

# INITIAL STUDY

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

<b>File Number:</b>	PLN22-083	<b>Date:</b> 12/28/2023
<b>Project Type:</b>	Use Permit with Architecture and Site Approval and Grading Approval for Machinery & Equipment Services – Limited, a commercial use for the storage of portable toilets and fencing materials to be rented.	<b>APN(s):</b> 779-09-061
<b>Project Location / Address:</b>	13755 Monterey Road, San Martin, CA 95046	<b>GP Designation:</b> Rural Residential/San Martin Commercial and Industrial Use Permit Areas
<b>Owner's Name:</b>	NWC #5 Partnership LLC	<b>Zoning:</b> 12.5 acres RR-5Ac-sm (55.2%), 10.2 acres RR-5Ac (44.8%)
<b>Applicant's Name:</b>	Amanda Musy-Verdel/ Hanna & Brunetti	<b>Urban Service Area:</b> NO
<b>Project Description</b>		
(Refer to Project Description in <b>Attachment A</b> )		
<b>Environmental Setting and Surrounding Land Uses</b>		
<p>The proposed project is located in unincorporated Santa Clara County, in the northwestern portion of the San Martin Planning Area. Surrounding land uses include single-family residences, a used car sales facility, and a concrete product store. The subject property is 22.7 acres (with three underlying legal lots) with a General Plan designation of Rural Residential and a Zoning designation of Rural Residential with a 5-acre lot size district. Fifty-five point two percent (55.2%) of the property is within the San Martin Industrial and San Martin Commercial Use Permit Areas combining district, RR-5Ac-sm (12.5 acres), and 44.8% is not (10.2 acres). Refer to Figure 1 – Location and Vicinity Map.</p> <p>The topography of the site is relatively flat with an approximate average slope of 1%. The project site is within the Santa Clara Valley Habitat Plan Permit Area, but it is not subject to the requirements of the plan because the location is designated as Rural Development Not Covered. A total of 24 trees are proposed for removal which range in size from 8” to 32” in diameter and are sequoias, willows, firs, and eucalyptus species. Pursuant to the County of Santa Clara Guidelines for Tree Protection and Preservation, seventy-five (75) 15-gallon trees or fifty-three (53) 24-inch box replacement trees shall be planted on the subject property. There are no creeks or wetlands on or in the vicinity of the property.</p> <p>The subject property is currently vacant with several trees, three unoccupied accessory structures, fencing, and various concrete pads. Two existing accessory structures would be demolished to establish the portable restroom storage area and parking lot.</p>		
<b>Other agencies sent a copy of this document:</b>		
None		



Figure 1 – Location and Vicinity Map

**The environmental factors checked below would be potentially affected by this project.**

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

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

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

**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.

Joanna Wilk  
 \_\_\_\_\_  
**Signature**

12/28/23  
 \_\_\_\_\_  
**Date**

Joanna Wilk, Senior Planner  
 \_\_\_\_\_  
**Printed name**

\_\_\_\_\_  
**For**



**ENVIRONMENTAL CHECKLIST AND DISCUSSION OF IMPACTS**

<b>A. AESTHETICS</b>					
Except as provided in Public Resources Code section 21099, would the project:	<b>IMPACT</b>				<b>Source</b>
	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4, 6, 9, 17f
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, along a designated scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 6,7, 9,17f
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,3
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3,4

**SETTING:**

The subject property is a 22.7-acre parcel located in the northwestern portion of the San Martin Planning Area in the southern portion of unincorporated Santa Clara County. The property is surrounded by single-family residential uses to the north, and south, as well as legal non-conforming multi-family residences to the west, and a used car sales facility and a concrete product store to the east.

The subject property takes access from Monterey Road, located to the east of the property, and is also bordered by California Avenue to the north of the property, and Colony Avenue to the west. Neither road is designated as a scenic road in the County of Santa Clara (County) Zoning Ordinance. The property is not located in the Santa Clara Valley Viewshed area; however, it is in the San Martin Planning Area, which is subject to the San Martin Integrated Design Plan.

The subject property is relatively flat with an overall slope of 1%. The property contains vacant lands with concrete pads, vacant accessory buildings, fencing, and several trees, 24 of which are proposed to be removed.

The proposed development includes a fenced-in area for portable toilet and fencing storage, parking, and a building used for storage and a restroom. The proposed development is over 200 feet from Monterey Road, and 100 feet away from the nearest single-family residence.

**DISCUSSION:**

**a & b) No Impact** – The subject property is not designated as a Viewshed Parcel by the County of Santa Clara, nor does it have a Design Review zoning overlay or Scenic Road zoning overlay. The property takes access from Monterey Road, which is not designated as a scenic road. No scenic vistas are located in the vicinity of the proposed development. Therefore, the proposed project would not have substantial adverse effect on any scenic vista, or substantially damage scenic resources, including, but not limited to, trees, rocks, outcroppings, and historic buildings, along a designated scenic highway.

**c & d) Less Than Significant** – The proposed development is subject to Architecture and Site Approval (ASA) review, which considers and conditions projects to ensure harmony with the surrounding area through consideration of site configuration and design as noted in the ASA Guidelines. The proposed project includes the installation of landscaping to provide visual screening and privacy (Attachment B – Plan Set). Additionally, the proposed storage and restroom structure is 12 ft. 8 in tall, which is shorter than the surrounding single-family residences.

The project is located within the San Martin Planning Area and is subject to the San Martin Integrated Design Plan, which is used to achieve and maintain a rural character in the San Martin neighborhood. The plan encourages non-residential development be constructed with natural looking materials, earth toned colors, and pitched roofs, and include wooden fencing or chain link fencing with wooden slats as is proposed here (Attachment B – Plan Set). The proposed project meets the guidelines in the San Martin Integrated Design Plan, as required through the Use Permit, ASA, and Grading Approval conditions of approval.

With the implementation of the ASA landscaping requirements, and compliance with the San Martin Integrated Design Plan architecture and fencing requirements, the impacts to the existing visual character or quality of public views of the site and its surroundings would be less than significant.

The proposed project includes new outdoor lighting in association with the parking lot pursuant to County Zoning Ordinance §4.30.070(H). The applicant submitted a lighting plan (Attachment C) which demonstrated that the proposed lighting meets the requirements in §4.30.070(H), including lighting that is the equivalent of one (1) foot candle of illumination, includes 90-degree cut-off and flat lenses, and would be confined to the premises. Proposed lighting is located in the parking lot area and driveway, which is over 100 feet from the nearest residence and 200 feet away from Monterey Road. With the implementation of the Zoning Ordinance lighting requirements for parking the lighting would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area and would therefore be a less than significant impact.

**MITIGATION:**

- None required.

