from Vista De Lomas Avenue and no access is proposed along Burnett Avenue (which front the Willow Springs Bikeway Connector Trail and Coyote Creek/Llagas Creek Sub-Regional Trail).

Thus, the existing landscape will help to blend the site in with the surrounding neighborhood and will enhance the character of the subject site. Appearance and continued maintenance of proposed landscaping will not be detrimental to the character of the surrounding neighborhood

For the reasons stated above, this finding *can* be made.



Figure 3 – Trail Routes in the Project Site Vicinity Shown on the Countywide Trails Plan



Figure–4- Landscaping along Vista de Lomas (New shrubs expected to grow 8-15 feet tall)

Figure-5- Landscaping along Cochran Channel parallel to Highway 101 (New trees expected to grow 50-100 feet tall)



4. No significant, unmitigated adverse public health, safety and environmental effects of proposed development;

The project was reviewed by the County Geologist, the Fire Marshalls' Office (FMO), County's Land Development Engineering Division (LDE), Department of Environmental Health (DEH), and Roads and Airports, and as conditioned, would not result in adverse effects related to public health, safety or the environment.

The County Fire Marshal's Office has reviewed the emergency vehicle access for fire protection and fire prevention. Furthermore, the subject property is not located within the Wildland Urban Interface (WUI).

The property is located within County liquefaction and State seismic liquefaction zone. A Geotechnical Investigation Report (Report) for the proposed project was prepared by consultant Baez Geotechnical Group (BGG) dated June 11, 2021, which was reviewed and accepted by the County Geologist. Based on the data collected during field investigation, geotechnical engineering analysis, the Report determined that the potential for dry, sandy soils to settle due to earthquake ground motions is very low since the soils above the water table were found to be dense to very dense. Potential impacts to the project site from liquefaction induced differential ground settlement and lateral spreading were also found to be low. This assessment has been reviewed and accepted by the County Geologist. The predominant geotechnical conditions at the site that could impact development are the presence of disturbed soil in the upper two feet from past agricultural practices, moderately expansive soils, and gravels and cobbles in the soils. The Report determined that the site is suitable for proposed future construction and site improvements provided the recommendations contained in the Report are incorporated in the project design and construction. As conditioned, (see Condition of Approval no. 45), at the time of development, the building division would review the project and verify that the aforementioned recommendations are met, prior to issuance of building permits.

The proposed development is not located within a FEMA Flood Zone. Two bioretention ponds are proposed to capture stormwater runoff resulting from the project. Site drainage plans were submitted and reviewed by the LDE and found to comply with all local, state, and federal requirements. The project is subject to Santa Clara County's Policies and Standards Pertaining to Grading and Erosion Control.

Domestic water, water for the agricultural research facility, fire protection water, and water for agricultural irrigation associated with the organic farming would be obtained from an on-site well. A well construction permit was granted by Valley Water in August 2021. Thereafter, based on the pump test conducted in November 2021, the subject well yielded 10,697 gallons in 9.4 hours and an average flow rate of 19 gallons per minute. DEH has approved the site for three water connections under an Individual Water System. The well and has been determined to be adequate by DEH and the FMO.

The project requires an on-site wastewater treatment system (OWST). The OSWT and associated improvements have been reviewed and approved by DEH ensuring that the proposed OWST is designed and sized to meet all applicable water quality standards, soil requirements, and groundwater standards.

For the reasons stated above, this finding *can* be made.

5. No adverse effect of the development on flood control, storm drainage, and surface water drainage;

The proposed development is not located within a FEMA Flood Zone. The nearest water way to the project is a drainage channel (Cochran Channel, a tributary to Coyote Creek managed by Valley Water) that runs adjacent to the southern boundary of the property. Coyote Creek is located 1000 feet north of the property separated by developed residential properties. The proposed development consists of new impervious surface of

approximately 1.4 acres (60,574 sq. ft.), to accommodate footprint of the proposed structures, driveways, fire truck turnaround and parking.

Two bioretention ponds are proposed to capture stormwater runoff resulting from the project. As shown in the Grading and Drainage Plan, prepared by consultant Hanna Brunetti, in order to ensure that the new development does not increase peak stormwater runoff from the existing site, the new asphalt driveway and roof outlets are designed to flow and drain to the two bioretention ponds that serve a dual purpose of stormwater treatment (mitigation for storm water quality and discharge). At the time of grading/building permit submittal, Land Development Engineering (LDE) Division would review the Erosion and Sediment Control Plan that outlines seasonally appropriate erosion and sediment controls during the construction period. LDE would also review site development drainage plans to ensure that development would not increase the downstream peak flow for the 10-year and 100-year storm event or cause a hazard or public nuisance. This permit process would minimize the on- or off-site erosion from the development and prevent an increase in the peak rate of surface runoff in a manner which would result in flooding on- or offsite, or otherwise violating water quality standards for stormwater runoff. The project is designed in conformance with the County of Santa Clara Drainage Manual and the Santa Clara Valley Urban Runoff Pollution Prevention Program.

6. Adequate existing and proposed fire protection improvements to serve the development;

The Fire Marshal's Office has reviewed and conditioned the project to ensure existing and proposed fire protection access and water supply are in conformance with applicable regulations. Additionally, Condition of Approval (Attachment B) have been included to ensure compliance with County regulations relating to fire protection.

For these reasons, this finding *can* be made.

7. No significant increase in noise levels;

The project consists of the development of a new agricultural research facility and associated site improvements. The site is surrounded by residential and agricultural uses. An Environmental Noise Assessment (Noise Report) for the proposed project was prepared by consultant Saxelby Acoustics LLC dated July 26, 2021, that analyzed the noise impacts associated with the project.

Traffic Noise Increase at Off-Site Receptors

The Federal Interagency Committee on Noise (FICON) guidelines specify criteria to determine the significance of traffic noise impacts. In cases where existing traffic noise levels are greater than 65 dB, at the outdoor activity areas of noise-sensitive uses, a +1.5 dB increase in roadway noise levels is considered significant. According to the Noise Report prepared by Saxelby Acoustics LLC, the maximum increase is traffic noise at the nearest sensitive receptor is predicted to be 0.2 dBA. Therefore, impacts resulting from increased traffic noise would be considered less-than-significant

Operational Noise at Sensitive Receptors

The County of Santa Clara Noise Ordinance allows the noise level standard to be raised in increments of 5 dB to encompass sound level as the ambient noise environment. As shown in Table 1 below, the average daytime (7:00 a.m. to 10:00 p.m.) noise level at the residential uses north of the project site is 53 dBA and the average nighttime (10:00 p.m. to 7:00 a.m.) noise level is 54 dBA L50. Therefore, the allowable noise exposure standard shall be increased to 55 dBA for both daytime and nighttime. Without additional noise control measures, the proposed project would meet Santa Clara County daytime (7 a.m. to 10 p.m.) and nighttime (10:00 p.m. to 7:00 a.m.) noise standards.

Descriptor	SPL at Project Boundary	Noise Standard	Meets Standard?
Daytime (Leq, dBA)	51	55	Yes
Nighttime (Leq, dBA)	48	55	Yes

 Table 1: Operational Noise Levels at Project Boundary



Figure 6 – Project Noise Contours

Construction Noise

The noise levels during the grading and construction of this project could create a temporary disturbance. As indicated in the Noise Report, activities involved in construction would generate maximum noise levels ranging from 76 to 90 dBA at a distance of 50 feet. Construction activities would also be temporary in nature and are anticipated to occur during normal daytime working hours.

The County of Santa Clara Ordinance Code section B11-154(6) establishes maximum noise limits for mobile construction equipment of 75 dBA between the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday and 50 dBA between 7:00 p.m. and 7:00 a.m. Monday through Saturday, all day Sunday, and Holidays. The Ordinance Code also establishes maximum noise limits for stationary construction equipment of 60 dBA between the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday and 50 p.m. Monday through Saturday and 50 dBA between the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday and 50 dBA between 7:00 p.m. and 7:00 a.m. Monday through Saturday and 50 dBA between 7:00 p.m. and 7:00 a.m. Monday through Saturday, all day Sunday, and Holidays. The nearest residential uses are located approximately 320 feet to the north, as measured from the center of the project site. At this distance, maximum construction noise levels would be in the range of 60-74 dBA at the nearest residential uses.

Noise would also be generated during the construction phase by increased truck traffic on area roadways. A project-generated noise source would be truck traffic associated with transport of heavy materials and equipment to and from the construction site. This noise increase would be of short duration and would occur during daytime hours. Although construction activities are temporary in nature and would occur during normal daytime working hours, construction-related noise could result in sleep interference at existing noise-sensitive land uses in the vicinity of the construction if construction activities were to occur outside the normal daytime hours. Therefore, impacts resulting from noise levels temporarily exceeding the threshold of significance due to construction would be considered potentially significant. In order to avoid potential impacts, adherence to the mitigation measures included as conditions of approval, below, will reduce potential construction impacts to a less-than-significant level.

- <u>Conditions of Approval No. 18</u> Construction activities (excluding activities that would result in a safety concern to the public or construction workers) shall be limited to between the daytime hours of 7 AM and 7 PM Monday through Saturday.
- <u>Conditions of Approval No. 19</u> Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation.
- <u>Conditions of Approval No. 20</u> Motorized construction equipment shall not be left idling for more than 5 minutes, when not in use.
- <u>Conditions of Approval No. 21</u> Stationary equipment (power generators, compressors, etc.) shall be located at the furthest practical distance from nearby noise-sensitive land uses or sufficiently shielded to reduce noise-related impacts.

Therefore, as conditioned, there will be no significant increase in noise levels with this project and this finding *can* be made.

8. Conformance with zoning standards, unless such standards are expressly eligible for modification by the Zoning Administrator as specified in the Zoning Ordinance.

The proposed project satisfies all the required zoning standards, as stipulated in the County Zoning Ordinance. The zoning district for the subject property is A-40Ac-sr-cv for Exclusive Agriculture with a "-40Ac" Lot-size Combining District overlay, "-sr" scenic road overlay due to its proximity to Highway 101, which is designated by the County as a scenic highway, and "-cv" overlay for its location within the Coyote Valley Climate Resilience Combining District. The maximum allowable height for a structure is 35 feet and the proposed agricultural research building is approximately 24 feet high. The Exclusive Agriculture zoning district requires minimum front, side and rear setbacks of 30 feet each. The proposed structures meet this setback requirement. Further, no building or structure, including signs, are located within 100 feet of the right of way of Highway 101.

As noted above, the location of the property is in Coyote Valley, which is acknowledged as being a resource of statewide significance due to the characteristics of its natural and agricultural lands. Properties in the -cv overlay district are subject to additional development standards (County Zoning Code Section 3.95.030) intended to minimize the impacts of new development and to preserve Coyote Valley as a greenbelt area intended for long-term agricultural uses and climate resilience. The proposed project complies with these standards.

The subject property is 11.2 acres (488,745 sq. ft.) in size. The proposed project is for an 8,000 sq.ft. agricultural research facility, including two 5,000 sq. ft. agricultural barns, and a 4,000 sq. ft. single-family dwelling with a 1,200 sq. ft ADU. Construction of the structures and associated site improvements would result in 1.5 acres (66,899 sq. ft.) of development area, constituting approximately 13.4% of the total 11.2-acre parcel. A majority of the remaining 86.6% of the property is proposed for cultivation of high-value specialty vegetables and fruit trees. Lot coverage for residential development is less than 7,500 sq. ft. and total development area with onsite agriculture is less than 2 acres.¹

As such, the project satisfies all the required zoning standards, and this finding *can* be made.

9. Conformance with the general plan and any applicable area or specific plan, or, where applicable, city general plan conformance for property located within a city's urban service area; and

The subject property has the Agriculture – Large Scale General Plan land use designation, is in proximity to Highway 101, which is designated by the County as a scenic highway and located adjacent to Cochran Channel (a tributary to Coyote Creek managed by Valley Water). The County's General Plan policies for Agriculture – Large Scale as well as scenic resources apply to this project (R-LU 9 & 11, R-RC 37, 38, 39, 95, 98, 100 & 101)

¹Per Zoning Ordinance § 3.95.030 ("-cv") development standards, development of agricultural uses is exempt from lot coverage standard, meaning they do not count toward the lot coverage maximum per parcel provided that such development is ancillary to onsite agriculture, as specified in § 3.95.040. Agricultural uses mean agricultural employee housing, or any non-residential use defined in § 2.10.040 having the parenthetical classification of "agricultural" following the title of each primary use type. Parcels with onsite agriculture have a maximum development area of two acres instead of one acre.

General Plan policy R-LU-9 & 11 allow agriculture, ancillary uses, and other uses compatible with agriculture which clearly enhance the long-term viability of local agriculture and agricultural lands. The proposed agricultural research facility, residence and for organic farming of high-value specialty vegetables and fruit trees, are all allowed uses in the Agriculture – Large Scale land use designation.

General Plan policies R-RC-37 & 38 require a 100 feet buffer from the top bank on both sides of the waterway where the creek or stream has had major alterations, and no building, structure, grading or parking lots are allowed in the buffer. In addition, R-RC-39 requires that within areas immediately adjacent to the stream buffer area, new development should minimize environmental impacts on the protected buffer area, and screening of obtrusive or unsightly aspects of a project should be considered as a means of preserving the scenic value of riparian areas. The project has been conditioned to require a 100-foot buffer from the top of bank of the existing Cochran Channel. The areas between the Cochran Channel and the proposed agricultural research buildings would be cultivated with high-value specialty vegetables and fruit trees.

According to General Plan Policies R-RC 95, 98, 100, 101 and P-PR 45, the scenic and aesthetic qualities of both the natural and built environments should be preserved, and scenic transportation corridors should receive utmost consideration and protection due to their prominence, visibility, and overall contribution to the quality of life in Santa Clara County. Further, new structures should be located where they will not have a negative impact on the scenic quality of the area, and in rural areas they should generally be set back at least 100 feet from scenic roads and highways to minimize their visual impact. Building or structure, including signs, proposed with this project are not located within 100 feet of the right of way of Highway 101, and newly planted landscaping would serve as a visual screen to the proposed development from public viewpoints along Burnett Avenue and Vista de Lomas Avenue. Thus, the project would not have a negative impact on the scenic quality of the area.

As such, the project complies with the required general plan policies, and this finding *can* be made.

10. Substantial conformance with the adopted *"Guidelines for Architecture and Site Approval"* and other applicable guidelines adopted by the County.

The project is not within any city's urban service area. The project has been designed to conform with the "Guidelines for Architecture and Site Approval" as conditioned. The preliminary conditions are enclosed in Attachment B.

D. Grading Findings:

Pursuant to Section C12-433, all Grading Approvals are subject to specific findings. In the following discussion, the scope of review findings are listed in **bold**, and an explanation of how the project meets the required standard is in plain text below.

1. 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.

Grading quantities for the proposed project include 1,252 cubic yards of cut and 400 cubic yards of fill for frontage improvements along Vista De Lomas Avenue, construction of driveways, parking, and two bioretention ponds for stormwater treatment. The amount, design, location and the nature of proposed grading is necessary to establish the new building, which is a permissible use in the Exclusive Agriculture zoning district. As such, this finding can be made.

2. 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 in the watercourse.

The applicant will be required to obtain a Grading Permit through the County's Land Development Engineering, which will ensure that that the project adequately drains to an approved location. No excessive material will be deposited onsite. The proposed excess cut has been conditioned to be hauled to a County-approved off-site facility. Furthermore, no grading is proposed within the 100-feet creek buffer from the top of bank of the existing Cochran Channel adjacent to the site. As such, this finding can be made.

3. Grading will minimize impacts to the natural landscape, scenic, biological and aquatic resources, and minimize erosion impacts.

The site is relatively flat and the proposed grading has been designed to follow contours of the natural topography of the site to the maximum extent possible. The majority of the proposed grading is for access and circulation within the site, and for the two bioretention ponds. The proposed grading has been designed to minimize impacts to existing landscaping, and will not result in any scenic, biological, or aquatic resource impacts Seven trees over 12-inch located to the southwest of the property. No tree removal is proposed with this project. The closest aquatic resource is Cochran Channel located adjacent parcel to the rear (south) of this property and the project has been conditioned to maintain a 100-foot riparian protection buffer from the top of bank of the Cochran Channel. As conditioned, the project grading will minimize impacts to the natural landscape, scenic, biological and aquatic resources, and minimize erosion impacts. As such, this finding *can* be made,

4. 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.

The project site is flat, and the proposed development is optimally located to meet project needs and minimize grading. As such, this finding can be made.

5. 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 visual scar.

The site is relatively flat, and the proposed grading is designed to conform with the natural topography of the land. No retaining walls are proposed; thus, there would be no visual scars. As such, this finding can be made.

6. Grading conforms with any applicable general plan or specific plan policies; and

The proposed grading is in conformance with specific findings and policies identified in the County General Plan policies R-GD 20 and R-GD 22 as the proposed grading within the property's natural topography and is the minimum necessary to develop the site. The project is designed sensitively so as not to disturb additional areas of the site. As such, this finding can be made.

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

The proposed development is minimizing grading as much as possible by balancing grading cut and fill on-site. The development is not in a hillside area. Grading is being proposed to develop the driveways and bioretention ponds on the site.

E. Building Site Approval (BSA):

A proposed 4,000 sq. ft. single-family residence with a detached 1,200 sq. ft. ADU located along Vista De Lomas Avenue requires a BSA. Per Section C12-307 of the County Ordinance Code, BSA is required for new single-family residences within the unincorporated areas. The County Ordinance Code does not require that the County make specific findings in approving the BSA, however Section C12-315 through C12-317 of the Ordinance Code requires that the proposal be reviewed by County departments, including DEH, FMO, LDE, County Roads, and Planning, in addition to the Valley Water, to ensure that the project will meet all County and other applicable standards.

The proposed residence and ADU has been evaluated by these agencies and departments, who have applied Conditions of Approval to the project, shown as Attachment B, ensuring that the project conforms with all applicable County codes and other applicable standards.

BACKGROUND

On December 28, 2021, the application for an Architecture and Site Approval, Grading Approval and a Building Site Approval was submitted, which was subsequently deemed incomplete on January 27, 2022. The applicant submitted the resubmittal on April 07, 2022, which was deemed incomplete on May 06, 2022. A second resubmittal was submitted on June 13, 2022. The project was subsequently deemed complete for processing on July 12, 2022, with a Permit Streamlining Act deadline of January 12, 2023 (180-days). County Staff requested a one-time, 90-day extension to the Permit Streamlining Act deadline, which was granted by the applicant (Attachment F). The new Permit Streamlining Act deadline is April 12, 2023.

In accordance with CEQA, an Initial Study, and subsequent MND was prepared and posted on November 22, 2022. Staff received two comments as a result of the publication of the Initial Study/MND. One was a public comment identifying an adjacent active farming operation across Vista de Lomas Avenue and requesting assurances from the applicant and the County that that whatever activities are performed at the proposed facility, would have no impacts on harvest potential of fruits grown on the adjacent farm. Staff reached out to the commenter and explained the scope of work associated with this project, and findings of the CEQA analysis. The other comment was from Valley Water requesting water demand calculations for the project and clarifications on design of the bioretention ponds. To address this comment, water demand calculations were provided by the applicant, which have been reviewed and accepted by Valley Water. Further to address Valley Water's comment relating to the bioretention ponds, LDE staff clarified that preliminary drainage design is of a sufficient size to mitigate for peak flow runoff for the proposed impervious area. Further, as conditioned, the grading permit process would prevent the development from causing on- or off-site erosion or increasing the rate or amount of surface peak flow runoff in a manner which would result in flooding on- or offsite.

The project was scheduled for the January 12, 2023, Zoning Administration hearing, however, due to the timing of the comments received, the item was not heard and was continued to a date uncertain, to allow adequate time for Staff to address comments prior to bringing this project before the Zoning Administrator.

The project description for this application was amended to clarify County permit requirements for the project (ASA for the agricultural research facility and BSA for the residential development). The change in the project description <u>does not change</u> the analysis of the project, consistency with applicable findings, consistency with applicable County Codes, or the CEQA analysis. Minor changes to the analysis of the Utilities section pertaining to water demand calculations and Aesthetics section pertaining to clarification on outdoor lighting cut-out timing were incorporated into an amended MND. <u>These changes do not result in new impacts and no new mitigation measures were added</u>. Pursuant to Section 15073.5 (c), new information added to the MND that merely clarifies, and makes insignificant modifications to the MND, does not require recirculation of the MND prior to adoption. As such, the MND was not recirculated.

A public notice for the public hearing before the Zoning Administration Hearing Officer was mailed to all property owners within a 300-feet radius of the subject property on January 20, 2023 and published in the Post Record on January 20, 2023.

STAFF REPORT REVIEW

Prepared by: Charu Ahluwalia, Senior Planner

Reviewed by: Samuel Gutierrez, Principal Planner

File PLN21-222 Vista De Lomas Agricultural Research Facility Public Hearing Item #2

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-DS

(A

Attachment A(1)

Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration (MND)

County of Santa Clara

Department of Planning and Development County Government Center, East Wing, 7th Floor 70 West Hedding Street San Jose, California 95110



	Admin	istration	Devel	opment Services	Fire	Marshal	Planni	ing
Phone:	(408)	299-6740	(408)	299-5700	(408)	299-5760	(408)	29
Fax:	(408)	299-6757	(408)	279-8537	(408)	287-9308	(408)	28

Notice of Intent to Adopt a Mitigated Negative Declaration

A notice, pursuant to the California Environmental Quality Act of 1970, as amended (Public Resources Code 21,000, et sec.) that the following project will not have a significant effect on the environment.

