

LOCAL AGENCY FORMATION COMMISSION

SANTA CLARA COUNTY

www.santaclara.lafco.ca.gov

County Government Center, 11th Floor, East Wing

70 West Hedding Street, San Jose, CA 95110

(408) 299-3800 FAX 295-1613

CHAIRPERSON: Donald F. Gage

COMMISSIONERS: Blanca Alvarado, Suzanne Jackson, Linda LeZotte
Susan Vicklund Wilson

ALTERNATES: Patricia Figueroa, Pete McHugh, Chuck Reed, Mary Lou Zoglin

**AGENDA
REGULAR MEETING
Wednesday, June 13, 2001
1:15 p.m.**

**CHAMBERS OF THE BOARD OF SUPERVISORS
70 West Hedding Street, First Floor, East Wing
San Jose, CA 95110**

The items marked with an asterisk (*) are included in the Consent Agenda and will be taken in one motion. At the beginning of the meeting, anyone who wants to discuss a consent item should make a request to remove that item from the Consent Agenda.

If you wish to participate in the following proceedings, you are prohibited from making a campaign contribution of more than \$250 to any commissioner or alternate. This prohibition begins on the date you begin to actively support or oppose an application before LAFCO and continues until three months after a final decision is rendered by LAFCO. No commissioner or alternate may solicit or accept a campaign contribution of more than \$250 from you or your agent during this period if the commissioner or alternate knows, or has reason to know, that you will participate in the proceedings.

If you or your agent have made a contribution of more than \$250 to any commissioner or alternate during the twelve (12) months preceding the decision, in the proceeding that commissioner or alternate must disqualify himself or herself from the decision. However, disqualification is not required if the commissioner or alternate returns the campaign contribution within thirty (30) days of learning both about the contribution and the fact that you are a participant in the proceedings.

1. ROLL CALL

2. PUBLIC PRESENTATIONS

This portion of the meeting is reserved for persons desiring to address the Commission on any matter not on this agenda. Speakers are limited to THREE minutes. All statements that require a response will be referred to staff for reply in writing.

3. APPROVE MINUTES OF FEBRUARY 14 AND APRIL 11, 2001 MEETINGS

4. PUBLIC HEARINGS

4.1 OUT-OF-AGENCY EXTENSION OF WATER SERVICE BY THE SAN MARTIN COUNTY WATER DISTRICT AND SPHERE OF INFLUENCE AMENDMENT

A request for an out-of-agency extension of water service by the San Martin County Water District to the County Department of Environmental Health's Household Hazardous Waste Collection Facility and a concurrent request to include the subject parcel within the District's sphere of influence.

Possible Action: Consider request for extension of water service and approve staff recommendation.

5. CONDUCTING AUTHORITY PROCEEDINGS

Possible Action: Adopt procedural guidelines for the conduct of protest proceedings. Adopt resolution delegating authority to the Executive Officer for all functions and responsibilities of conducting authority.

6. SARATOGA FIRE PROTECTION DISTRICT: REORGANIZATION ISSUES

For Discussion and Information Only: Report on LAFCO's role in addressing residents' concern relating to inadequate services provided by the Saratoga Fire Protection District.

7. EXECUTIVE DIRECTOR'S REPORT — *Oral Reports*

- A. Report on the status of MOU between LAFCO and the County for County to provide staffing and services to LAFCO.
- B. Mora Drive Sewer Project: Report on the status of application for pre-zoning to the Town of Los Altos Hills.

8. CLOSED SESSION *Oral Report*

Closed session to discuss one personnel item (Gov. Code section 54957): Appointment of LAFCO Executive Officer.

9. REPORT OUT OF CLOSED SESSION

10. ADJOURN

Adjourn to the next regular business meeting on August 8, 2001.

NOTE TO COMMISSIONERS:

*Upon receipt of this agenda, please contact Ruth Marston, LAFCO Clerk at (408) 299-4321 Ex. 5613 if you are **unable** to attend the LAFCO meeting.*

In compliance with the Americans with Disabilities Act, those requiring accommodation for this meeting should notify the Clerk of the Board's Office 24 hours prior to the meeting at (408) 299-4321, TDD (408) 993-8272.

SANTA CLARA COUNTY
Local Agency Formation Commission

MINUTES

WEDNESDAY, FEBRUARY 14, 2001

1. **ROLL CALL**

The Local Agency Formation Commission (LAFCO) of Santa Clara County convenes this 14th day of February 2001 at 1:20 p.m. in the Chambers of the Board of Supervisors, County Government Center, 70 West Hedding Street, San Jose, California with the following members present: Commissioners Blanca Alvarado, Pete McHugh, Alternate to Commissioner Gage, Suzanne Jackson, Linda LeZotte, and Susan Vickland Wilson. Commissioner Don Gage is absent. LAFCO staff in attendance include Neelima Palacherla, LAFCO Executive Director; Kathy Kretchmer, LAFCO Counsel; Ginny Millar, LAFCO Surveyor; and, Colleen Oda, LAFCO Planner. The meeting is called to order by Chairperson Jackson and the following proceedings are had, to wit:

2. **PUBLIC PRESENTATIONS**

There are no public presentations.

3. **WELCOME NEW COMMISSIONER**

Chairperson Jackson welcomes Linda LeZotte, new Commissioner on LAFCO.

4. **APPOINTMENT OF NEW CHAIRPERSON AND VICE CHAIRPERSON**

Neelima Palacherla, LAFCO Executive Director, explains that LAFCO rotation schedule appointments of Chairperson and Vice Chairperson for fiscal year 2001-2002 are representatives by the County and the City of San Jose.

On motion of Commissioner McHugh, seconded by Commissioner Alvarado, it is unanimously ordered that Commissioner Gage, County Representative, be appointed

WEDNESDAY, FEBRUARY 14, 2001

Chairperson for 2001 and Commissioner LeZotte, City of San Jose Representative, be appointed Vice Chairperson for 2001.

Acting Chairperson LeZotte expresses appreciation to Commissioner Jackson for her leadership as Chairperson for the year 2000.

Chairperson Jackson turns the gavel over to Commissioner LeZotte, Acting Chairperson.

5. **APPROVE MINUTES OF DECEMBER 13, 2000**

On motion of Commissioner Wilson, seconded by Commissioner Alvarado, it is ordered on a vote of 3-0 with Commissioners LeZotte and McHugh abstaining, the December 13, 2000 minutes be approved, as submitted.

*6 **APPROVE CONSENT CALENDAR**

On motion of Commissioner Alvarado, seconded by Commissioner McHugh, it is unanimously ordered that the consent calendar be approved.

*6.1 **CUPERTINO SANITARY DISTRICT ANNEXATION-REGNART NO. 3**

On motion of Commissioner Alvarado, seconded by Commissioner McHugh, it is unanimously ordered that Resolution No. 01-1 be adopted approving the annexation of 2.51 acres on the north side of Regnart Road between Regnart Road and Canyon View Creek into the Cupertino Sanitary District.

*6.2 **CUPERTINO SANITARY DISTRICT ANNEXATION-PROSPECT/HANSEN**

On motion of Commissioner Alvarado, seconded by Commissioner McHugh, it is unanimously ordered that Resolution No. 01-2 be adopted approving the annexation of 3.0 acres on the west side of Prospect Road adjacent to Blue Hills Lane into the Cupertino Sanitary District.

7 PUBLIC HEARINGS

7.1 MINOR URBAN SERVICE AREA (USA) AND SPHERE OF INFLUENCE (SOI) AMENDMENT AND VISTA GRANDE AVENUE 00-01 ANNEXATION TO THE CITY OF LOS ALTOS

This being the time and place set for public hearing to consider a request for a minor Urban Service Area (USA) and Sphere of Influence (SOI) amendment and annexation of a 0.394-acre parcel on Vista Grande Avenue into the City of Los Altos, Vice Chairperson LeZotte declares the hearing open.

The Commission considers the staff report from Ms. Palacherla dated February 5, 2001, recommending that the request for the minor USA and SOI amendment and annexation of a 0.394-acre parcel at 789 Vista Grande Avenue into the City of Los Altos along with a detachment of the parcel from the City of Mountain View be approved. Ms. Palacherla provides background information relating to the request and outlines the reasons for the recommendation.

In response to an inquiry by Commissioner McHugh relating to how the 0.394-acre parcel became a small "island," Ms. Palacherla notes that there was a statement referenced in the City's report indicating that in 1959, the parcel was annexed into the City of Mountain View for political reasons.

Receiving no further requests from the public to speak, the Acting Chairperson orders that the hearing be closed.