<b>B. AGRICULTURE / FOREST RESOURCES</b>					
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.					
<b>WOULD THE PROJECT:</b>	<b>IMPACT</b>				<b>Source</b>
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3,17k, 23, 24, 26
b) Conflict with existing zoning for agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	9,21a

**B. AGRICULTURE / FOREST RESOURCES**

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

WOULD THE PROJECT:	IMPACT				Source
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	
c) Conflict with an existing Williamson Act Contract or the County's Williamson Act Ordinance (Section C13 of County Ordinance Code)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17q, 28
d) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 9, 28
e) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	32
f) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	4, 18, 26

**SETTING:**

The subject property is 22.7 acres with three underlying lots (each approximately 8 acres in size) that are proposed to be adjusted in accordance with County Zoning Ordinance Chapter 5.55 to accommodate the proposed portable toilet storage facility development (Attachment B –Plan Set, page 4). The areas of the three underlying parcels after the proposed lot line adjustment would be approximately 5 acres, 10 acres, and 9 acres. The proposed development would take place on the 9-acre parcel (Parcel A). None of the proposed development would cross the newly proposed lot lines.

The proposed development is located on prime farmland soils as defined by the California Department of Conservation and as shown in the County of Santa Clara's Geographic Information System (GIS) database. The entire subject property is identified as Farmland of Local Importance according to California Department of Conservation year 2020. Of the 3.75-acre proposed development area, 2.25 acres contain existing structures, concrete pads, and driveways. The other 1.5 acres are undeveloped agricultural soils that would be converted to non-agricultural use. The remaining 18.95 acres are proposed to remain undeveloped.

The property is not forestland and is not under a Williamson Act contract.

Surrounding uses are non-agricultural and consist of single-family residences, a used car sales facility, and concrete product store.

The subject property is in the Rural Residential zone, which has residential, agricultural, and open spaces uses as its primary uses. The property is also located in the San Martin Use Permit combining district which permits commercial and/or light industrial uses with a Use Permit. The proposed use is a commercial use for the outdoor storage of portable toilets and fencing materials.

**DISCUSSION:**

**a, b, c, d, & e) No Impact** – The subject property is not located in Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. The subject property is not zoned for agricultural use, nor are the surrounding properties, and therefore the proposed project does not conflict with existing zoning for agricultural uses. 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 Williamson Act Guidelines, the Williamson Act Ordinance, or existing zoning for forestland and/or timberland areas. The property is not within a forestland area, and therefore the proposed development does not result in the loss of forest land. As such, there are no impacts to items a through e listed above.

**f) Less Than Significant Impact.** – The property has not been used for agricultural purposes since the early-2000s and is not currently irrigated or in agricultural use, as defined in the County Zoning Ordinance.

The proposed development is located on the area of the property that contains existing structures, concrete pads, and driveways. The approximate area of development that would convert state-designated prime farmland to non-agricultural use is 1.5 acres with the remaining area of the property (18.95 acres) proposed to remain undeveloped. While the loss of 1.5 acres of prime agricultural soils due to development would be permanent, it would be a less-than-significant impact based on the California Agricultural Land Evaluation and Site Assessment Model (LESA) (1997) prepared by the California Department of Conservation. The LESA model takes into consideration the surrounding agricultural uses, the area and types of soil being converted to the non-agricultural use, and any other constraints for farming on the subject property. Although the proposed project would convert 1.5 acres of prime farmland to a non-agricultural use, due to the lack of surrounding agricultural and resource conservation uses, and the current non-agricultural use of the land, the proposed project would have a less than significant impact on the conversion of farmland.

**MITIGATION:**

- None required.

**C. AIR QUALITY**

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.

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

**SETTING:**

The proposed project is located within the San Francisco Bay Area Air Quality Management District (BAAQMD) and is subject to the 2017 Clean Air Plan: Spare the Air, Cool the Climate. The BAAQMD regulates air pollutants, including those generated by construction and operation of development projects. These criteria pollutants include reactive organic gases, carbon monoxide, nitrogen dioxide, and particulate matter (PM). BAAQMD also regulates toxic air contaminants (fine particulate matter), long-term exposure to which is linked with respiratory conditions and increased risk of cancer. Major sources of toxic air contaminants in the Bay Area include major automobile and truck transportation corridors (e.g., freeways and expressways) and stationary sources (e.g., factories, refineries, power plants).

The subject property is located 0.5 miles west of Highway 101 and takes access from Monterey Road. The property is surrounded by single-family residences on lots averaging 1-2 acres in size to the north, west, and south, as well as a used car sales facility and concrete product store on 14- and 7-acre parcels in size, respectively. The nearest single-family residence is 100 feet away from the proposed development.

The proposed portable toilet and fencing storage facility would include ten (10) employees on site, who would store clean, empty portable toilets and fencing materials on the property, and utilize trucks to transport the portable toilets to customer sites. The portable toilets would be pumped and cleaned at the customer site and the portable toilet waste would be contained in a holding tank on the trucks. When the holding tanks are full, they would be emptied at the South County regional wastewater treatment plant.

**DISCUSSION:**

**c, & d) No Impact** – The proposed portable toilet and fencing storage facility use would not expose sensitive receptors (such as children, elderly, or people with illness) to substantial pollutant concentrations or criteria pollutant emissions as there are no criteria pollutant emissions (with the exception of fugitive dust during construction) proposed as a part of the project.



An Assessment of Odor Impacts (Attachment E) was prepared for the proposed project by Thomas R. Card of Environmental Management Consulting on March 30, 2022, measured odors from a comparable facility of a similar size and configuration located in Santa Rosa, CA. The Santa Rosa facility is owned and operated by the same company (Honey Bucket) which is proposing this project at the subject property. The assessment concluded that the primary odor sources of the Santa Rosa site were from cleaning the portable hand washing devices and vehicle maintenance. These odors could be detected within 25 feet of these activities but could not consistently be detected outside of the 25 feet. However, in field tests using an olfactometer device, all odors were all below the detection limit, indicating the odors were not concentrated or sustained across the site (Attachment E). Notably, the proposed use at the subject property does not include a portable toilet handwash station cleaning area, nor a vehicle maintenance area, which were identified as the primary odor sources at the Santa Rosa site. In conclusion, based on an analysis of the similar, existing portable toilet storage facility located in Santa Rosa, the proposed use would have non-detectable odor levels.

Therefore, the proposed development would not conflict with or obstruct implementation of an applicable air quality plan, result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard, expose sensitive receptors to substantial pollutant concentrations, or result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. As such, the proposed project would have no impact on items c, & d listed above.

**a & b) Less Than Significant with Mitigation –**

The primary goals of the 2017 Clean Air Plan are to reduce emissions of fine particulate matter and toxic air contaminants. The proposed project would meet these goals by implementing Best Management Practices (BMPs, **AIR-MIT 1**) to mitigate fugitive dust during construction. As such, the proposed project is in conformance with the 2017 Clean Air Plan.

Development of the proposed portable toilet and fencing storage facility may involve grading and construction activities. Fugitive dust would be created during any improvements to the on-site driveway and parking lot. However, dust emissions would be controlled through standard Best Management Practices (BMPs) dust control measures that are a condition of the project. Therefore, the proposed project would have a less than significant impact with mitigation on item b above.

**MITIGATION:**

- **AIR-MIT 1: Best Management Practices.** 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.