File Number	APN(s)	Date
PLN21-222	728-38-001	11/21/2022
Project Name	Project Type	
Vista De Lomas Agricultural Research Facility	Architecture and Site Approv	val and Grading Approval
Person or Agency Carrying Out Project	Address	Phone Number
Liang Dangsheng And Han Jingrong	309 Laurelwood Rd Unit 18-2, Santa Clara, CA	(408)892-9837
Name of Applicant	Address	Phone Number
Amanda Musy-Verdel	7651 Eigleberry Street, Gilroy, CA 95020	(408) 842-2173
Duciant Logation		

Project Location

The project site is located in unincorporated Morgan Hill at the intersection of Burnett Avenue and Vista de Lomas Avenue (see Figure l), east of Highway 101.

Project Description

The proposed project is an Architecture and Site Approval (ASA) and Grading Approval for the construction of a new 4,000 square foot (sq. ft.) agricultural research building with a 4,000 sq.ft. proposed future expansion. The project also proposes two agricultural barns 5,000 sq.ft. in size, and a 4,000 sq. ft. single-family dwelling with a 1,200 sq. ft. accessory dwelling unit (ADU), as shown on the site plan (Figure 2).

The subject property size is approximately 11.2 acres with frontage on both Burnett Avenue and Vista de Lomas Avenue (Figure 1). Driveway access to the property is proposed from Vista De Lomas Avenue at three locations. Thirty-two parking spaces are proposed. Two leach fields, one well, four water tanks (a 44,000-liter water tank for the research facility and three 5-liter water tanks for residential use), and two bioretention ponds are proposed. A row of newly planted coast redwood and deodar cedar trees is situated along the southern edge of the property adjoining Cochran Channel adjacent to Highway 101, and a row of newly planted shrubs (expected to grow 8-15 feet tall) is situated at the northern and western property edge adjoining Burnett Avenue and Vista de Lomas Avenue. A majority of the remaining land will be used for organic farming of high-value specialty vegetables and fruit trees. Grading quantities for the proposed project are 1,252 cubic yards of cut and 400 cubic yards of fill with a maximum cut depth of 2.5 feet, to establish the driveways and two bioretention ponds. No tree removal is proposed.

Purpose of Notice

The purpose of this notice is to inform you that the County Planning Staff has recommended that a Mitigated Negative Declaration be approved for this project. County of Santa Clara Planning Staff has reviewed the Initial Study for the project, and based upon substantial evidence in the record, finds that although the proposed project could initially have a significant effect on the environment, changes or alterations have been incorporated into the project to avoid or reduce impacts to a point where clearly no significant effects will occur. The project site is not on a list of hazardous material sites as described by Government Code 65962.5 (Cortese List).

A public hearing for the proposed project is tentatively scheduled for the Zoning Administrator on January 12, 2023. The hearing will be held by virtual teleconference only. No physical location will be available for this public meeting; however, members of the public will be able to participate in the public meeting by virtual teleconference. Meeting link for the Zoning Administration virtual teleconference will be posted on this County webpage https://plandev.sccgov.org/commissions-other-meetings/zoning-administration, seven days prior to the hearing date. Where a date is not given, a separate notice will be sent to you informing you of the hearing date. It should be noted that the approval of a Mitigated Negative Declaration does not constitute approval of the project under consideration. The decision to approve or deny the project will be made separately.

Public Review Period: 20 days	Begins: November 22, 2022	Ends: December 13, 2022
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Public Comments regarding the correctness, completeness, or adequacy of this mitigated negative declaration are invited and must be received on or before the above date. Such comments should be based on specific environmental concerns. Written comments should be addressed to the attention of Charu Ahluwalia at <u>charu.ahluwalia@pln.sccgov.org</u>. A file containing additional information on this project may be requested from the Planning Office under the file number appearing at the top of this form. For additional information regarding this project and the Mitigated Negative Declaration, please contact Charu Ahluwalia at (408) 299-5740 or charu.ahluwalia@pln.sccgov.org.

The Mitigated Negative Declaration and Initial Study may be viewed at the following locations:

 (1) Santa Clara County Planning Office, 70 West Hedding Street, East Wing, 7th Floor, San Jose, CA 95110
 (2) Planning & Development website <u>https://plandev.sccgov.org/development-projects/current-projects</u> (under "Development Projects" > "Current Projects">PLN21-222)

Responsible Agencies sent a copy of this document

None





NOISE MITIGATION:

- <u>NOISE MIT 1:</u> Construction activities (excluding activities that would result in a safety concern to the public or construction workers) shall be limited to between the daytime hours of 7 AM and 7 PM Monday through Saturday.
- <u>NOISE MIT 2:</u> Construction equipment shall be properly maintained and equipped with noisereduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation.
- <u>NOISE MIT 3:</u> Motorized construction equipment shall not be left idling for more than 5 minutes, when not in use.
- <u>NOISE MIT 4</u>: Stationary equipment (power generators, compressors, etc.) shall be located at the furthest practical distance from nearby noise-sensitive land uses or sufficiently shielded to reduce noise-related impacts.

A reporting or monitoring program must be adopted for measures to mitigate significant impacts at the time the Mitigated Negative Declaration is approved, in accord with the requirements of section 21081.6 of the Public Resources Code.

DocuSigned by:	
E260F57503D0427	11/21/2022
Signature	Date
	11/21/2022
186AB6B1AB404D6	
Signature	Date
	DocuSigned by: ULARU AULUWALIA E260F57503D0427 Signature DocuSigned by: UL'ALALALALALALALALALALALALALALALALALALA

Attachment A(2)

Initial Study /MND (Amended)

File Number:	PLN21-222	Date: 11/21/2022 (Amended on January 24, 2023)
Project Type: Architecture and Site Approval and Grading Approval		APN(s): 728-38-001
Project Location / Address:	Burnett Ave, Morgan Hill, CA 95037	GP Designation: Agriculture Large Scale
Owner's Name:	Liang Dangsheng And Han Jingrong	Zoning: A-40Ac-sr-cv
Applicant's Name:	Amanda Musy-Verdel	Urban Service Area: None

INITIAL STUDY (Amended) Environmental Checklist and Evaluation for the County of Santa Clara

Project Description

The project is an Architecture and Site Approval (ASA) and Grading Approval for the construction of a new 4,000 square foot (sq. ft.) agricultural research building with a 4,000 sq.ft. proposed future expansion; and a Building Site Approval for a 4,000 sq. ft. single-family dwelling with a 1,200 sq. ft. accessory dwelling unit. The project also proposes two 5,000 sq.ft. agricultural barns, as shown on the site plan (Figure 2) The project also proposes two 5,000 sq.ft. agricultural barns, and a 4,000 sq. ft. single-family dwelling with a 1,200 sq. ft. accessory dwelling unit (ADU), as shown on the site plan (Figure 2). The subject property size is approximately 11.2 acres with frontage on both Burnett Avenue and Vista de Lomas Avenue (See Figure 1). Driveway access to the property is proposed from Vista De Lomas Avenue at three locations. Thirty-two parking spaces are proposed. Two leach fields, one well, four water tanks (a 44,000-liter water tank for the research facility and three 5-liter water tanks for residential use), and two bioretention ponds are proposed. A row of newly planted coast redwood and deodar cedar trees is situated along the southern edge of the property adjoining Cochran Channel adjacent to Highway 101, and a row of newly planted shrubs (expected to grow 8-15 feet tall) is situated at the northern and western property edge adjoining Burnett Avenue and Vista de Lomas Avenue. A majority of the remaining land will be used for organic farming of high-value specialty vegetables and fruit trees. Grading quantities for the proposed project are 1,252 cubic yards of cut and 400 cubic yards of fill with a maximum cut depth of 2.5 feet, to establish the driveway and the two bioretention ponds.

Agricultural research to be conducted on the subject site by Apex Bait Technologies, Inc. (Apex Bait) includes development of insect baits, attractants, and traps to control insect pests in agriculture, with a specific focus on control of insect pests at organic farms (for both annual vegetables and perennial fruit crops). The research aims to prevent damage to the environment by reducing the need for harmful insecticides sprays that pollute and harm beneficial insects. The type of agricultural crops and insect pests are proposed to change over time depending on availability. Apex Bait has projected that a key focus area of research effort would be to examine what kinds of plant, flowers, and food materials are attractive to insects, with the intention to develop attractant formulations for insect pests. The second most active research area would be formulation of bait through identification of food ingredients that are highly palatable to target pests. Apex Bait would develop and test proprietary technologies on the subject property and offer licensing rights to interested parties. The expected customers for the products would be agrochemical companies interested in licensing agricultural insect bait formulas to produce more effective insecticides. Other Apex Bait research activities and services would include efficacy studies of low-toxicity insecticides such as boric acid and silica gel, insect repellents, and contract research services for agrochemical companies.

The proposed agricultural research building would comprise of laboratory and office space. A facade mounted sign is proposed on the north and east elevation of the research building. Different kinds of agricultural insects needed for research would be raised in the research building. In addition, insect pests from the vegetables and fruit trees growing on the subject property would also be studied crops, in the laboratory. Two proposed agricultural barns would be used for storage of farm equipment, harvested crops, and packaging such crops.

Hours of operation would be 8:00 am to 6:00 pm Monday through Friday. A maximum of seven employees would be present on site at any given time. No delivery of materials would take place except typical delivery service by UPS/FedEx.

Environmental Setting and Surrounding Land Uses

The subject property is in a rural area of unincorporated Santa Clara County south of San José, in an area recognized as Coyote Valley (See Figure 1 - Project Location). The site is accessed from both Burnett Avenue and Vista de Lomas Avenue and is a relatively flat farmland parcel. Surrounding parcels include a channelized creek (Cochran Channel, a tributary to Coyote Creek managed by Valley Water) and Highway 101 to the south, County-owned Coyote Creek Parkway to the west across Burnett Avenue, agricultural row crops to the east, and rural residential single-family homes to the north across Vista de Lomas Avenue.

The subject property is 11.2 acres, with a General Plan designation of Agriculture – Large Scale, and is within an Exclusive Agriculture zoning district, consisting of prime farmland soil.

Assembly Bill (AB) 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 updated on 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) a single-family residence 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 Coyote Valley, which is recognized under AB 948 as an environmental resource that is designated, precisely mapped, and officially adopted pursuant to state law, a Categorical Exemption Section 15303, Class 3, is not applicable for the proposed residence.

The property is located within the coverage area of the Santa Clara Valley Habitat Plan and has a mapped landcover of Grain, Row-crop, Hay and Pasture, Disked / Short-term Fallowed. The property is not under a Williamson Act contract. No watercourses, creeks, serpentine soils, or rock outcrops are located on the subject property. Coyote Creek is located 1,000 feet north of the property separated by developed residential properties. The property is located within County liquefaction and State seismic liquefaction zone.

Other agencies sent a copy of this document:

Valley Water District, Santa Clara Valley Open Space Authority, Morgan Hill Unified School District, and Caltrans



Figure 1 – Vicinity Map



Figure 2 – Proposed Site Plan





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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

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

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

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

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

	—DS
	(A
t	

Signature

11.21.2022	(Amended 01.24.2023)
- Date	

<u>Charu Ahluwalia</u>	
Print name	

For

ENVIRONMENTAL CHECKLIST AND DISCUSSION OF IMPACTS

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

SETTING:

The site is located east of Highway 101, at the southeast corner of Burnett Avenue and Vista de Lomas Avenue, in Morgan Hill. The property is zoned A-40Ac-sr-cv for Exclusive Agriculture with a "-40Ac" Lot-size Combining District overlay, "-sr" scenic road overlay due to its proximity to Highway 101, which is designated by the County as a scenic highway, and "-cv" overlay for its location within the Coyote Valley Climate Resilience Combining District. Pursuant to County Zoning Code Section 3.30, properties within the "-sr" designation are subject to certain setback requirements to ensure protection of scenic resources as viewed from scenic roads. Within 100 feet of a scenic road, structures are required to undergo design review. Further, signs within 1,000 feet of Highway 101 are subject to size limitations.

Motorists traveling along Highway 101 have a moderate sensitivity to visual change as the project site is located along Highway 101 and the project site would be visible for a relatively short period of time as motorists drive through Highway 101. Travelers and commuters in the area also have moderate sensitivity to visual change because the workers frequent the vicinity several times per week, although time spent viewing the site would be minimal. Surrounding uses include residential homes (north and east), Coyote Creek Parkway (west), and a channelized creek, Cochran Channel, a tributary to Coyote Creek managed by Valley Water (south). Residents typically have high sensitivity to visual change given the long-term nature of their views. County General Plan policies protect aesthetic resources

such as the views from travelers and passer byers along Highway 101. Figure 4 below provides a representation of the view from Highway 101.

County General Plan Policies Related to Scenic Resources

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

- Policy R-RC 100: Signs allowable under the provisions of the zoning ordinance should be harmonious with the character of the area in which they are located and should be of the highest design standards.
- Policy R-RC 101: Roads, building sites, structures and public facilities shall not be allowed to create major or lasting visible scars on the landscape.
- Policy R-PR 45: New structures should be located where they will not have a negative impact on the scenic quality of the area, and in rural areas they should generally be set back at least 100 feet from scenic roads and highways to minimize their visual impact.
- Policy R-RC 98: Hillsides, ridgelines, scenic transportation corridors, major county entryways, stream environments, and other areas designated as being of special scenic significance should receive utmost consideration and protection due to their prominence, visibility, and overall contribution to the quality of life in Santa Clara County.

The property is within Coyote Valley which is part of the Coyote Valley Conservation Program (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 subject property is relatively flat and contains a row of newly planted coast redwood and deodar cedar trees (expected to grow 50-100 feet tall) along the southern edge of the property adjoining Cochran Channel adjacent to Highway 101, and a row of newly planted shrubs (expected to grow 8-15 feet tall) along the northern and western property edge adjoining Burnett Avenue and Vista de Lomas Avenue. The subject property has a General Plan designation of Agriculture – Large Scale with an Exclusive Agriculture zoning designation. The property takes access from Vista de Lomas Avenue, which is a County-maintained Road.

The development includes a new 4,000 sq. ft. agricultural research building with a 4,000 sq.ft. proposed future expansion, two 5,000 sq.ft. agricultural barns, and a 4,000 sq. ft. single-family dwelling with a 1,200 sq. ft. ADU. No free-standing signs are proposed as a part of this project.

DISCUSSION:

a, b, c & d) Less than Significant Impact. Highway 101 is designated by the County as a scenic highway. No building or structure, including signs, may be located within 100 feet of the right of way of 101. As shown in the site plan (Figure 2), the proposed structures are set back 100 feet from the southern property edge. Further, the proposed structures would be minimally visible from the highway (Figure 4). Motorists along Highway 101 would not see the proposed structures on the subject site. The site is vacant and does not contain rocks, outcroppings, or historic buildings. Seven trees over 12-inch located to the southwest of the property. No tree removal is proposed with this project.



Figure-4 - Visual Simulation of Proposed Structures (View from Highway 101)

Figure–5 - Visual Simulation of Proposed Structures (View from corner of Burnett Avenue and Vista de Lomas Avenue)



site is within a rural, low intensity development area. The nearest structures are residential dwellings averaging in size from 2,500 sq. ft. to 4,000 sq. ft. (on approximately 2.5-acre parcels north of the Vista de Lomas Avenue), one to two stories in massing. The residential portion of the proposed project is relatively similar in size and massing to the surrounding existing houses. As for the research facility, instead of a larger building, two 4,000 sq. ft. buildings are proposed. Further, design of the research facility building offsets its massing through architectural articulation such as vertical bands of windows proposed on the façade, as well as a lower height pergola projection at entrances constructed of material such as wood and stone, which are compatible with the rural character (Figure 3).

Landscaping has been newly planted to provide a visual screen of the proposed development from public viewpoints along Burnett Avenue and Vista de Lomas Avenue. This landscaping would not fully screen the development but is considered sufficient landscaping (rows of shrubs and trees) to the north across Vista de Lomas Avenue.

Figure-6- Landscaping along Vista de Lomas (new shrubs expected to grow 8-15 feet tall)



Figure–7- Landscaping along Cochran Channel parallel to Highway 101 (new trees expected to grow 50-100 feet tall)



Cumulatively, the proposed project would be larger than the other structures in the immediate vicinity, however, given the size of structures on a relatively larger property (approximately 11 acres), ample separation and appropriate location of the research and residential structures on the site plan, height of the research facility buildings maintained at 24 feet (well below the 35 feet maximum height allowance for the base district), and a continuous row of shrubs and trees planted along property edges, a potential degradation of the existing visual character is not expected.

Construction activities on the project site would occur over a span of approximately one year, and, although construction activities would change the visual character of the site by exposing soil and placing equipment and materials on site, this adverse effect would be temporary, and dust would be controlled by implementing best management practices (BMPs). Therefore, the construction phase of the project would not result in substantial adverse visual change to the project site.

Very few sources of light and glare currently exist in the vicinity of the project site. The proposed business will operate Monday through Friday between 8am and 6pm, and therefore there will be no activity during the evening. <u>No exterior lighting for the parking lot shall be permitted after 6:30 p.m.</u> (till 30 minutes after closing time). According to the County's adopted ASA guidelines, any proposed lighting shall be subdued and shall enhance the building design and landscaping. Lighting fixtures should not create glare for occupants or neighboring properties. The site is vacant and surrounded by residential properties to the north and east. As a standard condition of approval, any proposed lighting will require a photometric plan, prior to building permit issuance, indicating lighting locations and details. Lighting shall include light fixtures that are shielded such that the light source is not visible from beyond the boundaries of the subject property. All lighting shall be allowed after sunset. With the implementation of the standard condition of approval, the project will not create a new light source or glare which would impact the nighttime views of the area.

MITIGATION:

• None required.

В.	AGRICUL	TURE /	FOREST	RESOURCES
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In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.									
		ІМРАСТ							
WOULD THE PROJECT:		<u>Potentially</u> <u>Significant</u> <u>Impact</u>	<u>Less Than</u> <u>Significant</u> <u>with</u> <u>Mitigation</u> Incorporated	<u>Less Than</u> <u>Significant</u> <u>Impact</u>	<u>No</u> Impact	Source			
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?					3,23,24,26			
b)	Conflict with existing zoning for agricultural use?			\boxtimes		9,21a			
c)	Conflict with an existing Williamson Act Contract or the County's Williamson Act Ordinance (Section C13 of County Ordinance Code)?				\boxtimes				
d)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?					1, 28			
e)	Result in the loss of forest land or conversion of forest land to non-forest use?					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?								

SETTING:

The subject property has a General Plan designation of Agriculture – Large Scale and is zoned A-40Ac-sr-cv. Soil on the subject property is composed of Arbuckle gravelly loam (0 to 2 percent slopes). A majority of the site is designated as *Farmland of Local Importance* in the California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) database. Surrounding properties are designated as *Farmland of Local Importance*, *Prime Farmland*, *Farmland of Statewide Importance*, and *Urban and Built-Up Land*, in the FMMP database. Surrounding uses are agricultural and residential. The property is not encumbered by a Williamson Act contract and is not within a forest or timberland area. The property was historically used for agricultural cultivation but has been fallow since the 1970s.
The location of the property is in Coyote Valley, which Assembly Bill 948 acknowledged as being a resource of statewide significance due to the characteristics of its natural and agricultural lands, which have "been subject to intense development pressure and [are] in need of restoration, conservation, and enhancement" (California Public Resources Code Section 35182(b)). Properties in the -cv overlay district are subject to additional development standards (County Zoning Code Section 3.95.030) intended to minimize the impacts of new development and to preserve Coyote Valley as a greenbelt area intended for long-term agricultural uses and climate resilience. The proposed project complies with these standards.

DISCUSSION:

a, b, & f) Less Than Significant Impact – The subject property is 11.2 acres (488,745 sq. ft.) in size. The proposed project is for an 8,000 sq.ft. agricultural research facility, including two 5,000 sq. ft. agricultural barns, and a 4,000 sq. ft. single-family dwelling with a 1,200 sq. ft ADU. Construction of the structures and associated site improvements would result in 1.5 acres (66,899 sq. ft.) of development area, constituting approximately 13.4% of the total 11.2-acre parcel. A majority of the remaining 86.6% of the property is proposed for cultivation of high-value specialty vegetables and fruit trees.

The property consists of approximately 10 acres of soils characterized as *Farmland of Local Importance* and the remaining one acre as *Urban and Built-Up Land*, per the FMMP database. As defined by each county's local advisory committee and Board of Supervisors, *Farmland of Local Importance* is land that is either producing or has the capability of production but does not meet the criteria to be considered Prime, Statewide, or Unique Farmland. Thus, construction of the agricultural research facility, the new residences, and associated site improvements, would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses. Agricultural research and residential uses are ancillary to and considered compatible with agricultural use. The proposed project meets the required supplemental development standards of the "-cv" overlay district. Lot coverage for residential development is less than 7,500 sq. ft. and total development area with onsite agriculture is less than 2 acres.¹ The project would not involve substantial changes to the existing agricultural environment.

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

MITIGATION:

¹Per Zoning Ordinance § 3.95.030 ("-cv") development standards, development of agricultural uses are exempt from lot coverage standard, meaning they do not count toward the lot coverage maximum per parcel provided that such development is ancillary to onsite agriculture, as specified in § 3.95.040. Agricultural uses mean agricultural employee housing or any non-residential use defined in § 2.10.040 having the parenthetical classification of "agricultural" following the title of each primary use type. Parcels with onsite agriculture have a maximum development area of two acres instead of one acre.