On motion of Commissioner McHugh, seconded by Commissioner Jackson, it is unanimously ordered that Resolution No. 01-3 be adopted approving the minor Urban Service Area (USA) and Sphere of Influence (SOI) amendment and annexation of a 0.394-acre parcel on Vista Grande Avenue into the City of Los Altos with a simultaneous detachment from the City of Mountain View. Further, that the project is categorically exempt from the provisions of CEQA.

7.2 OUT-OF-AGENCY SEWER SERVICE, MORA DRIVE SEWER PROJECT, TOWN OF LOS ALTOS HILLS

This being the time and place set for public hearing to consider a request for Out-Of-Agency Sewer Service, Mora Drive Sewer Project, Town of Los Altos Hills, Acting Chairperson LeZotte declares the hearing open.

The Commission considers the staff report from Ms. Palacherla dated February 12, 2001, recommending that the request for extension of sewer service to 28 properties on Mora Drive be denied. Ms. Palacherla provides an overview of the LAFCO policies as they relates to the proposal.

Ms. Palacherla refers to the overhead projection of a map and points to the 28 parcels in the proposed Mora Drive area and reports that the area is not contiguous to the boundaries of the Town of Los Altos Hills, therefore technically the annexation is not possible at this time. She further references a provision in the agreement between the Town of Los Altos Hills and the property owners and reports that a provision in the agreement requires that the property owners waive their protest rights for any future proposed annexations in the Mora Drive area. She notes that the likelihood of future sewer extension requests in the pocket area of the Town of Los Altos Hills would require comprehensive planning and points out that the Town of Los Altos Hills has not provided any information or assurance regarding specific steps towards the planning for any future annexations of the Mora Drive area. Ms. Palacherla recommends that this extension of sewer service be denied.

Commissioner McHugh notes that Supervisor Kniss, who represents the area, has requested that consideration of the proposal be continued so she can have the necessary time to research the issues surrounding the proposal. He advises that he will propose consideration of continuance after hearing from the public. Commissioner Wilson expresses agreement with the continuation of the hearing, citing concerns that the Commission needs additional information regarding annexation, amendment to the master sewer agreement, and a letter from the City of Los Altos.

Commissioner Jackson requests that staff provide information regarding why 12 parcels that are adjacent to the proposed Mora Drive area are not included in the agreement.

Eloise Bodine, 11055 Mora Drive, advises that effluent is surfacing onto her property which Ms. Bodine states is a health issue. She expresses the importance of having a sewer line installed due to the health and safety issues regarding the failing septic system in the Mora Drive area.

Margo Seymour, 11170 Mora Drive, advises that for the last three years, residents have been going to a local laundrymat to do their laundry, because the residents could not run water through the septic system. She notes that approximately eight years ago a second line was installed and every six months the residents have to switch from one field to the other. She also notes that there is an unpleasant smell from her property caused by the failing septic system.

Hal Feeney, 11030 Mora Drive, advises that the septic systems are old and are breaking down in the Mora Drive area. He addresses Commissioner Jackson's earlier question regarding the 12 parcels that are not participating in the annexation. Mr. Feeney states that some of the parcels are not participating because the property owners have already put in new septic systems at their own expense. He suggests that LAFCO review the project as an opportunity to have 28 property owners who will not oppose future annexations. He advises that he met with Supervisor Kniss recently and notes her interest in understanding all of the issues involved in the proposal and sanitation issues that exist on Mora Drive.

Enrique J. Klein, 10710 Mora Drive, advises that the project will be entirely funded by the property owners. He also notes that approximately 40 properties could benefit from the sewer system and there are 28 property owners who are willing to participate and have signed an agreement with the Town of Los Altos Hills that when accepted by LAFCO each parcel will not oppose any annexation when such annexation is proposed.

Charles M. Bodine, 11055 Mora Drive, advises that two years ago the Mora Drive Sewer Project was brought to LAFCO and the County with information that a sewer line extension was needed and that there was effluent surfacing. Mr. Bodine states that there are others in the area that have that same problem and that there will be a cost advantage in purchasing if enough people are willing to participate. He further notes that it would be cheaper to install a sewer line than it would be to put in fixed drain fields. He expresses his frustration in that it has taken two years to get to this point.

Sid Nesh, Mark Thomas and Company, states that a great deal of effort has been undertaken to make sure that the project conforms to all of LAFCO's requirements and encourages staff support of the extension of sewer service. He points out that in the future LAFCO will have contiguous opportunities for annexations.

The Acting Chairperson notes that there are no additional requests from the public to speak.

Commissioner McHugh states that he will not be able to support the extension of sewer service based on the information received today. He notes that additional information on the specific request by Supervisor Kniss is appropriate. Commissioner McHugh refers to the staff report which reflects that there is no documentation indicating that there is a health and safety hazard created due to the sanitation situation and that this does not agree with what has been said today in the public hearing. He further states that continuing the hearing will allow for the issue to be resolved and moves that the hearing be continued to the next LAFCO meeting. Commissioner Alvarado seconds the motion.

Commissioner Wilson offers an amendment to the motion, authorizing the LAFCO Executive Director to forward a letter to the Town of Los Altos Hills requesting additional information regarding the amendment to the master sewer agreement, the Town's annexation plans, and any relevant health issues. Commissioners McHugh and Alvarado agree to the amendment to the motion.

Commissioner Jackson advises that she has spoken with Ms. Bodine, Ms. Seymour, and Mr. Klein and suggests that letters from both the City of Los Altos and the Town of Los Altos Hills be part of the packet. Commissioner Alvarado requests that the additional information received from the Town of Los Altos Hills also be forwarded to Supervisor Kniss.

On motion of Commissioner McHugh, seconded by Commissioner Alvarado, it is unanimously ordered that the hearing on Out-of-Agency Service contract to provide sewer services by the Town of Los Altos Hills to the Mora Drive Sewer Project to serve 28 properties within the Sphere of Influence of the Town of Los Altos Hills be continued to the April 11, 2001 LAFCO meeting at 1:15 p.m.

Acting Chairperson LeZotte expresses appreciation to the members of the Mora Drive Sewer Project who testified today.

8. PROPOSED FY 2001-2002 LAFCO BUDGET

Ms. Palacherla reports that the Cortese-Knox-Hertzberg Act requires LAFCOs to annually adopt a budget and requires that the cities and the County share in the cost of funding the LAFCOs. Ms. Palacherla provides an overview of three requirements under

the new law including budget and administration, procedural and technical requirements, and LAFCO's expanded role in ensuring orderly development.

Ms. Palacherla notes at the December 13, 2000 meeting, the Commission authorized staff to negotiate with the County for staffing and facilities and advises that a draft Memorandum of Understanding between LAFCO and the County is being prepared to be forwarded to the Board of Supervisors for approval. She further advises that she is working with the County Auditor on the apportionment of costs for LAFCO and staff.

Ms. Palacherla refers to the Procedural and Technical Requirements noting that a number of changes to the existing procedures are required under the new law, including a web site to meet the noticing requirements, updating various forms to reflect the new disclosure requirements, setting up procedures as the Conducting Authority.

Ms. Palacherla continues her report and refers to the Expanded Role in Ensuring Orderly Development noting that LAFCOs are required to conduct additional analysis in order to carry out new responsibilities to be effective in preventing urban sprawl, protecting agricultural and open space lands and ensuring efficient service provision. She further notes that the new requirements include a review of extension of services into unincorporated areas, review of all Out of Agency contracts for extension of services, and a comprehensive analysis of proposals. In addition, LAFCO is required to do five-year Sphere of Influence updates and service reviews. She points out that with the number of requirements under the new law that additional staff is required.

Ms. Palacherla refers to the Proposed Staffing Level table attached to her staff report and advises that the LAFCO Budget Subcommittee is recommending additional staff. She discusses the current staffing levels and the proposed staffing levels for the Executive Director, LAFCO Clerk, LAFCO Counsel, LAFCO Planner, LAFCO Analyst, LAFCO Surveyor, and Consultant. Ms. Palacherla points out that the Budget Subcommittee is recommending that the half-time LAFCO Clerk position be increased to a full-time position, increase number of hours for the LAFCO Counsel on an as needed basis, a new LAFCO Analyst full time position, and a Consultant for specific projects such as map publications, SOI and service reviews.

Ms. Palacherla continues by providing an overview of the Budget Analysis referenced in her staff report. She provides an overview of each category including Hardware and Software, Office Expenses, County Overhead Costs, Geographic

Information System (GIS) Administration/Maintenance, General Systems Administration, Insurance, Staff Training, Litigation Reserve and Contingency Funds.