<b>D. BIOLOGICAL RESOURCES</b>					
<b>WOULD THE PROJECT:</b>	<b>IMPACT</b>				<b>Source</b>
	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	
a) Have 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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 7, 17b, 17o

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

**SETTING:**

According to an assessment conducted by Live Oak Associates (Attachment F), the proposed project site consists of disked fields dominated by non-native weedy vegetation. It includes a grove of coast live oaks in the southern half of the site, several eucalyptus trees, and several other trees. There is a remnant Christmas tree farm in the northeastern section of the property. Woodland woollythreads and crotch bumble bee (endangered) were noted onsite via the California Natural Diversity Database GIS database (last observed in 1910 and 1959, respectively), which is an inventory of the status and locations of rare plants and animals in California. No creeks, watercourses, or riparian habitat are located on the property. No marshland or wetland or oak woodland habitat are located on the property.

The project is not covered by the Santa Clara Valley Habitat Conservation Plan (SCVHCP) due to its location in Area 3: Rural Development Not Covered. The mapped SCVHCP landcovers include Rural Residential, Grain, Row-crop, Hay and Pasture, and Disked / Short-term Fallowed, none of which are considered to be sensitive landcovers by the SCVHCP. Additionally, no mapped SCVHCP-covered species are identified on the subject property or on neighboring properties.

## DISCUSSION:

**a, b, c, d, e, & g) No Impact** – Pursuant to a habitat assessment conducted by Live Oak Associates on November 28, 2022 (Attachment F), woodland woollythreads and protected bumble bee colonies are currently absent from the site, and there is no evidence of any other state- or federally protected species onsite. The assessment concluded that habitats onsite are not suitable for woodland woollythreads and crotch bumble bees due to the prevalence of disked fields and the absence of sufficient bumble bee food sources. Additionally, the project site does not contain any wetland resources and, therefore, would not adversely affect federally protected wetlands as defined by Section 404 of the Clean Water Act.

The site is not currently used as a migratory wildlife corridor and does not contain a native wildlife nursery site. There would be no impact on movement of migratory or native fish or wildlife species on the project site due to the lack of habitat for fish and wildlife species onsite as noted in Attachment F, and the project is not located in an area identified as a wildlife corridor, such as Coyote Valley. Additionally, the project does not conflict with the SCVHP as there are no covered species or landcovers on the property.

Lastly, the subject property does not include any mapped riparian habitat or oak woodlands based on a review of the County's geographic information system (GIS) database. As such, the proposed project would have no impact items a, b, c, d, e, & g listed above.

**f) Less Than Significant with Mitigation Incorporated** – The project proposes the removal of 24 trees, which range in size from 8" to 32" in diameter and are sequoias, willows, firs, and eucalyptus species. None of the trees to be removed are oaks. Pursuant to the County Guidelines for Tree Protection and Preservation, seventy-five (75) 15-gallon trees or fifty-three (53) 24-inch box trees shall be planted on the subject property to replace the trees that are removed. With this condition of approval, the proposed project would not conflict with any local policies or ordinances protecting biological resources, including the County's tree preservation policy, and therefore there would be a less than significant impact with mitigation incorporated on item f above.

## MITIGATION

- **BIO-MIT 1: Tree Replacement**. Prior to the issuance of grading or building permits provide a tree replacement and irrigation plan by a licensed landscape architect utilizing seventy-five (75) 15-gallon trees or fifty-three (53) 24-inch box trees on the subject property which are to replace the proposed twenty-four (24) trees to be removed. The tree replacement requirement is in accordance with the County of Santa Clara Tree Preservation and Removal Guidelines. Tree replacements shall be installed and inspected **prior to final building permit sign off** from the Planning Division.

**E. CULTURAL RESOURCES**

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

**SETTING:**

Historically, the property was used as an orchard, and in the early 1990's was used as a seasonal farmer's market, a year-round real estate office, and a boutique (PLN93-5611). The project site is not currently being used but contains three accessory structures (likely associated with the former agricultural use) built in approximately the late 1980's or early 1990's (one of which is proposed to be demolished), along with several concrete pads and fencing. The project proposes 1,876 cubic yards of cut and 1,519 cubic yards of fill to establish the proposed driveway, parking area, portable toilet storage area, and detention pond.

The property is not listed on the County's Historic Resource Database, nor is it listed in the National Register of Historic Places. Additionally, no known paleontological resources or unique geologic features are located on the property, or known cemeteries.

**DISCUSSION:**

**a, b, & c) Less Than Significant Impact**– The proposed project includes demolition of one structure which was constructed in the late 1980's or early 1990's but is not listed on the County's Historic Resource Database. There are no cultural resources listed in the County Historic Resources Database on the subject property or surrounding area, and no known paleontological resources or unique geologic features. As such it is unlikely the grading for the proposed use would disturb any human remains. Therefore, the proposed project would have a less than significant impact on items a, b, & c listed above.

**MITIGATION:**

- None required.

F. ENERGY					
	IMPACT				
WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary construction of energy resources during project consumption or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 5
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5, 14

**SETTING:**

The proposed project is the establishment of an outdoor storage facility for clean portable toilets and fencing, which includes the construction of driveway, parking lots with landscaping and lighting, and a 360 square foot storage building with a restroom. The project proposes lighting and landscaping in the parking lot pursuant to County Zoning Ordinance § 4.30.070 and landscaping around the proposed development pursuant to the San Martin Integrated Design Plan and the County of Santa Clara Architecture and Site Approval Guidelines. The proposed landscaping exceeds 500 square feet and is therefore subject to the County’s Sustainable Landscaping Ordinance. An onsite wastewater treatment system (OWTS) and water connections are proposed pursuant to the County of Santa Clara Department of Environmental Health regulations. The new structure will require building permits that are subject to the California Building Code and its associated energy usage regulations.

**DISCUSSION:**

**a & b) No Impact** – The proposed portable toilet and fencing storage facility is not likely to utilize energy resources, such as gas, electricity, and water, in an inefficient manner during construction or operations. Additionally, the proposed facility and its associated use of energy resources would not conflict with local or state plans for energy efficiency as it will be required to comply with energy efficiency standards in the California Building Code as verified through the building permit review process. As such, the proposed project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary construction of energy resources during project consumption or operation and would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Therefore, the project would have no impact to items a & b listed above.

**MITIGATION:**

- None required.

G. GEOLOGY AND SOILS					
	IMPACT				
WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:					

**G. GEOLOGY AND SOILS**

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

**SETTING:**

The proposed portable toilet and fencing storage facility use includes the construction of a 360-square foot storage building with a restroom and a proposed onsite wastewater treatment system. Associated development would include grading to create a driveway, parking area, and storage area for the toilets and fencing materials. The property is not located in a fault rupture, landslide, or earthquake hazard zone. Additionally, none of the improvements are in the County liquefaction zone, no known unique geologic features have been identified on the property, and the development is not located on soils with high shrinkage and swelling.

**DISCUSSION:**

**ai, aii, aiii, aiv, b, c, d, e, & f) No Impact** – As the proposed project and its associated improvements are not located in a fault rupture, landslide, earthquake hazard, and liquification zone, no geologic



impacts would result from the implementation of the proposed use. The project does not include a use that would increase the likelihood of topsoil erosion on the subject property. The project is located on soils with low and moderate shrink-swell potential and therefore there is minimal risk of shrinkage and swelling damaging the buildings, driveways, and associated development. The proposed development does not include structures used for dwelling purposes that would be a risk to life. One onsite wastewater treatment system is proposed and is in conformance with the County of Santa Clara Department of Environmental Health (DEH) regulations, as DEH reviewed and conditionally approved the submitted septic plan which includes soil profile testing. No know unique geologic features have been identified on the property. As such, the project would have no impact to items ai, aii, aiii, aiv, b, c, d, e & f listed above.