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 Less Than Less Potentially Significant Than No Source Significant with WOULD THE PROJECT: Impact Significant Impact Mitigation Impact ncorporate Conflict with or obstruct implementation of the applicable air \boxtimes 5,29,30 a) quality plan? b) Result in a cumulatively considerable net increase of any \square 5,29,30 criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? c) Expose sensitive receptors to 5,29, 30 substantial pollutant concentrations? d) Result in other emissions (such as those leading to odors) \boxtimes 5, 29, 30 adversely affecting a substantial number of people?

SETTING:

The proposed development includes an agricultural facility and a single-family residence which takes access from Vista de Lomas Avenue, a County-maintained road in the unincorporated area of Santa Clara County. Surrounding land uses immediately adjacent to the subject site are a channelized creek (Cochran Channel, a tributary to Coyote Creek managed by Valley Water) and Highway 101 to the south, County-owned Coyote Creek Parkway to the west across Burnett Avenue, agricultural row crops to the east, and single-family homes to the north across Vista de Lomas Avenue.

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 so-called 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 site is located along Highway 101, a major arterial that spans Santa Clara County.

The proposed project would involve construction of an agricultural research facility and a residential dwelling. Construction would generate emissions from ground disturbance and vehicle combustion. Operation would generate emissions from use of vehicles. BAAQMD has established screening level sizes for criteria air pollutants based on land use types.² If the project meets the applicable screening criteria, the project would not result in the generation of operational- and construction-related criteria air pollutants and/or precursors that exceed the thresholds of significance established by BAAQMD, which is average daily emissions (lb/day) of 54 for ROG, NO_x, and PM_{2.5}, and 82 for PM₁₀. For the

²BAAQMD 2017. CEQA Air Quality Guidelines. May 2017.

General Office Building land use, the screening size is 346,000 sq.ft. for operations and 277,000 sq. ft. for construction. The proposed 8,000 sq.ft. research building is below these thresholds.

The operational criteria pollutant screening size for evaluating air quality impacts for *Single-Family Residential* projects is 325 dwelling units, and the construction-related screening is 114 dwelling units. Emissions generated from the proposed one single-family residence is below these thresholds.

Therefore, the proposed project would not conflict with or obstruct implementation of the applicable air quality plan or 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.

Project-related construction activities would result in short-term emissions of diesel particulate matter exhaust associated with diesel-fueled engines (diesel PM) from on-site construction equipment and onroad trucks delivering/hauling equipment and materials to/from the project area. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. Given the few sensitive receptors within the project vicinity and the lack of odor-generating land uses, the operation of the project would not create objectionable odors affecting a substantial number of people. The project would not include stationary sources of toxic air contaminants (TAC) emissions or land uses associated with the heavy use of diesel vehicles during operation.

MITIGATION:

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

The property is within the coverage area for the Santa Clara Valley Habitat Plan and has a mapped landcover of Grain/Row-Crop, Hay, and Pasture, Disked/Short-Term fallowed. No serpentine soil or landcover is mapped as occurring on the property. Cochran Channel, a tributary to Coyote Creek managed by Valley Water is located south of the existing property and the proposed project would take access from Vista de Lomas Avenue, which is a County-maintained road. The proposed development would noy cross any watercourses or riparian habitat.

County of Santa Clara Tree Preservation Ordinance, Division C16 regulates tree removal on private land. This ordinance provides protection to certain trees that are 12-inches or greater in diameter. No tree removal is proposed with this project.

DISCUSSION:

a, **b**, **c**, **d**, **e**, **f**, **& g**) No Impact – The subject property is not located in any state or federally protected wetlands. The property also does not have any known wetlands and is not within any mapped Oak Woodland area and the property is currently vacant with seven trees over 12-inch located to the

southwest of the property. Additionally, the property does not contain any serpentine soils. Cochran Channel, a tributary to Coyote Creek managed by Valley Water is located south of the existing property, thus *General Plan Policy R-RC 37and 38* are applicable. The project has been conditioned to require a 100-foot buffer from the top of bank of the existing Cochran Channel.

County General Plan Policies Related to Riparian and Freshwater Habitats

The Resource Conservation Element of the Santa Clara County General Plan (Santa Clara County 1994b: 0-24) includes the following General Plan policies that apply to the proposed project:

- Policy R-RC 37: Lands near creeks, streams, and freshwater marshes shall be considered to be in a protected buffer area, consisting of the following:
 - 1. 150 feet from the top bank on both sides where the creek or stream is predominantly in its natural state;
 - 2. 100 feet from the top bank on both sides of the waterway where the creek or stream has had major alterations; and
 - 3. In the case that neither (1) nor (2) are applicable, an area sufficient to protect the stream environment from adverse impacts of adjacent development, including impacts upon habitat, from sedimentation, biochemical, thermal and aesthetic impacts
- Policy R-RC 38: Within the aforementioned buffer areas, the following restrictions and requirements shall apply to public projects, residential subdivisions, and other private non-residential development:
 - a. No building, structure or parking lots are allowed, exceptions being those minor structures required as part of flood control projects.
 - b. No despoiling or polluting actions shall be allowed, including grubbing, clearing, unrestricted grazing, tree cutting, grading, or debris or organic waste disposal, except for actions such as those necessary for fire suppression, maintenance of flood control channels, or removal of dead or diseased vegetation, so long as it will not adversely impact habitat value.
 - c. Endangered plant and animal species shall be protected within the area.

The property is located within the coverage area for the Santa Clara Valley Habitat Plan (HCP), a programmatic Habitat Conservation Plan and Natural Communities Conservation Plan. The project is a covered project under the Santa Clara Valley Habitat Plan and will obtain endangered species clearance for any potential impacts to plant and wildlife species addressed by the Habitat Plan, through payment of Habitat Plan fees and adherence to conditions of approval required for Habitat Plan coverage. The property has a mapped landcover of Grain/Row-Crop, Hay, and Pasture, Disked/Short-Term, which is common for agricultural lands, and there are no sensitive natural communities on the property, as mapped by the Habitat Plan (Figure 8). The project is in conformance with HCP and will not create a conflict or impact to the habitat conservation plan.

e) Less than Significant – AB 948 recognizes Coyote Valley as an area of statewide significance and identifies that it provides a critical corridor for wildlife migrating between the Santa Cruz Mountains and the Diablo Range. The project will not have an impact on any migration corridors as it is a covered project under the HCP, which programmatically addresses impacts to migration corridors identified in the Habitat Plan area, including the requirement for projects to adhere to conditions of approval.



Figure 8: Habitat Conservation Plan Aerial Image

MITIGATION:



A letter from the California Historical Resources Information System (CHRIS) dated April 21, 2022, noted no previously recorded sites within or adjacent to the project site. However, the Office of Historic Preservation determined that the project site has the possibility of containing unrecorded archaeological sites and recommended that the property be evaluated by a qualified archaeologist. Archaeological Resource Management (ARM) conducted an archival search and a surface survey of the proposed project area. The report titled "Cultural Resource Evaluation of the Proposed Project on Vista De Lomas", dated May 31, 2022, is in Attachment A. No existing structures are proposed to be demolished as the lot is vacant.

DISCUSSION:

a, **b**, **& c**) **No Impact** – The development site will not cause any alteration, relocation, or demolition to historic resources pursuant to the County's Historic Ordinance (Division C17) as the parcel is vacant. In addition, no significant cultural materials, prehistoric or historic, were noted during surface reconnaissance. Based on a review of available literature on the prehistoric and historic resources of the area, as well as a field survey, ARM determined that the potential for the discovery of cultural resources on the subject site is minute. Therefore, the proposed project will have no impact on cultural resources. In the event, however, that human skeletal remains are encountered, the applicant is required by County Ordinance No. B6-18 to immediately notify the County Coroner. Upon determination by the County Coroner that the remains are Native American, the coroner shall contact the California Native American Heritage Commission, pursuant to subdivision I of section 7050.5 of the Health and Safety Code, and the County Coordinator of Indian affairs. No further disturbance of the site may be made except as authorized by the County Planning Office. No further disturbance of the artifacts may be made except as authorized by the County Planning Office.

MITIGATION: None required.

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

The proposed project includes construction of an 8,000 sq.ft. agricultural research facility, two 5,000 sq. ft. agricultural barns, a 4,000 sq. ft. single-family dwelling with a 1,200 sq. ft ADU, two leach fields, one well, four water tanks (a 44,000-liter water tank for the research facility and three 5-liter water tanks for residential use), and two bioretention ponds.

California Code of Regulations, Title 24, Part 6, is California's Energy Efficiency Standards for Residential and Non-Residential Buildings. Title 24 was established by CEC in 1978 in response to a legislative mandate to create uniform building codes to reduce California's energy consumption and provide energy efficiency standards for residential and non-residential buildings.

DISCUSSION:

a & b) Less Than Significant Impact – The new research facility and single-family residence is a relatively low-impact development. The project would increase electricity and natural gas consumption at the site relative to existing conditions. The project would be required to meet the California Code of Regulations Title 24 standards for building energy efficiency. Construction energy consumption would be temporary and would not require additional capacity or increased peak or base period demands for electricity or other forms of energy. The project would not result in wasteful, inefficient, or unnecessary consumption of energy.

MITIGATION:

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

The topography of the building site is flat with an approximate slope of 2 percent (2%) towards the southwest of the property. The property is located within County liquefaction and State seismic liquefaction zone. A Geotechnical Investigation Report (Report) for the proposed project was prepared by consultant Baez Geotechnical Group (BGG) dated June 11, 2021 (Attachment B), which was reviewed and accepted by the County Geologist. A field exploration consisting of site surface

reconnaissance and subsurface exploration was conducted on November 19, 2020, and May 24, 2021, and results are presented in the Report.

DISCUSSION:

a- i, ii, & iv) No Impact – The site is not within a designated State Earthquake Fault Zones or State Seismic Hazard Zone mapped for earthquake faults by the California Geological Survey. Therefore the likelihood of surface fault rupture at the site is nil.

a(iii), **b**, **c**, **d**, **e**, **& f)** Less than Significant Impact. The property is located in the County's Liquefaction Hazard Area and the State liquification zone. Based on the data collected during field investigation, geotechnical engineering analysis, the Report determined that the potential for dry, sandy soils to settle due to earthquake ground motions is very low since the soils above the water table were found to be dense to very dense. Potential impacts to the project site from liquefaction induced differential ground settlement and lateral spreading were also found to be low. This assessment has been reviewed and accepted by the County Geologist.

The predominant geotechnical conditions at the site that could impact development are the presence of disturbed soil in the upper two feet from past agricultural practices, moderately expansive soils, and gravels and cobbles in the soils. The Report determined that the site is suitable for proposed future construction and site improvements provided the recommendations contained in the Report are incorporated in the project design and construction. At the time of development, the building division would review the project and verify that the aforementioned recommendations are met, prior to issuance of building permits.

Percolation tests and soil profiles have been conducted, and this data was provided and reviewed by County Department of Environmental Health (DEH). DEH staff have determined that the soils are capable of supporting a septic system which meets County requirements.

Grading for development of the property would include are 1,252 cubic yards of cut and 400 cubic yards of fill for construction of the driveway, landscaping and bioretention ponds. County Ordinance Code requires a grading permit be issued given the total grading quantity, and the grading plan will be reviewed for conformance to the County's Grading Manual and BMPs, ensuring that no over-compaction or over-covering of soil will occur. The project is subject to Santa Clara County's Policies and Standards Pertaining to Grading and Erosion Control.

MITIGATION:

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

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

DISCUSSION:

a & b) No Impact – The project's GHG emissions would be below the Bay Area Air Quality Management District's threshold for 2020 emission reduction target of 1,100 metric tons per year. Even when this threshold is adjusted by forty percent for 2030, consistent with state reduction targets, the project would be significantly lower than the resulting threshold of 660 metric tons per year.

The single-family residence 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 GHG 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:

١.	HAZARDS & HAZARDOUS MA	FERIALS				
					IMP	ACT
wc	OULD THE PROJECT:	Potentially Significant Impact	<u>Less Than</u> <u>Significant</u> <u>with</u> <u>Mitigation</u> Incorporated	Less Than Significant Impact	<u>No</u> Impact	Source
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?					1, 3, 4, 5
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?					2, 3, 5
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste wit ¼ mile of an existing or proposed school?					46
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?					47
e)	For a project located within an airport land use plan referral area or, where such a plan has not been adopted, within two miles of a public airport or public use airport, or in the vicinity of a private airstrip, would the project result in a safety hazard, or excessive noise for people residing or working in the project area?					3, 22a
f)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?					5, 48
g)	Expose people or structures either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?				\boxtimes	4, 17g

Agricultural research to be conducted on the subject site by Apex Bait Technologies, Inc. (Apex Bait) includes development of insect baits, attractants, and traps to control insect pests in agriculture, with a specific focus on control of insect pests at organic farms (for both annual vegetables and perennial fruit crops). The research aims to prevent damage to the environment by reducing the need for harmful insecticides sprays that pollute and harm beneficial insects. No production of pesticides will be done onsite. Apex Bait has projected that a key focus area of research effort would be to examine what kinds

of plant, flowers, and food materials are attractive to insects, with the intention to develop attractant formulations for insect pests. The second most active research area would be formulation of bait through identification of food ingredients that are highly palatable to target pests. Apex Bait would develop and test proprietary technologies on the subject property and offer licensing rights to interested parties. The expected customers for the products would be agrochemical companies interested in licensing agricultural insect bait formulas to produce more effective insecticides. Other Apex Bait research activities and services would include efficacy studies of low toxicity insecticides such as boric acid and silica gel, insect repellents, and contract research services for agrochemical companies.

Small amounts of hazardous materials (commonly used chemicals) will be used for the agricultural research, such as hexane, acetone, methanol, and ethanol. These chemicals would be used for dissolving attractants. The amount used would be very small, less than 500 ml in a year. The other chemicals used to be used are ethanol or isopropyl alcohol that would be purchased from grocery stores and used for washing glassware. Regarding the formulation of bait, small amounts of insecticide may be incorporated into the bait formula to gauge effectiveness of the bait. The percentage of insecticides used in the bait formula would range from 0.001%-0.5% of a typical insecticide. The amount of bait used in an experiment would be a few grams. For the efficacy studies, to compare existing insecticides with formulated products, the insecticides would be purchased from grocery or hardware stores or delivered via regular shipping.

The proposed project is not located at or adjacent to any hazardous sites. The project site is not listed on the County of Santa Clara Hazardous Waste and Substance Sites List, it is not located in the County Airport Land Use plan area and is not located but is adjacent to the Wildland Urban Interface Fire Area (WUI).

DISCUSSION:

a, b, & c) Less Than Significant Impact – The proposed project is an agricultural research facility and a single-family residence. The research facility will include a laboratory and office space, both not open to the public. Although certain commonly used chemicals would be used in the research facility for dissolving attractants and cleaning glassware, and small quantities of insecticides would be used in efficacy studies, the said hazardous materials have been reviewed by the Environmental Health Department and determined to be less than significant.

The closest school, Ann Sobrato High School is approximately 1,800 feet (or .33 miles) southwest of the subject property, separated by Highway 101. Any chemicals or cleaning agents used by the research facility will be contained within the building therefore there would be no impacts to the school. The project does not include the release of hazardous materials.

d, **e**, **f**, **& g**) **No Impact** – The project site is not located on site designated as hazardous under Section 65962.5, as verified on EnviroStor, accessed on November 11, 2022. The property is outside of the County Airport Land Use plan area and would not create excessive noise for people residing or working in the project area due to proximity to an airport.

The property is located within an agricultural area and would not change the local roadway circulation pattern, access, or otherwise physically interfere with local emergency response plans. The access to the project site is from an existing public road and through a driveway. The project is 1,000 feet south of the Wildland Urban Interface area (WUI), not within the WUI area. The development plans have been reviewed and conditionally approved by the County Fire Marshal's Office. The proposed project will not impair or physically interfere with any emergency response or evacuation plans. As such, this

project will not expose people or structures either directly or indirectly to a significant risk of loss, injury or death involving wildland fires.

MITIGATION:

J.	HYDROLOGY AND WATER QUALITY					
			IMPA	СТ		SOURCE
Wo	uld the project:	<u>Potentially</u> <u>Significant</u> <u>Impact</u>	Less Than Significant With Mitigation Incorporated	<u>Less Than</u> <u>Significant</u> <u>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?			\boxtimes		34, 32, 36, 39
b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?					3, 4, 32, 36, 39
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:					3, 17n, 36
i)	Result in substantial erosion or siltation on- or off-site			\boxtimes		3, 17p, 36
II)	Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite:					1, 3, 5, 36, 21a
III)	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff: or					1, 3, 5
IV)	Impede or redirect flood flows?			\boxtimes		3, 17p, 18b, 18d
d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				\square	3, 18b, 18d
e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?					2, 3, 4, 17p

The proposed development is not located within a FEMA Flood Zone. The nearest water way to the project is a drainage channel (Cochran Channel, a tributary to Coyote Creek managed by Valley Water) that runs adjacent to the southern boundary of the property. Coyote Creek is located 1000 feet north of the property separated by developed residential properties. The proposed development consists of new impervious surface of approximately 1.4 acres (60,574 sq. ft.), to accommodate footprint of the proposed structures, driveways, fire truck turnaround and parking. Water for the research facility, domestic and emergency water, is provided by an onsite well located west of the property (approximately 100 feet from the proposed leach field) and four water tanks (a 44,000-liter water tank for the research facility and three 5-liter water tanks for residential use) are proposed as part of the project.

The property is located within the area of Coyote Valley, which is recognized under AB 948 as an area of statewide significance of natural resources for many climate and natural infrastructure benefits,

including flood attenuation from improved wetlands, increased water supply from groundwater recharge, and carbon sequestration from natural and working lands.

DISCUSSION:

a, b, & c) Less than Significant Impact – The project requires an on-site wastewater treatment system (OWST) which consists of two leach fields and septic tanks. The OSWT and associated improvements have been reviewed and approved by the Department of Environmental Health ensuring that the proposed OWST is designed and sized to meet all applicable water quality standards, soil requirements, and groundwater standards. The proposed project does not degrade surface or ground water quality, substantially decrease groundwater supplies, or interfere substantially with groundwater recharge. As shown in the Grading and Drainage Plan, prepared by consultant Hanna Brunetti, in order to ensure that the new development does not increase stormwater runoff from the existing site, the new asphalt driveway and roof outlets are designed to flow and drain to the two bioretention ponds. At the time of grading/building permit submittal, Land Development Engineering (LDE) Division would review the Erosion and Sediment Control Plan that outlines seasonally appropriate erosion and sediment controls during the construction period. LDE would also review site development drainage plans to ensure that development would not increase the downstream peak flow for the 10-year and 100-year storm event or cause a hazard or public nuisance. This permit process would prevent the development from causing on- or off-site erosion, increasing the rate or amount of surface runoff in a manner which would result in flooding on- or offsite, or otherwise violating water quality standards for stormwater runoff. The project is designed in conformance with the County of Santa Clara Stormwater Management Guidance Manual and the Santa Clara Valley Urban Runoff Pollution Prevention Program.

d & e) No Impact – The project site is not located in a flood hazard, tsunami, or seiche zone. The project will not have any impact to hazardous materials or conflict or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

MITIGATION:

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

The property is located within Coyote Valley, in the County of Santa Clara. Surrounding parcels include rural residential single-family homes to the north across Vista de Lomas Avenue, a channelized creek (Cochran Channel, a tributary to Coyote Creek managed by Valley Water) and Highway 101 to the south, County-owned Coyote Creek Parkway to the west across Burnett Avenue, and agricultural row crops to the east. The development area has a General Plan Designation of Agriculture – Large Scale with an Exclusive Agriculture zoning district.

DISCUSSION:

a) No Impact – The proposed project includes the construction and use of the property as an agricultural research facility and a single-family residence. The proposed development is over 700 feet from the nearest residence to the east and other single-family homes are located across Vista de Lomas. The project site is bound by a channelized creek and Highway 101. Due to the proposed development's distance from existing residential development, the project does not physically divide an established community. The County's General Plan for Agriculture – Large Scale is to support and enhance rural character, preserve agriculture and prime agricultural soils, protect and promote wise management of natural resources, avoid risks associated with the natural hazards characteristic of those areas, and protect the quality of reservoir watersheds critical to the region's water supply. Allowable land uses within an Exclusive Agriculture designation includes very low-density residential development and agricultural research, such as the proposed project.

b) Less than Significant Impact – The proposed project will not disrupt any existing agricultural use or operation in the site area. The property was historically used for cultivation but has been fallow since the 1970s. Agricultural research and residential uses are ancillary to and considered compatible with agricultural use. Although the development is within the Coyote Valley area, it is not located within an open space preserve or conservation easement (such as Williamson Act). The proposed project meets the required supplemental development standards of the "-cv" overlay district. Lot coverage for residential development is less than 7,500 sq. ft. and total development area with onsite agriculture is less than two acres. Due to the project's conformance with the County General Plan and Zoning policies, the project will not 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. Environmental effects of the proposed project are evaluated in other sections.