Ms. Palacherla references the Fiscal Year 2001-2002 Proposed LAFCO Budget table and notes that the litigation reserve is \$5,000 and the Contingency Fund is 5 percent of the total budget. She adds that the total LAFCO Budget is \$502,612, including a projected \$25,000 of Revenues from application processing for Fiscal Year 2001-2002 and reports that the Net LAFCO Operating Expenses is \$477,612.

Ms. Palacherla concludes her report by providing an overview of the apportionment of LAFCO costs to agencies. She advises that the County is required to pay one-half of the cost, the City of San Jose is required to pay a quarter of the cost, and the remaining 14 cities as a whole are required to pay a quarter of the cost. She refers to the chart in her report that indicates the estimated agency apportionments for each of the 14 cities. Ms. Palacherla also notes that the County Auditor will bill each agency that is responsible for funding LAFCO.

In response to an inquiry by Commissioner McHugh, Ms. Palacherla advises that state law requires that the apportionment among the cities of LAFCO expenses be based on the City's total revenue. Discussion ensues regarding concerns that the litigation reserve of \$5,000 may not be sufficient to cover litigation expenses. Kathy Kretchmer, LAFCO Counsel, advises that there is a provision that if LAFCO should go over budget due to a litigation issue, LAFCO could request an advance from the County. Ms. Kretchmer further advises that if LAFCO goes over budget, the expenses would be assessed in the next fiscal year and apportioned in the same manner that was indicated by Ms. Palacherla earlier.

Commissioner Jackson notes that the Budget Subcommittee reviewed the proposed budget and advises that the proposed budget is a working budget. She also notes that the Subcommittee will be reviewing the fee schedule. Commissioner Wilson comments that there will probably not be recurring costs, such as computer hardware and software. Commissioner Alvarado expresses appreciation to Commissioners Gage and Jackson for working with staff on the proposed budget. Acting Chairperson LeZotte expresses appreciation to the County for providing facilities to LAFCO. In response to an inquiry by Acting Chairperson LeZotte, Ms. Palacherla advises that the insurance category refers to LAFCO staff and not to LAFCO Commissioners.

Acting Chairperson LeZotte refers to the Contingency Funds of \$25,000 of projected revenues and inquires if there will be a cost recovery to offset the costs of a new Analyst and increase time for the LAFCO Clerk. Ms. Palacherla advises that the last time the LAFCO fee schedule had been revised was a couple of years ago and compared to other LAFCOs, there is quite a difference in fees. She notes that there is room for cost recovery in the future. Acting Chairperson LeZotte expresses appreciation to LAFCO staff for their work on the proposed budget.

On motion of Commissioner McHugh, seconded by Commissioner Jackson, it is unanimously ordered that the proposed budget of \$502, 612 for FY 2001-2002 be approved; and that staff be authorized to transmit the proposed budget adopted by the Commission including the draft city apportionment amounts to each of the cities, the County and the Cities Association.

(Commissioner Alvarado leaves at 2:00 p.m.)

9. **CONTRIBUTIONS AND LOBBYING DISCLOSURE REQUIREMENTS**

Ms. Palacherla expresses appreciation to Ms. Kretchmer for researching and preparing the proposed contributions and lobbying disclosure requirement recommendations.

Ms. Palacherla provides an overview of each recommendation relating to contributions and lobbying disclosure requirements. She recommends that the Commission authorize staff to amend appropriate application forms with proposed statements to reflect the mandatory disclosure requirements; that the Commission not adopt any contribution disclosure requirements at this time; and that the Commission adopt proposed lobbying disclosure requirements.

Ms. Palacherla refers to the proposed policies relating to the lobbying disclosure requirements included in her staff report, dated February 8, 2001 and provides a brief overview of the proposed policies.

Commissioner McHugh requests that LAFCO Counsel provide a Counsel opinion regarding the disclosure requirement concerning proposals to be voted on by the Commission. Acting Chairperson LeZotte requests that the staff memorandum include information indicating that the memorandum was coordinated with LAFCO Counsel.

On motion of Commissioner Jackson, seconded by Commissioner Wilson, it is ordered on a vote of 3-0 with Commissioner McHugh abstaining, and Commissioner Alvarado absent that staff's recommendations be approved to authorize staff to amend appropriate application forms with proposed statements to reflect the mandatory disclosure requirements; that the Commission not adopt any contribution disclosure requirements at this time; and adoption of proposed lobbying disclosure requirements.

10. EXECUTIVE DIRECTOR'S REPORT

A. One-Day Workshop for Commissioners Regarding Implementation Of Cortese-Knox-Hertzberg Act, at the Sacramento Convention Center on March 28, 2001

Ms. Palacherla encourages Commissioners to attend the California Local Agency Formation Commission (CALAFCO) Workshop, and notes that LAFCO staff has attended an orientation on the Cortese-Knox-Hertzberg.

In response by an inquiry by Acting Chairperson LeZotte, Ms. Palacherla advises that she will forward information to Commissioners regarding the one-day workshop in Sacramento as soon as it is available.

B. CALAFCO Clerks Conference 2001 in San Francisco

Ms. Palacherla advises that the CALAFCO Clerks Workshop is scheduled for February 21-23, 2001 in San Francisco and requests that the Santa Clara County LAFCO Clerk be authorized to attend. She points out that the workshop will provide information on the various facets of LAFCO and implementation of AB 2838 (Cortese-Knox-Hertzberg).

On motion of Commissioner Wilson, seconded by Commissioner Jackson, it is unanimously ordered that the LAFCO Clerk be authorized to attend the CALAFCO Clerks Workshop in San Francisco on February 21-23, 2001, and that travel expenses be funded from the LAFCO travel budget.

C. Morgan Hill Unified School District (MHUSD) Update, (Information Only)

Ms. Palacherla provides an update on the Morgan Hill Unified School District (MHUSD). She notes that Commissioner Alvarado requested information from the last meeting regarding the status of the MHUSD proposal. Ms. Palacherla advises that the City of Morgan Hill and MHUSD entered into an agreement for the City to provide sewer and water services to the School District in Mid-December, therefore the new law will not apply to the proposal. She also advises that the City of San Jose has filed a lawsuit relating to California Environmental Quality Act (CEQA) issues on the proposal and settlement discussions are currently taking place.

11. ANNOUNCEMENT

Acting Chairperson LeZotte acknowledges LAFCO Alternate Member Mary Lou Zoglin, City Representative, who is in the audience today.

12. ADJOURNMENT

On order of the Acting Chairperson, there being no objection, the meeting is adjourned at 2:23 p.m. to the next regular meeting to be held on Wednesday, April 11, 2001 at 1:15 p.m. in the Chambers of the Board of Supervisors, County Government Center, 70 West Hedding Street, San Jose, California.

Linda LeZotte, Vice Chairperson
Local Agency Formation Commission

ATTEST:

Ruth Marston, LAFCO Clerk

SANTA CLARA COUNTY
Local Agency Formation Commission

MINUTES

WEDNESDAY, APRIL 11, 2001

1. **ROLL CALL**

The Local Agency Formation Commission (LAFCO) of Santa Clara County convenes this 11th day of April, 2001 at 1:20 p.m. in the Chambers of the Board of Supervisors, County Government Center, 70 West Hedding Street, San Jose, California with the following members present: Commissioners Blanca Alvarado, Donald Gage, and Suzanne Jackson. Commissioners Linda LeZotte, and Susan Vickland Wilson are not present at 1:20 p.m. LAFCO staff in attendance include Neelima Palacherla, LAFCO Executive Director; Kathy Kretchmer, LAFCO Counsel; Ginny Millar, LAFCO Surveyor; and, Colleen Oda, LAFCO Planner. Commissioners Linda LeZotte and Susan Vickland Wilson arrive at 1:25 p.m. The meeting is called to order by Chairperson Gage and the following proceedings are had, to wit:

2. **PUBLIC PRESENTATIONS**

David W. Dolloff, Chairperson, Firefighters and Citizens Task Force (FACT) Committee, notes that FACT is concerned that part of the City of Saratoga is in the County Fire Protection District and the other part is in the Saratoga Fire Protection District. Mr. Dolloff expresses the opinion that the residents in the Saratoga Fire Protection District are not provided quality fire protection service. He refers to six homes in Saratoga and states that the homes are located in a catastrophic fire hazard area on the hillside are not being properly covered by the fire district. Mr. Dolloff advises that an information packet is available for the Commission regarding the fire issues in the Saratoga Fire Protection District.

Ed Farrell, FACT Committee, provides background information regarding the two fire departments that provide fire service to the City of Saratoga. He discusses the reasons that firefighters in the Saratoga Fire Department are lobbying for a merger of the Saratoga Fire Department and County Fire Protection District (County Fire) and expresses the opinion that the Saratoga Fire Commissioners are resisting the merger for political reasons. Mr. Farrell advises that FACT was formed to address these issues and he requests that LAFCO support FACT.

