

24084

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CLARA ADOPTING A
MITIGATED NEGATIVE DECLARATION AND MITIGATION
MONITORING AND REPORTING PROGRAM AND APPROVING
A VESTING TENTATIVE MAP AND CLUSTER PERMIT FOR A 4-LOT
SUBDIVISION LOCATED ON THE NORTH SIDE OF LEAVESLEY ROAD,
BETWEEN CREWS AND ROOP ROADS, IN SOUTHEASTERN
SANTA CLARA COUNTY (APN 898-34-002)**

(File No. 3515-82-25-06CST)

WHEREAS, the County received an application to subdivide approximately 100 acres (gross) located on the north side of Leavesley Road, between Crews and Roop Roads, Assessor's Parcel Number 898-34-002, as depicted on Exhibit A attached hereto, into four parcels; and

WHEREAS, the applications for the subdivision included a proposed vesting tentative map and cluster permit (the "Project"); and

WHEREAS, staff from various County departments have reviewed the applications and recommended approval of the Project, subject to the Conditions of Approval set forth in Exhibit B attached hereto; and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA"), an Initial Study and Mitigated Negative Declaration (collectively, "Mitigated Negative Declaration") which is attached hereto as Exhibit C, and a Mitigation Monitoring and Reporting Program ("MMRP"), which is attached hereto as Exhibit D, were prepared for the Project; and

WHEREAS, at its November 2, 2006 regular meeting, the County Planning Commission convened a duly noticed public hearing to consider the project. The Planning Commission recommended that the Board of Supervisors approve the proposed subdivision and cluster permit; and

WHEREAS, at its regular meeting of December 5, 2006, the Board of Supervisors convened a duly noticed public hearing to consider the proposed project.

THE BOARD OF SUPERVISORS HEREBY MAKES THE FOLLOWING FINDINGS WITH RESPECT TO CEQA:

(a) The Board finds that the Mitigated Negative Declaration was prepared in accordance with all legal requirements, including all public notice and comment period requirements; and

(b) The Board declares that it has considered the Mitigated Negative Declaration and all comments received within the public comment period, as well as all written and oral comments received after the public comment period and prior to the date of this Resolution, and finds that the document reflects the County's independent judgment and analysis; and

(c) The Board finds that there is no substantial evidence in the record that the Project, as mitigated, will have a significant effect on the environment. Mitigation measures for potentially significant visual and biological impacts have been incorporated into the Project to reduce those impacts to a less-than-significant levels; and

(d) A Mitigation Monitoring and Reporting Program has been prepared for the Project and is attached hereto as Exhibit D. To ensure that all mitigation measures will be implemented, the mitigation measures in the MMRP have been made enforceable by incorporating the mitigation measures into the Conditions of Approval (Exhibit B); and

(e) The Board designates the Clerk of the Board of Supervisors and the County Planning Office as the location and custodian of the documents and other material constituting the record of proceedings upon which this decision is based.

THE BOARD OF SUPERVISORS FURTHER FINDS that none of the findings set forth in Section C12-122 of the Ordinance Code of the County of Santa Clara and Section 66474 of the California Government Code apply to the proposed subdivision:

(a) The General Plan Designation for the subject property is Hillside. The minimum lot size for Hillside is between 20 and 160 acres, based on the slope-density formula, which considers the average slope of the land. Based on the slope-density formula prepared for the project site, the minimum lot size for the subject property would be approximately 23.829 acres, allowing a total of four dwelling units on the 100 acre property. As the proposed cluster subdivision proposes four residences, it will conform to the General Plan designation of Hillside with respect to development density.

(b) The design and improvement of the four-lot subdivision, in accordance with the conditions listed in Exhibit B, will ensure that the development is consistent with the County General Plan designation of Hillside, as described below.

Alamitas Creek is located along the eastern boundary of the property, adjacent to Leavesley Road. The Creek contains a defined riparian corridor as it parallels the subject property. The proposed access road for the four residential lots from Leavesley Road is near this Riparian corridor. The County General Plan has several policies which apply to development near creeks and streams, as follows:

R-RC 36

In cluster residential developments or other projects where open space dedication is required, the stream, riparian areas, and freshwater marshes should be included within the restricted open space area of the project or protected by other enforceable mechanisms, such as deed restrictions or conservation easements.

R-RC 37

Lands near creeks, streams, and freshwater marshes shall be considered to be in a protected buffer area, consisting of the following: (1) 150 feet from the top bank on both sides where the creek or stream is predominantly in its natural state; (2) 100 feet from the top bank on both sides of the waterway where the creek or stream has had major alterations; and (3) in the case that neither (1) nor (2) are applicable, an area sufficient to protect the stream environment from adverse impacts of adjacent development, including impacts upon habitat, from sedimentation, biochemical, thermal and aesthetic impacts.

R-RC 38

Within the aforementioned buffer areas, the following restrictions and requirements shall apply to public projects, residential subdivisions, and other private non-residential development: (a) No building, structure or parking lots are allowed, exceptions being those minor structures, required as part of flood control projects.

Although the Creek has likely been somewhat modified due to the construction of Leavesley Road, it has both a defined creek channel and a riparian corridor. As shown on the tentative map and development plan, the proposed road alignment will substantially conform with a 150 foot setback from the top of bank for this identified creek. While a portion of the road (intersection with Leavesley) is located within the 150-foot buffer, it has been sited to minimize improvements and limit encroachment on another drainage area. A second creek/drainage area is located approximately 100 feet to the north. The proposed Leavesley Road intersection is located where an existing driveway intersects with Leavesley Road, and is situated in between both drainage areas. As such, the design and improvement of the road will minimize impacts to adjacent creeks and riparian areas to the greatest extent possible, in compliance with General Plan policies.

(c) The 100-acre site is physically suited for development of single-family dwellings. While the subject property contains several identified earthquake faults, the proposed homesites have been sited to meet minimum safety setbacks from these faults. No development may occur unless there is full compliance with the conditions listed in Exhibit B.

(d) The 100-acre site is physically suitable for the proposed density of development, which will consist of approximately one single-family dwelling per 25 acres.

(e) The design of the subdivision and proposed improvements are not likely to cause substantial environmental damage or substantially or avoidably injure fish or wildlife or their habitat. The Mitigated Negative Declaration concludes that, by adhering to mitigation measures (which are included as conditions of approval), the project will not have any potentially significant impacts on the environment. The subject property may contain important upland habitat for several special status wildlife species. However, mitigation and conditions of approval have been required of the project to avoid any potentially significant impacts to these species.

(f) The design of the subdivision and the proposed improvements will not cause any serious public health problems. Although there is a high pressure gas pipeline which bisects the project site, the proposed residential buildings will be set back from this pipeline.

(g) The subdivision, in accordance with the conditions listed in Exhibit B, will not conflict with any existing easements on the property.

THE BOARD OF SUPERVISORS FURTHER FINDS that the following findings can be made with respect to the proposed Cluster Permit per Section 5.45.050 of the Zoning Ordinance:

(a) General Plan Conformance and Residential Density. Based on the slope density formula prepared for the project site, the minimum lot size for the subject property would be approximately 23.829 acres, allowing a total of four dwelling units on the 100 acre property. As the proposed cluster subdivision proposes four residences, it will conform to the General Plan designation of Hillside with respect to development density.

(b) Parcel Configuration and Open Space Preservation. At its June 1, 2006 meeting to consider the preliminary development plan for the subdivision, the Planning Commission determined that the plan was consistent with the intent and standards of the cluster policies in the General Plan and Zoning Ordinance, subject to four recommended modifications. Each requested modification, with a discussion of design changes made by the applicant in response, is discussed below:

I. Relocate the access road away from the creek / riparian area along Leavesley Road.

Previously, the proposed access road for the four lots was to cross the creek and riparian corridor located along the eastern boundary of the property, parallel to Leavesley Road. The access road has been relocated out of the creek and riparian corridor, further north along Leavesley Road. As discussed above, the road will substantially meet riparian setback standards prescribed under the General Plan (150-foot setback from the top of bank). Although the access road intersection is located within this 150-foot setback, the remaining portions of the road meet this setback. The Leavesley road intersection has been sited to replace an existing driveway, necessitating fewer improvements. In addition, it is located between the identified creek and another drainage/riparian corridor, thus sited to minimize impacts upon both of these areas.

II. Relocate building sites away from fault zones, pipelines, and steeper areas.

The previous preliminary development plan showed two of the building sites (Parcels 2 & 4) located next to the identified faults on the property, and one building site had a leachfield which crossed a mapped fault. The building site for Parcel 2 was also located on a steeper portion of the property. The Planning Commission recommended that these two building sites be relocated away from these mapped hazards, closer to the other building sites (Parcels 1 & 3). Subsequently, the County Geologist identified several additional fault traces which would likely cross the subject property and intersect with the proposed building sites. These fault traces were discovered during review of a geology report for an adjacent property, which occurred after the Planning Commission's June 1, 2006 hearing on the preliminary development plan.

The disclosure of this new information regarding additional faults on the property necessitated that the proposed development plan be further modified to relocate building sites off of the mapped fault traces. As shown in the revised proposed development plan/tentative map (Exhibit A), the building sites for parcels 2, 3, and 4 are located together within an area which is bordered by two mapped faults. The location of two of these building sites (Parcels 2 & 4) roughly corresponds with the location of the building sites for Parcels 1 & 3 as shown under the preliminary development plan (Exhibit A). The building site for Parcel 1 has been sited in the original location of the building site for Parcel 2. As discussed above, it was originally recommended that this location not be used, as it was steeper than other areas on the site and was close to two mapped fault lines. However, as the discovery of the new fault traces severely limited the land available for building sites, this site is more feasible than other alternatives, and its location near the other building sites allows the project to appear more as a cluster.

In summary, the project has been designed to limit interface between the proposed building sites and the mapped fault traces on the property. As seen in the proposed development plan, the site is severely constrained by the presence of at least six fault lines which bisect the property. In response to these constraints, the building sites have been sited to meet minimum fault setbacks and conform with clustering principles (as discussed under III below).

III. Reconfigure a tighter cluster of residential lots.

The preliminary development plan reviewed by the Planning Commission showed that the building sites were not in one dense cluster. Instead, they were somewhat spread out through the central part of the property. The Planning Commission recommended that these building sites be closer together to form a tighter cluster.

As stated above, the discovery of additional fault traces on the subject property has constrained the siting of the four proposed residences. As shown under the proposed development plan, three of the building sites (Parcels 2, 3, and 4) will be located between two mapped fault lines. Parcel 1 is located slightly north of these buildings, between two additional faults. Despite the presence of these fault lines, these four building sites together constitute a tighter residential cluster.