MITIGATION:

L.	L. MINERAL RESOURCES							
			IMPA	СТ		SOURCE		
wc	OULD THE PROJECT:	<u>Potentially</u> <u>Significant</u> <u>Impact</u>	<u>Less Than</u> <u>Significant</u> <u>With</u> <u>Mitigation</u> Incorporated	<u>Less Than</u> <u>Significant</u> <u>Impact</u>	<u>No</u> Impact			
a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?					1, 2, 3, 6, 44		
b)	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?					1, 2, 3, 6, 8a		

The project site is located within a Mineral Resource Zone (MRZ-1), which is classified as an area that has no significant mineral deposits or where it is judged that little likelihood exists for their presence. The project consists of an agricultural facility and a single-family residence 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 – The project is located on MRZ-1, which is an area that has no significant mineral deposits or where it is judged that little likelihood exists for their presence. The project would restrict access to potential mineral resources on the project site; however, given the relatively small size of the site and the fact that it is not considered a locally important mineral resource recovery site as designated by the Santa Clara County General Plan, a substantial loss of mineral resources would not occur. Therefore, the project would not result in the loss of availability of a known mineral resource that would be of regional or statewide value.

MITIGATION:



The project consists of the development of a new agricultural research facility, a single-family residence and associated site improvements. Local ambient noise comes from traffic on Highway 101 and natural sounds such as birds and insects. The project is not located in an airport land use plan referral area. An Environmental Noise Assessment (Noise Report) for the proposed project was prepared by consultant Saxelby Acoustics LLC dated July 26, 2021 (Attachment B).

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

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

DISCUSSION:

a) Less than significant impact with Mitigation Incorporated – Construction of the proposed structures and site improvement will temporarily elevate noise levels in the immediate project area. Construction noise could have an impact on the nearest residential uses. Implementation of noise abatement measures described below will reduce potential construction impacts to a less-than-significant level.

Traffic Noise Increases at Off-Site Receptors

The Federal Interagency Committee on Noise (FICON) guidelines specify criteria to determine the significance of traffic noise impacts. In cases where existing traffic noise levels are greater than 65 dB, at the outdoor activity areas of noise-sensitive uses, a +1.5 dB increase in roadway noise levels is considered significant. According to the Noise Report prepared by Saxelby Acoustics LLC, the maximum increase is traffic noise at the nearest sensitive receptor is predicted to be 0.2 dBA. Therefore, impacts resulting from increased traffic noise would be considered less-than-significant

Operational Noise at Sensitive Receptors

The County of Santa Clara Noise Ordinance allows the noise level standard to be raised in increments of 5 dB to encompass sound level as the ambient noise environment. As shown in Figure 9 and Table 1 below, the average daytime (7:00 a.m. to 10:00 p.m.) noise level at the residential uses north of the project site is 53 dBA and the average nighttime (10:00 p.m. to 7:00 a.m.) noise level is 54 dBA L50. Therefore, the allowable noise exposure standard shall be increased to 55 dBA for both daytime and nighttime. Without additional noise control measures, the proposed project would meet Santa Clara County daytime (7 a.m. to 10 p.m.) and nighttime (10:00 p.m. to 7:00 a.m.) noise standards. Therefore, impacts resulting from operational noise would be considered less-than-significant.



Figure 9 – Project Noise Contours

Descriptor	SPL at Project Boundary	Noise Standard	Meets Standard?
Daytime (Leq, dBA)	51	55	Yes
Nighttime (Leq, dBA)	48	55	Yes

Table 1: Operational Noise Levels at Project Boundary

Construction Noise

The noise levels created during the grading and construction of this project could create a temporary disturbance. As indicated in the Noise Report, activities involved in construction would generate maximum noise levels ranging from 76 to 90 dBA at a distance of 50 feet. Construction activities would also be temporary in nature and are anticipated to occur during normal daytime working hours.

The County of Santa Clara Ordinance Code section B11-154(6) establishes maximum noise limits for mobile construction equipment of 75 dBA between the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday and 50 dBA between 7:00 p.m. and 7:00 a.m. Monday through Saturday, all day Sunday, and Holidays. The Ordinance Code also establishes maximum noise limits for stationary construction equipment of 60 dBA between the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday and 50 dBA between 7:00 p.m. and 7:00 a.m. and 7:00 p.m. Monday through Saturday and 50 dBA between 7:00 p.m. and 7:00 a.m. Monday through Saturday, all day Sunday, and Holidays. The nearest residential uses are located approximately 320 feet to the north, as measured from the center of the project site. At this distance, maximum construction noise levels would be in the range of 60-74 dBA at the nearest residential uses.

Noise would also be generated during the construction phase by increased truck traffic on area roadways. A project-generated noise source would be truck traffic associated with transport of heavy materials and equipment to and from the construction site. This noise increase would be of short duration and would occur during daytime hours. Although construction activities are temporary in nature and would occur during normal daytime working hours, construction-related noise could result in sleep interference at existing noise-sensitive land uses in the vicinity of the construction if construction activities were to occur outside the normal daytime hours. Therefore, impacts resulting from noise levels temporarily exceeding the threshold of significance due to construction would be considered potentially significant. In order to avoid potential impacts, adherence to the mitigation measures below will reduce potential construction impacts to a less-than-significant level.

MITIGATION:

- <u>NOISE MIT 1:</u> Construction activities (excluding activities that would result in a safety concern to the public or construction workers) shall be limited to between the daytime hours of 7 AM and 7 PM Monday through Saturday.
- **NOISE MIT 2:** Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation.
- <u>NOISE MIT 3:</u> Motorized construction equipment shall not be left idling for more than 5 minutes, when not in use.

• <u>NOISE – MIT 4</u>: Stationary equipment (power generators, compressors, etc.) shall be located at the furthest practical distance from nearby noise-sensitive land uses or sufficiently shielded to reduce noise-related impacts.

b) Less than significant impact - Construction vibration impacts include human annoyance and building structural damage. Human annoyance occurs when construction vibration rises significantly above the threshold of perception. Building damage can take the form of cosmetic or structural. The Noise Report data indicates that construction vibration levels anticipated for the project are less than the 0.2 in/sec threshold at distances of 26 feet. The proposed project includes parking lot construction which would occur at distances of approximately 100 feet from the adjacent single-family residential uses. Therefore, use of vibratory compactors within 26 feet of the adjacent residential buildings would not cause vibrations in excess of 0.2 in/sec. Therefore, this is a less-than-significant impact.

c) No impact – The property is not located within the vicinity of a private airstrip or an airport land use plan referral area or, within two miles of a public airport so there would not be an impact.

MITIGATION:

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

The proposed project includes the development of an agricultural facility and a single-family residence on a vacant lot. The property is bordered by the Coyote Creek Parkway to the west, a channelized creek and Highway 101 to the south, and residential uses to the north and east.

DISCUSSION:

a & b) No Impact – Development of a single-family residence and an agricultural research facility would not induce population growth or displace existing housing or people. The level of activity at the research facility with seven employees is considered nominal and will not increase demand for housing or negatively impact population in the area. Vista de Lomas Avenue and Burnett Avenue are County maintained roads that are already built. The construction of the project would not directly or indirectly require extensions of roads or other infrastructure. The property includes an on-site well and will require an on-site wastewater treatment system (OWST). There are no other adjacent or nearby parcels that would be able to access the existing on-site well (unless by consent by the owner) and create an increase in population growth. The northern and eastern portion of the parcel is surrounded by single-family residences and agricultural uses and the remaining adjacent parcel to the west is the Coyote Creek Parkway which is not available for development. As such, the project will not displace substantial numbers of existing housing or people, nor necessitate the construction of replacement housing elsewhere.

MITIGATION:

O. PUBLIC SERVICES							
	IMPACT				SOURCE		
WOULD THE PROJECT:	Potentially Significant Impact	<u>Less Than</u> <u>Significant</u> <u>With</u> <u>Mitigation</u> Incorporated	<u>Less</u> <u>Than</u> <u>Significan</u> <u>t 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?				\boxtimes	1, 3, 5		
ii) Police Protection?					1, 3, 5		
iii) School facilities?				\bowtie	1, 3, 5		
iv) Parks?				\boxtimes	1, 3, 5, 17h		
v) Other public facilities?				\boxtimes	1, 3, 5		

The project is in the Local Response Area (LRA) with South Santa Clara County Fire Protection (County Fire) as first responders for fire protection. The property is not located within a high fire hazard local response area. Emergency calls would go to the Santa Clara County Sheriff's Office communications. The property has an on-site well with four water tanks for the research facility, fire protection water supply, domestic supply, and landscaping (a 44,000-liter water tank for the research facility and three 5-liter water tanks for residential use). Electric services will be provided by PG&E.

DISCUSSION:

a-i, a-ii, a-iii, a-iv, & a-v) No Impact – The proposed project includes an agricultural research facility and single-family residence. The residence and research facility (with seven employees) would have a minimal increase in the overall neighborhood population and would not significantly increase the need for additional fire or police protection to the area. Other public services, such as those provided by schools or parks, would not be significantly impacted.

MITIGATION:

P. RECREATION							
		IMP	аст		SOURCE		
WOULD THE PROJECT:	Potenti Signific Impa	ally <u>Significant</u> Significant <u>With</u> <u>Mitigation</u> Incorporated	<u>Less Than</u> <u>Significant</u> <u>Impact</u>	<u>No Impact</u>			
 a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of th facility would occur or be accelerated? 	e				1, 2, 4, 5, 17h		
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	•				1, 3, 4, 5		

The site is located in the Exclusive Agriculture zoning district, adjacent to the Coyote Creek Parkway and has a developed shared trail route featured in the Countywide Trails. The Santa Clara County Countywide Trails Master Plan Update (Countywide Trails Plan), an element of the Parks and Recreation Section of the County General Plan. The Countywide Trails Plan indicates the following trail routes in the project site vicinity (Figure 10):

- Juan Bautista de Anza National Historic Trail (R1): an off-road trail for hiking, bicycling, and equestrian use, extending from the San Benito County line through Santa Clara Valley to the San Mateo County line.
- Bay Area Ridge Trail (R5): an off-road trail for hiking, bicycling, and equestrian use, that follows the ridges and mountains that circle the San Francisco Bay Area.
- Coyote Creek/Llagas Creek Sub-Regional Trail (S5): an off-road trail for hiking, bicycling, and equestrian use, following Coyote Creek and Llagas Creek from the Alameda County line to the San Benito County line.
- Willow Springs Bikeway Connector Trail (C24): an on-street bicycle route connecting Coyote Creek County Park with Chesbro Reservoir.

DISCUSSION:

a & b) No Impact – The proposed project is for a new agricultural research facility and single-family residence and 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.

The project site is adjacent to the Coyote Creek Parkway and the aforementioned four routes in the Countywide Trails Plan. Landscaping that has been newly planted along the edges of the subject site, along Burnett Avenue and Vista de Lomas Avenue, would serve as a visual screen between the proposed development and existing trails. In addition, proposed driveway access to the property would be from Vista De Lomas Avenue and no access is proposed along Burnett Avenue (which front the Willow Springs Bikeway Connector Trail and Coyote Creek/Llagas Creek Sub-Regional Trail). The project is appropriately designed to support the trail network and minimize impacts to nearby trails and Coyote Creek Parkway.

Additionally, the proposed project 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 item b listed above.





MITIGATION:

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

The proposed project is for an agricultural research facility and single-family residence. Highway 101 is located along the southern edge of the subject property. The project would take driveway access from Vista De Lomas Avenue, at three locations. Vista De Lomas Avenue is a County-maintained road. Access would be utilizing a 25 ft. wide asphalt driveway for the research facility and a 12 ft. driveway for the residence.

Vehicle Miles Traveled (VMT)

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

The Office of Planning and Research has updated the CEQA Guidelines for this purpose by adding a new section 15064.3 to the Guidelines, which became effective statewide July 1, 2020. CEQA Guidelines section 15064.3(a) defines VMT as the amount and distance of automobile travel attributable to a project. CEQA Guidelines section 15064.3, subdivision (b), establishes criteria for evaluating a project's transportation impacts under CEQA. CEQA Guidelines § 15064.3(b)(1) states

³ 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.

that for land use projects, VMT exceeding an applicable threshold of significance may indicate a significant impact. As noted above, a lead agency has the discretion to choose the most appropriate methodology to evaluate VMT, including whether to express the change in absolute terms, per capita, per household, or any other measure. For purposes of establishing VMT thresholds, the County has chosen to treat unincorporated areas inside USAs and unincorporated areas outside of the USAs (rural areas) as separate regions. The County has also established that the average VMT for rural unincorporated County as 32.2 VMT/capita for residential trips and 31.6 VMT/capita for employment-based trips. To meet the State's goal of a 15% reduction to the VMTs, a new project would have to be 27.4 VMT/capita (for residential trips) and 26.9 VMT/capita (for employment trips). If a project meets these numbers, or is below, then no mitigation is required. If the per Capita VMT is between the 15% reduction number and the regional average, the County will review the overall VMT being generated to determine if any mitigation would be required.

DISCUSSION:

a & b) Less Than Significant Impact The project is an agricultural research facility and a singlefamily residence in rural unincorporated Santa Clara County. The project would generate 21 average daily trips (ADT) for the research facility and 10 ADTs for the residence (total 31 ADT). The research facility ADT calculations were conducted by traffic consultant Jeff Waller Consulting (Attachment C). Per the County VMT methodology, a project that generates fewer than 24 average daily trips (ADT) may be assumed to cause a less-than-significant VMT impact. Total ADT for this project is above the screening threshold. However, simply exceeding the 24 ADT threshold does not necessarily mean that a project will have a significant impact.

Residential VMT

The VTA regional travel demand model computes an average VMT/capita of 32.2 for residential uses in rural areas in the unincorporated County. As per California Air Recourses Board (CARB) 2017 Climate Change Scoping Plan, 15% reduction in light-duty VMT will be needed for the State to achieve its greenhouse gas reduction goals. Therefore as per capita VMT reduction threshold of 15% would be 27.4 VMT/capita for a new single-family residence in rural unincorporated County. Utilizing the VTA VMT tool [https://vmttool.vta.org/] the residential portion of the project would result in 29.26 VMT/capita. This is marginally above the 15% reduction threshold, however, the per capita VMT for the residential project does not exceed the existing per capita VMT for rural county, and the cumulative increase in VMT for the County resulting from this project is negligible (less than .1 % of the total unincorporated county Home-based VMT). Therefore, the impact is less than significant.

Employment VMT

Per Capita VMT for employment trips in rural County is 31.6 VMT/capita, as computed by VTA regional demand model in 2015. To meet the State's goal of a 15% reduction the VMTs for a new project would be 26.9 VMT/capita. For the agricultural research facility, utilizing the same VTA VMT tool, the agricultural research portion of the project would result in 19.85 VMT/capita. This is below the 15% reduction threshold, and therefore, the impact is less than significant.

a, c, & d) No Impact The project site is adjacent to four pedestrian and biking trails indicated on the Countywide Trails Plan (Figure 10). The project is appropriately designed to support the adjacent trail network and minimize impacts to these trails (analysis provided in the Recreation Section – P). Further, to meet the required half-street right of way width for Vista de Lomas Avenue and Burnett Avenue, the dedication of a 46-foot half street width for Vista de Lomas Avenue and Burnett Avenue is proposed.

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 for the proposed agricultural research and residential use is in conformance with the County parking requirements.

MITIGATION:

R. TRIBAL CULTURAL RESOURCES						
	IMPACT			SOURCE		
WOULD THE PROJECT:	Potentially <u>Significant</u> Impact	Less Than Significant With Mitigation Incorporated	<u>Less Than</u> <u>Significant</u> <u>Impact</u>	<u>No Impact</u>		
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:						
 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 						
 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. 						

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

DISCUSSION:

a-i & a-ii) 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 project would not

cause a substantial adverse change in the significance of a tribal cultural resource, and no mitigation measures would be necessary.

MITIGATION:

S.	S. UTILITIES AND SERVICE SYSTEMS						
			IMPA	СТ	SOURCE		
WOULD THE PROJECT:		Potentially <u>Significant</u> <u>Impact</u>	Less Than Significant With Mitigation Incorporated	<u>Less Than</u> <u>Significant</u> <u>Impact</u>	<u>No Impact</u>		
a)	Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?					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			\boxtimes		1, 3, 6,24b	
c)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?					1, 3,6,70	
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?					1, 3, 5,6	
e)	Be in non-compliance with federal, state, and local management and reduction statutes and regulations related to solid waste?					3,5, 6	

The project site is located within PG&E's service area. The project site has no access to public water or wastewater utilities.

DISCUSSION:

a, b, c, d, & e) No Impact – The project proposes on-site wastewater treatment systems and a new on site well; and electricity would be provided by PG&E. The County Department of Environmental Health has reviewed soil and percolation tests submitted by the applicant and determined that a septic system is feasible in the areas identified for development.

Domestic water, water for the agricultural research facility, fire protection water, and water for agricultural irrigation associated with the organic farming would be obtained from an on-site well. A well construction permit was granted by Valley Water in August 2021. Thereafter, based on the pump test conducted in November 2021, the subject well yielded 10,697 gallons in 9.4 hours and an average flow rate of 19 gallons per minute. DEH has approved the site for three water connections under an Individual Water System. The well and has been determined to be adequate by DEH and the FMO. The overall water demand calculation for the project (as provided by the applicant) is projected to be 8.72 acre feet per year. Valley Water has reviewed the water demand calculations and given the small quantity of estimated pumping; the proposed project would comply with Valley Water's sustainability metrics.

Stormwater would be retained on site. Therefore, no expansion of utilities would be required. Construction wastes associated with construction would be minor and would not exceed the capacity of existing solid waste disposal facilities. As a standard condition of approval for all projects within the County of Santa Clara, property owners are to provide proof of garbage service at the time of final occupancy sign-off. Garbage service in the unincorporated areas of Santa Clara County is mandatory

MITIGATION:

T. WILDFIRE						
			IMPA	CT	SOURCE	
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:		<u>Potentially</u> <u>Significant</u> <u>Impact</u>	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	<u>No Impact</u>	
a)	Substantially impair an adopted emergency response plan or emergency evacuation plan?				\boxtimes	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?					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?					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?					1, 3, 4, 5

The proposed project includes an agricultural research facility and single-family residence located on a parcel that is within an Exclusive Agriculture zoning district. The property is not located within a Wildland Urban Interface (WUI) fire protection area; however, it is in close proximity to the WUI. The area of the proposed development is flat, with a slope of approximately two percent, and the entire property is vacant.

DISCUSSION:

a, 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 water tanks to the proposed development site does not exacerbate fire risk that may result in temporary or ongoing impacts to the environment. Additionally, the proposed development is on a flat site and is therefore not at risk of downstream flooding or landslides, because of runoff, post-fire slope instability, or drainage changes. As such, the project imposes no impact to items a, c, and d listed above.

b) Less Than Significant Impact– The proposed project is not located within the WUI, but is in close proximity to the WUI area, and therefore, could be at risk of uncontrolled spread of a wildfire. However, due to the project's the installation of appropriate fire safety requirements such as adequate fire, access for emergency services, wharf hydrant, adequate water tanks for fire suppression, as well as

fire sprinkler system complying with CFMO-SP6 throughout the structures, the proposed project will have a less than significant impact to exposing the project occupants to the spread of wildfire.

MITIGATION:

U.	U. MANDATORY FINDING OF SIGNIFICANCE								
	IMPACT								
WOULD THE PROJECT:			YES		NO				
		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	<u>Less Than</u> <u>Significant</u> <u>Impact</u>	<u>No Impact</u>	SOURCE			
a)	Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self- sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?					1 to 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)?					1 to 52			
c)	Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?					1 to 52			

DISCUSSION:

a) Less Than Significant Impact with Mitigation Incorporated – 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.

Archival research revealed that no previously recorded sites are located within or adjacent to the project site. However, during ground disturbance there is the chance that resources may be discovered. As such the project will be required to have an on-site monitor to be present during construction activities to ensure that there would be a less than significant impact to Cultural Resources.

The noise levels created during the grading and construction of this project could create a temporary disturbance. This noise increase would be of short duration and would occur during daytime hours. Although construction activities are temporary in nature and would occur during normal daytime
working hours, construction-related noise could result in sleep interference at existing noise-sensitive land uses in the vicinity of the construction if construction activities were to occur outside the normal daytime hours. Therefore, impacts resulting from noise levels temporarily exceeding the threshold of significance due to construction would be considered potentially significant. To avoid potential impacts, adherence to the mitigation measures, such as, allowance of construction activities between the daytime hours of 7 AM and 7 PM only, proper maintenance and equipping construction equipment with noise reduction padding, limits on idling time for motorized equipment, and furthest possible location of stationary equipment from noise sensitive land uses, will reduce potential construction impacts to a less-than-significant level.