**MITIGATION:**

- None required.

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

**SETTING:**

The property is currently vacant with no active use. The proposed project includes ten (10) employees associated with the portable toilet and fencing storage use, and 13 employees and 10 truck and trailer parking spaces. The facility would not be open to the general public; employees would transport the portable toilets off-site to client locations. According to the Traffic Report prepared by TL Engineering on April 11, 2023 (Attachment H), the proposed project would generate approximately 48 daily vehicle trips.

**DISCUSSION:**

**a & b) Less Than Significant** – The proposed use would have minimal greenhouse gas emission impacts due to the operation of vehicles to transport the portable toilets and fencing materials off-site to clients’ properties, which typically use fossil-based fuels to operate. The Traffic Report prepared by TL Engineering (Attachment H) anticipates that the proposed use would generate 48 daily trips. The threshold for further vehicle miles traveled (VMT) analysis in the State’s Technical Advisory on Evaluating Transportation Impacts in CEQA is 110 daily trips. Therefore, the proposed use is exempt from further VMT analysis pursuant to the State guidelines. As such, it is anticipated that vehicle trips generated by the proposed use are minimal.

Additionally, the proposed location of the portable toilet storage facility would be closer to south county customers than the business’s current locations in the northern and eastern portions of the San

Francisco Bay Area. The proposed development would be centrally located in the area it would serve, and therefore shorten the distance the employees would need to drive, reducing GHG emissions<sup>1</sup>.

Project excavation, grading, and construction would also generate GHG emissions, but those would be temporary, occurring only over the construction period, and would not result in a permanent increase in GHG emissions. The proposed use would consume electricity; however, the amount would be minimal, and therefore would not make a cumulatively considerable contribution to the effect of GHG emissions on the environment. Additionally, the proposed structure would need to be in compliance with the Department of Planning and Development’s all-electric reach codes, which would be reviewed during the building permit process, which combats climate pollution by reducing greenhouse gas emissions. As such, the project would have a less than significant impact on greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, and would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.

**MITIGATION:**

- None required.

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

<sup>1</sup> Office of Planning and Research, December 2018, Technical Advisory on Evaluation Transportation Impacts in CEQA, Page 5, 1. Recommendations Regarding Methodology, Retail Projects.

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

**SETTING**

The proposed project is located approximately 0.25 miles away from the nearest school, which is southeast of the development site. The project site is not listed on the County of Santa Clara Hazardous Waste and Substance Sites List nor is it located in the Wild Urban Interface Fire Area (WUI). It is located in the County Airport Land Use plan area, approximately 1 mile away from the South County Airport.

The project proposes to keep clean portable toilets on site, while the pumping and cleaning of the portable toilets would occur off-site at the clients’ properties. The clean toilets would be stored in blocks to minimize chances of toilets tipping over (Attachment I). The pumped portable toilet wastewater would be held in a holding tank located on the delivery trucks and would be dumped at the South County regional wastewater treatment plant prior to the trucks returning to the site (not to be kept onsite for more than three days – Ordinance Code Section B11-228) (Attachment I). The trucks are regulated by the County of Santa Clara Solid Waste Programs, specifically Ordinance Code Sections B11–184, B11-219, B11-221, B11-224, B11-228, B11-229, & B11-230.

Materials stored onsite for the cleaning of the portable toilets include cleaning materials and Portable Toilet Deodorizers (blue tablets) which are a dye that minimize odors in the portable toilets (Attachment I). Cleaning chemicals would be stored in containers inside five-gallon buckets for secondary containment. Hand sanitizer and hand soap would be stored in bags within boxes onsite and in trucks. Additional details regarding cleaning supplies are listed in Attachment I. The site would also contain truck oil, lubricants, and fluids stored onsite in 55-gallon drums placed on secondary containment trays.

**DISCUSSION:**

**a, b, & c) Less Than Significant with Mitigation Incorporated** – The project includes the transportation of solid waste in portable holding tanks from off-site locations to either the subject property (not to be kept onsite for more than three days – Ordinance Code Section B11-228) or to the South County regional wastewater treatment plant. Additionally, cleaning materials would be stored on the property which are used to clean the portable toilets at off-site locations. A list of the materials to be stored on the property, their approximate quantities, storage containments, and spill procedures are included in Attachment I.

Pursuant to Ordinance Code Sections B11–184, B11-219, B11-221, B11-224, B11-228, B11-229, & B11-230, the transportation trucks, which hold the pumped waste from the portable toilets, would be regulated by the County of Santa Clara Solid Waste Programs to ensure safe transportation and storage of solid waste.

The storage of the cleaning materials is subject to regulation by the County Department of Environmental Health – Hazardous Waste Management and the State of California Unified Program to ensure safe utilization and storage and hazardous waste and hazardous materials. As such, the applicant is required to obtain Unified Program Consolidated Permit from the state of California Environmental Reporting System (CERS) prior to building permit and/or grading permit issuance. If no Unified Program Consolidated Permit is required, provide written evidence from the local regulating Certified Unified Program Agency confirming that no reporting is required prior to building and/or grading permit issuance. (**HAZ MIT-1**).

With these conditions of approval requiring compliance with the County Ordinance Code, and the mitigation measure (**HAZ MIT-1**) requiring the applicant to obtain a Unified Program Consolidated Permit from the state Environmental Reporting System (CERS) prior to building permit and/or grading permit issuance, the proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, 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, or through the emission of hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 1/4 mile of an existing or proposed school. Therefore, there would be a less than significant impact with mitigation incorporated on items a, b, & c listed above.

**d, e, f, & g) No Impact** – The proposed project it is not located on site designated as hazardous under Section 65962.5, as verified on EnviroStor, accessed on November 12, 2023. The project would not change the local roadway circulation pattern, access, or otherwise physically interfere with local emergency response plans. The access to the project site is from an existing public road. The development plans have been reviewed and conditioned by the County Fire Marshal’s Office. The proposed project would not impair or physically interfere with any emergency response or evacuation plans.

The project site is located within the County Airport Land Use plan area for the San Martin Airport, but is located within the Traffic Pattern Zone (TPZ) pursuant to Table 4-2 of the San Martin Airport Comprehensive Land Use Plan (CLUP) the only restriction on development on a parcel solely within the TPZ is the prohibiting of development of sports stadiums or similar uses with very high concentration of attendees. The height restriction boundary is far above the maximum height allowed for any anticipated uses, including the proposed storage of portable toilets. Additionally, project construction or operations would not create a significant increase in noise levels for reasons described under the Noise Section (M) below. Additionally, the project site is not in a high fire hazard area. As such, the proposed project has no impact on items d through g listed above.