IV. Demonstrate consistency with secondary access standards

The previous preliminary development plan showed that the proposed access road ended in a cul-de-sac which was located approximately 1,000 linear feet from Leavesley Road. In reviewing the subdivision, the Land Development Engineering Office determined that the subdivision was inconsistent with the following secondary access policy:

"Whenever the size or location of a parcel of land does not permit a lot layout directly related to a normal street arrangement, a court or non connecting street may be used; provided, however, all lots or parcels which are more than eight hundred feet (800) roadway feet from an existing County approved future through road intersection shall be served by a loop street, if possible. The advisory agency may require a safe and adequate secondary means of access. Any requirements imposed under this section shall not be an unreasonable burden or hardship on the subdivider."

(c) Circulation and Roads. The proposed roads and driveways have been designed to minimize grading and earthwork to the greatest extent possible. The project site does not contain any planned County trails. Secondary Access standards and project consistency were discussed above.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Santa Clara, State of California, based upon the oral and documentary evidence received, that the Mitigated Negative Declaration and the Mitigation Monitoring & Reporting Program are hereby adopted, and the proposed vesting tentative subdivision map and cluster permit are hereby approved. The tentative subdivision map will expire 36 months from the date of this Resolution.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California on DEC 05 2006 by the following vote:

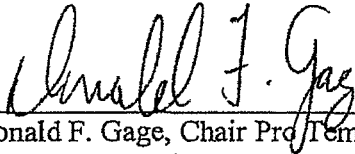
AYES: ~~XXXXXXXXXX~~ GAGE, KNISS, MCHUGH

NOES: **NONE**

ABSENT: ALVARADO

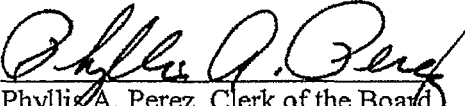
ABSTAIN: **NONE**

VACANT: District 4



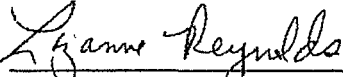
Donald F. Gage, Chair Pro Tem
Board of Supervisors

ATTEST:



Phyllis A. Perez, Clerk of the Board

APPROVED AS TO FORM AND LEGALITY:



Lizanne Reynolds, Deputy County Counsel

Attachments to this Resolution:

- Exhibit A – Vesting Tentative Subdivision Map
- Exhibit B – Conditions of Approval
- Exhibit C – Mitigated Negative Declaration
- Exhibit D – Mitigation Monitoring & Reporting Program

Biological Resources – California Red Legged Frog / California Tiger Salamander

- 9.* The open space parcel shall be preserved via a conservation easement, and managed for native plant and wildlife habitat. Agriculture (with the possible exception of light grazing, if appropriate) or other ground disturbance shall not be allowed within the easement boundaries.
- 10.* Preconstruction surveys for California Red Legged Frogs, California Tiger Salamanders and Western Pond Turtle shall be conducted in accordance with USFW and DFG protocols prior to the start of construction for the access road. These surveys shall be done by a qualified biologist. Under direction of the biologist, measures such as a worker awareness program, exclusionary fencing, and daily monitoring of construction areas shall be employed in order to prevent "take" of these species during construction. If any species are encountered during the surveys, species relocation shall occur per USFW and DFG protocols. Prior to recordation of the final map, a copy of a contract with a qualified biologist (to conduct surveys) which includes a scope of work showing how the above measures shall be employed during construction, shall be submitted to the Planning Office for approval.
- 11.** Results of the preconstruction surveys with a summary report shall be submitted from the biologist to the Planning Office for approval prior to release of the bond for subdivision improvements.
- 12.*** Preconstruction surveys for the California Red Legged Frogs, California Tiger Salamanders and Western Pond Turtle shall be conducted in accordance with USFW and DFG protocols prior to the start of construction for each residential building site. These surveys shall be done by a qualified biologist. Under direction of the biologist, measures such as a worker awareness program, exclusionary fencing, and daily monitoring of construction areas shall be employed in order to prevent "take" of these species during construction. If any species are encountered during the surveys, species relocation shall occur per USFW and DFG protocols. Prior to the issuance of a building permit, a copy of a contract with a qualified biologist (to conduct surveys) which includes a scope of work showing how the above measures shall be employed during construction, shall be submitted to the Planning Office for approval.
- 13.**** Results of the preconstruction surveys with a summary report shall be submitted from the biologist to the Planning Office for approval prior to final inspection.

Biological Resources – Burrowing Owl

- 14.* A qualified biologist shall conduct pre-construction surveys for burrowing no more than 30 days prior to commencement of project activities. If these bird species are observed within the project area or areas adjacent to it during the breeding season (February 1 to August 31), a 250-foot buffer zone shall be established around the occupied burrow(s) and construction delayed in that buffer zone until all young have fledged and are able to feed on their own, as determined by monitoring surveys conducted by a qualified biologist. Breeding burrowing owls and their young should not be relocated

If burrowing owls are observed within the project area or areas adjacent to it during the non-breeding season (September to January), a 50 meter/160-foot buffer zone shall be established around the occupied burrow(s) or nest and construction delayed in that buffer zone until the owls / larks have vacated, as determined by monitoring conducted by a qualified biologist. If this is not practical, obtain a Memorandum of Understanding (MOU) from the California Department of Fish and Game to allow passive relocation. Prior to recordation of the final map, a copy of a contract with a qualified biologist (to conduct surveys) shall be submitted to the Planning Office for approval. Results of the surveys with a summary report shall be submitted from the biologist to the Planning Office for approval prior to release of the bond for the subdivision improvements.

- 15.*** A qualified biologist shall conduct pre-construction surveys for burrowing no more than 30 days prior to commencement of project activities. If these bird species are observed within the project area or areas adjacent to it during the breeding season (February 1 to August 31), a 250-foot buffer zone shall be established around the occupied burrow(s) and construction delayed in that buffer zone until all young have fledged and are able to feed on their own, as determined by monitoring surveys conducted by a qualified biologist. Breeding burrowing owls and their young should not be relocated

If burrowing owls are observed within the project area or areas adjacent to it during the non-breeding season (September to January), a 50 meter/160-foot buffer zone shall be established around the occupied burrow(s) or nest and construction delayed in that buffer zone until the owls / larks have vacated, as determined by monitoring conducted by a qualified biologist. If this is not practical, obtain a Memorandum of Understanding (MOU) from the California Department of Fish and Game to allow passive relocation. Prior to issuance of any building permits for single family houses, a copy of a contract with a qualified biologist (to conduct surveys) shall be submitted to the Planning Office for approval. Results of the surveys with a summary report shall be submitted from the biologist to the Planning Office for approval prior to final inspection.

Biological Resources – Riparian

- 16.* All street lighting at the intersection of the new access road and Leavesley road shall use full cut off lighting which shall prevent any spillover lighting into the riparian corridor. Final improvement plans for the access road shall show proposed street lighting and conformance with this standard.
17. In the event that human skeletal remains are encountered, the applicant is required by County Ordinance 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 © of section 2050.5 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 County Ordinances. If artifacts are found on the site a qualified archeologist 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
18. To ensure that the project will not have any significant adverse impacts to air quality, at the time of construction; the applicant is required to abide by all standard dust control measures set forth by both Land Development Engineering & the Bay Area Air Quality Management District (BAAQMD).
19. During construction, all graded areas shall be re-seeded in conformance with the County Grading Ordinance to ensure that the project will minimize the potential for erosion on the site including obtaining applicable encroachment and/or construction permit(s).

LAND DEVELOPMENT ENGINEERING:

Contact Chris Freitas at (408) 299-5736 regarding the following conditions

Plan Review and Format Process:

20. A project clearance ("goldenrod"), issued by the Development Services Office, for the issuance of the Grading/Construction Permit, is required. Please contact Mai Trinh (299-5734) for plan submittal requirements and timelines.
- 21.* When final plans are prepared, use standard notes and certificates as shown on County Standard Cover Sheet, as approved by the Development Services Office. The minimum letter size for plan submission and approval shall be no smaller than 1/8 inch.

Maps:

- 22.* Prepare and submit a Parcel Map for review and approval by the County Surveyor.

23. * Parcels 1, 2, 3, and 4 must be surveyed by a licensed land surveyor or registered civil engineer. Monuments are to be set, reset, or verified, if existing, in accordance with County standards, the State Subdivision Map Act, and/or the State Land Surveyor's Act prior to issuance of a grading permit.

Drainage:

24. * Submit a plan by a registered civil engineer for review and acceptance by the County that demonstrates the subject property has adequate existing and proposed storm drainage facilities in accordance with criteria as designated in the County Drainage Manual. Plan submission shall be coordinated with the Land Development Engineering Department. The minimum plans and calculations shall demonstrate all of the following:
- The site can be adequately drained,
 - The development of the site will not cause problems to nearby properties,
 - The site is not subject to significant damage from the one-percent flood, and
 - The On-Site drainage will be controlled in such a manner as to not increase the downstream peak flow or cause a hazard or public nuisance. If this cannot be demonstrated, the difference between the three-year pre-development and the ten-year post-development storm peak flows for duration of two hours shall be detained on-site.

Dedications and Easements:

25. * Offer to dedicate the following curvilinear rights-of-way to the public and the County for public/private road purposes: ~~Fifty-six (56) Foot Right of Way for Yarak Court.~~
26. * Offer to dedicate a minimum ~~Twenty-five (25) foot easement~~ to the public and the County for storm-drainage purposes for all swales and channels effected by this development that pass drainage through the site.
27. * Offer to dedicate Public Utility Easements, pursuant to County Easement policies and as required for water, sewers, and utilities to serve the parcels created.
28. * Indicate on the Parcel Map and improvement plans all applicable easements affecting the parcel(s) with benefactors and recording information. Supply one copy of a preliminary title report with submission of the grading/improvement plans for review to the Development Services Office shall be supplied.