Bill Morrison, President, Firefighters Association, provides a brief overview of the 1999 California Occupation Safety and Health Authority (CAL OSHA) requirement relating to the staffing levels for firefighters. He advises that the law requires two firefighters to fight fires and two firefighters to serve as back ups before fire fighting efforts begin. He points out that there is not enough manpower to meet the CAL OSHA staffing level requirement. Mr. Morrison notes that approximately three years ago the Saratoga Fire Department began utilizing volunteers. He discusses the difficulty for firefighters who live out of the area to respond to a fire scene within five minutes in which they need to respond.

Art Marshall, President, Santa Clara County Firefighters, advises that he was approached approximately two years ago by Mr. Morrison to discuss the possibility of a fire service consolidation and contracting services. He points out that the primary focus of a merger is to raise the level of safety for firefighters and for citizens that they protect. Mr. Marshall discusses the level of fire service that is provided by the County Fire to half the City of Saratoga and notes that County Fire has the ability to provide effective fire service to all of the residents in Saratoga.

He advises that a Request for Proposal from the Saratoga Fire Department is currently being reviewed by the County Fire. Mr. Marshall notes that members of FACT are present today to address concerns relating to the fire service boundaries and to request support from LAFCO in raising the level of fire service to all residents of Saratoga.

Chairperson Gage requests LAFCO Counsel provide a written report on the jurisdiction of LAFCO relating to the Saratoga Fire Commission.

*3. APPROVE CONSENT CALENDAR

On motion of Commissioner Alvarado, seconded by Commissioner Jackson, it is unanimously ordered that the consent calendar be approved.

*3.1 CUPERTINO SANITARY DISTRICT ANNEXATION – VIA REGINA ROAD, LANDS OF KOHLER

On motion of Commissioner Alvarado, seconded by Commissioner Jackson, it is unanimously ordered that Resolution No. 01-5 be adopted, approving the annexation of proposal designated as Cupertino Sanitary District – Via Regina Road, Lands of Kohler, 2.60 acres on the east side via Regnart Road between Quarry Road and Pierce Road into the Cupertino Sanitary District subject to the terms and conditions of Exhibit C.

*3.2 WEST VALLEY SANITATION DISTRICT 2001-1, SARATOGA HILLS ROAD

On motion of Commissioner Alvarado, seconded by Commissioner Jackson, it is unanimously ordered that Resolution No. 01-6 be adopted, approving the annexation of proposal designated as West Valley Sanitation District Annexation 2001-1, Saratoga Hills Road, 1.22 acres on the west side of Saratoga Hills Road between Pierce Road and Saratoga-Sunnyvale Road into the West Valley Sanitation District.

4 PUBLIC HEARINGS

4.1 OUT-OF-AGENCY SEWER SERVICE, MORA DRIVE SEWER PROJECT, TOWN OF LOS ALTOS HILLS CONTINUED FROM FEBRUARY 14, 2001

This being the time and place set for public hearing to consider a request for Out-Of-Agency Sewer Service, Mora Drive Sewer Project, Town of Los Altos Hills, Chairperson Gage declares the hearing open.

Commissioners Alvarado, Gage, and Jackson report that they individually met with the members of the Mora Drive Sewer Project.

The Commission considers the staff report from Ms. Palacherla, dated April 5, 2001, recommending that the request for extension of sewer service to 28 properties on Mora Drive be approved on the condition that the Town of Los Altos Hills apply for a pre-zoning designation to the larger portion of the unincorporated area within the

Town's urban service area in which the Mora Drive Sewer Project (MDSP) is located. Any future additional connections to the sewer line will require LAFCO review and approval.

Ms. Palacherla provides an update on the status of the proposal. She notes that the public hearing on the proposal was continued from the February 14, 2001 meeting to allow the Town of Los Altos Hills to provide additional information on the issues raised by the Commission and by the members of MDSP. Ms. Palacherla provides an overview of the responses received by the Town of Los Altos Hills regarding the manner in which the Town addressed each issue. She references the amendment of the master sewer agreement and advises that the Town accepted administrative responsibility relating to the additional 40 connections that the Town would allow prior to amending the master sewer agreement.

She reports that the Town of Los Altos Hills and the City of Los Altos are currently preparing to do a master sewer plan for the area and the Town of Los Altos Hills and the City of Los Altos will also review the capacity constraints in the area to determine if they would be able to provide sewer service to the entire area. Ms. Palacherla advises that the Master Sewer Plan is expected to be completed by the end of the next fiscal year at which time the master sewer agreement between the Town and property owners will be amended to reflect the master sewer plan.

Ms. Palacherla continues her report by advising that the Town Council voted to support the pre-zoning of the Mora Drive area provided that MDSP apply for pre-zoning and pay all the fees. She notes that the Town's Planning Director indicated that he will recommend pre-zoning of the entire pocket within the Urban Service Area excluding the area with smaller parcels. Ms. Palacherla further notes that she has not received information that an application has been filed for pre-zoning.

In addition, Ms. Palacherla advises that she received a revised letter from the Environmental Health Department recommending that sewer service be provided to six parcels in which four of the parcels are within the MDSP.

Ms. Palacherla concludes by recommending approval of the extension of sewer service on the condition that pre-zoning occur as indicated on the map.

In response to an inquiry by Commissioner Jackson, Ms. Palacherla explains that the master sewer agreement allows for 1,100 connections to the Town whether it is an

unincorporated area or within the Town boundaries. She further notes that there are 800 connections already in the Town, and 400 capacity rights had been sold and not connected, for a total of 1,200 total connections. The City Council voted to allow 40 additional sewer connections, LAFCO requested the Town and the City to amend the master sewer agreement to reflect that additional 40 connections since the City was already 100 connections beyond the 1,100 capacity level. Commissioner Jackson refers to the memo from Jim Porter, Public Works Director, dated March 5, 2001, relating to "Los Altos Hills Sewer Connections," and points out that the memorandum notes that the sewer agreement discussed a potential of up to 1,500 future connections in Los Altos Hills and a total of 2,100 potential future connections within the Town's Sphere of Influence and comments that this indicates that there is adequate capacity for the entire pocket.

Commissioner LeZotte expresses concern relating to the health and safety issues that were raised by the property owners and notes that the staff report should have reflected those concerns in greater detail.

Hal Feeney, MDSP member, provides a brief overview relating to the public presentation that will be provided by members of MDSP. He expresses appreciation to the LAFCO Executive Director relating to the thorough manner in which each issue was described. Mr. Feeney points out that there is no space in the large pocket area for increased urban sprawl. He provides background information and points out that property owners approached the Town of Los Altos Hills indicating that they were interested in connecting to the sewer line and the Town raised the issue of pre-zoning at that time advising the property owners that there is only one zoning for that area and that the zoning would apply to the MDSP area. Mr. Feeney refers to the Town of Los Altos Hills staff report and points out that the staff report references the sanitation issues. He concludes by requesting that the MDSP list of members be included in the minutes. The meeting attendees in support of the Mora Drive Sewer Project include Mary Seeney, Ann Rae Brockett, Grace C. Hornby, Kara Loriacono, Judy Klein, Richard Gilman, Ernest Trangott, and John Sell.

Charles Bodine, MDSP member, provides an overview relating to the sanitation issues in the Mora Drive area, notes that the area is not suitable for septic tanks or drain field installations and states that the septic systems currently used are a temporary

means of sewage disposal. He continues by providing a history of the sewer inspections that were done in the unincorporated pocket area of the City of Los Altos Hills and indicates that it was determined in 1969 that there was a sanitation problem in the pocket area and again in 1999 the residents of the area experienced failing septic systems. He continues by stating that the residents went before LAFCO to address these issues by requesting an approval to connect to the sewer line. Mr. Bodine concludes by referring to the recent report by the Santa Clara County Environmental Health Department and highlights that the Environmental Health Department recommends that sewer service be made available to the Mora Drive area. He encourages LAFCO's support for extension of the sewer line to the Mora Drive area.

Enrique Klein, MDSP member, provides an overview of the sewer capacity issue. He notes that there appears to be some discrepancies about the understanding between contractual capacity and physical capacity and advises that Don Toy, Consultant Engineer, Mark Thomas & Company, confirmed that the sewer line can handle over 1,000 connections conservatively. Mr. Klein refers to the letter from Mayor Finn, Town of Los Altos Hills, dated March 22, 2001, and notes that the letter reflects the Town's commitment to the project. He continues his presentation by referring to a letter from Carl Cahill, County Planning Director, dated April 10, 2001, and advises that the letter confirms that MDSP has applied for pre-zoning and has paid all of the fees.