**MITIGATION:**

- **HAZ-MIT 1. Hazardous Materials Storage.** Obtain a Unified Program Consolidated Permit from the Department of Environmental Health (DEH) prior to building permit and/or grading permit issuance. If no Unified Program Consolidated Permit is required, provide written evidence from DEH confirming that no reporting is required prior to building and/or grading permit issuance. Submittal of a hazardous materials inventory is done through the State of California Environmental Reporting System (CERS).

J. HYDROLOGY AND WATER QUALITY				
Would the project:	IMPACT			SOURCE
	Potentiall y Significan t Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	34,35, 36
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 4
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3, 17n
i) Result in substantial erosion or siltation on- or off-site	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3, 17p
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 5, 36,17p, 18d
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 5
iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3, 17p, 18b, 18d
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 18b, 18d,
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 3, 4, 17p, 35

**SETTING:**

The proposed development does not propose waste discharge onsite. Wastewater from portable toilets would be collected and disposed of offsite at the South County regional wastewater treatment plant. The subject property is located outside of all flood zones, does not contain a creek or watercourse, and the proposed use does not include the use of groundwater supplies.

The proposed development includes 62,348 square feet of new impervious surface and is therefore subject to a drainage permit pursuant to the County of Santa Clara Grading and Drainage Ordinance (Ordinance Code § C12-408). The development would include a detention pond for flood control and runoff purposes.

**DISCUSSION:**

**a, b, d, & e) No Impact** – The project is located outside of all flood zones area and therefore would not release pollutants in a flood zone area. Additionally, the project and all associated improvements have been reviewed and conditioned by County Land Development Engineering, ensuring that drainage improvements have been designed and sized to meet all applicable water quality control plans or sustainable groundwater management plans. Due to the this, the proposed project would not substantially degrade surface or ground water quality, risk release of pollutants due to project inundation, or conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. As such, the project would have no impact to items a, b, d, & e, listed above.

**c, ci, cii, ciii, & civ) Less Than Significant Impact** – The project would be conditioned to ensure that Best Management Practices are followed during construction to minimize erosion. In addition, although the project would add impervious surface to the site, the project and all associated improvements have been reviewed and conditioned by County Land Development Engineering, thus ensuring that drainage improvements to address stormwater runoff have been designed and sized adequately to deal with the increase in run-off and changes to drainage off-site and no stormwater

would be displaced from the property. As such, the impacts would be less than significant impact on items listed c, ci, cii, ciii, civ, above.

**MITIGATION:**

- None required.

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

**SETTING:**

The property is partially bordered by Monterey Road to the east, California Avenue to the north, Colony Avenue to the west, and single-family residences to the south. Uses to the east of the property, opposite Monterey Road, include a used car sales facility, concrete product store, and a single-family residence. Uses to the north of the property, opposite California Avenue, include a vacant parcel. Uses to the west and south of the property are single-family residential.

The property is designed as Rural Residential in the County’s General Plan and is zoned Rural Residential with a 5-acre lot size district. The eastern 12.5 acres of the property are located in the San Martin Industrial and Commercial Use Permit Areas established in the General Plan and have a -sm combining district zoning designation to reflect this (RR-5Ac-sm). These combining districts permit commercial or industrial uses that are not otherwise allowed by the provisions of the RR zoning district with the approval of a Use Permit. The proposed facility falls under the *Machinery & Equipment Services-Limited* use classification, which is designated as a commercial use in the Zoning Ordinance, is located entirely within the San Martin Industrial and Commercial Use Permit Areas combining district, and therefore is an allowed use with a Use Permit with Architecture and Site Approval.

**DISCUSSION:**

**a & b) No Impact** – The proposed development is approximately 100 feet from the nearest residential property to the north and is approximately 200, 300, and 500 feet from other surrounding residences to the west and south. Additionally, other commercial and non-residential uses are located in the neighborhood, across Monterey Road, to the east of the subject property. Due to the distance of the proposed development from the single-family residences and the existing non-residential uses in the neighborhood, the project would not physically divide an established community.

The purpose of the Rural Residential district, also known as the RR district, is to permit rural residential development in certain limited unincorporated areas of the county designated by the General Plan. Commercial, industrial, and institutional uses may be established only where they are sized to be local-serving in nature. General Plan policies in the San Martin Planning Area require commercial and light industrial land uses are permissible only in limited locations, such as the Use Permit Areas of San Martin, and in the vicinity of Monterey Road (R-RC 9, Strategy #2). The proposed project is within the Use Permit Area of San Martin as is also located on Monterey Road.



Additionally, the proposed use is classified as *Machinery & Equipment Services-Limited* in the County Zoning Ordinance, which is considered a commercial use and is therefore permissible in the San Martin Use Permit Area combining district with a Use Permit. Due to the project's conformance with County General Plan and Zoning policies, the project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. As such, the proposed project has no impact on items a & b listed above.

**MITIGATION:**

- None required.

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

**SETTING:**

The project consists of a portable toilet and fencing storage facility and does not include utilizing the subject property for mining. No known valuable mineral resources are located on the subject property, which are delineated on a local general plan, specific plan, or other land use plan.

**DISCUSSION:**

**a & b) No Impact** – Due to the project's use of the property for a portable toilet and fencing storage facility, and the lack of known valuable mineral resources within the proposed development, the project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state, or result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. As such, the project would have no impact on items a & b listed above.

**MITIGATION:**

- None required.

M. NOISE					
WOULD THE PROJECT RESULT IN:	IMPACT				SOURCE
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8, 13, 22a, 49

b)	Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	13, 49
c)	For a project located within the vicinity of a private airstrip or an airport land use plan referral area or, where such a plan has not been adopted, within two miles of a public airport, public use airport, or private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 5, 22a

**SETTING:**

The project consists of the construction and operation of a portable toilet and fencing storage facility and the construction of associated improvements such as a driveway, parking lot area, storage area for the portable toilets and fencing, an onsite wastewater treatment system, and a detention pond. Local ambient noise comes from the nearby residences, used car sales facility, and concrete product store, as well as minor occasional traffic noise from the nearby public streets. The project is located within two miles of the South County airport.

Saxelby Acoustics measured the existing ambient noise levels on the project site in February 2022 (Attachment G). The average daytime ambient noise level was 58 dBA and the average nighttime ambient noise level was 58 dBA. The existing noise is primarily from traffic on Monterey Road.

The noise assessment (Attachment G) determined that the primary noise source from the proposed use would be trucks and automobiles driving to and from, and parking on, the project site. The assessment conservatively estimated that this activity would produce noise of 37-40 dBA at the surrounding residential properties, and up to 50 dBA onsite.

**DISCUSSION:**

**a, b & c) Less Than Significant Impact** – Construction related noise could have an impact on the nearest sensitive receptors (residential uses). Noise impacts on the residential uses near the project site would be minimal and temporary, as they are located over 100 feet away from the subject property (Attachment G – Environmental Noise Assessment).

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

The County Noise Ordinance restricts exterior noise limits, for a cumulative period not to exceed more than 30 minutes in any hour, for one- and two- family residential land uses to 45 dBA between 10:00 p.m. to 7:00 a.m., and 55 dBA between 7:00 a.m. to 10:00 p.m. In addition, specifically prohibited acts include amplified sound, such as musical instruments, radios, and loudspeakers, between 10:00 p.m. to 7:00 a.m., as well as construction activity during weekdays and Saturdays from 7:00 p.m. to 7:00 a.m., or at any time on Sundays or holidays. The Environmental Noise Assessment prepared by Saxelby Acoustics determined that the proposed project would comply with the Santa Clara County noise level standards with no additional noise control measures (Attachment G).