Improvements—Roads not to be County Maintained:

29. * Preliminary improvement plans prepared by MH Engineering and received on October 13, 2006 by the Santa Clara County Planning Office have been reviewed. Submit final street, improvement, and drainage plans prepared by a registered civil engineer for review and acceptance by the Development Services Office. All street, road, and driveway designs minimally require plan, profile, typical sections, and contour grading. Plans shall include the following:
- Rural Cul-de-Sacs per County Standard A/6 for Yarak Court.
 - Provide Cluster Private Road(s) per County Standard SD1 for Yarak Court from station 0+00 to station 13+01.59. Yarak Court shall be constructed with curb and gutter, no sidewalks, and no on-street parking.
 - Driveway Approaches per County Standard B5. The driveway approach shall conform to County standard slopes of less than 5% grade 20 feet from the edge of pavement, or to the right of way, whichever is greater at the intersection of Leavesley Road and Yarak Court.
 - Drainage Ditch Linings per County Standard SD8.
 - Energy Dissipaters per County Standard SD10.
 - Standard Street Sign Assembly per County Standard B/14.
 - Street lighting per County Standards E/6B to a completely functional state at the intersections of Leavesley Road and Yarak Court. Responsibility for operational costs shall be borne by the Home Owners Association. Responsibility for pole maintenance shall be borne by the County.
 - Provide signage and striping in accordance with the California Vehicle Code. Signage and striping shall include but are not limited to "No Parking" signage and curb painting for those portions of the common access roads intended not to allow on-street parking and "Private Road" and Traffic Control signs.
 - Submit a copy of the CC&R's.
 - Access road cross sections.

- k. Disposition of excess grading material. NOTE: All materials exported from the site must be located at an approved disposal site.
- l. Erosion control measures as required per Sections C12-515 through C12-527, inclusive.
- m. Landscape Plans to demonstrate long-term erosion control.
- n. All other improvements required by these Conditions of Approval.

Storm Water Treatment - Pajaro River/Monterey Bay Watershed

- 30. It is recommended that roof gutter drainage not be directly connected to the storm drainage system (street gutters, roadside ditches, drainage courses, and creeks). All roof runoff should be directed to landscaped or naturally vegetated areas away from building foundations, to allow for storm water infiltration into the soil and sheet flow. Energy dissipaters should be used to slow roof drainage flow and prevent erosion. These improvements should be clearly identified on the Building Plans.

Notice Of Intent

- 31. * This project may disturb one acre (43, 560 square feet) or greater of land area. Provide a calculation showing the final area disturbed with this project.

If the above calculation indicate more than one acre of disturbance, the Owner shall file a "Notice of Intent" (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the State of California. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the SWRCB, with a duplicate copy submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.

Information is available in the 7th floor lobby, and from the SWRCB web site:
<http://www.swrcb.ca.gov/stormwtr/construction.html>. For additional information, please contact Steve Homan, Nonpoint Source Pollution Control Coordinator, at (408) 299-5737.

Utilities:

- 32. * All new utilities, mains and services to residences shall be placed underground and extended to serve the proposed development. All extensions shall be included in the improvement plans submitted to the Land Development Engineering Department for review and approval. Provide letters from the utility companies stating that all easements and financial obligations have been satisfied. (Contact the utility companies immediately as this may require 60-90 days.)

Soils and Geology:

- 33. * Submit two copies of the geotechnical report for the improvements, prepared by a registered civil engineer, as required by the Santa Clara County Ordinance Code, to the Development Services Office.
- 34. * Submit a plan review letter by the Project Geotechnical Engineer certifying that the geotechnical issues identified in the above geotechnical report been mitigated on the improvement plan. This letter shall be submitted to and reviewed by Development Services Office.
- 35. * If required by the County Geologist, submit a plan review letter by the Project Certified Engineering Geologist certifying that the geologic issues identified in the project geologic report been mitigated on the improvement plan. This letter shall be submitted to Development Services Office and reviewed by the County Geologist.

Other Conditions:

- 36. * Indicate on improvement plans how the graded areas are to be properly drained in accordance with criteria as designated in the County Drainage Manual on the final grading plan. Submit necessary hydraulic calculations prepared by a registered civil engineer to justify the proposed improvements.
- 37. * Indicate on improvement plans how the graded areas shall comply with setback requirements from property line for cuts and fills per Section C12-505 on the final grading plan prepared by a registered civil engineer.

38. * Enter into a land development improvement agreement with the County per Section C12-206 of the County Code. Submit an Engineers Estimate of Probable Construction Cost prepared by a registered civil engineer with the all above stages of work clearly identified for all improvements and grading as proposed in this application. Post financial assurances, sign the development agreement and pay necessary inspection and plan check fees, and provide County with Certificate of Worker's Compensation Insurance
39. ** Construct in the field all of the aforementioned improvements. Construction staking is required and shall be the responsibility of the developer.
40. Subdivision improvements do not include the improvement of on-site driveway or house pads. Apply to the Planning Office and Development Services Office and obtain a grading permit prior to any earthwork that is in excess of the limits as outlined in the County Grading Ordinance, starting at § C12-400. Penalties and rigid abatement procedures are required by ordinance for correction of any grading violation.

ENVIRONMENTAL HEALTH:

Contact Gwen Sax at (408) 299-5748 regarding the following conditions

41. Septic system conditions have been established for all four parcels, and are as follows:
- Parcel 1: 350 plus 350 lineal feet of subsurface drainline will be required. The two drainline systems must be connected through a positive diversion valve. A 1500 gallon septic tank will be required. This system is adequate to serve a four bedroom home with no more than 4,500 square feet of living area.
- Parcel 2: 270 plus 270 lineal feet of subsurface drainline will be required. The two drainline systems must be connected through a positive diversion valve. A 1500 gallon septic tank will be required. This system is adequate to serve a four bedroom home with no more than 4,500 square feet of living area.
- Parcel 3: 600 plus 600 lineal feet of subsurface drainline will be required. The two drainline systems must be connected through a positive diversion valve. A 1500 gallon septic tank will be required. This system is adequate to serve a four bedroom home with no more than 4,500 square feet of living area.
- Parcel : 600 plus 600 lineal feet of subsurface drainline will be required. The two drainline systems must be connected through a positive diversion valve. A 1500 gallon septic tank will be required. This system is adequate to serve a four bedroom home with no more than 4,500 square feet of living area
42. *** At the time of application for a building permit as each lot is developed, submit four (4) revised plot plans to scale (1" = 20') on a grading and drainage plan showing house, driveway, accessory structures, septic tank and required drainlines to contour, in order to obtain a septic system permit. Maintain all setbacks as outlined in Bulletin "A". The original plans must be submitted to the field office for sign-off prior to the issuance of the septic system permit, and submitted to Development Services Office prior to the issuance of a grading permit. Contact Ann Peden at 408-779-0631 for signoff.
- 43.*** Prior to submitting the revised septic system plans, revisions to the design must be made for the following parcels:
- Parcel 1: Move the top two drainlines and the septic tank out of the fill area of the house pad. (there is enough area to relocate the lines and septic tank)
- Parcel 3: Ensure that at least 600 plus 600 lineal feet of drainline is shown for this parcel. The submitted plan showed only 270 plus 270 lineal feet.
- Parcel 4: (a) Do not include any cross-overs between drainlines. Contact Ann Peden at 408-779-0631 for information. (b) Add an additional 40 lineal feet of drainline to both the-primary and secondary leachfields. (sufficient room is available)
44. * Prior to map recordation it must be demonstrated that the individual well, on each parcel, provides an adequate supply of water. A well log must be submitted for each well which shows a 50 foot sanitary seal, and satisfactory pump tests must be completed. Contact Suzanne Muzzio at the Department of Environmental Health at 408-918-6411 for detailed information.

45. *** Domestic water shall be supplied by an approved individual water system installed to Environmental Health standards. As each lot is developed, the water system application must be approved prior to obtaining a septic system or building permit. A well log must be submitted which shows a 50 foot sanitary seal, and pump tests, bacterial and chemical testing must be completed. Contact Suzanne Muzzio at the Department of Environmental Health at 408-918-3411 for detailed information. More information can be found by consulting the DEH website at www.ehinfo.org and viewing the well information section.
46. **** Provide proof of garbage service prior to final occupancy sign-off for each lot. Garbage service in the unincorporated areas of Santa Clara County is mandatory.

FIRE MARSHAL:

Contact Jake Tomlin at (408) 299-5760 regarding the following conditions

GENERAL REQUIREMENTS:

The proposed project is located within the State Response Area (SRA) governed by the California Department of Forestry (CDF) therefore Public Resources Code 4290 regulations, and County Standards apply. Should these standards conflict with any other local, state or federal requirement, the most restrictive shall apply.

FIRE PROTECTION WATER

IMPORTANT: Fire protection water system shall be installed and inspected prior to start of combustible construction or final, whichever occurs first. System shall be maintained in good working order and accessible throughout construction. A stop work order may be placed on the project if the system is not installed, accessible, and/or functioning at all times.

47. *** **FIRE SPRINKLER SYSTEM:** An approved residential fire sprinkler system complying with Fire Marshal Standard CFMO-SP6 is required to be installed throughout all residential dwelling on each parcel.
48. *** **ON-SITE WATER STORAGE:** On-site storage tanks are required, details for fire protection water supply shall be included with the building permit set of drawings. Submittal shall include, but not be limited to, source of water supply, (e.g. onsite well, shared well); tank location and capacity, pipe size, wharf hydrant orifice size and location, domestic and fire protection water tanks and piping configuration. Tank installation shall comply with Fire Marshal Standard CFMO-W5.
- A) All installations shall include a primary aboveground storage tank with a capacity of not less than 3,000 gallons, dedicated to both domestic and fire sprinkler system demand. Storage capacity may be increased due to sprinkler design demand. **NOTE:** Adequate storage capacity should be provided for all current and future landscaping needs in addition to fire sprinkler system supply.
- B) Dwellings up to 3,600 sq. ft. require a secondary aboveground storage tank of not less than 5,000 gallon capacity dedicated to the wharf hydrant. Dwellings 3,601 sq. ft. and above require minimum 10,000 gallon secondary aboveground storage tank capacity dedicated to the wharf hydrant. CFMO-W1 will govern dwelling units in excess or 10,000 square feet, and accessory dwellings.
- C) Aboveground storage tanks shall be provided with automatic refill. Manual refilling of tanks is not acceptable.
- D) Installation of aboveground storage tanks less than 20 ft. from any structure requires tanks to be of noncombustible construction.
49. *** **WHARF HYDRANT:** One on-site wharf hydrant is required to be installed on each of the parcels. Installation of hydrants shall be in accordance with Fire Marshal Standard CFMO-W4. Wharf hydrant orifice size shall be 2-1/2 inch.
- A) Hydrant shall be fed by a minimum 4 inch diameter pipe from the aboveground storage tank.