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

c) **No Impact** – The proposed project includes the development of an 8,000 sq. ft. agricultural research facility, two 5,000 sq. ft. barns, and a 4,000 sq. ft. single family-dwelling with a detached 1,200 sq. ft. ADU. 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 <u>https://www.sccgov.org/sites/dpd/DocsForms/Doc</u> <u>uments/EnvAss_Form.pdf</u>
- 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/PlansOrdinance s/GeoHazards/Pages/Geology.aspx Fire Marshal https://www.sccgov.org/sites/dpd/AboutUs/Fire/P ages/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/P ages/LDE.aspx Parks & Recreation https://www.sccgov.org/sites/parks/Pages/Welco me-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 <u>https://www.sccgov.org/sites/dpd/PlansOrdinance</u> <u>s/GP/Pages/GP.aspx</u> The South County Joint Area Plan <u>https://www.sccgov.org/sites/dpd/DocsForms/Doc</u> uments/GP Book B.pdf

- 9. SCC Zoning Regulations (Ordinance) https://www.sccgov.org/sites/dpd/DocsForms/Doc uments/ZonOrd.pdf
- 10. County Grading Ordinance <u>https://library.municode.com/ca/santa_clara_coun</u> <u>ty/codes/code_of_ordinances?nodeld=TITCCODE</u> <u>LAUS_DIVC12SULADE_CHIIIGRDR#TOPTITLE</u>
- 11. SCC Guidelines for Architecture and Site Approval <u>https://www.sccgov.org/sites/dpd/DocsForms/Doc</u> <u>uments/ASA_Guidelines.pdf</u>
- 12. SCC Development Guidelines for Design Review https://www.sccgov.org/sites/dpd/DocsForms/Doc uments/DR Guidelines.pdf
- 13. County Standards and Policies Manual (Vol. I -Land Development) <u>https://www.sccgov.org/sites/dpd/DocsForms/Doc</u> <u>uments/StandardsPoliciesManual_Vol1.pdf</u>
- 14. Table 18-1-B of the Uniform Building Code (expansive soil regulations) [1994 version] <u>http://digitalassets.lib.berkeley.edu/ubc/UBC 1994</u> <u>v2.pdf</u>
- 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
- q. Fire Hazard
- h. Parks, Public Open Space, and Trails
- i. Heritage Resources Trees
- j. Topography, Contours, Average Slope
- k. Soils
- I. 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] <u>http://resources.ca.gov/ceqa/docs/2019 CEQA St</u> <u>atutes_and_Guidelines.pdf</u>

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

Other Areas

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

22b.Los Gatos Hillsides Specific Area Plan https://www.sccgov.org/sites/dpd/DocsForms/Docume nts/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/doingbusinesses-with-the-district/permits-for-working-ondistrict-land-or-easement/guidelines-and-standardsfor-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/Docume nts/SanMartin GeneralPlanInformation.pdf

<u>Soils</u>

- 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" <u>https://www.conservation.ca.gov/dlrp/Documents/</u> 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/P ages/WA.aspx

Air Quality

- 29. BAAQMD Clean Air Plan <u>http://www.baaqmd.gov/~/media/files/planning-</u> <u>and-research/plans/2017-clean-air-</u> <u>plan/attachment-a -proposed-final-cap-vol-1-</u> <u>pdf.pdf?la=en</u>
- 30. BAAQMD CEQA Air Quality Guidelines (2017)http://www.baaqmd.gov/~/media/files/planningand-research/ceqa/ceqa_guidelines_may2017pdf.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/Doc uments/Tree_Ordinance.pdf

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

Initial Study Source List*

Santa Clara County Guidelines for Tree Protection and Preservation for Land Use Applications <u>https://www.sccgov.org/sites/dpd/DocsForms/Doc</u> <u>uments/Brochure TreePreservation.pdf</u>

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

Archaeological Resources

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

Geological Resources

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

Greenhouse Gas Emissions

45. BAAQMD CEQA Air Quality Guidelines (2017)http://www.baaqmd.gov/~/media/files/planningand-research/ceqa/ceqa_guidelines_may2017pdf.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]

<u>Noise</u>

49. County Noise Ordinance <u>https://www.sccgov.org/sites/cpd/programs/NP/D</u> <u>ocuments/NP Noise Ordinance.pdf</u>

Transportation/Traffic

- 50. Official County Road Book
- 51. Site-specific Traffic Impact Analysis Report

Tribal Cultural Resources

 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.

IS/MND Attachment A

Cultural Resource Evaluation of the Proposed Project on Vista De Lomas (dated May 31, 2022)

CULTURAL RESOURCE EVALUATION OF THE PROPOSED PROJECT ON VISTA DE LOMAS (APN 728-38-001) IN THE COUNTY OF SANTA CLARA

FOR

MR. DANGSHENG LIANG APEX BAIT 309 LAURELWOOD ROAD UNIT 18-2 SANTA CLARA, CA 95054 C/O: MS. AMANDA MUSY-VERDEL HANNA & BRUNETTI NWIC# 21-1697

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Archaeological Resource Management Dr. Robert Cartier, Principal Investigator 496 North Fifth Street San Jose, CA 95112 Phone: (408) 295-1373 FAX: (408) 286-2040 Email: armcartier@netscape.net

MAY 31, 2022

ADMONITION

Certain information contained in this report is not intended for general public distribution. Portions of this report locate significant archaeological sites in the region of the project area, and indiscriminate distribution of these data could result in the desecration and destruction of invaluable cultural resources. In order to ensure the security of the critical data in this report, certain maps and passages may be deleted in copies not delivered directly into the hands of environmental personnel and qualified archaeologists.

THE PRINCIPAL INVESTIGATOR

ABSTRACT

This cultural resource evaluation was conducted for the proposed project at Vista de Lomas (APN 728-38-001) in the County of Santa Clara. Research included an archival search in the State records and a surface survey of the proposed project area. The archival research revealed that no previously recorded archaeological resources are located within the proposed project area. However, the Northwest Information Center of the California Historic Resources Information System (CHRIS) noted that the property has the potential to contain previously unrecorded archaeological resources and recommended additional study of the project area. No significant cultural materials, prehistoric or historic, were noted during surface reconnaissance. Therefore, it is concluded that the proposed project will have no impact on cultural resources. In the event, however, that prehistoric traces (human remains, artifacts, concentrations of shell/bone/rock/ash) are encountered, all construction within a fifty meter radius of the find should be stopped, the Planning Department notified, and an archaeologist retained to examine the find and make appropriate recommendations.

REQUEST FOR CULTURAL RESOURCE EVALUATION

The cultural resource evaluation was carried out to determine the presence or absence of any significant cultural resources. Cultural resource services were requested in May of 2022 in order to provide an evaluation that would investigate the possible presence of cultural materials within the proposed project area. This study meets the requirements of CEQA (California Environmental Quality Act).

QUALIFICATIONS OF ARCHAEOLOGICAL RESOURCE MANAGEMENT

Archaeological Resource Management has been specifically engaged in cultural resource management projects in central California since 1977. The firm is owned and supervised by Dr. Robert Cartier, the Principal Investigator. Dr. Cartier is certified by the Register of Professional Archaeologists (RPA) for conducting cultural resource investigations as well as other specialized work in archaeology and history. He also fulfills the standards set forth by the Secretary of the Interior for inclusion as a historian and architectural historian and is certified as such on the State of California referral lists.

LOCATION AND DESCRIPTION OF THE SUBJECT AREA

The subject property consists of approximately eleven acres of land on Vista de Lomas, APN 728-38-001 in the County of Santa Clara On the USGS 7.5 minute quadrangle of Morgan Hill, CA, the Universal Transverse Mercator Grid (UTMG) center point of the proposed project area is 10S 6 18 940mE/41 13 689mN. The elevation is approximately 350 feet MSL. The nearest source of fresh water is Coyote Creek, which runs approximately 800 feet north of the proposed project area.

The proposed project consists of the construction of a new complex including organic gardens, research buildings, barns, and associated improvements. This will involve the necessary excavation, grading, trenching, and other earth moving activities.

METHODOLOGY

This investigation consisted of an archival search, a surface reconnaissance, and a written report of the findings with appropriate recommendations. The archival research is conducted by transferring the study location to a state archaeological office which maintains all records of archaeological investigations. This is done in order to learn if any archaeological sites or surveys have been recorded within a half mile of the subject area. Each archival search with the state is given a file number for verification. The purpose of the surface reconnaissance is to determine whether there are traces of prehistoric or historic materials within the study area. The survey is conducted by an archaeologist, who examines exposed soils for early ceramics, Native American cooking debris, and artifacts made of stone, bone, and shell. Older structures, distinctive architecture, and subsurface historic trash deposits of potentially significant antiquity are also taken into consideration. A report is written containing the archival information, record search number, survey findings, and appropriate recommendations. A copy of this evaluation is sent to the state archaeological office in compliance with state procedure.

A cultural resource is considered "significant" if it qualifies as eligible for listing in the California Register of Historic Resources (CRHR). Properties that are eligible for listing in the CRHR must meet one or more of the following criteria:

- 1. Association with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States;
- 2. Association with the lives of persons important to local, California, or national history;
- 3. Embodying the distinctive characteristics of a type, period, region, or method of construction, or representing the work of a master, or possessing high artistic values; or
- 4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

Most Native American prehistoric sites are eligible due to their age, scientific potential, and/or burial remains.

The CRHR interprets the integrity of a cultural resource as its physical authenticity. An historic cultural resource must retain its historic character or appearance and thus be recognizable as an historic resource. Integrity is evaluated by examining the subject's location, design, setting, materials, workmanship, feeling, and association. If the subject has retained these qualities, it may be said to have integrity. It is possible that a cultural resource may not retain sufficient integrity to be listed in the National Register of Historic Places yet still be eligible for listing in the CRHR. If a cultural resource retains the potential to convey significant historical/scientific data, it may be said to retain sufficient integrity for potential listing in the CRHR.

ARCHIVAL BACKGROUND

Prior to this report, a study of the maps and records at the Northwest Information Center of the California Archaeological Site Inventory was conducted and given the file number NWIC #21-1697. This research into the records at the Northwest Information Center (NWIC), along with in-house material at Archaeological Resource Management, was done to determine if any known archaeological resources were reported in or around the subject area. Archival research revealed that no previously recorded archaeological sites are located within or immediately adjacent to the proposed project area. However, the

Northwest Information Center of the California Historic Resources Information System (CHRIS) noted that the property has the potential to contain previously unrecorded archaeological resources and recommended additional study of the project area.

SURFACE RECONNAISSANCE

A "general surface reconnaissance" was conducted by a qualified archaeologist on all visible open land surfaces in the project area. A "controlled intuitive reconnaissance" was performed in places where burrowing animals, exposed banks and inclines, and other activities had revealed subsurface stratigraphy and soil contents. The boundaries of the subject area were well established in the field by project maps, Vista de Lomas, and existing fence lines. Accessibility to the property was good; all areas were available for a walking survey. Soil visibility was also good; although small portions of the surface area were obscured by low weeds, soil exposures were present throughout. Vegetation within the proposed project area consisted of an ankle high weeds and some agricultural plantings in an oak woodland environment. Where native soils were exposed, a medium brown to tan silty loam was observed. Rock types noted included gravel and cobbles of metamorphic rock, as well as imported gravel. No significant cultural material, prehistoric or historic, were noted during surface reconnaissance.

CONCLUSION AND RECOMMENDATIONS

The archival research revealed that no previously recorded archaeological resources are located within the proposed project area. However, the Northwest Information Center of the California Historic Resources Information System (CHRIS) noted that the property has the potential to contain previously unrecorded archaeological resources and recommended additional study of the project area. No significant cultural materials, prehistoric or historic, were noted during surface reconnaissance. Therefore, it is concluded that the proposed project will have no impact on cultural resources. In the event, however, that prehistoric traces (human remains, artifacts, concentrations of shell/bone/rock/ash) are encountered, all construction within a fifty meter radius of the find should be stopped, the Planning Department notified, and an archaeologist retained to examine the find and make appropriate recommendations.

LITERATURE CITED AND CONSULTED

California Historical Resources Information System

2022 Archival search number NWIC #21-1697 on file at the Northwest Information Center, Department of Anthropology, Sonoma State University, Rohnert Park.







Environmental Noise Assessment

Vista De Lomas Agricultural Research Project

Santa Clara County, California

July 26, 2021

Project #210602

Prepared for:

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July 26, 2021



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INTRODUCTION

The Vista De Lomas Agricultural Research project provides an agricultural research facility which includes the construction of two 4,000 square foot research buildings, a barn for agricultural use for equipment, and a residential use located in Santa Clara County, California. The project site covers 10.65 acres and is located at the southeast corner of Burnett Avenue and Vista de Lomas Avenue in Morgan Hill, Santa Clara County. The project will provide a parking lot for ten employees, including one ADA stall. Surrounding land uses include residential and agricultural uses. Existing single-family residential uses are located to the north and east of the project site.

Figure 1 shows the project site plan. Figure 2 shows an aerial photo of the project site.

ENVIRONMENTAL SETTING

BACKGROUND INFORMATION ON NOISE

Fundamentals of Acoustics

Acoustics is the science of sound. Sound may be thought of as mechanical energy of a vibrating object transmitted by pressure waves through a medium to human (or animal) ears. If the pressure variations occur frequently enough (at least 20 times per second), then they can be heard and are called sound. The number of pressure variations per second is called the frequency of sound, and is expressed as cycles per second or Hertz (Hz).

Noise is a subjective reaction to different types of sounds. Noise is typically defined as (airborne) sound that is loud, unpleasant, unexpected or undesired, and may therefore be classified as a more specific group of sounds. Perceptions of sound and noise are highly subjective from person to person.

Measuring sound directly in terms of pressure would require a very large and awkward range of numbers. To avoid this, the decibel scale was devised. The decibel scale uses the hearing threshold (20 micropascals), as a point of reference, defined as 0 dB. Other sound pressures are then compared to this reference pressure, and the logarithm is taken to keep the numbers in a practical range. The decibel scale allows a million-fold increase in pressure to be expressed as 120 dB, and changes in levels (dB) correspond closely to human perception of relative loudness.

The perceived loudness of sounds is dependent upon many factors, including sound pressure level and frequency content. However, within the usual range of environmental noise levels, perception of loudness is relatively predictable, and can be approximated by A-weighted sound levels. There is a strong correlation between A-weighted sound levels (expressed as dBA) and the way the human ear perceives sound. For this reason, the A-weighted sound level has become the standard tool of environmental noise assessment.

IS/MND Attachment B

Noise Report prepared by consultant Saxelby Acoustics LLC (dated July 26, 2021)







The decibel scale is logarithmic, not linear. In other words, two sound levels 10-dB apart differ in acoustic energy by a factor of 10. When the standard logarithmic decibel is A-weighted, an increase of 10-dBA is generally perceived as a doubling in loudness. For example, a 70-dBA sound is half as loud as an 80-dBA sound, and twice as loud as a 60 dBA sound.

Community noise is commonly described in terms of the ambient noise level, which is defined as the allencompassing noise level associated with a given environment. A common statistical tool is the average, or equivalent, sound level (L_{eq}), which corresponds to a steady-state A weighted sound level containing the same total energy as a time varying signal over a given time period (usually one hour). The L_{eq} is the foundation of the composite noise descriptor, L_{dn} , and shows very good correlation with community response to noise.

The day/night average level (DNL or L_{dn}) is based upon the average noise level over a 24-hour day, with a +10-decibel weighing applied to noise occurring during nighttime (10:00 p.m. to 7:00 a.m.) hours. The nighttime penalty is based upon the assumption that people react to nighttime noise exposures as though they were twice as loud as daytime exposures. Because L_{dn} represents a 24-hour average, it tends to disguise short-term variations in the noise environment.

Table 1 lists several examples of the noise levels associated with common situations. **Appendix A** provides a summary of acoustical terms used in this report.

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	110	Rock Band
Jet Fly-over at 300 m (1,000 ft.)	100	
Gas La <mark>wn Mowe</mark> r at 1 m (3 ft.)	90	
Diesel T <mark>ruck at 1</mark> 5 m (50 ft.), at 80 k <mark>m/hr. (5</mark> 0 mph)	80	Food Blender at 1 m (3 ft.) Garbage Disposal at 1 m (3 ft.)
Noisy Urban A <mark>rea, Da</mark> ytime Gas Lawn Mower, 30 m (10 <mark>0</mark> ft.)	70	Vacuum Cleaner at 3 m (10 ft.)
Commercial Area Heavy Traffic at 90 m (300 ft.)	60	Normal Speech at 1 m (3 ft.)
Quiet Urban Daytime	50	Large Business Office Dishwasher in Next Room
Quiet Urban Nighttime	40	Theater, Large Conference Room (Background)
Quiet Suburban Nighttime	30	Library
Quiet Rural Nighttime	20	Bedroom at Night, Concert Hall (Background)
	10	Broadcast/Recording Studio
Lowest Threshold of Human Hearing	0	Lowest Threshold of Human Hearing

TABLE 1: TYPICAL NOISE LEVELS

Source: Caltrans, Technical Noise Supplement, Traffic Noise Analysis Protocol. September, 2013.

Vista De Lomas Agricultural Research Santa Clara County, CA Job #210602 July 26, 2021

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Effects of Noise on People

The effects of noise on people can be placed in three categories:

- Subjective effects of annoyance, nuisance, and dissatisfaction
- Interference with activities such as speech, sleep, and learning
- Physiological effects such as hearing loss or sudden startling

Environmental noise typically produces effects in the first two categories. Workers in industrial plants can experience noise in the last category. There is no completely satisfactory way to measure the subjective effects of noise or the corresponding reactions of annoyance and dissatisfaction. A wide variation in individual thresholds of annoyance exists and different tolerances to noise tend to develop based on an individual's past experiences with noise.

Thus, an important way of predicting a human reaction to a new noise environment is the way it compares to the existing environment to which one has adapted: the so-called ambient noise level. In general, the more a new noise exceeds the previously existing ambient noise level, the less acceptable the new noise will be judged by those hearing it.

With regard to increases in A-weighted noise level, the following relationships occur:

- Except in carefully controlled laboratory experiments, a change of 1-dBA cannot be perceived;
- Outside of the laboratory, a 3-dBA change is considered a just-perceivable difference;
- A change in level of at least 5-dBA is required before any noticeable change in human response would be expected; and
- A 10-dBA change is subjectively heard as approximately a doubling in loudness, and can cause an adverse response.

Stationary point sources of noise – including stationary mobile sources such as idling vehicles – attenuate (lessen) at a rate of approximately 6-dB per doubling of distance from the source, depending on environmental conditions (i.e. atmospheric conditions and either vegetative or manufactured noise barriers, etc.). Widely distributed noises, such as a large industrial facility spread over many acres, or a street with moving vehicles, would typically attenuate at a lower rate.



EXISTING AND FUTURE NOISE AND VIBRATION ENVIRONMENTS

EXISTING NOISE RECEPTORS

Some land uses are considered more sensitive to noise than others. Land uses often associated with sensitive receptors generally include residences, schools, libraries, hospitals, and passive recreational areas. Sensitive noise receptors may also include threatened or endangered noise sensitive biological species, although many jurisdictions have not adopted noise standards for wildlife areas. Noise sensitive land uses are typically given special attention in order to achieve protection from excessive noise.

Sensitivity is a function of noise exposure (in terms of both exposure duration and insulation from noise) and the types of activities involved. In the vicinity of the project site, sensitive land uses include existing single-family residential uses located north and east of the project site.

EXISTING GENERAL AMBIENT NOISE LEVELS

The existing ambient noise environment in the project vicinity is primarily defined by traffic on Highway 101 and natural sounds such as birds and insects.

To quantify the existing ambient noise environment in the project vicinity, Saxelby Acoustics conducted a continuous (24-hr.) noise level measurement at two locations on the project site. Noise measurement locations are shown on **Figure 2**. A summary of the noise level measurement survey results is provided in **Table 2**. Appendix B contains the complete results of the noise monitoring.

The sound level meters were programmed to record the maximum, median, and average noise levels at each site during the survey. The maximum value, denoted L_{max} , represents the highest noise level measured. The average value, denoted L_{eq} , represents the energy average of all of the noise received by the sound level meter microphone during the monitoring period. The median value, denoted L_{50} , represents the sound level exceeded 50 percent of the time during the monitoring period.

Larson Davis Laboratories (LDL) model 820 precision integrating sound level meters were used for the ambient noise level measurement survey. The meters were calibrated before and after use with a B&K Model 4230 acoustical calibrator to ensure the accuracy of the measurements. The equipment used meets all pertinent specifications of the American National Standards Institute for Type 1 sound level meters (ANSI S1.4).

Site	Date	L _{dn}	Daytime L _{eq}	Daytime L ₅₀	Daytime L _{max}	Nighttime L _{eq}	Nighttime L ₅₀	Nighttime L _{max}
LT-1	6/30/2021	62	57	53	77	56	54	71
LT-2	6/30/2021	63	56	54	68	57	55	68

TABLE 2: SUMMARY OF EXISTING BACKGROUND NOISE MEASUREMENT DATA

Notes:

All values shown in dBA

• Daytime hours: 7:00 a.m. to 10:00 p.m.

• Nighttime Hours: 10:00 p.m. to 7:00 a.m.

Source: Saxelby Acoustics 2021



FUTURE TRAFFIC NOISE ENVIRONMENT AT OFF-SITE RECEPTORS

Off-Site Traffic Noise Impact Assessment Methodology

To assess noise impacts due to project-related traffic increases on the local roadway network, traffic noise levels are predicted at sensitive receptors for existing and future, project and no-project conditions.

Existing and Existing Plus Project noise levels due to traffic are calculated using the Federal Highway Administration Highway Traffic Noise Prediction Model (FHWA RD-77-108). The model is based upon the Calveno reference noise factors for automobiles, medium trucks and heavy trucks, with consideration given to vehicle volume, speed, roadway configuration, distance to the receiver, and the acoustical characteristics of the site.

The FHWA model was developed to predict hourly L_{eq} values for free-flowing traffic conditions. To predict traffic noise levels in terms of L_{dn} , it is necessary to adjust the input volume to account for the day/night distribution of traffic.

Project trip generation volumes were provided by the project traffic engineer (Jeff Walker Consulting 2021), truck usage and vehicle speeds on the local area roadways were estimated from field observations. The predicted increases in traffic noise levels on the local roadway network for Existing and Existing Plus Project conditions which would result from the project are provided in terms of L_{dn}.

Traffic noise levels are predicted at the sensitive receptors located at the closest typical setback distance along each project-area roadway segment. In some locations sensitive receptors may not receive full shielding from noise barriers, or may be located at distances which vary from the assumed calculation distance.