Maureen Cassingham, City Manager, Town of Los Altos Hills, reaffirms the support of the Town of Los Altos Hills for the extension of sewer service to the Mora Drive area. She also reaffirms that the Town has received an application from MDSP for pre-zoning for the areas identified by LAFCO staff and MDSP has paid all of the fees.

In response to an inquiry by Commissioner Alvarado, Ms. Cassingham advises that the pre-zoning process will take approximately six months. Commissioner Alvarado comments that due to the environmental issues that have been raised she inquires about the timeline relating to the construction of the sewer trunk line. Mr. Toy explains that the sewer improvement plans are complete and advises that it will take 45 working days from the start of construction. He further notes that the timeline will depend on when the project goes out to bid.

Hal Feeney, MDSP member, expresses appreciation to everyone who has participated in this process. He provides a brief summary of the actions taken by MDSP and the Town of Los Altos Hills, and notes a desire that LAFCO will be in favor of the proposal as well. He points out that the timeline for the construction of the sewer trunk line is fairly short and notes that the timeline for the pre-zoning process of the entire area will require a longer period of time. Mr. Feeney reiterates the provision of the agreement of MDSP property owners not opposing any future annexations and that MDSP has satisfied every requirement and that it is a win-win situation for everyone.

Art Kaupert, Supervising Environmental Health Specialist, Santa Clara County Department of Environmental Health, refers to his letter, dated April 2, 2001 and provides an overview of the results of the sanitary survey that was conducted in the Mora Drive area. He explains the reasons for the failing septic systems in the Mora Drive area. Mr. Kaupert notes that one septic system is failing because water could not run through the septic system and to prevent surfacing of sewage, the individual is limited to space for repairing the system and five other lots are failing due to plant growth and high groundwater up to 45 feet below the ground service which is a potential for contamination of the water. He also advises that half the roads that they surveyed have minimal space for repair and because of the age of the systems, the repairs are not up to today's standards and are not long term repairs. Mr. Kaupert recommends that sewer service be extended to the Mora Drive area.

Receiving no further requests from the public to speak, the Chairperson orders that the hearing be closed.

Commissioner Alvarado expresses appreciation to the residents of Mora Drive, members of MDSP, LAFCO Staff, Town of Los Altos Hills representatives, and the County Environmental Health Department representative. She acknowledges Supervisor Kniss who is in the audience today. Commissioner Alvarado states that based on the additional information that was provided today, she moves that the request for the extension of sewer service be approved.

In response to an inquiry by Chairperson Gage, Commissioner Alvarado advises that the public testimony indicates that a pre-zoning application is in place, the fees are paid, the Town of Los Altos Hills is in support of pre-zoning and the annexation process

and notes that the action is to approve the proposal that certain conditions will be met according to the pre-zoning application. Commissioner LeZotte seconds the motion.

Chairperson Gage inquires as to whether or not the provision that pertains to the property owners in the Mora Drive area that they will not oppose any future annexations is in writing. Kara Loiacono, MDSP Member, advises that the property owners' signatures to not oppose any annexation in the Mora Drive area have been notarized.

On motion of Commissioner Alvarado, seconded by Commissioner LeZotte, it is unanimously ordered that Resolution No. 01-7 be adopted approving the request of the Town of Los Altos Hills for an Out Of Agency Contract for Sewer Service to the Mora Drive Sewer Project.

4.2 FINAL LAFCO BUDGET (FY 2001-2002)

Ms. Palacherla states that there is no change from the proposed budget that was adopted at the February 14, 2001 meeting. She recommends that the Commission adopt the final budget for fiscal year 2001-2002; authorize staff to transmit the final budget adopted by the Commission to the City Councils, Board of Supervisors, the Cities Association and the Controller's office; and direct the County Auditor-Controller to apportion LAFCO costs to cities and the County and collect payments.

Discussion ensues regarding amending the final budget if LAFCO goes over budget. Kathy Kretchmer, LAFCO Counsel, advises that the Commission can augment the budget if necessary prior to adoption. She further advises that any unspent money in the current budget will roll over to the next fiscal year budget.

On motion of Commissioner Wilson, seconded by Commissioner Jackson, it is unanimously ordered that the final budget of \$502,612 (with \$25,000 revenues resulting in net LAFCO operating expenses of \$477,612) for FY 2001-2002 be approved; and that staff be authorized to transmit the final budget adopted by the Commission including the draft city apportionment amounts to each of the cities, the County and the Cities Association.

4.3 MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN LAFCO AND COUNTY FOR STAFFING AND FACILITIES

Ms. Palacherla provides a brief overview relating to the MOU between LAFCO and the County for staffing and facilities. She recommends that the Commission approve the draft MOU dated April 6, 2001, in concept, and delegate authority to the Chairperson to make any necessary changes to the MOU that do not affect the budget and to execute the final MOU.

Chairperson Gage suggests that each LAFCO member receive a copy of any changes to the MOU.

On motion of Commissioner Alvarado, seconded by Commissioner Wilson, it is unanimously ordered that the staff's recommendation of the MOU be approved.

4.4 CONDUCTING AUTHORITY PROCEEDINGS

Ms. Palacherla references the report dated April 4, 2001, and provides an overview of all of the requirements of the new law that was enacted. She advises that under the new law, LAFCO is the Conducting Authority. Ms. Palacherla notes that the new law requires that LAFCO hold protest hearing within 35 days of the adoption of the resolution by the Commission. She recommends that the Commission delegate all of the functions and responsibilities of conducting authority to the Executive Director and direct staff to prepare a delegation resolution for Commission consideration at the June 13, 2001 meeting.

On motion of Commissioner Alvarado, seconded by Commissioner Wilson, it is unanimously ordered that the staff's recommendation regarding the Conducting Authority Proceedings be approved.

5. EXECUTIVE DIRECTOR'S REPORT

A. Revised LAFCO Application Packets to Reflect Changes in New Law

Ms. Palacherla advises that a copy of the Revised LAFCO application packet was included in the agenda packets for information only.

WEDNESDAY, APRIL 11, 2001

B. LAFCO Web Page (www.santaclara.lafco.ca.gov)

Ms. Palacherla provides a demonstration of the LAFCO web site. In response to an inquiry by Chairperson Gage, Ms. Palacherla notes that status of applications are not on the web site and advises that the LAFCO agenda will be on the web site.

Commissioner LeZotte suggests that email addresses and phone numbers of Commissioners be noted on the web site.

6. ADJOURNMENT

On order of the Chairperson, there being no objection, the meeting is adjourned at 2:33 p.m. to the next regular meeting to be held on Wednesday, June 13, 2001 at 1:15 p.m. in the Chambers of the Board of Supervisors, County Government Center, 70 West Hedding Street, San Jose, California.

Donald F. Gage, Chairperson
Local Agency Formation Commission

ATTEST:

Ruth Marston, LAFCO Clerk

**LOCAL AGENCY FORMATION COMMISSION
SANTA CLARA COUNTY
www.santaclara.lafco.ca.gov**

County Government Center, 11th Floor, East Wing
70 West Hedding Street, San Jose, CA 95110
(408) 299-3800 FAX 295-1613
Neelima Palacherla, Executive Director

May 29, 2001

TO: LAFCO

FROM: Neelima Palacherla, Executive Director *NP*

SUBJECT: **Out of Agency Contract for Extension of Water Service to the
Household Hazardous Waste Collection Facility
(San Martin County Water District)
Agenda Item # 4.1**

STAFF RECOMMENDATION

1. CEQA Action

Extension of Water Service

As a responsible agency under CEQA, find that the Mitigated Negative Declaration approved by the County of Santa Clara (August 2000) was completed in compliance with CEQA and is an adequate discussion of the environmental impacts of the project. LAFCO reviewed and considered the environmental effects of the project as shown in the Mitigated Negative Declaration.

Sphere of Influence Amendment

As lead agency, find that the project is categorically exempt from the requirements of CEQA.

2. Sphere of Influence Amendment

Amend the sphere of influence of San Martin County Water District to include the subject parcel within its sphere and adopt required findings.

3. Extension of Water Service

Approve extension of water service by the San Martin County Water District to the Household Hazardous Waste Collection Facility.

PROJECT DESCRIPTION

The San Martin County Water District (SMCWD) is proposing to extend water supply outside its jurisdictional boundaries to the Household Hazardous Waste Collection Facility (HHWCF) that is currently being constructed by the Santa Clara County Environmental Health Department on 13055 Murphy Avenue, located approximately a ¼ mile south of San Martin Avenue, in the unincorporated San Martin area. Per new legislation that became effective January 1, 2001, a contract for extension of service beyond jurisdictional boundaries between two public agencies requires LAFCO review and approval.