- B) Minimum distance to structure shall not be less than 55 ft. from the nearest portion, and shall not exceed 150 ft. from the furthest portion, of the structure. Distance shall be measured along path of travel.
- C) Hydrant shall be installed within 8 ft. of approved driving surface in a location acceptable to the Fire Marshal's Office.
- D) Installation of a hydrant adjacent to a driveway shall be provided with to allow additional emergency vehicles to pass. Turnouts shall be a minimum of 10 feet wide and 30 feet long with a minimum 25-foot taper on each end.
- E) Hydrant shall have a positive flow by means of a reliable, approved automatic fire pump or by gravity feed.
NOTE: Elevation of tanks and hydrants shall be noted on the plans to show that placement of such equipment will allow water to flow when the valve is opened.

50.* **ACCESS ROADS:**

- A) **Width of Driving Surface:** Minimum width shall be 18 feet with a 3 foot shoulder on one side in compliance with County Standards (approved by LDE). Shoulder shall be capable of supporting full loading and shall be drivable in all weather conditions.
- B) **Vertical Clearance:** The vertical clearance shall be a minimum of 15' feet.
- C) **Grade:** Maximum grade shall not exceed 20%. Grades exceeding 15% require engineered plans, hard surface paving, and shall not exceed 300 ft. in length without a 100' of relief.
- D) **Turning Radius for Curves:** No roadway shall have a horizontal inside radius of curvature of less than 50 feet, and an additional surface width of 4 feet shall be added to curves of 50-100 feet radius; 2 feet to those from 100-200 feet.
- E) **Turnarounds:** The minimum turning radius for a turnaround shall be 40 feet from the centerline of the roadway.

51.*** **DRIVEWAYS:**

- A) **Vertical Clearance:** The vertical clearance shall be a minimum of 15' feet.
- B) **Grade:** Maximum grade shall not exceed 20%. Grades exceeding 15% shall not exceed 300 ft. in length without a minimum of a 100 ft. of relief between each section.
- C) **Turnarounds:** The minimum radius for the proposed turnaround at each of the (4) building sites is 40' in compliance with Public Resources Code 4290. Therefore under the current configuration the turnaround would be required to be 80' x 80'. As a reminder turnarounds are required to remain free & clear at all times (i.e., no parking). If design assistance is needed please feel free to contact me at your convenience.

MISCELLANEOUS

- 52. **MAINTENANCE:** Fire protection water systems and equipment shall be accessible and maintained in operable condition at all times, and shall be replaced or repaired where defective. Fire protection water shall be made available to the fire department. Fire department access roads, driveways, turnouts, and turnarounds shall be maintained free and clear and accessible at all times for fire department use.
- 53. Property is not located in a Fire Protection District and has no fire service for building fire protection. Response for all types of emergencies (fires, medical calls, etc.) will likely be delayed.
- 54.*** This property is located in the Hazardous Fire Area. All of the following conditions shall apply:
 - a) Remove combustible vegetation within 30 ft. to 100 ft. of structure.
 - b) A class "A" roof assembly is required. Detail shall be included in plans submitted for building permit.
 - c) Provide a 1/2 inch spark arrester for the chimney.
 - d) Compliance with California Fire Code Article 86A & 86B required

ROADS AND AIRPORTS:

Contact Bill Lee at (408) 573-5780 for details regarding the following conditions:

- 55.* Show on final improvement plans all trees along the project's work limits within the existing and future County road right-of-way to be dedicated. An encroachment permit that specifies that a tree can be removed shall be obtained before the removal of any tree within the County road right-of-way.

Improvements -Existing County Roads or Roads to be County Maintained:

- 56.* Submit street and drainage improvements plans prepared by a registered civil engineer for the following street(s): 30 feet half street along the site's Leavesley Road frontage.
- 57.** Construct street and drainage improvements in accordance with the Roads and Airports Department 1997 Standard Detail(s) A/4 for the following street(s): 30 feet half street along the site Leavlsley Road frontage.
- NOTE: Construction staking is required and shall be the responsibility of the developer.
- 58.* Enter into land development improvement agreement and submit accompanying bonds, fees and related documents (administration of these matters is by the County Surveyor's Office).
- 59.* Obtain encroachment and/or construction permits from the County of Santa Clara and other jurisdictions as required by the Road Commissioner for the construction of street improvements including any required appurtenances. Developer must provide County with a Certificate of Worker's Compensation Insurance.
- 60.* In lieu of conditions 56, 57, 58, 59, the owner may elect to enter into a deferred improvement agreement per the Board of Supervisors 1979 Deferred Improvement Agreement Policy. A fee of \$100.00 is payable for the processing and filing of the agreement. The improvements to be deferred will be in accordance with the Roads and Airports Department's 1997 Standard Detail A/3.
- 61.* Obtain encroachment permit to construct a driveway approach per Roads and Airports Department's 1997 Standard Detail B/5, and provide County with Certificate of Worker's Compensation Insurance. Submit four (4) copies of site plan.
- 62.** Install driveway approach per Roads and Airports Department's 1997 Standard Detail B/5.
- 63.* Show on final improvement plans with construction details and demonstrate by drainage calculations prepared by a registered civil engineer that the surface runoff from the site is carried to an acceptable outfall of adequate capacity.
64. Demonstrate that adequate vertical and horizontal sight distance is provided on Leavesley Road at the location of the proposed common driveway.

GEOLOGY

Contact Jim Baker at (408) 299-5774 regarding the following conditions

65. The two reports by E2C "Supplement to Fault Investigation Report" (3 pages text + 1 figure) and "Supplemental Recommendations and Revised Map to Accompany Fault Investigation Report (10/18/06)" combined with the previous reports by Kaldveer (1988) and Earth Systems (2005+2006) are approved. The reports recommend a 25-foot set-back (on both sides) from the inferred trace of the suspected fault (at Station 640 in Kaldveer's 1988 trench). The remaining area is deemed acceptable from a geologic hazards point-of-view, with building setbacks required as noted on the plans.
- 67.*** Submit for review by the County Geologist, a **Geologist's Plan Review Letter** that confirms that the buildings comply with the recommendations in the approved reports and meet minimum fault setbacks recommended in the approved report, revised map, and supplemental letters.

SANTA CLARA VALLEY WATER DISTRICT:

Contact Yvonne Arroyo at (408) 265-2600 ext. 2253 for details regarding the following conditions

68. The site is not subject to flooding from a District Stream
69. There is a Distinct facility within this property named Alamas Creek.
- 70.* Show on final improvement plans the distance between the proposed access road and the top of bank for Alamas Creek. Any proposed construction within 50 feet of the top of ban of Alamas Creek will require a District Permit.
- 71.* Make a separate application in writing to the District for a permit to install any culvert, bridge or other type of construction in, over, or near a stream, channel or District water utility as required by District Ordinance 83-2. To prevent siltation of District's downstream facility, all grading operations are to be closely supervised; all cut and fill slopes are to be planted with erosion-resistant vegetation.
72. As required by District Ordinance 90-1, file an application with the District for a permit to construct or destroy any well or to drill any exploratory holes deeper than 45 ft.

County of Santa Clara

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



Notice of Intent to Adopt a Mitigated Negative Declaration

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

File Number:	RAY:	APNs:	Date:
3515-82-25-05CST	347	898-34-001	10/20/06
Project Name:		Project Type:	
Leavesley Road Cluster Subdivision		Residential Subdivision	
Owner:		Applicant:	
Leavesley Road Partners LLC.		MH Engineering	
Project Location:			
Located on the northern side of Leavesley Road, east of Dryden Avenue, in the foothills east of the City of Gilroy			
Project Description:			
Proposed four lot cluster subdivision. The subdivision proposes to create four lots of between approximately 19 and 43 acres in size, each with 2 acre building envelopes (development areas). The remaining portions of each lot will be dedicated open space, encompassing 90 acres and 90% of the subject property. Proposed access is from Leavesley road on the east side of the property and includes construction of a common access road which terminates in a cul-de-sac approximately 1,200 feet into the property. Individual driveways to each house originate from the access road.			
The open space is not proposed to consist as one individual parcel, but instead as portions of each of the lots to be created. The residential portion of the subdivision is generally located within the south-central portion of the property. All of the proposed homesites are located between mapped earthquake faults. The proposed residential parcels will obtain water and sewer from individual on-site wells and septic systems. Anticipated grading quantities associated with the subdivision improvements are 4,457 cy of cut and 4,976 cy of fill.			
Purpose of Notice:			
The purpose of this notice is to inform you that the County Planning Staff has recommended that a Mitigated Negative Declaration be approved for this project. County of Santa Clara Planning Staff has reviewed the Initial Study for the project, and based upon substantial evidence in the record, finds that although the proposed project could initially have a significant effect on the environment, changes or alterations have been incorporated into the project to avoid or reduce impacts to a point where clearly no significant effects will occur.			
A public hearing for the proposed project is tentatively scheduled for the Planning Commission on November 3, 2006 in the County Government Center Board of Supervisors Chambers. It should be noted that the approval of a Mitigated Negative Declaration does not constitute approval of the project under consideration. The decision to approve or deny the project will be made separately.			
Public Review Period:	Begins:	Ends:	
	October 24, 2006	November 22, 2006	

Board of Supervisors: Blanca Alvarado, Donald F. Gage, Pete McHugh, James T. Beall Jr., Liz Kniss
 Acting County Executive: Pete Kutras, Jr.

Public Comments regarding the correctness, completeness, or adequacy of this negative declaration are invited and must be received on or before the hearing date. Such comments should be based on specific environmental concerns. Written comments should be addressed to the **County of Santa Clara Planning Office, County Government Center, 70 W. Hedding Street, San Jose, CA 95110, Tel: (408) 299-5770**. Oral comments may be made at the hearing. A file containing additional information on this project may be reviewed at the Planning Office under the file number appearing at the top of this form. For additional information regarding this project and the Mitigated Negative Declaration, please contact **Rob Eastwood** at (408) 299-5792.

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

- (1) Santa Clara County Planning Office, 70 West Hedding Street, East Wing, 7th Floor, San Jose, CA 95110
- (2) Planning Office Website www.sccplanning.org (Environmental Documents under "Find it Fast")
- (3) Gilroy Library 7387 Rosanna Street, Gilroy CA

Responsible Agencies sent a copy of this document:

California Department of Fish & Game, Santa Clara Valley Water District,

Mitigation Measures included in the project will avoid potentially significant impacts to a less than significant level.

AESTHETICS / VISUAL RESOURCES

- Future development of buildings on all four parcels will be subject to design review per Sections 3.20.040 and 5.50 of the Zoning Ordinance.