Table 3 summarize the modeled traffic noise levels at the nearest sensitive receptors along each roadway segment in the Project area. **Appendix C** provides the complete inputs and results of the FHWA traffic modeling.

		Predicted Exterior Noise Level (dBA L _{dn}) at Closest Sensitive Receptors				
Roadway	Roadway Segment		Existing + Project	Change		
Vista de Lomas Ave	Burnett Ave to Peebles Ave	41.1	41.1	+0.0		
Burnett Avenue	Vista de Lomas Ave to Freeway Vista	44.0	44.2	+0.2		
Burnett Avenue	Monterey Rd to Freeway Vista	50.4	50.4	+0.0		

TABLE 3: BASELINE TRAFFIC NOISE LEVEL AND PROJECT-RELATED TRAFFIC NOISE LEVEL INCREASES

Based upon the data in **Table 3**, the proposed project is predicted to result in an increase in a maximum traffic noise level increase of 0.2 dBA.



EVALUATION OF PROJECT OPERATIONAL NOISE AT RESIDENTIAL RECEPTORS

The HVAC units servicing the research buildings and barn along with the parking lot circulation are considered to be the primary noise sources for the project. The following is a list of assumptions used for the noise modeling. The data used is based upon a combination of manufacturer's provided data and Saxelby Acoustics data from similar operations.

Rooftop HVAC Units:	Three ten-ton packaged units on each building operating continuously during the daytime, and 50% of the time at night. Manufacture's data.
Rooftop Condensing Unit:	One ten-ton air-cooled chiller packaged unit on each building operating continuously during the daytime, and 50% of the time at night. Manufacture's data.
Parking Lot:	The project is predicted to generate a new project trip generation of 5 peak hour trips. Parking lot movement for cars is predicted to generate a sound exposure level (SEL) of 71 dBA SEL at 50 feet. Additionally, is expected that a truck supply delivery or garbage collection could also occur during the peak hour@ 85 dBA SEL at 50 feet. Nighttime traffic outside of the AM or PM peak hour is estimated to be 100 trips during nighttime hours (10:00 p.m. to 7:00 a.m.). Saxelby Acoustics data.

Saxelby Acoustics used the SoundPLAN noise prediction model. Inputs to the model included rooftop equipment, parking lot circulation, existing and proposed buildings, terrain type, and locations of sensitive receptors. These predictions are made in accordance with International Organization for Standardization (ISO) standard 9613-2:1996 (Acoustics – Attenuation of sound during propagation outdoors). ISO 9613 is the most commonly used method for calculating exterior noise propagation.





CONSTRUCTION NOISE ENVIRONMENT

During the construction of the proposed project noise from construction activities would temporarily add to the noise environment in the project vicinity. As shown in **Table 44**, activities involved in construction would generate maximum noise levels ranging from 76 to 90 dB at a distance of 50 feet.

Type of Equipment	Maximum Level, dBA at 50 feet
Auger Drill Rig	84
Backhoe	78
Compactor	83
Compressor (air)	78
Concrete Saw	90
Dozer	82
Dum <mark>p Truck</mark>	76
E <mark>xcavator</mark>	81
Generator	81
Jackham mer	89
P <mark>neumatic</mark> Tools	85

TABLE 4: CONSTRUCTION EQUIPMENT NOISE

Source: Roadway Construction Noise Model User's Guide. Federal Highway Administration. FHWA-HEP-05-054. January 2006.



CONSTRUCTION VIBRATION ENVIRONMENT

The primary vibration-generating activities associated with the proposed project would occur during construction when activities such as grading, utilities placement, and parking lot construction occur. **Table 5** shows the typical vibration levels produced by construction equipment.

Type of Equipment	Peak Particle Velocity at 25 feet (inches/second)	Peak Particle Velocity at 50 feet (inches/second)	Peak Particle Velocity at 100 feet (inches/second)
Large Bulldozer	0.089	0.031	0.011
Loaded Trucks	0.076	0.027	0.010
Small Bulldozer	0.003	0.001	0.000
Auger/drill Rigs	0.089	0.031	0.011
Jackhammer	0.035	0.012	0.004
Vibratory Hammer	0.070	0.025	0.009
Vibratory Compactor/roller	0.210 (Less than 0.20 at 26 feet)	0.074	0.026

TABLE 5: VIBRATION LEVELS FOR VARIOUS CONSTRUCTION EQUIPMENT

Source: Transit Noise and Vibration Impact Assessment Guidelines. Federal Transit Administration. May 2006.

REGULATORY CONTEXT

FEDERAL

There are no federal regulations related to noise that apply to the Proposed Project.

STATE

There are no state regulations related to noise that apply to the Proposed Project.

LOCAL

Santa Clara County General Plan

The Noise Element of the General Plan identifies noise and land use compatibility standards for various land uses. The land use compatibility table is reproduced in **Figure 4** below:



Noise Compatibility Standards for Lan	nd Use	in San	ita Cla	ra				
		Ex (1	terior N Noise le	loise Co evel - Ld	mpatibil n Value	ity Stand in Decibe	ards els)	
Land Use	45	50	55	60	65	70	75	80
		1	1	1	1	-	1	
Residential								
Commercial								
Hotel								
Other								
Industrial								
Public or Semi-Public Facilities								
Church, Hospital, and Nursing								
Home								
Schools and Libraries								
Civic Buildings and Other								
Open Space*								
Agriculture								
Parks, Open Space Reserves,								
Wildlife Refuges, Etc.	Maxi	mum	Voice	level w	hich ner	mits	Pote	ntiall
Effect on Humans at this Noise Level	noise undis sleep	e for sturbed o -EPA	conve ft.)	ersation	at 3 met	er (10	y haza s to	ardou
			N	ormal	Raised			
Noise Compatibility Evaluation								
Satisfactory Cautionary Critical								
* For open space use, there are no critical i to the "Residential" standards. Public buildi standards as listed under "Public of Semi-F which a new land use may impose on neigh Noise Level."	noise le Ings in p Public fa hboring	vels liste barks an icilities. ' open sp	ed. Hon d open "For o bace sh	nes in ag space a pen spa all be th	gricultura ireas sha ce use, e upper	al areas a all meet r theximun limit of th	are not s noise n level c ne "Satis	subject of noise sfactory

FIGURE 4: SANTA CLARA LAND USE COMPATIBILITY TABLE



The County's General Plan Noise Element also provides recommendations for maximum interior noise levels for various uses. These recommendations are reproduced in **Table 6** below:

Descriptor	Use	dBA
Residential		45
Commercial	Hotel-Motel	45
	Executive Offices, Conference Rooms	55
	Staff Offices	60
	Restaurant, Markets, Retail Stores	60
	Sales, Secretarial	65
	Sports Arena, Bowling Alley, etc.	75
Industrial	Offices (same as above)	55-60
	Laboratory	60
	Machine shop, Assembly, and others	75
	Mineral Extraction	75
Public Facility	Concert Hall & Legitimate Theater	30
	Auditorium, Movie Theater & Church	45
	Hospital, Nursing Home & Firehouse	45
	School Classroom	50
	Library	50
	Other Public Buildings	55

TABLE 6: RECOMMENDED MAXIMUM INTERIOR NOISE LEVELS FOR INTERMITTENT NOISE

Source: Santa Clara County General Plan

County of Santa Clara Municipal Code

The County of Santa Clara Zoning Ordinance, Section B11-152 (Table B11-152) establishes property line noise level standards for various land uses:

Sec. B11-152. - Exterior noise limits.

- a) Maximum permissible sound levels by receiving land use.
 - 1) The noise standards for the various receiving land use categories as presented in Table B11-152 will apply to all property within any zoning district.
 - 2) No person may operate or cause to be operated any source of sound at any location within the unincorporated territory of the County or allow the creation of any noise on property owned, leased, occupied or otherwise controlled by the person, which causes the noise level when measured on any other property either incorporated or unincorporated, to exceed:
 - a. The noise standard for that land use as specified in Table B11-152 for a cumulative period of more than 30 minutes in any hour; or
 - b. The noise standard plus five dB for a cumulative period of more than 15 minutes in any hour; or
 - c. The noise standard plus ten dB for a cumulative period of more than five minutes in any hour; or



- d. The noise standard plus 15 dB for a cumulative period of more than one minute in any hour; or
- e. The noise standard plus 20 dB or the maximum measured ambient, for any period of time.
- 3) If the measured ambient level exceeds that permissible within any of the first four noise limit categories above, the allowable noise exposure standard will be increased in five dB increments in each category as appropriate to encompass or reflect the ambient noise level. In the event the ambient noise level exceeds the fifth noise limit category, the maximum allowable noise level under the category will be increased to reflect the maximum ambient noise level.
- 4) If the noise measurement occurs on a property adjoining a different land use category, the noise level limit applicable to the lower land use category, plus five dB, will apply.
- 5) If for any reason the alleged offending noise source cannot be shutdown, the ambient noise must be estimated by performing a measurement in the same general area of the source but at a sufficient distance that the noise from the source is at least ten dB below the ambient in order that only the ambient level be measured. If the difference between the ambient and the noise source is five to ten dB, then the level of the ambient itself can be reasonably determined by subtracting a one-decibel correction to account for the contribution of the source.
- b) Correction for character of sound. In the event the alleged offensive noise contains a steady, audible tone such as a whine, screech or hum, or contains music or speech conveying informational content, the standard limits set forth in Table B11-152 will be reduced by five dB.

Receiving Land Use Category	Time Period	Noise Level (dBA)
One and Two-Family Residential	(10:00 p.m. to 7:00 a.m.) (7:00 a.m. to 10:00 p.m.)	45 55
Multiple-Family Dwelling	(10:00 p.m. to 7:00 a.m.)	50
Residential Public Space	(7:00 a.m. to 10:00 p.m.)	55
Commercial	(10:00 p.m. to 7:00 a.m.) (7:00 a.m. to 10:00 p.m.)	60 65
Light Industrial	Any Time	70
Heavy Industrial	Any Time	75

TABLE 7: STATIONARY NOISE SOURCE NOISE STANDARDS

Source: Santa Clara County Municipal Code

- a) Maximum permissible dwelling interior sound levels:
 - The interior noise standards for multifamily residential dwellings as presented in Table B11-153 will apply, unless otherwise specifically indicated, within all dwellings.
 - 2) No person will operate or cause to be operated within a dwelling unit any source of sound or allow creation of any noise which causes the noise level when measured inside a neighboring receiving dwelling unit to exceed:

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- a. The noise standard as specified in Table B11-153 for a cumulative period of more than five minutes in any hour; or
- b. The noise standard plus five dB for a cumulative period of more than one minute in any hour; or
- c. The noise standard plus ten dB or the maximum measured ambient, for any period of time.
- 3) If the measured ambient level exceeds that permissible within any of the noise limit categories above, the allowable noise exposure standard will be increased in five-dB increments in each category as appropriate to reflect the ambient noise level.
- b) Correction for character of sound. In the event the alleged offensive noise contains a steady, audible tone such as a whine, screech or hum, or contains music or speech conveying information content, the standard limits set forth in Table B11-153 will be reduced by five dB.

TABLE 8: MAXIMUM PERMISSIBLE DWELLING INTERIOR SOUND LEVELS

Receiving Land <mark>Use Cate</mark> gory	Time Period	Noise Level (dBA)
Multifamily dwelling	(10:00 p.m. to 7:00 a.m.) (7:00 a.m. to 10:00 p.m.)	35 45

Source: Santa Clara Count<mark>y Municipal</mark> Code

IMPACTS AND MITIGATION MEASURES

THRESHOLDS OF SIGNIFICANCE

Appendix G of the CEQA Guidelines states that a project would normally be considered to result in significant noise impacts if noise levels conflict with adopted environmental standards or plans or if noise generated by the project would substantially increase existing noise levels at sensitive receivers on a permanent or temporary basis. Significance criteria for noise impacts are drawn from CEQA Guidelines Appendix G (Items XI [a-f]).

Would the project:

- a. Generate 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?
- b. Generate excessive groundborne vibration or groundborne noise levels?
- c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?



Noise Level Increase Criteria for Long-Term Project-Related Noise Level Increases

The California Environmental Quality Act (CEQA) guidelines define a significant impact of a project if it "increases substantially the ambient noise levels for adjoining areas." Generally, a project may have a significant effect on the environment if it will substantially increase the ambient noise levels for adjoining areas or expose people to severe noise levels. In practice, more specific professional standards have been developed. These standards state that a noise impact may be considered significant if it would generate noise that would conflict with local project criteria or ordinances, or substantially increase noise levels at noise sensitive land uses. The potential increase in traffic noise from the project is a factor in determining significance. Research into the human perception of changes in sound level indicates the following:

- A 3-dB change is barely perceptible,
- A 5-dB change is clearly perceptible, and
- A 10-dB change is perceived as being twice or half as loud.

A limitation of using a single noise level increase value to evaluate noise impacts is that it fails to account for pre-project-noise conditions. **Table 6** is based upon recommendations made by the Federal Interagency Committee on Noise (FICON) to provide guidance in the assessment of changes in ambient noise levels resulting from aircraft operations. The recommendations are based upon studies that relate aircraft noise levels to the percentage of persons highly annoyed by the noise. Although the FICON recommendations were specifically developed to assess aircraft noise impacts, it has been accepted that they are applicable to all sources of noise described in terms of cumulative noise exposure metrics such as the L_{dn} .

Ambient Noise Level Without Project, L _{dn}	Increase Required for Significant Impact	
< <mark>60 dB</mark>	+5.0 dB or more	
60-65 dB	+3.0 dB or more	
>65 dB	+1.5 dB or more	

TABLE 9: SIGNIFICANCE OF CHANGES IN NOISE EXPOSURE

Source: Federal Interagency Committee on Noise (FICON)

Based on **Table 6**, an increase in the traffic noise level of 5 dB or more would be significant where the preproject noise levels are less than 60 dB L_{dn} , or 3 dB or more where existing noise levels are between 60 to 65 dB L_{dn} . Extending this concept to higher noise levels, an increase in the traffic noise level of 1.5 dB or more may be significant where the pre-project traffic noise level exceeds 65 dB L_{dn} . The rationale for the **Table 6** criteria is that as ambient noise levels increase, a smaller increase in noise resulting from a project is sufficient to cause annoyance.



PROJECT-SPECIFIC IMPACTS AND MITIGATION MEASURES

IMPACT 1: WOULD THE PROJECT RESULT IN EXPOSURE OF PERSONS TO OR GENERATION OF NOISE LEVELS IN EXCESS OF STANDARDS ESTABLISHED IN THE LOCAL GENERAL PLAN OR NOISE ORDINANCE, OR APPLICABLE STANDARDS OF OTHER AGENCIES?

Traffic Noise Increases at Off-Site Receptors

The FICON guidelines specify criteria to determine the significance of traffic noise impacts. Where existing traffic noise levels are greater than 65 dB L_{dn} , at the outdoor activity areas of noise-sensitive uses, a +1.5 dB L_{dn} increase in roadway noise levels will be considered significant. According to Error! Reference source n ot found., the maximum increase is traffic noise at the nearest sensitive receptor is predicted to be 0.2 dBA.

Therefore, impacts resulting from increased traffic noise would be considered *less-than-significant*.

Operational Noise at Sensitive Receptors

The County of Santa Clara Noise Ordinance allows the noise level standard to be raised in increments of 5 dB to encompass sound level as the ambient noise environment. As shown in Table 2, the average daytime (7:00 a.m. to 10:00 p.m.) noise level at the residential uses north of the project site is 53 dBA L_{50} and the average nighttime (10:00 p.m. to 7:00 a.m.) noise level is 54 dBA L_{50} . Therefore, the allowable noise exposure standard shall be increased to 55 dBA L_{50} for both daytime and nighttime.

Table 100 below compares the highest project-generated noise level at the property boundary with the Santa Clara County standards for stationary noise sources.

Descriptor	SPL at Project Boundary	Noise Standard	Meets Standard?
Daytime (Leq, dBA)	51	55	Yes
Nighttime (Leq, dBA)	48	55	Yes

TABLE 10: OPERATIONAL NOISE LEVELS AT PROJECT BOUNDARY

Without additional noise control measures, the proposed project would meet Santa Clara County daytime (7 a.m. to 10 p.m.) and nighttime (10 p.m. to 7 a.m.) noise standards as shown in **Table 10**. Therefore, impacts resulting from operational noise would be considered *less-than-significant*.

Construction Noise

During the construction phases of the project, noise from construction activities would add to the noise environment in the immediate project vicinity. As indicated in **Table 4**, activities involved in construction would generate maximum noise levels ranging from 76 to 90 dBA L_{max} at a distance of 50 feet. Construction activities would also be temporary in nature and are anticipated to occur during normal daytime working hours.

The County of Santa Clara Municipal Code section B11-154(6) establishes maximum noise limits for mobile construction equipment of 75 dBA between the hours of 7:00 a.m. and 7:00 p.m. Monday through



Saturday and 50 dBA between 7:00 p.m. and 7:00 a.m. Monday through Saturday, all day Sunday, and Holidays. The Municipal Code also establishes maximum noise limits for stationary construction equipment of 60 dBA between the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday and 50 dBA between 7:00 p.m. and 7:00 a.m. Monday through Saturday, all day Sunday, and Holidays. The nearest residential uses are located approximately 320 feet to the north, as measured from the center of the project site. At this distance, maximum construction noise levels would be in the range of 60-74 dBA L_{max} at the nearest residential uses.

Noise would also be generated during the construction phase by increased truck traffic on area roadways. A project-generated noise source would be truck traffic associated with transport of heavy materials and equipment to and from the construction site. This noise increase would be of short duration and would occur during daytime hours.

Although construction activities are temporary in nature and would occur during normal daytime working hours, construction-related noise could result in sleep interference at existing noise-sensitive land uses in the vicinity of the construction if construction activities were to occur outside the normal daytime hours. Therefore, impacts resulting from noise levels temporarily exceeding the threshold of significance due to construction would be considered *potentially significant*.

Mitigation Measure

- 1(a) The City shall establish the following as conditions of approval for any permit that results in the use of construction equipment:
 - Construction activities (excluding activities that would result in a safety concern to the public or construction workers) shall be limited to between the daytime hours of 7 AM and 7 PM Monday through Saturday.
 - Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation.
 - When not in use, motorized construction equipment shall not be left idling for more than 5 minutes.
 - Stationary equipment (power generators, compressors, etc.) shall be located at the furthest
 practical distance from nearby noise-sensitive land uses or sufficiently shielded to reduce
 noise-related impacts.

Timing/Implementation: Implemented prior to approval of grading and/or building permits *Enforcement/Monitoring:* County of Santa Clara Planning and Development Department

Implementation of mitigation measure 1(a) would help to reduce construction-generated noise levels. With mitigation, this impact would be considered *less-than-significant*.



IMPACT 2: WOULD THE PROJECT GENERATE EXCESSIVE GROUNDBORNE VIBRATION OR GROUNDBORNE NOISE LEVELS?

Construction vibration impacts include human annoyance and building structural damage. Human annoyance occurs when construction vibration rises significantly above the threshold of perception. Building damage can take the form of cosmetic or structural.

The **Table 5** data indicate that construction vibration levels anticipated for the project are less than the 0.2 in/sec threshold at distances of 26 feet. The proposed project includes parking lot construction which would occur at distances of approximately 100 feet from the adjacent single-family residential uses. Therefore, use of vibratory compactors within 26 feet of the adjacent residential buildings would not cause vibrations in excess of 0.2 in/sec. Therefore, this is a **less-than-significant** impact.

IMPACT 3: FOR A PROJECT LOCATED WITHIN THE VICINITY OF A PRIVATE AIRSTRIP OR AN AIRPORT LAND USE PLAN OR, WHERE SUCH A PLAN HAS NOT BEEN ADOPTED, WITHIN TWO MILES OF A PUBLIC AIRPORT OR PUBLIC USE AIRPORT, WOULD THE PROJECT EXPOSE PEOPLE RESIDING OR WORKING IN THE PROJECT AREA TO EXCESSIVE NOISE LEVELS?

There are no airports in the project vicinity. Therefore, this impact is not applicable to the proposed project.