Additionally, the project is required to conform to the County Noise Ordinance at all times during construction. Construction noise (including noise generated by truck traffic to and from the project site) is regulated by time-of-work restrictions and decibel maximum specified in the County Noise Ordinance. The project construction would include site clearing, grading, and excavation that may

include a level of 80 dBA from the loudest equipment to receptors that are 80 feet away<sup>2</sup>. As such, the equipment noise during construction would likely be less than the 85 dBA for commercial areas, as the property is located in the San Martin Industrial and San Martin Commercial Use Permit Areas. The nearest single-family residence is located approximately 140 feet away. As such, the equipment noise during construction could reach 72 dBA at the single-family residence<sup>3</sup> which is less than the County Noise Ordinance Requirements of 75 dBA in single and two-family dwelling residential areas. Thus, it is anticipated that short-term noise resulting from the grading and demolition/construction would not have a significant impact on neighboring property owners.

Ground vibrations and ground noise may occur in order to complete the necessary construction work, such as excavation and paving of the parking lots and erection of the 360 sq. ft. building, but are not projected to be in excess of the County Noise Ordinance. Additionally, the construction work related to the project could include a small bulldozer which would create a vibration level of 58 VdB for receptors 25 feet away<sup>4</sup>. This is less than the threshold for human annoyance which is 72Vdb for residential uses<sup>5</sup>. The proposed use, a portable toilet and fencing storage facility, is not anticipated to generate groundborne vibration or noise once construction is complete.

Although the project is located within two miles of the South County airport, the project would not expose people residing or working in the project area to excessive noise levels as determined in the Environmental Noise Assessment (Attachment G).

As such, the proposed project would have a less than significant impact on items a, b, & c listed above.

**MITIGATION:**

- None required.

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

**SETTING:**

The project proposes the use of the subject property as portable toilet and fencing storage facility. The proposal includes ten (10) employees, and the public would not be allowed onsite. The development

<sup>2</sup> AECOM, October 2021, 231 Grant Education Workforce Housing Draft EIR, page 3-169, table 3.12-6, <https://ffd.sccgov.org/capital-projects-planning-and-design/231-grant-educator-workforce-housing>.

<sup>3</sup> AECOM, October 2021, 231 Grant Education Workforce Housing Draft EIR, page 3-169, table 3.12-6, <https://ffd.sccgov.org/capital-projects-planning-and-design/231-grant-educator-workforce-housing>.

<sup>4</sup> AECOM, October 2021, 231 Grant Education Workforce Housing Draft EIR, page 3-177, table 3.12-11, <https://ffd.sccgov.org/capital-projects-planning-and-design/231-grant-educator-workforce-housing>.

<sup>5</sup> AECOM, October 2021, 231 Grant Education Workforce Housing Draft EIR, page 3-177, <https://ffd.sccgov.org/capital-projects-planning-and-design/231-grant-educator-workforce-housing>.

includes the installation of an acceleration and deceleration lane along Monterey Road. No new housing or associated infrastructure is proposed, nor is any housing proposed to be demolished.

**DISCUSSION:**

**a & b) No Impact** – The proposed project does not include the creation of new housing and proposes a commercial use with a maximum of 10 employees; the general public would not be allowed onsite. The use of the property as a portable toilet and fencing storage facility would not significantly increase the regional population growth, nor would it cause significant changes in daily vehicle travel, as the business would consist of 10 employees and would not be open to the general public (Attachment H – Traffic Study) (estimating an additional 48 daily trips). No housing is proposed to be demolished and therefore no housing would be displaced as a result of the project. Additionally, no new roads or infrastructure are proposed which would induce population growth in the area. As such, there would be no impact on items a & b listed above.

**MITIGATION:**

- None required.

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

**SETTING:**

The 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. The proposed development would utilize water connections from a local water purveyor, provide an onsite wastewater treatment system for the proposed restroom, and utilize electrical connection from PG&E.

**DISCUSSION:**

**ai, aii, aiii, aiv, av) No Impact** –The proposed use would not significantly increase the need for additional fire or police protection to the area. Other public services, such as those provided by schools or parks, would not be impacted. As such, the proposed project would have no impact on items ai through av listed above.

**MITIGATION:**

- None required.

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

**SETTING:**

The proposed project is a portable toilet and fencing storage facility with ten (10) employees and would not include the use of the project area for recreational purposes.

**DISCUSSION:**

**a & b) No Impact** – The proposed project would not result in an impact to existing parks or recreational facilities. Nor would the project increase use of existing parks or recreational facilities or cause a substantial physical deterioration of existing recreational facilities.

Additionally, the proposed use does not include any recreational uses or structures, nor does the addition of a portable toilet and fencing storage facility require an expansion to existing recreational facilities. As such, the project would have no impact on items a & b listed above.

**MITIGATION:**

- None required.

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

**SETTING:**

<sup>6</sup> The provisions of this section shall apply prospectively as described in section 15007.

The proposed portable toilet and fencing storage facility takes access from Monterey Road, which is a County maintained road. Access to the development site consists of a 200-foot-long asphalt driveway which includes acceleration and deceleration lanes along Monterey Road. A Traffic Report prepared by TL Engineering dated April 11, 2023 (Attachment G) notes the proposed project would generate 48 daily trips.

**DISCUSSION:**

**a, b, c, & d) No Impact** – According to the Traffic Report prepared for the project (Attachment G), which was reviewed by the County of Santa Clara Roads and Airports Department Traffic Division, the proposed project site circulation would be more than adequate for vehicles. Additionally, the proposed project would not conflict with any program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

As noted in Attachment G, the Santa Clara Valley Transportation Agency (VTA) has established a process to determine if projects could have a significant impact on vehicle miles traveled (VMT). The State VMT guidelines are presented in the Technical Advisory on Evaluating Transportation Impacts in CEQA, State of California Governor’s Office of Planning and Research, December 2018. The State publication establishes that projects generating less than 110 daily trips are exempt from any further VMT analysis. As the proposed project generates only 48 daily trips, the project qualifies for this exemption and there is no need for further VMT analysis. As such, the project would be consistent with CEQA Guidelines Section 15064.3(b).

The Traffic Report also notes that a lengthened southbound Monterey left turn lane at San Martin Avenue is required and this would result in the closure of the northbound Monterey Road left turn lane at Burbank Avenue. A supplemental study was performed by Jeff Waller Consulting on October 4, 2023 (Attachment H, page 93) which concluded that the proposed closure and relocation of the northbound Monterey Road left turn lane at Burbank Avenue would not have any negative effects on any of the study intersections nor on area transit routes.

Additionally, the proposed project does not involve geometric design features or incompatible uses that could increase hazards.

Lastly, the project was reviewed and conditionally approved by the County Fire Marshal’s Office, which indicated that adequate fire safety access is proposed.

As such, the proposed project would have no impact on items a through d listed above.