BIOLOGY

Habitat Loss / Preservation

- The open space parcel shall be preserved via a conservation easement, and managed for native plant and wildlife habitat. Agriculture (with the possible exception of light grazing, if appropriate) or other ground disturbance shall not be allowed within the easement boundaries.

Lighting spillover - Riparian

- All street lighting at the intersection of the new access road and Leavesley road shall use full cut off lighting which shall prevent any spillover lighting into the riparian corridor.

Potential Take – Wildlife Species

- Preconstruction surveys for California Red Legged Frogs, California Tiger Salamanders, and Western Pond Turtle shall be conducted in accordance with USFW and DFG protocols prior to the start of construction for both the access road and the individual residences. These surveys shall be done by a qualified biologist. Under direction of the biologist, measures such as a worker awareness program, exclusionary fencing, and daily monitoring of construction areas shall be employed in order to prevent "take" of these species during construction. If any species are encountered during the surveys, species relocation shall occur per USFW and DFG protocols. Prior to recordation of the final map and issuance of any building permits for single family houses, a copy of a contract with a qualified biologist (to conduct surveys) which includes a scope of work showing how the above measures shall be employed during construction, shall be submitted to the Planning Office for approval. Results of the surveys with a summary report shall be submitted from the biologist to the Planning Office for approval prior to release of the bond or final inspection.
- Prior to release of the bond for the subdivision improvements, a report must be submitted for approval to the Planning Office by the consulting archeologist summarizing the results of the monitoring and any remediation measures taken during construction, if necessary.

Mitigation for possible direct "take" of Burrowing Owl and their nests due to construction within onsite grasslands during for the access road and individual residences.

- A qualified biologist shall conduct pre-construction surveys for burrowing no more than 30 days prior to commencement of project activities. If these bird species are observed within the project area or areas adjacent to it during the breeding season (February 1 to August 31), a 250-foot buffer zone shall be established around the occupied burrow(s) and construction delayed in that buffer zone until all young have fledged and are able to feed on their own, as determined by monitoring surveys conducted by a qualified biologist. Breeding burrowing owls and their young should not be relocated

If burrowing owls are observed within the project area or areas adjacent to it during the non-breeding season (September to January), a 50 meter/160-foot buffer zone shall be established around the occupied burrow(s) or nest and construction delayed in that buffer zone until the owls / larks have vacated, as determined by monitoring conducted by a qualified biologist. If this is not practical, obtain a Memorandum of Understanding (MOU) from the California Department of Fish and Game to allow passive relocation. Prior to recordation of the final map and issuance of any building permits for single family houses, a copy of a contract with a qualified biologist (to conduct surveys) shall be submitted to the Planning Office for approval. Results of the surveys with a summary report shall be submitted from the biologist to the Planning Office for approval prior to release of the bond or final inspection.

A reporting or monitoring program must be adopted for measures to mitigate significant impacts at the time the Mitigated Negative Declaration is approved, in accord with the requirements of section 24081.6 of the Public Resources Code.

Prepared by:

Rob Eastwood, Senior Planner, AICP

Signature

Date

Approved by:

Rob Eastwood, Senior Planner, AICP

Signature

Date

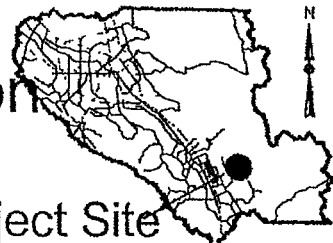


600 0 600 200 Feet



Leavesley Road Four Lot Cluster Subdivision

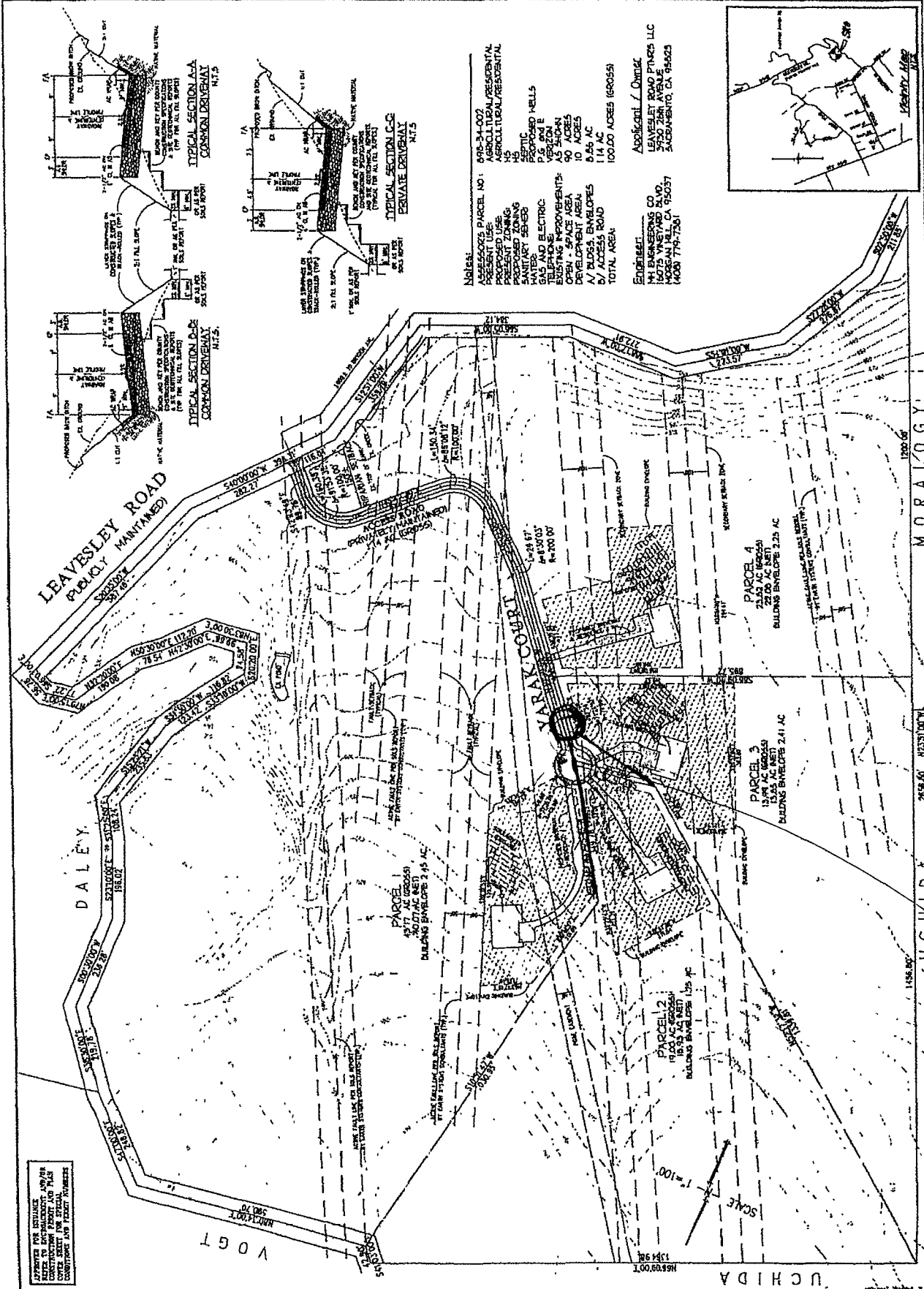
File# 3515-05CST



Project Site

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This map was created by the Santa Clara County Planning Office. The Geographic Information System files were compiled from various sources. While deemed reliable, the Planning Office assumes no liability.



INITIAL STUDY

Environmental Checklist and Evaluation for Santa Clara County

File Number:	3515-82-25-05CST	Date:	October 19, 2006
Project Type:	Cluster Subdivision	APN(s):	898-34-002
Project Location/Address:	North side of Leavesley Road, east of Dryden Avenue	GP Designation:	Hillsides
Owner's Name:	Leavesley Road Partners	Zoning:	HS-d1
Applicant's Name:	MH Engineering	Urban Service Area:	N/A
Environmental Setting and Surrounding Land Uses			
<p>The 100 acre parcel is located in eastern foothills of Santa Clara County, east of the city of Gilroy, in southeastern Santa Clara County. The project site has extensive frontage on Leavesley Road, which forms the southern and eastern border of the property. The project site can be characterized as containing open grasslands with several defined drainage channels/riparian corridors. Much of the central portion of the site is an open pasture which containing random stands of oak trees. A deeply incised ravine is located on the eastern side of the property, crossing the property in a southeasterly direction. There is a stock pond located within this ravine. Several small knolls are located above this ravine in the northeastern corner of the property. A steep ravine is also located along the southern side of the property, running parallel to Leavesley Road, in a easterly direction. This ravine contains Alamas Creek, and a majority of the creek has a defined riparian corridor. Overall the project site is moderately steep (average slope of approximately 17%). From the western side of the property, there are prominent views of the Santa Clara Valley floor and the city of Gilroy in the distance. A high pressure gas pipeline crosses the project site in a northerly direction. Numerous earthquake faults, including the Calaveras Fault, also bisect the property in a northerly direction.</p>			
Surrounding properties generally consist of large properties used for grazing and low density residential development.			
Project Description			
<p>Proposed four lot cluster subdivision. The subdivision proposes to create four lots of between approximately 19 and 43 acres in size, each with 2 acre building envelopes (development areas). The remaining portions of each lot will be dedicated open space, encompassing 90 acres and 90% of the subject property. Proposed access is from Leavesley road on the east side of the property and includes construction of a common access road which terminates in a cul-de-sac approximately 1,200 feet into the property. Individual driveways to each house originate from the access road.</p>			
<p>The open space is not proposed to consist as one individual parcel, but instead as portions of each of the lots to be created. The residential portion of the subdivision is generally located within the south-central portion of the property. All of the proposed homesites are located between mapped earthquake faults. The proposed residential parcels will obtain water and sewer from individual on-site wells and septic systems. Anticipated grading quantities associated with the subdivision improvements are 4,457 cy of cut and 4,976 cy of fill.</p>			
Other public agencies whose approval is required: (e.g., permits, financing approval, or participation agreement.)			
California Department of Fish & Game (Trustee), Santa Clara Valley Water District			

The environmental factors checked below would be potentially affected by this project, involving at least one impact as indicated by the checklist on the following pages.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Resources / Recreation | <input type="checkbox"/> Transportation / Traffic | <input type="checkbox"/> Utilities / Service Systems |
| <input type="checkbox"/> Mandatory Findings of Significance | | <input type="checkbox"/> None |

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.