The project site is outside the sphere of influence (SOI) of the SMCWD. Since LAFCO policies do not allow the consideration of proposals that are inconsistent with an agency's SOI, a sphere amendment is also being requested to include the parcel within the SOI of the SMCWD.

BACKGROUND

Household Hazardous Waste Collection Facility

The 2.08-acre project site for the planned HHWCF is a portion of a 6.15-acre site, which currently serves as a maintenance and storage facility for the Santa Clara County Department of Roads and Airports. The SMCWD provides water service to the County Airport across the street from the HHWCF. This project would involve an extension of the water system across the street from the Airport to the HHWCF including a 403 linear feet domestic service pipe and a 595 linear feet fire service pipe from the water main at the Airport to the point of connection on site.

The Santa Clara County Department of Environmental Health administers the Countywide Household Hazardous Waste Program. Local governments work in a county/city partnership to provide this program, agreeing to share costs based on the number of households served from each jurisdiction. In early 1998, the HHW Program was awarded a grant with approximately \$685,000 allocated to building a South County permanent facility for collection of hazardous waste. Unwanted household products labeled as flammable, toxic, corrosive or reactive are defined as household hazardous waste (HHW). The proposed HHWCF will be used as a fixed collection site for accepting household hazardous waste material from the public during regular operating hours. The facility is expected to operate on 4 consecutive days per week. However, the parcel does not have an adequate water supply, without the provision of which, the facility cannot be built.

The County is seeking water service from the SMCWD for domestic and fire protection purposes. Two alternative proposals for water supply provision were identified but were not feasible. The first alternative involved seeking service from the West San Martin Water Company which was not able to provide the service required. The second

alternative was to dig a well on the property. However, it was determined that the capacity of the water storage tank (180,000 gallons) needed in the event of a fire emergency would require a substantial land area unavailable on the property and the powerful pump required to extract water would exceed the allowable height limits set by the Airport's Land Use Committee.

San Martin County Water District

The SMCWD was formed in 1988. The sphere of influence for the district is coterminous with the district boundary. The SMCWD provides services to about 6 to 7 parcels that are currently outside its boundary and SOI. Water connections to these parcels were provided prior to 1994 (state law went into effect in 1994 requiring LAFCO approval for out of agency service contracts) and some parcels that are being provided service had been initially excluded from the district boundary when the district was formed.

A map for the district boundaries and the list of parcels outside the district's boundary and SOI that the district is currently serving will be available at the meeting.

ENVIRONMENTAL ASSESSMENT

Extension of Water Services

An Initial Study and Mitigated Negative Declaration was prepared for the proposal and approved by the County Board of Supervisors in August 2000. At that time, LAFCO was not considered a responsible agency for the project because state law exempted contracts for extension of services between two public agencies from LAFCO review and approval. With a change in state law removing this exception for public agencies and requiring LAFCO approval for such projects, LAFCO is considered a responsible agency under CEQA. LAFCO must find that the Initial Study and Mitigated Negative Declaration approved by Santa Clara County was completed in compliance with CEQA and that LAFCO reviewed and considered the environmental effects of the project. An analysis of the environmental information is contained in the attached LAFCO Planner's staff report.

SOI Amendment

LAFCO is the lead agency under CEQA for this sphere amendment. The project is categorically exempt from CEQA as described in the attached report from LAFCO Planner.

EXTENSION OF WATER SERVICE

Consistency with Sphere of Influence (SOI) Boundary

The proposal is outside the SOI of the SMCWD. Local LAFCO policies state that proposals for extending services outside an agency's SOI will not be considered by

LAFCO. An application has been made to request LAFCO to amend the sphere to include the subject parcel within SMCWD's SOI.

The SMCWD has historically been and is currently serving several parcels outside its SOI, which is against local LAFCO policies and state law. The SMCWD is agreeable to including all parcels it is currently serving within its district boundaries and SOI. The district is also considering seeking an expansion of its SOI to include other parcels. LAFCO has the authority for establishing SOI boundaries and amending the SOI.

LAFCO is required by the new legislation that took effect January 1, 2001 to conduct a service review prior to a SOI establishment or update. The law also requires that the SOI boundaries be reviewed and updated every 5 years. The State Office of Planning and Research is required to provide guidelines to all LAFCOs for conducting such service reviews. The guidelines are expected to be available in August after which staff will develop policies and procedures for the conduct of services reviews by LAFCO. Because of these reasons staff feels that the minor sphere amendment for this single parcel should be considered by itself at this time and that a comprehensive SOI review and update together with a service review should be conducted at a later scheduled time to address other boundary issues for the district. This would allow the construction of the HHWCF to move forward if the Commission decided to approve the extension of service.

Annexation as Alternative to Service Extension

The property is contiguous to the current district boundary. LAFCO policies and state law encourage annexation instead of extension of services outside an agency's boundaries. However, LAFCO can approve an extension of service in anticipation of a future annexation. At its Board meeting in June, the SMCWD took an action to annex all parcels that are currently being served by the district or that are requesting service by the district. Attached is a letter from SMCWD Board Chair (Attachment #6) regarding the actions taken by the District's Board at its May and June meetings. To date, the county has not objected to annexation of the parcel to the district. Because of the timing issues for the construction of the project, staff recommends that annexation be deferred to a later time – preferably to be considered in conjunction with conducting a comprehensive SOI update for the district.

Health and Safety/Public Benefit Issues

The unincorporated areas in Santa Clara County, representing approximately 7 percent of the County's population, are the sites of 22percent of illegal dumping countywide. Approximately 80 percent of all abandoned wastes are of household origin. The operation of the HHWCF will reduce the occurrence of illegal dumping by bringing a dramatic increase in the level of service to area residents and by providing a safe and reliable method for HHW disposal. The facility alleviates health and safety concerns about hazardous wastes and provides a valuable community service.

Growth Inducing Impacts

The property is currently used as a storage yard by the Roads and Airports Department. Surrounding land use includes the South County Airport to the south east, industrial uses to the north and rural residential uses that are within the water district boundaries to the west of Llagas Creek. It is unlikely that extension of water service to a HHWCF would have any growth inducing impacts in the area.

Ability of the District to Provide Services

The SMCWD has indicated that it does have the capacity to provide adequate water supply to the HHWCF without detracting from the existing level of services within its boundary.

Premature Conversion of Agricultural or open Space Land

The Environmental Assessment prepared for the project did not identify the existence of prime agricultural soils on the already developed project site. The parcel is developed with industrial uses and is not within an agricultural or open space designated zone. The project will not result in the premature conversion of either agricultural or open space lands.

SPHERE OF INFLUENCE AMENDMENT

LAFCO has received a request to include the project site and parcel (APN: 825-37-043) within the SOI of the SMCWD. The SMCWD is proposing to extend water services to this parcel which is currently outside its boundary and SOI.

Sphere of Influence Findings

In approving the sphere change, LAFCO must consider the following issues and adopt resultant findings:

1. The present and planned land uses in the area, including agricultural and open space lands.

Finding: The present land use is as a maintenance and storage yard by the Santa Clara County Roads and Airports Department. A HHWCF is also planned for a portion of the parcel. The County General plan designation for this parcel is Transportation, but the zoning designation is inconsistent with the General plan and is Rural Residential with a minimum lot size of 5 acres. The parcel will be subject to the County General Plan even after inclusion in the district's sphere.

2. The present and probable need for public facilities and services in the area.

Finding: The present and future need for public facilities and services has been considered and the most logical and feasible alternative for services is the SMCWD.

3. The present capacity of public facilities and adequacy of public services which the agency provides or is authorized to provide.

Finding: The County does not provide municipal services to unincorporated areas within the county, and does not allow urbanized development in the unincorporated areas. The services and facilities of SMCWD would be adequate for the project site. The present and future demand for service for the parcel can be met by the SMCWD.

4. The existence of any social or economic communities of interest in the area.

Finding: The parcel is located within the San Martin Planning Area. The district currently provides water service to many parcels within that area. Inclusion of the parcel within the SOI of the SMCWD will not affect the community.

REQUEST FOR FEE WAIVER

The County Department of Environmental Health is seeking a fee waiver from LAFCO for processing this application. Attached is a letter from the County indicating the reasons for their request for a fee waiver. (Attachment #5) Pursuant to Government Code §56383(d) the Commission may waive the fee if it finds that payment would be detrimental to the public interest.