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Appendix A: Acoustical Terminology

Acoustics The science of sound. **Ambient Noise** The distinctive acoustical characteristics of a given space consisting of all noise sources audible at that location. In many cases, the term ambient is used to describe an existing or pre-project condition such as the setting in an environmental noise study. ASTC Apparent Sound Transmission Class. Similar to STC but includes sound from flanking paths and correct for room reverberation. A larger number means more attenuation. The scale, like the decibel scale for sound, is logarithmic. Attenuation The reduction of an acoustic signal. A frequency-response adjustment of a sound level meter that conditions the output signal to approximate human A-Weighting response. Decibel or dB Fundamental unit of sound, A Bell is defined as the logarithm of the ratio of the sound pressure squared over the reference pressure squared. A Decibel is one-tenth of a Bell. CNEL Community Noise Equivalent Level. Defined as the 24-hour average noise level with noise occurring during evening hours (7 - 10 p.m.) weighted by +5 dBA and nighttime hours weighted by +10 dBA. DNL See definition of Ldn. IIC Impact Insulation Class. An integer-number rating of how well a building floor attenuates impact sounds, such as footsteps. A larger number means more attenuation. The scale, like the decibel scale for sound, is logarithmic. The measure of the rapidity of alterations of a periodic signal, expressed in cycles per second or hertz (Hz). Frequency Day/Night Average Sound Level. Similar to CNEL but with no evening weighting. Ldn Leq Equivalent or energy-averaged sound level. The highest root-mean-square (RMS) sound level measured over a given period of time. Lmax The sound level exceeded a described percentile over a measurement period. For instance, an hourly L50 is the sound L(n) level exceeded 50% of the time during the one-hour period. Loudness A subjective term for the sensation of the magnitude of sound. NIC Noise Isolation Class. A rating of the noise reduction between two spaces. Similar to STC but includes sound from flanking paths and no correction for room reverberation. NNIC Normalized Noise Isolation Class. Similar to NIC but includes a correction for room reverberation. Noise Unwanted sound. NRC Noise Reduction Coefficient. NRC is a single-number rating of the sound-absorption of a material equal to the arithmetic mean of the sound-absorption coefficients in the 250, 500, 1000, and 2,000 Hz octave frequency bands rounded to the nearest multiple of 0.05. It is a representation of the amount of sound energy absorbed upon striking a particular surface. An NRC of 0 indicates perfect reflection; an NRC of 1 indicates perfect absorption. **RT60** The time it takes reverberant sound to decay by 60 dB once the source has been removed. The unit of sound absorption. One square foot of material absorbing 100% of incident sound has an absorption of 1 Sabin Sabin. SEL Sound Exposure Level. SEL is a rating, in decibels, of a discrete event, such as an aircraft flyover or train pass by, that compresses the total sound energy into a one-second event. SPC Speech Privacy Class. SPC is a method of rating speech privacy in buildings. It is designed to measure the degree of speech privacy provided by a closed room, indicating the degree to which conversations occurring within are kept private from listeners outside the room. STC Sound Transmission Class. STC is an integer rating of how well a building partition attenuates airborne sound. It is widely used to rate interior partitions, ceilings/floors, doors, windows and exterior wall configurations. The STC rating is typically used to rate the sound transmission of a specific building element when tested in laboratory conditions where flanking paths around the assembly don't exist. A larger number means more attenuation. The scale, like the decibel scale for sound, is logarithmic. Threshold The lowest sound that can be perceived by the human auditory system, generally considered to be 0 dB for persons with perfect hearing. of Hearing Threshold Approximately 120 dB above the threshold of hearing. of Pain Sound of short duration, usually less than one second, with an abrupt onset and Impulsive rapid decay. Any sound which can be judged as audible as a single pitch or set of single pitches. Simple Tone



Appendix B: Continuous and Short-Term Ambient Noise Measurement Results



Appendix B1: Continuous Noise Monitoring Results						lts Site: LT-1																									
		Me	asured	Level,	dBA	Project: Vista de Lomas Agricultural Research Project Meter: LDL 812-2																									
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Appendix B2: Continuous Noise Monitoring Results									Sit	e: L1	Г-2																			
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Appendix C: Traffic Noise Calculation Inputs and Results



Appendix C1

FHWA-RD-77-108 Highway Traffic Noise Prediction Model - Existing Conditions

Project #: 210602

Description: Vista de Lomas Agricultural Research Project



										Contours (ft.) - No				
				Day	Night	% Med.	% Hvy.			Offset	60	65	70	Level,
Segment	Roadway	Segment	ADT	%	%	Trucks	Trucks	Speed	Distance	(dB)	dBA	dBA	dBA	dBA
1	Vista De Lomas	Burnett Ave to Peebles Ave	19	68	32	2.0%	1.0%	35	40	0	2	1	0	41.1
2	Burnett Ave	Freeway Vista to Vista de Lomas	45	68	32	2.0%	1.0%	25	30	0	3	1	1	44.0
3	Burnett Ave	Monterey Rd to Freeway Vista	246	68	32	2.0%	1.0%	25	35	0	8	4	2	50.4

Appendix C2 FHWA-RD-77-108 Highway Traffic Noise Prediction Model - Existing Plus Project Conditions Project #: 210602



Description: Vista de Lomas Agricultural Research Project

											Contours (ft.) - No Offset			
				Day	Night	% Med.	% Hvy.			Offset	60	65	70	Level,
Segment	Roadway	Segment	ADT	%	%	Trucks	Trucks	Speed	Distance	(dB)	dBA	dBA	dBA	dBA
1	Vista De Lomas	Burnett Ave to Peebles Ave	19	68	32	2.0%	1.0%	35	40	0	2	1	0	41.1
2	Burnett Ave	Freeway Vista to Vista de Lomas	47	68	32	2.0%	1.0%	25	30	0	3	1	1	44.2
3	Burnett Ave	Monterey Rd to Freeway Vista	246	68	32	2.0%	1.0%	25	35	0	8	4	2	50.4

<u>IS/MND</u> <u>Attachment C</u>

Agricultural Research Facility ADT calculations by Jeff Waller Consulting (dated October 27, 2022)



October 27, 2022

Amanda Musy-Verdel Hanna-Brunetti 7651 Eigleberry Street Gilroy, CA 95020

Re: Morgan Hill Ag Research, Morgan Hill, CA – Updated VMT Evaluation

Dear Amanda,

Per your request, this letter updates the Vehicle Miles Traveled (VMT) evaluation for the Morgan Hill Ag Research project just outside Morgan Hill, in Santa Clara County, California. In the report *Morgan Hill Ag Research Traffic Impact Analysis,* Jeff Waller Consulting, September 23, 2022, it was concluded that the project generates more daily trips than the under 24-trip threshold established by Santa Clara County for exemptions of further VMT analysis. Since then, Morgan Hill Ag Research has reduced its employment to 7 employees. This letter finds that the reduced employment will meet the under 24-trip threshold. **Exhibit 1** depicts the location of the proposed facility.

A. REVISED TRIP GENERATION

The proposed Morgan Hill Ag Research project has reduced its employment from 10 staff to 7 staff. This results in a reduction in trip generation. **Exhibit 2** summarizes the change in trip generation. With only 7 employees, the project would generate 21 daily trips, with 4 trips (3 in, 1 out) in the AM peak hour, and 1 trip (0 (zero) in, 1 out) in the PM peak hour. This is 10 daily trips less than found in the *Morgan Hill Research Traffic Analysis*.

B. REVISED VMT ANALYSIS

Santa Clara County has adopted the following criteria for exemption of further VMT analysis:

- For projects in Urban Service Areas (USAs), a project that generates fewer than 110 average daily trips (ADT) generally may be assumed to cause a less-than-significant VMT impact.
- For projects outside USAs (rural areas), a project that generates fewer than 24 average daily trips (ADT) generally may be assumed to cause a less-than-significant VMT impact.

Amanda Musy-Verdel October 27, 2022

It has already been established that the project site is outside of the City of Morgan Hill USA. Therefore, the "fewer than 24 average daily trips" is the standard for this project to be exempt from further VMT analysis. The updated project trip generation is 21 daily trips, which is less than 24 daily trips. Therefore, it is concluded that the project is eligible for the Santa Clara County VMT exemption.

C. CONCLUSION

If you have any questions regarding the contents of this letter or need additional information, please contact me at your convenience. Thank you for the opportunity to assist you with this project.

Respectfully submitted,

Jeff Waller, TE Owner / Senior Analyst T: (408) 607-1454 E: jeffwallerconsulting@gmail.com





Basemap Source: Google Maps, 2021.

Jeff Waller Consulting

Exhibit 1 Project Area Location Map

			4	AM PE	AK HOU	R	Р	PM PEAK HOUR					
	ITE	DAILY	PEAK	%			PEAK	%					
	LAND USE	TRIP	HOUR	OF	%	%	HOUR	OF	%	%			
TRIP GENERATION RATES	CODE	RATE	RATE	ADT	IN	OUT	RATE ²	ADT	IN	OUT			
General Light Industrial (per employee)	110	3.05	0.52	17%	83%	17%	0.20	7%	22%	78%			
						D	Ы			,			
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			PEAK	%			PEAK	%					
	PROJECT	DAILY	HOUR	OF	TRIPS	TRIPS	HOUR	OF	TRIPS	TRIPS			
Previous Proposed Facility	SIZE	TRIPS	TRIPS	ADT	IN	OUT	TRIPS	ADT	IN	OUT			
Ag Facility	10 employees	31	5	16%	4	1	2	6%	0	2			
Current Proposed Facility													
Ag Facility	7 employees	21	4	19%	3	1	1	5%	0	1			
		10	1		4	0	4		0	1			
Difference:		10	1		1	U	1		0	1			

Notes:

1. Trip generation rates published by Institute of Transportation Engineers (ITE), *Trip Generation Manual*, 10th Edition, 2017.

2. ITE PM peak hour rate reduced by 60%, as project does not close until 6:00 PM. This is one hour later than a typical workplace.

Jeff Waller Consulting Exhibit 2 Project Trip Generation

Attachment A(3)

Mitigation Monitoring and Reporting Program (MMRP)

Mitigation Monitoring Program County File Number: PLN21-222

Architecture and Site Approval, Grading Approval and Building Site Approval Vista De Lomas Agricultural Research Facility

February 2, 2023

The following mitigation monitoring & reporting program is designed to ensure compliance with mitigation measures proposed in the Mitigated Negative Declaration to reduce or avoid potentially significant impacts:

SECTION M: NOISE

Mitigation Measure(s):

- **Mitigation 1:** Construction activities (excluding activities that would result in a safety concern to the public or construction workers) shall be limited to between the daytime hours of 7 AM and 7 PM Monday through Saturday.
- Mitigation 2: Construction equipment shall be properly maintained and equipped with noise reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation.
- **Mitigation 3:** Motorized construction equipment shall not be left idling for more than 5 minutes, when not in use.
- **Mitigation 4:** Stationary equipment (power generators, compressors, etc.) shall be located at the furthest practical distance from nearby noise-sensitive land uses or sufficiently shielded to reduce noise-related impacts.

Implementing Action:	Conditions of Approval Nos. 18-21
Timing of Verification:	Prior to approval of grading/ building permit and inspection of the equipment during construction
Party Responsible for Verification:	SCC Planning Staff and Project Contractor
Compliance Verification:	Review of project plans prior to permit issuance

Attachment B

Preliminary Conditions of Approval -Architecture and Site Approval, Grading Approval and Building Site Approval

ATTACHMENT B

CONDITIONS OF APPROVAL FOR ARCHITECTURE AND SITE APPROVAL, GRADING APPROVAL AND BUILDING SITE APPROVAL

Date:	February 2, 2023
Owner/Applicant:	Liang Dangsheng and Han Jingrong / Amanda Musy-Verdel
Location:	Intersection of Burnett Av. And Vista de Lomas Av., Morgan Hill
	(APN: 728-38-001)
File Number:	PLN21-222
CEQA:	Initial Study/Mitigated Negative Declaration
Project Description:	Concurrent land use application for an Architecture and Site Approval and Grading Approval for a new 4,000 square foot (sq. ft.) agricultural research building with a 4,000 sq.ft. proposed future expansion, and a Building Site Approval for a 4,000 sq. ft. single-family dwelling with a 1,200 sq. ft. accessory dwelling unit. The project also proposes two 5,000 sq.ft. agricultural barns. Associated site improvements include driveway access from Vista De Lomas Avenue at three locations, two leach fields, one well, four water tanks (a 44,000-gallon water tank for the research facility and three 5-gallon water tanks for residential use), and two bioretention ponds.
	Thirty-two parking spaces are proposed with this project. Grading quantities for the project are 1,252 cubic yards of cut and 400 cubic yards of fill with a maximum cut depth of 2.5 feet, to establish the driveways and the bioretention ponds. No tree removal is proposed.

If you have any question regarding the following final conditions of approval, call the person whose name is listed below as the contact for that agency. She/he represents a specialty and can provide details about the conditions of approval.

Agency	Name	Phone	E-mail
Planning	Charu Ahluwalia	(408) 299-5740	charu.ahluwalia@pln.sccgov.org
Habitat Conservation Plan	Joanna Wilk	(408) 299-5799	joanna.wilk@pln.sccgov.org
Environmental Health	Darrin Lee	(408) 299-5740	darrin.lee@cep.sccgov.org
Fire Marshal	Alex Goff	(408) 299-5763	alex.goff@sccfd.org
Land Development Engineering	Eric Gonzales	(408) 299-5716	eric.gonzales@pln.sccgov.org
Roads and Airports	Tom Esch	(408) 573-2450	tom.esch@rda.sccgov.org
County Geologist	David C. Seymour	(408) 299 - 6711	david.seymour@pln.sccgov.org
Building Inspection		(408) 299 - 5700	

STANDARD CONDITIONS OF APPROVAL

Building Inspection

1. For detailed information about the requirements for a building permit, obtain a Permit Application Instruction handout from the Building Inspection Office or visit the website at www.sccbuilding.org.

<u>Planning</u>

- 2. Development and maintenance of the project site shall take place in accordance with approved plans, received by the Planning Department on October 10, 2022, and as approved by the Zoning Administration Hearing Officer. The project includes construction of a new 4,000 sq. ft. agricultural research building with a 4,000 sq.ft. proposed future expansion. The project also proposes a 4,000 sq. ft. single-family dwelling with a 1,200 sq. ft. accessory dwelling unit, and two 5,000 sq.ft. agricultural barns. The plans submitted into Plan Check shall be in substantial conformance with the approved plans. Changes to the design, quantity, location or other modifications to the approved plans may result in a Modification to the approved ASA, Grading Approval and Building Site Approval, and may be subject to additional review under the California Environmental Quality Act (CEQA).
- 3. The agricultural research use shall be limited to the following:
 - a. A maximum of seven employee shall be allowed to access the site;
 - b. Hours of operation would be 8:00am to 6:00pm Monday through Friday.
- 4. The Architecture and Site Approval, Grading Approval and Building Site Approval is valid for four years after the date of approval and will expire on February 1, 2027. The applicant shall have four years from the approval date to establish the use, pursuant to County Zoning Ordinance Section 5.40. All applicable grading/building permits must be obtained (including the future proposed 4,000 sq. ft. agricultural research building), and conditions of approval must be completed on or before February 1, 2027, or these approvals and permits will expire. Pursuant to § 5.20.180 of the County Zoning Ordinance, a request for extensions of time may be submitted to the Planning Office in writing prior to the expiration date of the permit, accompanied by an application form, explanation of the circumstances necessitating the extensions of time may be granted by the original approving authority, for a period of time not exceeding two years beyond the initial four-year period.
- 5. Existing zoning is A-40Ac-sr-cv (Exclusive Agriculture A, "-40Ac" Lot-size Combining District overlay, "-sr" scenic road overlay due to its proximity to Highway 101, which is designated by the County as a scenic highway, and "-cv" overlay for its location within the Coyote Valley Climate Resilience Combining District). All proposed buildings and structures shall maintain the minimum setbacks as identified in the approved project plans. The maximum height of structures shall be 35 feet and shall not exceed two (2) stories.
- 6. No improvements or development is permitted in the 100-foot restricted buffer zone, measured from the top-of-bank on either side of the Cochran Channel.
- A minimum of 32 parking spaces shall be provided in the parking lot, including two disabled-accessible parking stalls in compliance with the Americans with Disability Act (ADA). All employee and visitor parking shall be provided on-site. No street parking shall be allowed.
- 8. In the event that human skeletal remains are encountered, the applicant is required by County Ordinance No. B6-18 to immediately notify the County Coroner. Upon

determination by the County Coroner that the remains are Native American, the coroner shall contact the California Native American Heritage Commission, pursuant to subdivision (c) of section 7050.5 of the Health and Safety Code and the County Coordinator of Indian affairs. No further disturbance of the site may be made except as authorized by the County Coordinator of Indian Affairs in accordance with the provisions of state law and this chapter. If artifacts are found on the site a qualified archaeologist shall be contacted along with the County Planning Office. No further disturbance of the artifacts may be made except as authorized by the County County Planning Office.

9. Any fees due to the County of Santa Clara Department of Planning and Development associated with staff time spent on the planning approval shall be paid prior to issuance of any permits for this project. The applicant shall also be responsible for County staff costs associated with any subsequent condition compliance and monitoring.

Land Development Engineering

10. Property owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to adjoining property.

Department of Environmental Health

- 11. In the event the proposed/ existing water system increases its number of connections, or the water system increases the number of persons served to 25 persons or more for at least 60 days out of a year, contact California State Water Resources Control Board as the proposed/existing water system may be elevated to a Public Water System under state of California's jurisdiction.
- 12. All construction activities shall be in conformance with the Santa Clara County Noise Ordinance Section B11-154 and prohibited between the hours of 7:00 p.m. and 7:00 a.m. on weekdays and Saturdays, or at any time on Sundays for the duration of construction.

Fire Marshal

13. The scope of this review is for fire protection water supply and fire department access only. An additional review for further compliance with the California Fire and Building Code will be performed by this office when a complete set of construction drawings is submitted for building permit application.

<u>CONDITIONS OF APPROVAL TO BE COMPLETED PRIOR TO GRADING OR</u> <u>BUILDING PERMIT ISSUANCE</u>

Planning

- 14. Prior to grading/building permit issuance, the applicant/owner shall record a "Notice of Permit and Conditions" related to the land use approvals and related conditions associated with the project with the County Office of Clerk-Recorder. Prior to the issuance of any grading/ building permit issuance, a copy of the recorded document shall be submitted to the Planning Office.
- 15. Place a construction note on the site plan that states the following: "The Bay Area Air Quality Management District (BAAQMD) has identified a set of feasible PM10 control

measures for all construction activities. These control measures, as previously required in the Program EIR, shall be adhered to during all construction activities.

- a. Water all active construction areas at least twice daily;
- b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard;
- c. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
- *d.* Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- *e.* Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets;
- *f.* Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more);
- g. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand,);
- h. Limit traffic speeds on unpaved roads to 15 mph;
- *i.* Install fiber rolls, sandbags or other erosion control measures to prevent silt runoff to public roadways;
- *j. Replant vegetation in disturbed areas as quickly as possible;*
- k. Install wheel washers for all existing trucks, or wash off the tires of tracks of all trucks and equipment leaving the site; and
- *l.* Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph."
- 16. The following tree removal/protection requirements shall apply:
 - a. No tree removal is permitted with this project.
 - b. All trees in the project area shall remain and are protected after the approval of this ASA and Grading Approval, per plan L1 and L2 (Existing Landscaping Plan).
 - c. If any trees are proposed to be removed after the approval of the ASA, further review by the Planning Office may be required to assess the visual impact of the tree removal to the project and surrounding area.

Landscaping

17. Landscape Plan: The requirements of Division B33 of the County Ordinance Code (Sustainable Landscape Ordinance) shall apply. If the total landscape area exceeds 2,500 sq. ft., a landscape documentation package shall be submitted **prior to building permit issuance** for review and approval.

Permit requirements. The submittal shall include a landscaping plan and irrigation plan, stamped and signed by a licensed landscape architect. Submit the final landscape plan and associated irrigation systems, prepared and stamped by a licensed landscape architect.

The landscape ordinance and supporting information can be found on the Planning Department web site:

https://www.sccgov.org/sitesidpd/PlansOrdinances/Landscape/Pages/weloapply.aspx

Noise Mitigation Measures –

To ensure that noise levels are less than significant, the project shall incorporate the following Measures listed below. Place a note on the site plan that states the following:

- 18. Construction activities (excluding activities that would result in a safety concern to the public or construction workers) shall be limited to between the daytime hours of 7 AM and 7 PM Monday through Saturday. *(Mitigation Monitoring Measure 1)*
- 19. Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation. *(Mitigation Monitoring Measure 2)*
- 20. Motorized construction equipment shall not be left idling for more than 5 minutes, when not in use. *(Mitigation Monitoring Measure 3)*
- 21. Stationary equipment (power generators, compressors, etc.) shall be located at the furthest practical distance from nearby noise-sensitive land uses or sufficiently shielded to reduce noise-related impacts. *(Mitigation Monitoring Measure 4)*

Lighting

22. Prior to issuance of a building permit, submit a detailed lighting plan which includes all new exterior lighting. The Lighting Plan shall provide light fixture details (cut sheets) with lighting profiles and product-specific information that includes the following information:

Depict the extent of illumination from all new outdoor lighting (photometric plan, beam patterns). The Photometric plan shall note the light fixtures and their locations relative to their photometrics on the plan. Ensure absence of upward glow. Use "state-of-the-art" luminaries including those with high beam efficiency. Light pole or mounting details must also be included.

23. Exterior lighting is required to be on a timer to automatically turn-off exterior lighting at 6:30 p.m. (30 minutes after closing time).

Recreational Trail.

24. The Countywide Trails Master Plan Update (1995) indicates four planned trail routes within the immediate vicinity of the project area: Juan Bautista de Anza National Historic Trail (R1), Bay Area Ridge Trail (R5), Coyote Creek/Llagas Creek Sub-Regional Trail (S5), and Willow Springs Bikeway Connector Trail (C24). Prior to building permit issuance, the applicant shall label the abovementioned trails on the site plan.

Habitat Conservation Plan

Application for Private Projects

25. **Prior to issuance of any grading/drainage or building permit**, submit a completed Habitat Plan Application for Private Projects ("Application") with all required submittal materials, including land cover mapping, exhibits (as described in the Application), and required staff review fee to the Planning Office for review and verification. The required

site plan shall show the project development (buildings, leach field, driveway, and any required off-site road improvements), impact area calculations, and delineation of the permanent and temporary development buffer areas.

- Permanent development area is defined as all land that will have permanent improvements (driveways, water tanks, buildings/structures, landscaping, etc.), plus a 50-foot buffer surrounding these areas.
- Temporary development area is defined as land that will be temporarily affected during development (construction laydown areas, subsurface utilities/trenching, etc.) that will be restored within one year of completing construction, plus a 10-foot buffer surrounding these areas.