Signature

Date

Printed name

For

ENVIRONMENTAL CHECKLIST AND DISCUSSION OF IMPACTS

A. AESTHETICS					
WOULD THE PROJECT:	IMPACT				SOURCES
	YES			NO	
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2,3,4, 6a,17f
b) Substantially damage scenic resources along a designated scenic highway?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 6a, 17f
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2,3
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3,4
e) If subject to ASA, be generally in non-compliance with the Guidelines for Architecture and Site Approval?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	11
f) If subject to Design Review, be generally in non-compliance with the Guidelines for Design Review Approval?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3,4,12
g) Be located on or near a ridgeline visible from the valley floor?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,17n

DISCUSSION:

Regional Setting

The 100 acre site is located within the eastern foothills above the Santa Clara valley floor, east of Gilroy. The site consists of a moderately steep hillside with a central pasture which is generally flat. Past GIS analysis of the project site indicates that the western and northern parts of the property are visible from the Santa Clara Valley Floor. In September, 2006, as a result of the County Viewshed Study, the subject property was rezoned from HS (Hillsides) to HS-d1, (Hillsides with a design review overlay district). The intent of this design review overlay zone is to conserve the scenic attributes of those hillside lands most immediately visible from the valley floor. Although the building sites are not located in the areas designated under GIS as visible from the valley floor, there are partial views of the valley floor from the building sites. In addition, as the GIS analysis only evaluated the visibility of the ground surface, it does not account for the visibility of buildings. As such, it is assumed that some of the buildings will be visible from the valley floor.

As stated above, the purpose of the -d1 Design Review Overlay district is to evaluate the potential visual impacts from new development in hillside areas which are visible from the Valley Floor. New homes or other accessory buildings proposed for each of the four lots will be subject to the design review process, which requires design standards such as massing restrictions, color controls, and landscaping, to minimize building visibility. This process, which is required by County Ordinance, serves as mitigation for any potential visual impacts which could result from the construction of the four single family houses (with ancillary buildings) on each parcel. As the access road (and driveways) are not located in areas of the property which

are visible from the valley floor, these improvements will not have any potentially significant visual impacts.

MITIGATION: Future development of buildings on all four parcels will be subject to design review per Sections 3.20.040 and 5.50 of the Zoning Ordinance.

B. AGRICULTURE 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.					
WOULD THE PROJECT:	IMPACT				SOURCE
	YES			NO	
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Convert 10 or more acres of farmland classified as prime in the report <i>Soils of Santa Clara County</i> to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3,23,24,26
b) Conflict with existing zoning for agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	9,21a
c) Conflict with an existing Williamson Act Contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
d) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3,4,26

DISCUSSION: The subject 100 acre property is not subject to a Williamson Act contract and is designated by the State Department of Conservation as "grazing land". Implementation of the subdivision will not result in any possible significant impacts to agricultural resources.

MITIGATION: None Required

C. AIR QUALITY					
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.					
WOULD THE PROJECT:	IMPACT				SOURCE
	YES			NO	
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5,28
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5,29
c) Result in a cumulatively considerable net	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5,29

increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?					
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5,29
e) Create objectionable odors or dust affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5,21, 29, 47

DISCUSSION:

Implementation of the project (4 lot residential subdivision) will not result in the creation of any new stationary pollutant sources. Short term air quality impacts (dust and diesel emissions) could result from construction activities for the new houses, public road, and driveways. However, standard control measures as stipulated by County Land Development Engineering and the Bay Area Air Quality Management District (BAAQMD) will be employed which will ensure that any air quality impacts remain insignificant. In conclusion, the project will not have any possible significant air quality impacts

MITIGATION: None Required

D. BIOLOGICAL RESOURCES					
WOULD THE PROJECT:	IMPACT				SOURCES
	YES			NO	
*Questions relating to the California Department of Fish & Game "de minimus impact finding" for the Certificate of Fee Exemption are listed in italics.	<u>Potentially Significant Impact</u>	<u>Less Than Significant With Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	
a) <i>Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 7, 17b, 17o,
b) <i>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?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3,7, 8a, 17b, 17e, 33
c) <i>Have a substantial adverse effect on federally protected wetlands as defined by section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) or tributary to an already impaired water body, as defined by section 303(d) of the Clean Water Act through direct removal, filling, hydrological interruption, or other means?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3, 7, 17n, 32
d) <i>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?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,7, 17b, 17o

e) 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
f) Conflict with any local policies or ordinances protecting biological resources:					
i) Tree Preservation Ordinance [Section C16]?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,31
ii) Wetland Habitat [GP Policy, R-RC 25-30]?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 8a
iii) Riparian Habitat [GP Policy, R-RC 31-41]?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 8a,

DISCUSSION:

Existing Setting

As explained in the project description, the project site is an undeveloped 100 acre parcel of property located within the foothills east of Gilroy in southeastern Santa Clara County. The property is undeveloped and currently contains several types of natural habitat. A majority of the site is covered by annual grassland, including the area where the four building sites are proposed. A few stands of oaks are located at several locations on the site, creating small patches of oak woodlands. Finally, both Alamas Creek (located along the southern side of the property) and a deeply incised ravine area on the eastern side of the property contain defined riparian corridors (riparian woodland). There is an existing stock pond within the incised ravine on the eastern side of the property, which was observed to contain water during mid summer. As shown through aerial photography, there are several other stock ponds located in the general vicinity of the project site. The project site does not contain any serpentine soils or other sensitive natural communities onsite.

A review of the California Natural Diversity Database shows that a number of “special status” wildlife and plant species are known to occur in the region and general vicinity of where the project is located. The California Tiger Salamander (Federally Threatened) has been observed within a stock pond approximately 6,000 feet (1.1 miles) north of the project site. Several other sightings of the Salamander have been sighted within a 3 mile range, generally just east of Coyote Lake. The California Red Legged Frog (Federally Threatened) has been observed within creeks approximately 2.4 miles northeast of the project site. Designated Critical Habitat (by the U.S. Fish & Wildlife Service) for both of these species is located north and east of the project site (but does not interface with the project site). Several other species which have not been observed within the general vicinity of the project site, but which may be considered within its range, are the Western Pond Turtle, Yellow Legged Frog and Burrowing Owl. Several other migrant species of birds may use the riparian habitat and oak trees on the property for nesting and foraging. As stated above the project site does not contain any serpentine habitat and as such any special status species plants associated with this habitat are considered absent from the project site. In addition, due to the lack of chaparral and sage scrub onsite, special status plant species associated with these habitats are also considered absent. As such, the project site is not considered as having the potential to contain any known special status plant species.

Site specific biological surveys were not conducted on the property to determine the presence of any of the special status wildlife species listed above. In lieu of these site specific surveys, it is assumed that most of these species could be present within the project area. The pond located on the eastern side of the property within the incised ravine may contain breeding habitat for the California Tiger Salamander, California Red Legged Frog and (although unlikely) the Western Pond Turtle. The Red Legged Frog, Western Pond Turtle, and Yellow Legged Frog may also

use the riparian corridor associated with Alamas creek as dispersal habitat. The upland grasslands on the project site, where the proposed subdivision improvements will be sited, may contain important upland / aestivation habitat for the California Tiger Salamander, Red Legged Frog, and Western Pond Turtle. The Yellow Legged Frog is not expected to occur in the upland grassland areas. These grasslands could also provide breeding / foraging habitat for the Burrowing Owl. As all of the proposed subdivision improvements will occur within the grasslands onsite and will not result in direct interface with either of the two riparian corridors or necessitate any tree removal, potentially significant impacts to biological resources will be constrained. In addition, as the proposed cluster subdivision will require the creation of an open space easement over 90% of the property (per the Zoning Ordinance), this will further constrain potential impacts and ensure habitat protection.

Nevertheless, implementation of the subdivision may result in both a reduction in upland / foraging habitat for the species listed above and potentially a direct "take" of these species during construction activities. Although the proposed access road will substantially meet 150 foot setbacks from the riparian corridor associated with Alamas Creek, the intersection with Leavesley road is located within this setback and any street lighting improvements may indirectly affect the Riparian corridor. This project in summary could result in potentially significant impact to biological resources.

In order to mitigate against these potential impacts, the following mitigation measures will be implemented as part of the subdivision.

MITIGATION:

Habitat Loss / Preservation

- The open space parcel shall be preserved via a conservation easement, and managed for native plant and wildlife habitat. Agriculture (with the possible exception of light grazing, if appropriate) or other ground disturbance shall not be allowed within the easement boundaries.

Lighting spillover - Riparian

- All street lighting at the intersection of the new access road and Leavesley road shall use full cut off lighting which shall prevent any spillover lighting into the riparian corridor.

Potential Take – Wildlife Species

- Preconstruction surveys for California Red Legged Frogs, California Tiger Salamanders, and Western Pond Turtle shall be conducted in accordance with USFW and DFG protocols prior to the start of construction for both the access road and the individual residences. These surveys shall be done by a qualified biologist. Under direction of the biologist, measures such as a worker awareness program, exclusionary fencing, and daily monitoring of construction areas shall be employed in order to prevent "take" of these species during construction. If any species are encountered during the surveys, species relocation shall occur per USFW and DFG protocols. Prior to recordation of the final map and issuance of any building permits for single family houses, a copy of a contract with a qualified biologist (to conduct surveys) which includes a scope of work showing how the above measures shall be employed during construction, shall be submitted to the Planning Office for approval. Results of the surveys with a summary report shall be submitted from the biologist to the Planning Office for approval prior to release of the bond or final inspection.

Mitigation for possible direct "take" of Burrowing Owl and their nests due to construction within onsite grasslands during for the access road and individual residences.

- A qualified biologist shall conduct pre-construction surveys for burrowing no more than 30 days prior to commencement of project activities. If these bird species are observed within the project area or areas adjacent to it during the breeding season (February 1 to August 31), a 250-foot buffer zone shall be established around the occupied burrow(s) and construction delayed in that buffer zone until all young have fledged and are able to feed on their own, as determined by monitoring surveys conducted by a qualified biologist. Breeding burrowing owls and horned lark and their young should not be relocated

If burrowing owls are observed within the project area or areas adjacent to it during the non-breeding season (September to January), a 50 meter/160-foot buffer zone shall be established around the occupied burrow(s) or nest and construction delayed in that buffer zone until the owls / larks have vacated, as determined by monitoring conducted by a qualified biologist. If this is not practical, obtain a Memorandum of Understanding (MOU) from the California Department of Fish and Game to allow passive relocation. Prior to recordation of the final map and issuance of any building permits for single family houses, a copy of a contract with a qualified biologist (to conduct surveys) shall be submitted to the Planning Office for approval. Results of the surveys with a summary report shall be submitted from the biologist to the Planning Office for approval prior to release of the bond or final inspection.