The LAFCO fee for an Out of Agency Service Contract / SOI application is a deposit of \$5,000. If actual costs are less than \$5,000, the Commission will refund the difference and if actual costs exceed the \$5,000, the Commission will request an additional amount to cover the costs.

If the Commission determines not to waive the fee, LAFCO approval will be conditional upon final payment within 35 days of LAFCO hearing date.

CONCLUSION

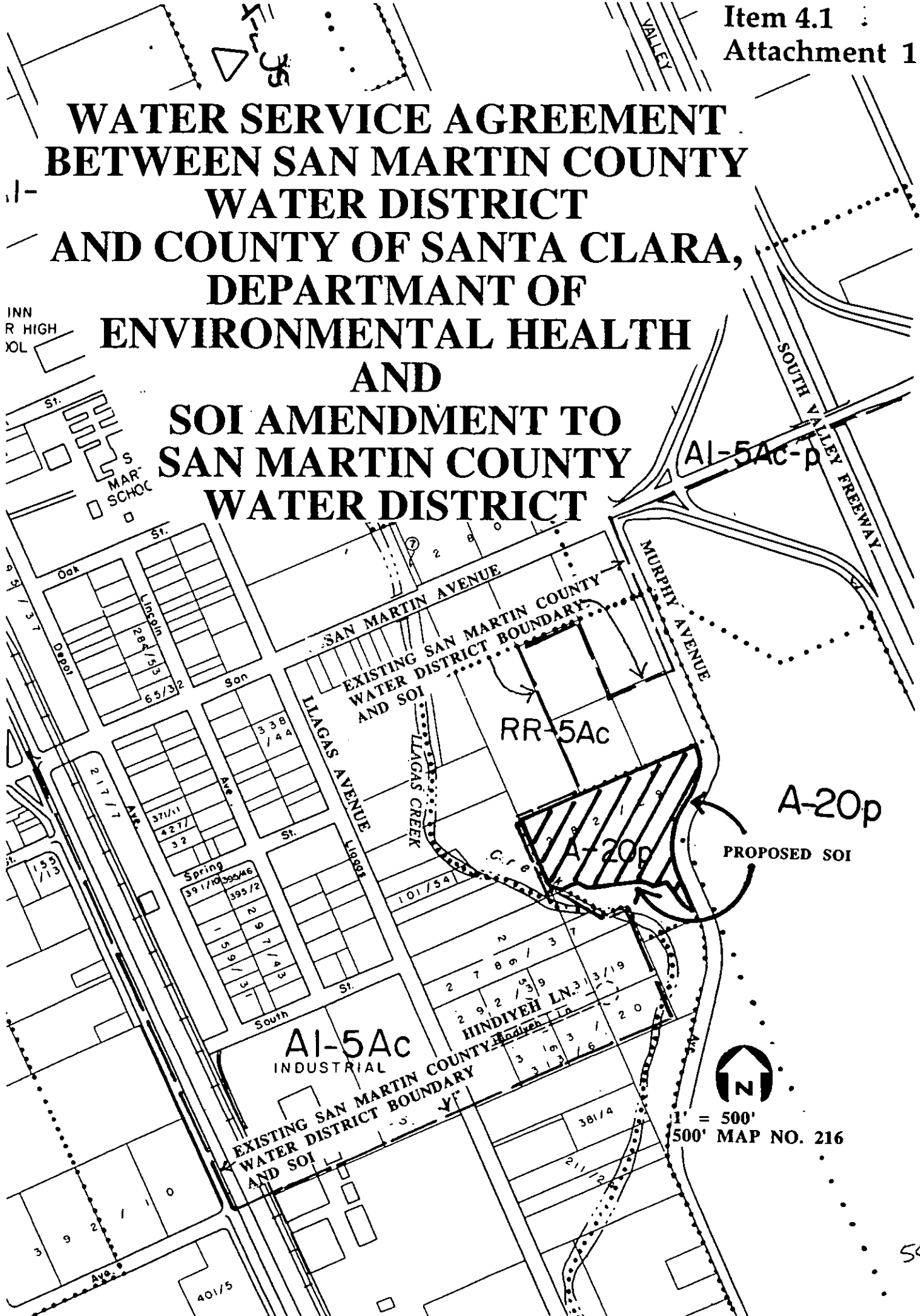
The project has no foreseeable growth inducing impacts or negative impacts on the agricultural or open space resources in the area. On the contrary, the project will reduce illegal dumping of household hazardous material in an area that has a large agricultural industry and will help lessen contamination of wells and surface water. The SMCWD is the logical agency which can reasonably extend necessary water services to the HHWCF. Issues regarding the district's boundary and SOI still remain which LAFCO should address and resolve with the district in a comprehensive manner at a later scheduled time. For now, LAFCO has assurance that the district will annex the parcel at a future date. Therefore, the project should be approved at this time so as to not jeopardize its completion in a timely manner. Staff recommends that the Commission approve the extension of water service and the SOI amendment.

ATTACHMENTS

1. Map showing subject property and jurisdictional boundaries of SMCWD
2. LAFCO Planner's Report
3. SCMWD Resolution requesting LAFCO approval
4. Sewer Service Agreement between the County and the SMCWD for water service to the HHWCF
5. Letter dated May 14, 2001 from the County Department of Environmental Health seeking a fee waiver for this application
6. Letter from the SMCWD Board Chair indicating the Board's actions relevant to this project.

WATER SERVICE AGREEMENT BETWEEN SAN MARTIN COUNTY WATER DISTRICT AND COUNTY OF SANTA CLARA, DEPARTMENT OF ENVIRONMENTAL HEALTH AND SOI AMENDMENT TO SAN MARTIN COUNTY WATER DISTRICT

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500' MAP NO. 216

500'
216



County of Santa Clara

Environmental Resources Agency
Planning Office

County Government Center, East Wing, 7th Floor
70 West Hedding Street
San Jose, California 95110-1705
(408) 299-2454 FAX (408) 288-9198
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Prepared by: Colleen Oda
Approved by: Hugh Graham *HG*
Date prepared: May 16, 2001

Hearing Date: June 13, 2001

To: The Santa Clara County Local Agency Formation Commission
From: Santa Clara County Planning Office
Subject: **SAN MARTIN COUNTY WATER DISTRICT - OUT OF AGENCY
CONTRACT 2001 (SANTA CLARA COUNTY DEPT. OF ENVIRON.
HEALTH HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITY)**

Recommended CEQA Action and Required Findings:

As a Responsible Agency under CEQA, LAFCO must take the following actions regarding the Negative Declaration for any project approved by the Commission:

1. Find that [a] the Mitigated Negative Declaration approved by the County of Santa Clara was completed in compliance with CEQA and is an adequate discussion of the environmental impacts of the project, [b] prior to making a decision on this project, LAFCO reviewed and considered the environmental effects of the project as shown in the Mitigated Negative Declaration.

Background

The San Martin County Water District proposes to provide water service to a proposed Santa Clara County Environmental Health Department Household Hazardous Waste Collection Facility. The project site is a portion of a 6.15 acre site that currently serves as a maintenance and storage facility for the Santa Clara County Department of Roads and Airports. The project itself is a size of 2 acres located on Murphy Avenue, approximately 950 feet southeast of San Martin Avenue, in the San Martin area of unincorporated Santa Clara County. It is directly west of the South County Municipal Airport (San Martin Airport). Since the proposed extended services will be outside of the San Martin County Water District's jurisdictional boundaries, an out-of-agency approval is required from LAFCO. The San Martin County Water District currently provides water services outside their jurisdictional boundary to the San Martin Airport across the street from the proposed project.

The environmental assessment of the proposed project was approved in August 2000 by the Santa Clara County Board of Supervisors. When the Mitigated Negative Declaration was prepared, LAFCO was not considered as a responsible agency for the project because contracts for extension of services between two public agencies were considered exempt

from LAFCO review and approval. However new legislation effective as of January 1, 2001 requires that extension of services between two public agencies to have LAFCO approval. In this case the proposed project involves the extension of water services between two public agencies (San Martin County Water District and Santa Clara County Environmental Health Department).

The proposed project is within the San Martin Planning Area. There is no defined Sphere of Influence or Urban Service Area for the San Martin Planning Area. San Martin is a rural unincorporated community governed by the County Board of Supervisors.

The project would involve extension of the water system from San Martin Airport to the project site. The County of Santa Clara would provide funding, engineering and construction to connect to the existing water line on Airport property. The pipeline would be brought across the street to service the proposed Household Hazardous Waste Collection Facility. According to the County General Services Agency, Capital Programs Division, the domestic service pipe would be approximately 403 linear feet and the fire service pipe would be approximately 595 linear feet from the point of connection to the existing water main at the County airport.