Fees

- 26. **Prior to issuance of any grading/drainage or building permit**, all Santa Clara Valley Habitat Agency (SCVHA) fees must be paid. Land cover fees are paid based on the land cover verified by a qualified biologist, and development area associated with the project. Temporary development fees are based on the amount of time the land is disturbed during construction, plus one year after completing construction, and cannot exceed a combined total of 2 years. All temporary development that exceeds 2 years from the onset of construction will be subject to permanent impact fees. This project is subject to the following Habitat Plan fees:
 - A. Land Cover Fee Zone A Ranchlands and Natural Lands.
 - B. Nitrogen Deposition Fee Single-Family Residence.

Habitat Plan Conditions of Approval

- 27. **Prior to issuance of grading/drainage or building permit**, all future development is subject to the following Conditions of Approval and described in more detail within Chapter 6 of the Santa Clara Valley Habitat Plan.
 - Condition 1: Avoid Direct Impacts on Legally Protected Plant and Wildlife Species.
 - Condition 3: Maintain Hydrologic Conditions and Protect Water Quality.
 - Condition 7: Rural Development.
- 28. **Prior to issuance of grading/drainage or building permit**, incorporate the Habitat Plan Conditions of Approval (Exhibit A) and Table 1: Hydrology Condition 3 and Condition 4 into the grading/drainage and building plans.
- 29. The subject property is near a Category 2 stream within property owned by the Santa Clara Valley Water District. Please note that there is a 35-foot setback from the top of bank from Category 2 streams. No development shall take place within this setback without a stream setback exception.

Land Development Engineering

30. Obtain a Grading Permit from Land Development Engineering (LDE) **prior to beginning any construction activities**. Issuance of the grading permit is required prior to LDE clearance of the building permit (building and grading permits may be applied for concurrently). The process for obtaining a grading permit and the forms that are required can be found at the following web page:

https://plandev.sccgov.org/home > How to > Apply for a Development Permit or Planning Application > Grading Permit

If the County Roads and Airports Department provides a condition of approval to obtain an encroachment permit, for your convenience, the grading and encroachment permits will be processed concurrently under one set of improvement (grading) plans.

Improvement Plans

- 31. Final plans shall include a single sheet which contains the County standard notes and certificates as shown on County Standard Cover Sheet. Plans shall be neatly and accurately drawn, at an appropriate scale that will enable ready identification and recognition of submitted information.
- 32. Final improvement plans shall be prepared by a licensed civil engineer for review and approval by LDE and the scope of work shall be in substantial conformance with the conditionally approved preliminary plans on file with the Planning Office. Include plan, profile, typical sections, contour grading for all street, road, driveway, structures, and other improvements as appropriate for construction. The final design shall be in conformance with all currently adopted standards and ordinances. The following standards are available on-line:
 - Standard Details Manual, September 1997, County of Santa Clara, Roads and Airports Department https://countyroads.sccgov.org/home > Do Business with Us > County Standard Details, Specifications and Documents
 - March 1981 Standards and Policies Manual, Volume 1 (Land Development) https://plandev.sccgov.org/home > Ordinances & Codes > Land Development Standards and Policies
 - 2007 Santa Clara County Drainage Manual https://plandev.sccgov.org/home > Ordinances & Codes > Grading and Drainage Ordinance
- 33. Survey monuments shall be shown on the improvement plan to provide sufficient information to locate the proposed improvements and the property lines. Existing monuments must be exposed, verified, and noted on the grading plans. Where existing monuments are below grade, they shall be field verified by the surveyor and the grade shall be restored and a temporary stake shall be placed identifying the location of the found monument. If existing survey monuments are not found, temporary staking delineating the property line may be placed prior to construction and new monuments shall be set **prior to final acceptance of the improvements**. The permanent survey monuments shall be set pursuant to the State Land Surveyor's Act. The Land Surveyor / Engineer in charge of the boundary survey shall file appropriate records pursuant to

Business and Professions Code Section 8762 or 8771 of the Land Surveyors Act with the County Surveyor.

- 34. The improvement plans shall include an Erosion and Sediment Control Plan that outlines seasonally appropriate erosion and sediment controls during the construction period). Include the County's Standard Best Management Practice Plan Sheets BMP-1 and BMP-2 with the Plan Set.
- 35. All applicable easements affecting the parcel(s) with benefactors and recording information shall be shown on the improvement plans.
- 36. Relocate all proposed fencing and gates outside of the right of way to be dedicated.
- 37. Provide landscaping and disturbed area quantities on the final plans along with water efficiency calculations to demonstrate compliance with water usage requirements.

Drainage

38. Provide a drainage analysis prepared by a licensed civil engineer in accordance with criteria as designated in the 2007 County Drainage Manual (see Section 6.3.3 and Appendix L for design requirements). The on-site drainage will be controlled in such a manner as to not increase the downstream peak flow for the 10-year and 100-year storm event or cause a hazard or public nuisance. The mean annual precipitation is available on the on-line property profile.

Utilities

39. All new on-site utilities, mains and services shall be placed underground and extended to serve the proposed development. All extensions shall be included in the improvement plans. Off-site work should be coordinated with any other undergrounding to serve other properties in the immediate area.

Stormwater Treatment – San Francisco Bay

40. Include one of the following site design measures in the project design: (a) direct hardscape and/or roof runoff onto vegetated areas, (b) collect roof runoff in cisterns or rain barrels for reuse, or (c) construct hardscape (driveway, walkways, patios, etc.) with permeable surfaces. Though only one site design measure is required, it is encouraged to include multiple site design measures in the project design. For additional information, please refer to the C.3 Stormwater Handbook (June 2016) available at the following website:

www.scvurppp.org > Elements > New Development and Redevelopment > C.3 Stormwater Handbook (June 2016)

Soils and Geology

- 41. Submit one copy of the signed and stamped geotechnical report for the project.
- 42. Submit a plan review letter by the Project Geotechnical Engineer certifying that the geotechnical recommendation in the above geotechnical report have been incorporated into the improvement plan.

Notice of Intent

43. Indicate on the improvement plans the land area that will be disturbed. If one acre or more of land area will be disturbed, file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) for coverage under the State General Construction Permit. The SWRCB will issue a Waste Discharge Identification number (WDID). The WDID number shall be shown on the on the final improvement plans. The SWRCB web site is at:

www.waterboards.ca.gov > Water Issues > Programs > Stormwater

Agreements

44. Enter into an Operations and Maintenance Agreement for Stormwater Quality Improvements with the County per Section C11.5-23 of the County Ordinance Code.

Geology

45. Prior to issuance of grading/building permits, submit **Plan Review Letters** that confirm the plans conform with the recommendations presented in Baez Geotechnical Group's Final Geotechnical Investigation Report (dated 6-11-2021).

Department of Environmental Health

- 46. Prior to issuance of a development permit submit to the Department of Environmental Health a final onsite wastewater treatment system (OWTS) design overlaid onto the final grading and drainage plan.
 - a. For Apex North, based upon an adjusted percolation rate of 8 minutes per inch with an application rate 0.96 square feet per lineal foot, sewage disposal conditions for the proposed research facility as follows: utilization of a dual dispersal fields sized 78 lineal feet plus 78 lineal feet (standard infiltrative area 4 square feet) and a 1500-gallon septic tank. This onsite wastewater treatment system (OWTS) as proposed may adequately serve a development not to exceed 300 gallons per day.
 - b. For Apex South, based upon an adjusted percolation rate of 53 minutes per inch with an application rate 0.40 square feet per lineal foot, sewage disposal conditions for the proposed research facility as follows: utilization of a dual dispersal field sized 516 lineal feet plus 516 lineal feet (standard infiltrative area 4 square feet) and a 2000-gallon septic tank. This onsite wastewater treatment system (OWTS) as proposed may adequately serve a 4-bedroom single family dwelling and a 2-bedroom accessory dwelling unit or a development not to exceed 825 gallons per day.
- 47. To assist in determining the final OWTS design/sizing, submit final floor plans for Apex North and South to the Department of Environmental Health.
- 48. Prior to issuance of a development permit, submit/ include the approved water clearance letter (dated April 20, 2022) from the Department of Environmental Health into the building permit application. Note: The water clearance letter expires 2 years from date of issuance.

Roads and Airports

- 49. Dedicate the following curvilinear rights-of-ways:
 - a. 30-foot half street width for Vista de Lomas Avenue for a northerly segment and 46-foot half street width for Vista de Lomas Avenue for rest of segment (as identified in the future width lines map).
 - b. 46-foot half street width for Burnett Avenue

All dedications shall include legal descriptions, plats, and corresponding documents to be reviewed and approved by the County.

- 50. Obtain a Santa Clara County Roads and Airports Department (RAD) Encroachment Permit for the following required improvements:
 - a. Improvement of the property's Vista de Lomas Avenue frontage to County Standard B/4A.
 - b. Installation of the two commercial driveway approaches to County Standard B/5.
 - c. Installation of the residential driveway approach to County Standard B/4.
 - d. Removal of the existing gate and asphalt driveway (not including concrete curb/gutter/driveway entrance)

The process for obtaining an Encroachment Permit and the forms that are required can be found at: www.countyroads.org > Services > Apply for Permits > Encroachment Permit.

51. Demonstrate that the post-development maximum flow rate into the County Road right-ofway is equal-to or less-than the pre-development corresponding storm event flow rate per the County Drainage Manual. Provide engineered plans and drainage calculations for any detention or retention system necessary to satisfy this requirement.

Fire Marshal

52. A written construction site safety plan shall be submitted directly to the Fire Marshal's Office prior to approval of any Land Development Engineering construction permit (if required) or prior to approval of the building permit.

Fire Protection Water Supply:

- 53. Fire protection water system shall be installed and inspected prior to approval of the foundation or final inspection for construction with completely noncombustible components. System shall be maintained in good working order and accessible throughout construction. A Stop-Work Order may be placed on the project if the required hydrant systems are not installed, accessible, and/or functioning.
- 54. Minimum fire protection water supply for hydrants:
 - a. Fire-Flow: Commercial structures to meet Appendix "B" of the CFC. The fire flow will be based on the structural with the highest flow requirement. The single-family residential structures are to meet CFMO-W1 regarding wharf hydrant supply in above ground water tanks.

to all portions of the commercial structures, but not less than 40 ft. from the structure(s). Hydrants are to be located within 400 ft. exterior path of travel to all portions of non-sprinkled residential structures or 600 ft. of sprinklered residential structures.

c. Tanks: Commercial structures to have tank sized per NFPA 1142. Tank to be sized based on the greater of fire sprinkler or hydrant supply (an analysis of how this was determined is to be a part of the Building Submittal). Commercial tank to be a deferred submittal. Residential tanks shall be in accordance with CFMO-W6, Installation of Private Fire Protection Water Storage Tanks.

Fire Department Access:

- 55. All required access roads, driveways, turnarounds, and turnouts shall be installed, and serviceable prior to approval of the foundation and shall be maintained throughout construction. A Stop-Work order may be placed on the project if required driving surfaces are not installed, accessible, and/or maintained.
- 56. These are minimum Fire Marshal standards. Should these standards conflict with any other local, state or federal requirement, the most restrictive shall apply. Construction of access roads and driveways shall use good engineering practice.
- 57. See CFMO-C7 for minimum requirements for access roads/driveways during construction.
- 58. Fire department Access Roads shall be provided within 150-ft. of all exterior portions of all structures. Access roads shall comply with the following:
 - a. Width: Clear width of drivable surface of 20-ft. for commercial access and access roads. Driveways for residential structure to have a minimum 12 ft. drivable width (excluding shoulders).
 - b. Vertical Clearance: 15-ft.
 - c. Inside Curve Radius: 42-ft.
 - d. Grade: Maximum grade shall not exceed 15%.
 - e. Surface: All driving surfaces shall be all-weather and capable of sustaining 75,000 pound gross vehicle weight.
 - f. Dead-end Roads: Dead-end roads in excess of 150-ft. in length shall be provided with an approved turnaround meeting County Standard SD-16. Acceptable turnarounds shall be 40 ft. by 48 ft. pad, hammerhead, or bulb of 32 ft. radius complying with County Standard SD-16. All turnarounds shall have a slope of not more than 5% in any direction.
 - g. Gates: Gates shall not obstruct the required width or vertical clearance of the driveway and may require a Fire Department Lock Box/Gate Switch to allow for fire department access. Installation shall comply with CFMO-A3.
 - h. All fire apparatus access roads meeting the minimum width shall have permanent "no parking fire lane" signs located so that all access roads are clearly identified and the required clearance maintained.
 - i. A number address approved by the Building Inspection Office shall be placed on the building (or at the entrance to the facility) in such a position as to be plainly

visible and legible from the street or road fronting the property.

CONDITIONS OF APPROVAL TO BE COMPLETED PRIOR TO FINAL/OCCUPANCY

<u>Planning</u>

- 59. All grading materials and stockpiled materials shall be removed and disposed at a Countyapproved location.
- 60. Following completion of construction, contact the Planning Department (Charu Ahluwalia at 408-299-5740) **at least two weeks in advance** to set up an appointment to schedule a site visit to verify the development is per approved plans.

Land Development Engineering

- 61. Existing and set permanent survey monuments shall be verified by inspectors prior to final acceptance of the improvements by the County. Any permanent survey monuments damaged or missing shall be reset by a licensed land surveyor or registered civil engineer authorized to practice land surveying and they shall file appropriate records pursuant to Business and Professions Code Section 8762 or 8771 of the Land Surveyors Act with the County Surveyor.
- 62. Construct the improvements. Construction staking is required and shall be the responsibility of the developer.

Geology

63. Prior to final inspection and final grading, submit a Construction Observation Letter prepared by the geotechnical consultant that verifies the work was completed in accordance with the approved plans.

Fire Marshal

Fire Sprinkler System

64. An approved residential fire sprinkler system complying with CFMO-SP6 shall be installed throughout the residential homes and NFPA 13 fire sprinklers are to be installed in the commercial structures.

Note: The fire sprinkler systems shall be installed and finaled by this office prior to occupancy. A separate permit shall be obtained from this office by a state licensed C-16 contractor prior to installation. Please allow for a minimum of 30 days for plan review of fire sprinkler plans by this office.

Department of Environmental Health

65. Prior to final occupancy, complete construction of the well head and complete disinfection protocols as noted within the Department of Environmental Health's Water Clearance letter dated April 20, 2022.

66. 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.

Roads and Airports

67. Construct all the improvements approved under the Encroachment Permit.

Attachment C

Location and Vicinity Map



Attachment D

Project Plans

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date:22 Hanna - Brunetti 22 US NO 69278	REFERENCES	
Amanda Joy Musy-Verdel		Lands of Apex Bait Technologies
R.C.E. # 69278		UNINCORPORATED JUNE 2022

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EGMENT OF A SHARED TRAIL ROUTE FROM THE COUNTYWIDE TRAILS PLAN IN JUAN BAUTISTA DE ANZA NATIONAL HISTORIC TRAIL AND COYOTE CREEK/LL GIONAL TRAIL, LOCATED ALONG BURNETT AVENUE ON THE NORTHERN BORDE AS WELL AS AN ADJACENT PARCEL OWNED BY SANTA CLARA VALLEY WATEH IE SOUTH-WEST BOUNDARY OF THE PROJECT SITE. THE WILLOW SPRINGS BI AIL IS PROPOSED ALONG BURNETT AVENUE WITHIN THE ROAD RIGHT-OF-WA	ICLUDES AGAS IR OF THE R IKEWAY Y.	P
date:22 Hanna - Brunetti Amanda Joy Musy-Verdel	REFERENCES	Preliminary Lands of Apex Bait Technologies

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Proposed Mezzanine Floor Plan

1130 sq. ft. private office 1621 sq. ft. mezzanine



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PLAN #



QTY	SIZE	WATER RATING	BOTANICAL NAME	COMMON NAME	MATURE SIZE
REEN TRI	EES				
40 51 <	5 5	LOW HIGH	Cedrus deodara Sequoia sempervirens	Deodar Cedar Coast Redwood	fast to 80' tall 50' to 100' tal
REEN SH	, RUBS				
115) 1	LOW	Elaeagnus pungens Fruitlandii	Silverberry	10-15' ta ll
΄109	1	LOW	Xylosma congestum	Xylosma	8-10' tall
20)	1	LOW	Callistemon citrinus	Lemon Bottlebrush	n10-15' tall
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Attachment E

Public Comments

To: County of Santa Clara Department of Planning and Development County Government Center, East Wing, 7th Floor 70 West Hedding Street San Jose, CA 95110

- From: Moniz Vineyards Stan Moniz, John Moniz and Nickelle Austin-Moniz 19210 Vista de Lomas, Morgan Hill, Ca 95037
- Re: Notice of Intent to Adopt a Mitigated Negative Declaration File Number: PLN21-222, APN 728-38-001 Project: Vista de Lomas Agricultural Research Facility

Dear Sirs and Mams,

This letter is to show our support and approval for, and convey our concerns of the above mentioned project to be located at the intersection of Vista de Lomas Avenue and Burnett Avenue in Morgan Hill, CA.

We've operated an agricultural business for many years, Moniz Vineyards, that farms four acres of red wine grapes located along Vista de lomas as well as another eight acres of red wine grapes just south of the proposed project site along Peebles Avenue. We would like assurances from the applicant, and County, that whatever activities are performed at this proposed facility, it has no impact, direct or indirect, on the wine grapes we farm or on our harvest potential. We would like to share our concerns via this letter, and we will also voice them when this project holds its public meeting.

Thank you for your time and consideration of this matter.

We look forward to the upcoming public hearing for this project and forthcoming assurances, in writing, from the property owners regarding our concerns.

Very truly yours,

Stan Moniz (408) 718-3736

John Moniz (408) 218-0169

Nickelle Austri - Monty

Nickelle Austin-Moniz (408) 859-2963

December 6, 2022



File: 34834 Various

December 13, 2022

Ms. Charu Ahluwalia Principal Planner Santa Clara County Planning Office 70 West Hedding Street, East Wing, 7th Floor San Jose, CA 95110 <u>charu.ahluwalia@pln.sccgov.org</u>

Subject: Notice of Intent to Adopt Initial Study/Mitigated Negative Declaration for Vista De Lomas Agricultural Research Facility (PLN 21-222)

Dear Ms. Ahluwalia:

The Santa Clara Valley Water District (Valley Water) received a Notice of Intent (NOI) from the County of Santa Clara to adopt an Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed Vista De Lomas Agricultural Research Facility. Valley Water staff has reviewed the IS/MND and has the following comments:

- 1. **Page 2, Environmental Setting and Surrounding Land Uses:** The last paragraph specifies that *"Coyote Creek is located 1,000 feet north of the property..."* This section should also acknowledge that Cochran Channel is adjacent to the subject property.
- 2. Page 25, Section J., Hydrology and Water Quality, Discussion a, b, and c: The IS/MND notes that the County's Land Development Engineering Division (LDE) will "review site development drainage plans to ensure that development would not increase the downstream peak flow for the 10-year and 100-year storm event or cause a hazard or public nuisance." The IS/MND should include the analysis that was completed to size the two proposed bioretention ponds and ensure that runoff is retained on site for the noted storm events.
- 3. Page 26, Section J., Hydrology and Water Quality: Under "Setting," the first paragraph references an onsite well that will provide water for the research facility, domestic water, and emergency water. In the Project Description (Page 1), it is noted that some of the land will be used for organic farming, but it is not clear if the well will also be used for agricultural irrigation and what the total demand for the site would be.
- 4. **General:** The proposed land use is consistent with the County's designation of the subject area as an agricultural zone, however the IS/MND should state the anticipated water demand for the project.

If you have any further questions regarding Valley Water's comment on the IS/MND, you may contact me at (408) 630-3066, or email at <u>bhwang@valleywater.org</u>.

Thank you,

DocuSigned by:

Benjamin[®]ffwang, P.E. Associate Engineer - Civil Community Projects Review Unit

Cc: Y. Arroyo, B. Hwang, V. De La Piedra, G. Cook, J. Gurdak, M. Richert, M. Cook, File

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Attachment F

Extension of Permit Streamline Act Deadline

From:	Amanda Musy-Verdel
To:	Ahluwalia, Charu
Subject:	[EXTERNAL] RE: PLN21-222_Vista De Lomas Agricultural Research Facility_Extension of Time_Permit
	Streamlining Act Deadline
Date:	Wednesday, January 4, 2023 2:13:36 PM

Hi Charu,

We agree to a 90 day extension on the project.

Amanda (Wilson) Musy-Verdel P.E., QSD HANNA - BRUNETTI

From: Ahluwalia, Charu Sent: Tuesday, January 3, 2023 12:16 PM

To: Amanda Musy-Verdel

Subject: PLN21-222_Vista De Lomas Agricultural Research Facility_Extension of Time_Permit Streamlining Act Deadline

Importance: High

Hi Amanda,

The Vista De Lomas Agricultural Research Facility project (Record No. PLN21-222) was deemed complete for processing on July 12, 2022, with a decision deadline of January 12, 2023 (Permit Streamlining Act). As discussed on call this morning, to address comments received on the circulated CEQA Initial Study/Mitigated Negative Declaration prior to the Zoning Administration hearing (where a decision on the project and CEQA document will be rendered), County Staff is requesting a one-time, 90-day extension to the Permit Streamlining Act decision deadline. Please provide a response by tomorrow, January 4th, 2023.

You can respond to this email with the following (voluntarily): "The Applicant is granting a one-time, 90-day extension of time to the Permit Streamlining Act for Record No. PLN21-222."

Let me know if you have any questions.

Best, Charu Ahluwalia | Senior Planner