The adherence to the mitigation measures outlined above will reduce all possible significant biological impacts to a less than significant level.

E. CULTURAL RESOURCES					
WOULD THE PROJECT	IMPACT				SOURCE
	YES			NO	
	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 16, 19, 40, 41
b) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5 of the CEQA Guidelines?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 19, 40, 41,
c) 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
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 40,41
e) Change or affect any resource listed in the County Historic Resources Database?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16

DISCUSSION:

There are no existing buildings on the subject property. In reviewing the subdivision referral, the Northwest Information Center at Sonoma State responded that the proposed project area has the possibility of containing unrecorded archeological site(s) and recommended that an archeological study be prepared to assess for the potential for resources to occur on site.

In 1988, an Environmental Impact Report (EIR) was prepared for proposed Japanese Cultural Center on the subject property (County File 3515-82-88EIR). The environmental analysis included within the EIR concluded that the subject property was not likely to contain any cultural resources. As such, the project site is not considered likely to contain any prehistoric resources.

In accordance with State and County laws, the following control measure shall be adhered to during construction:

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

MITIGATION:

None Required

F. GEOLOGY AND SOILS					
WOULD THE PROJECT:	IMPACT				SOURCE
	YES			NO	
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6, 17L, 43
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6, 17c, 18b
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	6, 17c, 17n, 18b
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	6, 17L, 118b
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	6, 2, 3
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 checked="" type="checkbox"/>	<input 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 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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3, 6, 23, 24,

for the disposal of waste water?					
f) Cause substantial compaction or over-covering of soil either on-site or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 6
g) Cause substantial change in topography or unstable soil conditions from excavation, grading, or fill?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2, 3, 6, 42

DISCUSSION:

The Santa Clara County Seismic Stability maps identify the subject property as being located within a State and County Fault Rupture Hazard Zone and a County Landslide Hazard Zone. In order to address geologic hazards on the site and potential impacts from the proposed subdivision, two geologic reports was prepared by Earth Systems and submitted to the County Geologist for review. As disclosed within the report, there are several faults and fault traces which bisect the project site. The Calaveras Fault bisects the property in a northerly direction along the eastern side of the property, roughly running parallel with a deeply incised drainage area. Several other fault traces also cross the property in the same northerly direction across the central portion of the property. During a review of a geology report on an adjacent property, the County Geologist discovered evidence that several additional fault traces would likely cross the property. These fault traces correspond with contact points from an onsite geologic trench performed in 1988 (Kaldveer). Based on this additional information, the County Geologist requested an addendum to the submitted Geology reports which further addressed the presence of these faults the safe siting of residences on the property. Two addendum reports were submitted by E2C which addressed these additional faults and recommended building setbacks from the identified faults. In total, over six earthquake faults have been mapped as bisecting the property in a northerly direction.

The County Geologist has accepted and approved the geology reports prepared for the project which determine that there is a feasible building site within each of the four proposed building envelopes. In order to ensure that future development on each of the four parcels is property sited and designed to avoid interface with the known faults, the County Geologist has required design level studies (described below), which serves as mitigation.

MITIGATION:

- At the time of building permit application for residential development on each parcel, a site specific geologic study shall be submitted which demonstrates that the proposed siting and design of the residence meets setbacks from all identified faults, consistent with the recommendations of the approved faults. This report shall be submitted for review by the County Geologist

G. HAZARDS & HAZARDOUS MATERIALS					
WOULD THE PROJECT	IMPACT				SOURCE
	YES			NO	
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Create a significant hazard to the public or the environment through the routine transport,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 4, 5

	use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2, 3, 5
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	46
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 1/4 mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	47
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 22a
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 for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5, 48
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"/>	4
g)	Expose people or structures to a significant risk of loss, injury or death involving wildland fires including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 5
h)	Provide breeding grounds for vectors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3
i)	Proposed site plan result in a safety hazard (i.e., parking layout, access, closed community, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 17n
j)	Involve construction of a building, road or septic system on a slope of 30% or greater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 17n
k)	Involve construction of a roadway greater than 20% slope for a distance of 300' or more?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

DISCUSSION:

The project contains a high pressure gas pipeline, which bisects the property in a northwesterly direction in the central portion of the site. All four of the proposed building sites are located outside of the corresponding easement by Pacific Gas & Electric which centers on this pipeline, and as such will avoid any associated hazards. The residential subdivision will not include the use of hazardous materials and the project site is not known to contain any other hazardous materials. Implementation of the project will not interfere with an emergency response plan or any public or private airports.

MITIGATION: None Required

H. HYDROLOGY AND WATER QUALITY					
	IMPACT				SOURCE
WOULD THE PROJECT:	YES			NO	
	Potentially Significant Impact	Less Than Significant With	Less Than Significant Impact	No Impact	

		Mitigation Incorporated			
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	34, 36
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<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, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 17n
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (Note policy regarding flood retention in watercourse and restoration of riparian vegetation for West Branch of the Llagas.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3
e) Create or contribute increased impervious surfaces and associated runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 5, 36, 21a
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 5
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 18b, 18d
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 18b, 18d
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 3, 4
j) Be located in an area of special water quality concern (e.g., Los Gatos or Guadalupe Watershed)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	4, 6a,
k) Be located in an area known to have high levels of nitrates in well water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	4
l) Result in a septic field being constructed on soil where a high water table extends close to the natural land surface?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3
m) Result in a septic field being located within 50 feet of a drainage swale; 100 feet of any well, water course or water body or 200 feet of a reservoir at capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3

DISCUSSION: The subject property does contain several drainage areas, including a deeply incised ravine on the eastern side of the property and Alamias Creek, which runs parallel to Leavesley road along the southern side of the property. A stock pond is located within the ravine

on the eastern side of the property. No improvements are proposed within or immediately adjacent to these drainage areas and the proposed building sites are not located within a 100 year flood plain. Although a portion of the main access road is located within a 100 feet of Alamias creek, no improvements are proposed within the creek, and drainage from the road in this area will use existing drainage facilities within Leavesley Road to accommodate new runoff. At the time of final map submittal, the specific design (size) of drainage facilities for the main access road will be determined based on final hydraulic calculations (for runoff from new impervious surfaces). In summary, the project will not have any potentially significant impacts to hydrology and water quality.

MITIGATION: None Required

I. LAND USE					
WOULD THE PROJECT:	IMPACT				SOURCE
	YES			NO	
	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) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	8a, 9, 18a
c) Conflict with special policies:					
i) San Martin &/or South County?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 8a, 20
ii) Los Gatos Specific Plan or Lexington Watershed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 8a, 22c
iii) New Almaden Historical Area/Guadalupe Watershed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 8a
iv) Stanford?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	8a, 21
v) City of Morgan Hill Urban Growth Boundary Area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	8a, 17a
vi) West Valley Hillside Preservation Area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 8a

DISCUSSION: The project will not have any significant land use impacts

MITIGATION: None Required

J. NOISE					
WOULD THE PROJECT:	IMPACTS				SOURCE
	YES			NO	
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	8a, 13, 22a, 45

agencies?				<input checked="" type="checkbox"/>	13
b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	13
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 5
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 5
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 private airstrip would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 5, 22a

DISCUSSION:

Implementation of the project will not result in the establishment of any new long-term stationary noise sources on the site. Construction of the common access road and new residences will create temporary noise impacts in the vicinity of the project site. As required of all construction projects, the project shall conform to the County Noise Ordinance. The County Noise Ordinance (Section B11-192) sets maximum exterior noise levels for land use categories, and compliance with these specifications will ensure that the neighboring properties are not significantly impacted

MITIGATION: None Required

K. POPULATION AND HOUSING					
WOULD THE PROJECT:	IMPACT				SOURCE
	YES			NO	
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Induce substantial 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

DISCUSSION: The proposed subdivision is consistent with the General Plan and will not result in any population or housing related significant impacts.

MITIGATION: None Required

L. PUBLIC SERVICES	
	IMPACT

WOULD THE PROJECT:	YES			NO	
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the 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
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 5

DISCUSSION: The project will not cause and public service related significant impacts.

MITIGATION: None Required

M. RESOURCES AND RECREATION					
WOULD THE PROJECT:	IMPACT				SOURCE
	YES			NO	
	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 future 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 as delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 3, 6, 8a
c) 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
d) 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
e) Be on, within or near a public or private park, wildlife reserve, or trail or affect existing or future recreational opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17h, 21a
f) Result in loss of open space rated as high priority for acquisition in the "Preservation 20/20" report?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	27

DISCUSSION: The project will not adversely impact any known mineral resources or recreational facilities.

MITIGATION: None Required

N. TRANSPORTATION / TRAFFIC					
WOULD THE PROJECT:	IMPACT				SOURCE
	YES			NO	
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 4, 5, 6, 7, 49, 53
b) Exceed, either individually or cumulatively, a level of service standard established by the County congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	6, 49, 50, 53
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5, 6, 7, 53
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3, 5, 6, 7, 53
e) Result in inadequate emergency access ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 5, 48, 53
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	52, 53
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	8a, 21a
h) Not provide safe access, obstruct access to nearby uses or fail to provide for future street right of way?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 6, 7, 53

DISCUSSION: Implementation of the subdivision will result in the construction of four residences on the 100 acre project site. As such, the project will not result in any significant traffic impacts

MITIGATION: None Required

O. UTILITIES AND SERVICE SYSTEMS					
WOULD THE PROJECT:	IMPACT				SOURCE
	YES			NO	
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 5,

b)	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 5, 21a, 38
c)	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 5
d)	Require new or expanded entitlements in order to have sufficient water supplies available to serve the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 5, 21,
e)	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, 5
f)	Not be able to be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 5
g)	Be in non-compliance with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5, 6

DISCUSSION: Implementation of the project will not result in any utilities or service system related significant impacts.

MITIGATION: None Required

P. MANDATORY FINDING OF SIGNIFICANCE					
WOULD THE PROJECT:	IMPACT				SOURCE
	YES			NO	
*Questions relating to the California Department of Fish & Game "de minimus impact finding" for the Certificate of Fee Exemption are listed in italics.	<u>Potentially Significant Impact</u>	<u>Less Than Significant With Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	No Impact	
a) <i>Does the project have the potential to 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, 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?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1 to 53
b) Does the project 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 53

c) Does the project 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 53
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DISCUSSION:

The project may result in potentially significant impacts to biological resources and endangered species; however mitigation has been incorporated into the project, including the use of a conservation easements and management plans, which will reduce these possible significant impacts to a less than significant level. As such, the project will not trigger any Mandatory Findings of Significance.