**MITIGATION:**

- None required.

R. TRIBAL CULTURAL RESOURCES				
WOULD THE PROJECT:	IMPACT			SOURCE
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				52



i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

**SETTING:**

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

The subject property does not contain any known Tribal Cultural Resources that are eligible or listed in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k). The property is not located near any creeks, streams, or water course, which generally have a higher potential for occurrence of tribal cultural resources.

**DISCUSSION:**

**ai & aii) Less Than Significant** – The County sent letters to representatives of the Tamien Nation and Muwekma Ohlone Native American Tribes inviting consultation about any potential for Native American tribal cultural resources located on or near the project site. No response was received from either Tribe. Overall, 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 portable toilet and fencing storage facility would not cause a substantial adverse change in the significance of a tribal cultural resource, and no mitigation measures would be necessary.

Additionally, the County standard conditions of approval offer additional protections as these provisions are included in the conditions of approval for projects to ensure that any potential archeological and cultural resources on site are not adversely impacted by the project. The standard condition reads as followed:

*In the event that human skeletal remains are encountered, the applicant is required by County Ordinance No. B6-18 to immediately notify the County Coroner. Upon determination by the County Coroner that the remains are Native American, the coroner shall contact the California Native American Heritage Commission, pursuant to subdivision (c) of section 7050.5 of the Health and Safety Code and the County Coordinator of Indian affairs. No further disturbance of the site may be made except as authorized by the County Coordinator of Indian Affairs in*

accordance with the provisions of state law and this chapter. If artifacts are found on the site a qualified archaeologist shall be contacted along with the County Planning Office. No further disturbance of the artifacts may be made except as authorized by the County Planning Office.

As such, the proposed project would have less than significant impact on item a listed above.

**MITIGATION:**

- None required.

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

**SETTING:**

The proposed project includes water service from a local water purveyor, a proposed leach field, and a septic tank, associated with a proposed onsite wastewater treatment system. No known onsite wastewater treatment systems are currently on the property. The electrical line would be trenched underground for power connection to the proposed storage structure. The project would have a sanitary sewer line that is connected from the septic tank to the leach field for wastewater treatment.

**DISCUSSION:**

**a, b, c, d & e) No Impact** – The project would not require the relocation or construction of water, stormwater drainage, electric power, natural gas, or telecommunications facilities that would cause a significant impact. The project does not include the proposal of natural gas or telecommunication facilities. The OWTS was reviewed, approved, and conditioned by the Department of Environmental Health, which confirmed that the proposed septic system is adequate and sufficient to serve the proposed use. The applicant provided a will serve letter from the local water purveyor (west San Martin water works) which stated they were able to provide sufficient water to the project. Additionally, the pumped wastewater from the portable toilets would be disposed of at the South County Regional Wastewater Authority (SCRWA). This facility is to be expanded from the current capacity of 8.5 million to 11 million gallons per day, which would be adequate to accommodate the additional wastewater supplied by the proposed project.

Proposed stormwater drainage was reviewed, approved, and conditions by County of Santa Clara Land Development Engineering which confirmed that the proposed stormwater drainage is adequate or the proposed development. Additionally, all electrical construction would be reviewed and approved by the County Building Division in accordance with the California Building Code.

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.

As such, there would be no impacts to items a through e, above.

**MITIGATION:**

- None required.

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

**SETTING:**

The proposed project includes a portable toilet and fencing storage facility located on a flat parcel within the Rural Residential zoning district. The property is not located within a Wild Urban Interface (WUI) fire protection area or a Very High Fire Hazard Severity Zone (VHFHSZ). The area is relatively flat, with a slope of approximately nine tenths of a percent (0.9%). The entire property is currently unused except for three structures, one of which is to be demolished. The proposed development would be over 100 feet away from the nearest single-family residence.

**DISCUSSION:**

**a, b, c, & d) No Impact** – The project was reviewed and conditionally approved by the Santa Clara County Fire Marshal’s Office to meet all fire safety access and emergency evacuation requirements, including installation of a firetruck turnaround and adequate water supply for fire protection. Thus, the project would not impair an adopted emergency response plan or emergency evacuation plan. There are no project components or uses that would 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 would not pose a risk of downstream flooding or landslides because of runoff, post-fire slope

instability, or drainage changes. As such, the project would have no impact on items a through d listed above.

**MITIGATION:**

- None required.

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

**DISCUSSION:**

**a, b, & c) No Impact** – The proposed project would allow development of approximately 3.75 acres located within an area zoned for commercial and light industrial use. The project site is currently vacant with several trees, three unoccupied accessory structures, fencing, and various concrete pads, and is surrounded by uses that include a used car lot and concrete product store. The project would involve 10 full-time employees, but the site would not be open to the public, so the use would not result in a significant increase in vehicle noise and traffic.

No special status species or habitat are located on or near the property. The proposed project would not have the potential to substantially reduce the habitat of any fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number of, or restrict the range of, a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

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

As described in the environmental topic sections of this Initial Study, the proposed project would not have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly.