EARLIER ANALYSIS

- 1) Earlier Analysis Used: N/A
- 2) Impacts Adequately Addressed: N/A

Initial Study Source List*

1. Environmental Information Form
2. Field Inspection
3. Project Plans
4. Planner's Knowledge of Area
5. Experience With Other Projects of This Size and Nature
6. County Expert Sources: Geologist, Fire Marshal, Roads & Airports, Environmental Health, Land Development Engineering, Parks & Recreation, Zoning Administration, Comprehensive Planning, Architectural & Site Approval Committee Secretary
7. Agency Sources: Santa Clara Valley Water District, Santa Clara Valley Transportation Authority, Midpeninsula OpenSpace Regional District, U.S. Fish & Wildlife Service, CA Dept. of Fish & Game, Caltrans, U.S. Army Core of Engineers, Regional Water Quality Control Board, Public Works Depts. of individual cities, Planning Depts. of individual cities,
- 8a. Santa Clara County (SCC) General Plan
- 8b. The South County Joint Area Plan
9. SCC Zoning Regulations (Ordinance)
10. County Grading Ordinance
11. SCC Guidelines for Architecture and Site Approval
12. SCC Development Guidelines for Design Review
13. County Standards and Policies Manual (Vol. I - Land Development)
14. Table 18-1-B of the Uniform Building Code [1994 version]
15. Land Use Database
16. Santa Clara County Heritage Resource (including Trees) Inventory [computer database]
17. GIS Database
 - a. SCC General Plan Land Use, and Zoning
 - b. Natural Habitat Areas & Riparian Plants
 - c. Relative Seismic Stability
 - d. Archaeological Resources
 - e. Water Resources & Water Problems
 - f. Viewshed and Scenic Roads
 - g. Fire Hazard
 - h. Parks, Public Open Space, and Trails
 - i. Heritage Resources
 - j. Slope Constraint
 - k. Serpentine soils
 - l. State of California, Alquist-Priolo Earthquake Fault Zones, and County landslide & fault zones
 - m. Water Problem/Resource
 - n. USGS Topo Quad, and Liquefaction
 - o. Dept. of Fish & Game, Natural Diversity Data
 - p. FEMA Flood Zones
18. Base Map Overlays & Textual Reports (GIS)
 - a. Paper Maps
 - a. SCC Zoning
 - b. Barclay's Santa Clara County Local Street Atlas
 - c. Color Air Photos (MPSI)
 - d. Santa Clara Valley Water District - Maps of Flood Control Facilities & Limits of 1% Flooding
 - e. Soils Overlay Air Photos
 - f. "Future Width Line" map set
19. CEQA Guidelines [Current Edition]
 - Area Specific: San Martin, Stanford, and Other Areas
 - San Martin
 - 20a. San Martin Integrated Design Guidelines
 - 20b. San Martin Water Quality Study
 - 20c. Memorandum of Understanding (MOU) between Santa Clara County & Santa Clara Valley Water District
 - Stanford
 - 21a. Stanford University General Use Permit (GUP), Community Plan (CP), Mitigation and Monitoring Reporting Program (MMRP) and Environmental Impact Report (EIR)
 - 21b. Stanford Protocol and Land Use Policy Agreement
 - Other Areas
 - 22a. ALUC Land Use Plan for Areas Surrounding Airports [1992 version]
 - 22b. Los Gatos Hillslides Specific Area Plan
 - 22c. County Lexington Basin Ordinance Relating to Sewage Disposal
 - Soils
 23. USDA, SCS, "Soils of Santa Clara County
 24. USDA, SCS, "Soil Survey of Eastern Santa Clara County"
 - Agricultural Resources/Open Space
 25. Right to Farm Ordinance
 26. State Dept. of Conservation, "CA Agricultural Land Evaluation and Site Assessment Model"
 27. Open Space Preservation, Report of the Preservation 2020 Task Force, April 1987 [Chapter IV]
 - Air Quality
 28. BAAQMD Clean Air Plan (1997)
 29. BAAQMD Annual Summary of Contaminant Excesses & BAAQMD, "Air Quality & Urban Development - Guidelines for Assessing Impacts of Projects & Plans" [1999]
 - Biological Resources/
Water Quality & Hydrological Resources/
Utilities & Service Systems"
 30. Site-Specific Biological Report
 31. Santa Clara County Tree Preservation Ordinance Section C16
 32. Clean Water Act, Section 404
 33. Riparian Inventory of Santa Clara County, Greenbelt Coalition, November 1988
 34. CA Regional Water Quality Control Board, Water Quality Control Plan, San Francisco Bay Region [1995]
 35. Santa Clara Valley Water District, Private Well Water Testing Program [12-98]
 36. SCC Nonpoint Source Pollution Control Program, Urban Runoff Management Plan [1997]
 37. County Environmental Health / Septic Tank Sewage Disposal System - Bulletin "A"
 38. County Environmental Health Department Tests and Reports

Initial Study Source List*

39. Calphotos website:
<http://www.elib.cs.berkeley.edu/photos>

Archaeological Resources

40. State Archaeological Clearinghouse, Sonoma State University
41. **Site Specific Archaeological Reconnaissance Report**

Geological Resources

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

Noise

45. County Noise Ordinance

Hazards & Hazardous Materials

46. Section 21151.4 of California Public Resources Code

47. State Department of Toxic Substances, Hazardous Waste and Substances Sites List
48. **County Office of Emergency Services Emergency Response Plan [1994 version]**

Transportation/Traffic

49. Transportation Research Board, "Highway Capacity Manual", Special Report 209, 1995.
50. SCC Congestion Management Agency, "2000 Monitoring and Conformance report"
51. **Official County Road Book**
52. **County Off-Street Parking Standards**
53. **Site-specific Traffic Impact Analysis Report**

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

**Mitigation Monitoring & Reporting Program
Leavesley Road Cluster Subdivision (File# 3515-82-25-06CST)**

Impact	Mitigation	Responsible Party & Timing	Oversight Authority
<p>VISUAL RESOURCES: Construction of the single family houses may result in visual impacts to the viewshed from the southern Santa Clara Valley floor.</p>	<p>Future development of buildings on all four parcels will be subject to design review per Sections 3.20.040 and 5.50 of the Zoning Ordinance.</p>	<p>New Owners of Individual Lots – At the time of Building Permit application for individual homes.</p>	<p>Santa Clara County Planning Office</p>
<p>Possible Significant Impact BIOLOGICAL RESOURCES Possible impacts to habitat for the California Tiger Salamander (Upland Habitat) and California Red Legged Frog (Upland Habitat).</p>	<p>The open space parcel shall be preserved via a conservation easement, and managed for native plant and wildlife habitat. Agriculture (with the possible exception of light grazing, if appropriate) or other ground disturbance shall not be allowed within the easement boundaries.</p>	<p>(1) Owner – Dedicate easement consistent with this mitigation prior to Recordation of Final Map</p>	<p>Santa Clara County Planning Office / Land Development Engineering</p>
<p>Possible Significant Impact BIOLOGICAL RESOURCES Street lighting for the access road could potentially intrude into the adjacent riparian corridor</p>	<p>All street lighting at the intersection of the new access road and Leavesley road shall use full cut off lighting which shall prevent any spillover lighting into the riparian corridor.</p>	<p>(1) Owner / Roads & Airports Department – to be shown on final improvement plans.</p>	<p>Santa Clara County Planning Office / Land Development Engineering</p>

BIOLOGICAL RESOURCES

Possible direct "take" of California Red Legged Frogs, Western Pond Turtle and California Tiger Salamander during construction for the access road and each individual residence.

Possible Significant Impact

Preconstruction surveys for California Red Legged Frogs, California Tiger Salamanders, and Western Pond Turtle shall be conducted in accordance with USFW and DFG protocols prior to the start of construction for both the access road and the individual residences. These surveys shall be done by a qualified biologist. Under direction of the biologist, measures such as a worker awareness program, exclusionary fencing, and daily monitoring of construction areas shall be employed in order to prevent "take" of these species during construction. If any species are encountered during the surveys, species relocation shall occur per USFW and DFG protocols. Prior to recordation of the final map and issuance of any building permits for single family houses, a copy of a contract with a qualified biologist (to conduct surveys) which includes a scope of work showing how the above measures shall be employed during construction, shall be submitted to the Planning Office for approval. Results of the surveys with a summary report shall be submitted from the biologist to the Planning Office for approval prior to release of the bond or final inspection.

Prior to release of the bond for the subdivision improvements, a report must be submitted for approval to the Planning Office by the consulting archeologist summarizing the results of the monitoring and any remediation measures taken during construction, if necessary.

(1) Owner – demonstrate compliance prior to recordation of parcel map and during access road construction.

(2) New Owners of Individual Lots – During Building construction (verified prior to final inspection)

(3) Qualified Biologist

Santa Clara County
Planning Office

<p>BIOLOGICAL RESOURCES: Possible direct "take" of Burrowing Owl during construction.</p> <p>Possible Significant Impact</p>	<p>A qualified biologist shall conduct pre-construction surveys for burrowing owls no more than 30 days prior to commencement of project activities. If these bird species are observed within the project area or areas adjacent to it during the breeding season (February 1 to August 31), a 250-foot buffer zone shall be established around the occupied burrow(s) and construction delayed in that buffer zone until all young have fledged and are able to feed on their own, as determined by monitoring surveys conducted by a qualified biologist. Breeding burrowing and their young should not be relocated</p> <p>If burrowing owls are observed within the project area or areas adjacent to it during the non-breeding season (September to January), a 50 meter/160-foot buffer zone shall be established around the occupied burrow(s) or nest and construction delayed in that buffer zone until the owls have vacated, as determined by monitoring conducted by a qualified biologist. If this is not practical, obtain a Memorandum of Understanding (MOU) from the California Department of Fish and Game to allow passive relocation. Prior to recordation of the final map and issuance of any building permits for single family houses, a copy of a contract with a qualified biologist (to conduct surveys) shall be submitted to the Planning Office for approval.</p>	<p>(1) Owner – demonstrate compliance prior to recordation of parcel map and during access road construction.</p> <p>(1) New Owners of Individual Lots – During Building construction (verified prior to final inspection)</p> <p>(2) Qualified Biologist</p>	<p>Santa Clara County Planning Office</p>
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	Results of the surveys with a summary report shall be submitted from the biologist to the Planning Office for approval prior to release of the bond or final inspection.		
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