## Initial Study Source List\*

1. Environmental Information Form  
[https://www.sccgov.org/sites/dpd/DocsForms/Documents/EnvAss\\_Form.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/EnvAss_Form.pdf)
2. Field Inspection
3. Project Plans
4. Working knowledge of site and conditions
5. Experience with other Projects of This Size and Nature
6. County Expert Sources:
  - Geologist  
<https://www.sccgov.org/sites/dpd/PlansOrdinances/GeoHazards/Pages/Geology.aspx>
  - Fire Marshal  
<https://www.sccgov.org/sites/dpd/AboutUs/Fire/Pages/Fire.aspx>
  - Roads & Airports  
<https://www.sccgov.org/sites/rda/Pages/rda.aspx>
  - Environmental Health  
<https://www.sccgov.org/sites/deh/Pages/deh.aspx>
  - Land Development Engineering  
<https://www.sccgov.org/sites/dpd/AboutUs/LDE/Pages/LDE.aspx>
  - Parks & Recreation  
<https://www.sccgov.org/sites/parks/Pages/Welcome-to-Santa-Clara-County-Parks.aspx>
  - Zoning Administration,  
Comprehensive Planning,  
Architectural & Site Approval Committee  
Secretary
7. Agency Sources:
  - Santa Clara Valley Water District  
<https://www.valleywater.org/>
  - Santa Clara Valley Transportation Authority  
<http://www.vta.org/>
  - Midpeninsula Regional Open Space District  
<https://openspace.org/>
  - U.S. Fish & Wildlife Service  
<https://www.fws.gov/>
  - CA Dept. of Fish & Game  
<https://www.wildlife.ca.gov/>
  - Caltrans  
<https://dot.ca.gov/>
  - U.S. Army Corps of Engineers  
<https://www.usace.army.mil/>
  - Regional Water Quality Control Board  
<https://www.waterboards.ca.gov/>
  - Public Works Depts. of individual cities
8. Planning Depts. of individual cities:
  - Santa Clara County (SCC) General Plan  
<https://www.sccgov.org/sites/dpd/PlansOrdinances/GP/Pages/GP.aspx>
  - The South County Joint Area Plan  
[https://www.sccgov.org/sites/dpd/DocsForms/Documents/GP\\_Book\\_B.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/GP_Book_B.pdf)
9. SCC Zoning Regulations (Ordinance)  
<https://www.sccgov.org/sites/dpd/DocsForms/Documents/ZonOrd.pdf>
10. County Grading Ordinance  
[https://library.municode.com/ca/santa\\_clara\\_county/codes/code\\_of\\_ordinances?nodeId=TITCCODELAUS\\_DIVC12SULADE\\_CHIIIGRDR#TOPTITLE](https://library.municode.com/ca/santa_clara_county/codes/code_of_ordinances?nodeId=TITCCODELAUS_DIVC12SULADE_CHIIIGRDR#TOPTITLE)
11. SCC Guidelines for Architecture and Site Approval  
[https://www.sccgov.org/sites/dpd/DocsForms/Documents/ASA\\_Guidelines.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/ASA_Guidelines.pdf)
12. SCC Development Guidelines for Design Review  
[https://www.sccgov.org/sites/dpd/DocsForms/Documents/DR\\_Guidelines.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/DR_Guidelines.pdf)
13. County Standards and Policies Manual (Vol. I - Land Development)  
[https://www.sccgov.org/sites/dpd/DocsForms/Documents/StandardsPoliciesManual\\_Vol1.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/StandardsPoliciesManual_Vol1.pdf)
14. Table 18-1-B of the Uniform Building Code (expansive soil regulations) [1994 version]  
[http://digitalassets.lib.berkeley.edu/ubc/UBC\\_1994\\_v2.pdf](http://digitalassets.lib.berkeley.edu/ubc/UBC_1994_v2.pdf)
15. SCC Land Use Database
16. Santa Clara County Heritage Resource (including Trees) Inventory [computer database]
17. GIS Database
  - a. SCC General Plan Land Use, and Zoning
  - b. USFWS Critical Habitat & Riparian Habitat
  - c. Geologic Hazards
  - d. Archaeological Resources
  - e. Water Resources
  - f. Viewshed and Scenic Roads
  - g. Fire Hazard
  - h. Parks, Public Open Space, and Trails
  - i. Heritage Resources - Trees
  - j. Topography, Contours, Average Slope
  - k. Soils
  - l. HCP Data (habitat models, land use coverage etc)
  - m. Air photos
  - n. USGS Topographic
  - o. Dept. of Fish & Game, Natural Diversity Data
  - p. FEMA Flood Zones
  - q. Williamson Act
  - r. Farmland monitoring program
  - s. Traffic Analysis Zones
  - t. Base Map Overlays & Textual Reports (GIS)
18. Paper Maps
  - a. SCC Zoning
  - b. Barclay's Santa Clara County Locaide Street Atlas
  - c. Color Air Photos (MPSI)
  - d. Santa Clara Valley Water District - Maps of Flood Control Facilities & Limits of 1% Flooding

## Initial Study Source List\*

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

**19. 2019 CEQA Statute Guidelines [Current Edition]**  
[http://resources.ca.gov/ceqa/docs/2019\\_CEQA\\_Statutes\\_and\\_Guidelines.pdf](http://resources.ca.gov/ceqa/docs/2019_CEQA_Statutes_and_Guidelines.pdf)

**Area Specific: San Martin, Stanford, and Other Areas**

**San Martin**

**20a. San Martin Integrated Design Guidelines**  
[https://www.sccgov.org/sites/dpd/DocsForms/Documents/SanMartin\\_DesignGuidelines.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/SanMartin_DesignGuidelines.pdf)

**20b. San Martin Water Quality Study**

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

**Stanford**

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

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

**Other Areas**

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

**22b. Los Gatos Hillsides Specific Area Plan**  
[https://www.sccgov.org/sites/dpd/DocsForms/Documents/GP\\_Book\\_B.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/GP_Book_B.pdf)

**22c. County Lexington Basin Ordinance Relating to Sewage Disposal**

**22d. User Manual Guidelines & Standards for Land Uses Near Streams: A Manual of Tools, Standards and Procedures to Protect Streams and Streamside Resources in Santa Clara County by Valley Water Resources Protection Collaborative, August 2005 – Revised July 2006.**

<https://www.valleywater.org/contractors/doing-business-with-the-district/permits-for-working-on-district-land-or-easement/guidelines-and-standards-for-land-use-near-streams>

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

**22f. Monterey Highway Use Permit Area**  
[https://www.sccgov.org/sites/dpd/DocsForms/Documents/SanMartin\\_GeneralPlanInformation.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/SanMartin_GeneralPlanInformation.pdf)

**Soils**

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

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

**Agricultural Resources/Open Space**

**25. Right to Farm Ordinance**

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

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

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

**Air Quality**

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

**30. BAAQMD CEQA Air Quality Guidelines (2017)-**  
[http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa\\_guidelines\\_may2017-pdf.pdf?la=en](http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en)

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

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

**32. Site-Specific Biological Report**

**33. Santa Clara County Tree Preservation Ordinance**  
[https://www.sccgov.org/sites/dpd/DocsForms/Documents/Tree\\_Ordinance.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/Tree_Ordinance.pdf)

**Section C16, Santa Clara County Guide to Evaluating Oak Woodlands Impacts**  
[https://www.sccgov.org/sites/dpd/DocsForms/Documents/Oakwoodlands\\_Guide.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/Oakwoodlands_Guide.pdf)

# Initial Study Source List\*

Santa Clara County Guidelines for Tree Protection and Preservation for Land Use Applications  
[https://www.sccgov.org/sites/dpd/DocsForms/Documents/Brochure\\_TreePreservation.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/Brochure_TreePreservation.pdf)

**33. Clean Water Act, Section 404**

<https://www.epa.gov/cwa-404/permit-program-under-cwa-section-404>

**34. Santa Clara Valley Water District – GIS Data:**

<https://www.valleywater.org/learning-center/watersheds-of-santa-clara-valley>

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

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

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

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

**39. County Environmental Health Department Tests and Reports**

Archaeological Resources

**40. Northwest Information Center, Sonoma State University**

**41. Site Specific Archaeological Reconnaissance Report**

Geological Resources

**42. Site Specific Geologic Report**

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

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

Greenhouse Gas Emissions

**45. BAAQMD CEQA Air Quality Guidelines (2017)-  
[http://www.baagmd.gov/~media/files/planning-and-research/ceqa/ceqa\\_guidelines\\_may2017-pdf.pdf?la=en](http://www.baagmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en)**

Hazards & Hazardous Materials

46. Section 21151.4 of California Public Resources Code

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

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

Noise

**49. County Noise Ordinance**

[https://www.sccgov.org/sites/cpd/programs/NP/Docuements/NP\\_Noise\\_Ordinance.pdf](https://www.sccgov.org/sites/cpd/programs/NP/Docuements/NP_Noise_Ordinance.pdf)

Transportation/Traffic

50. Official County Road Book

**51. Site-specific Traffic Impact Analysis Report**

Tribal Cultural Resources

52. Office of Planning and Research. 2017. Technical Advisory: AB 52 and Tribal Cultural Resources in CEQA

Wildfire

53. Office of Planning and Research. 2020. Fire Hazard Planning Technical Advisory

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

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