Additionally, the environmental assessment indicates that the proposed project would include construction of a stormdrain system for the project site. A 50,000 gallon detention pond would be constructed at one of the bio-swales to moderate off-site flow and to provide a tertiary level of containment to capture any possible spilled or leaked materials. The detention pond would be equipped with a shut-off valve to prevent the flow of any possible contaminants and an underground outfall pipe would be constructed from the detention pond to Llagas creek, where a stormdrain outfall would be constructed.

The County of Santa Clara Environ. Health Dept. has investigated alternative water connections to serve the facility. The West San Martin Water Company was contacted, however it was determined that they would not be able to provide water service to the subject property. A second option was the installation of a well. However it was determined that there would not be enough land area available on the subject property to hold a tank and pump to extract water according to size and height requirements specified by the County Fire Marshall's Office and Airport Land Use Committee.

Adjacent land uses include the South County Airport to the east, the County maintenance facility to the west and south and industrial land uses (an auto dismantling facility) to the north of the site. Land uses to the west of the County maintenance facility, across Llagas Creek are rural residential.

Environmental Assessment

Mitigated Negative Declaration

A Mitigated Negative Declaration was prepared for the site and was adopted by the County of Santa Clara Board of Supervisors in August 2000. Environmental factors of specific concern to LAFCO are discussed below.

Environmental Factors of Concern to LAFCO

Premature Conversion of Agricultural and Open Space Lands

The Environmental Assessment prepared for the project did not identify the existence of prime agricultural soils on the already developed project site. In addition, there would be no significant impacts on open space resources. In sum, as the project site is already developed with industrial

development, and is not within an agricultural or open space designated zone, the project will not result in the premature conversion of either agricultural or open space lands.

Growth Inducement & Precedent Setting Implications

The subject property is zoned RR which has a minimum lot size of 5 acres. Other properties in the immediate vicinity would not be served by the water extension as the contract authorizes an extension of water service only from the San Martin Airport to the proposed Hazardous Waste Collection Facility. As a result, the project would have no direct growth inducing impacts.

Provision of Public Services

According to a memo from Santa Clara County Department of Environmental Health, the San Martin County Water District does have adequate water capacities to provide services to the proposed Hazardous Waste Collection Facility without detracting from the existing service levels within this area. A Resolution and Contract confirming the agreement to extending water service to the project site was completed at San Martin County Water District's meeting on May 7, 2001. The initial study indicates that according to the Santa Clara County Fire Department, recent improvements by the Santa Clara Valley Water District have significantly improved flow and pressure in the water line that would serve the facility.

County of Santa Clara

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www.sccplanning.org



Prepared by: Colleen Oda
Approved by: Hugh Graham
Date prepared: June 5, 2001

Hearing Date: June 13, 2001

To: The Santa Clara County Local Agency Formation Commission
From: Santa Clara County Planning Office
Subject: **SAN MARTIN COUNTY WATER DISTRICT -
SPHERE OF INFLUENCE AMENDMENT**

Recommended Environmental Action:

Approve Categorical Exemption. The project is categorically exempt from the requirements of CEQA.

Reasons for Recommendation:

The project is exempt under CEQA Class 8, Section 15308; CEQA Class 30, Section 15330, and CEQA Section 15061(b3) that states:

Section 15308: Actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

Section 15330: Minor cleanup actions taken to prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release of a hazardous waste or substance which are small or medium removal actions costing \$1 million or less.

Section 15061(b3): The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

The San Martin County Water District proposes to amend the district's sphere of influence to include the project site for a proposed Santa Clara County Environmental Health Department Household Hazardous Waste Collection Facility. The project site totals 2 acres located on Murphy Avenue, approximately 950 southeast of San Martin Avenue, in the San Martin area of unincorporated Santa Clara County. The project site is a portion of a 6.15 acre site that currently serves as a maintenance and storage facility for the Santa Clara County Department of Roads and Airports. Water service could be provided to the proposed facility by including the project site within San Martin County Water District's Sphere of Influence.

The proposed sphere of influence amendment is thus exempt from CEQA for the following reasons. Because the facility involved would be used to store household hazardous waste products and is part of the Santa Clara County Environmental Health Department's Hazardous Waste Recycling and Disposal Program the project meets categorical exemption requirements of section 15308 and 15330. Because the activity involved in the project would not have a significant effect on the environment, the project meets categorical exemption requirements of section 15061 (b3).

Item 4.1
Attachment 3

RESOLUTION NO. 01-2001

RESOLUTION OF THE SAN MARTIN COUNTY WATER DISTRICT AUTHORIZING OUT OF AREA SERVICE TO THE SANTA CLARA COUNTY HAZARDOUS WASTE DISPOSAL SITE ON MURPHY ST, IN SAN MARTIN, CALIFORNIA.

WHEREAS, the, SAN MARTIN COUNTY WATER DISTRICT ("District") AGREES TO PROVIDE WATER SERVICE TO THE HAZARDOUS WASTE FACILITY; and WHEREAS, a hearing was held on May 7,2001;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SAN MARTIN COUNTY WATER DISTRICT AS FOLLOWS:

SECTION 1. The Board of Directors of the San Martin County Water District hereby finds and determines that in the public interest and necessity that it will be most compatible with the greatest public good to provide water service to the said facility.

SECTION 2. The Board of Directors of the San Martin County Water District further finds that the current water delivery system has the capacity to provide such service without negatively impacting service to existing customers.

PASSED AND ADOPTED by the Board of Directors of the San Martin County Water District at a the regular meeting held on the 7th day of May, by the following called vote:

- AYES: Anne Black, Don Popma, Ray Souza
- NOES:
- ABSENT: Alan Black
- ABSTAIN:

APPROVED: 
Alan D. Black, Chairman

ATTEST:

Ray Souza, Secretary

CERTIFICATE OF THE SECRETARY

I, Anne Black, secretary of the Board of Directors of the San Martin County Water District, do hereby certify that this is a true and correct copy of Resolution No. _____ that was passed and adopted by the Board of Directors of the San Martin County Water District.

Witness my hand as Secretary of the San Martin County Water District on this _____ day of _____, 199__.

Ray Souza, Secretary

**AGREEMENT FOR POTABLE WATER SERVICE FOR PROPERTY
FOR PROPERTY LOCATED OUTSIDE THE LIMITS OF
SAN MARTIN COUNTY WATER DISTRICT**

This Agreement is made effective May 21, 2001, by and between the Department of Environmental Health, County of Santa Clara, (County) a political subdivision of the state of California, and San Martin County Water District (District).

WHEREAS, County has approved the construction of a Household Hazardous Waste Collection Facility (HHWCF); and

WHEREAS, said facility is located on Murphy Avenue, across from the South County Airport, in the two acre northeastern corner of a 6.15 acre parcel which is currently used by the County of Santa Clara as a storage yard, said two acre area to be referred to herein as the Property and shown on Exhibit A attached hereto; and

WHEREAS, there is no adequate water available to the parcel and without the provision of water the HHWCF cannot be built; and

WHEREAS, County desires to use the District's water service for the Property which is located outside the jurisdiction of the District; and

WHEREAS, District finds that adequate water supply exists to provide such service;

NOW, THEREFORE, in consideration of the promises herein and for further good and valuable consideration hereinafter set forth, it is agreed as follows:

SECTION 1: Contingent on approval by the Santa Clara County Local Agency Formation Commission (LAFCO), County proposes to be connected to the District's potable water system at a point approved by the District and as shown on Exhibit A attached hereto.

SECTION 2: Upon connection, County shall receive potable water service to the Property provided that County shall comply with the San Martin County Water District Regulations, current and future.

SECTION 3: County shall install potable water supply facilities to connect to District's water supply system. County agrees that all maintenance of the private potable water laterals from the Property to the point of connection shall be County's responsibility. County shall keep the private potable water lateral in good condition, and shall promptly repair the same following damage or disrepair.

SECTION 4: County agrees that the water service shall apply only to the Property, and does not extend to any additional area.

SECTION 5: County shall be responsible to pay a connection fee of \$1500⁰⁰ and monthly fees in accordance with the published rates to commence upon connection to the District's system.

SECTION 6: District shall continue to provide potable water service as long as the HHWCF is in operation.

SECTION 7: In lieu of and notwithstanding the pro rata risk allocation which might otherwise be imposed between the Parties pursuant to Government Code Section 895.6, the Parties agree that all losses or liabilities incurred by a party shall not be shared pro rata but instead the County of Santa Clara and District agree that pursuant to Government Code Section 895.4, each of the parties hereto shall fully indemnify and hold each of the other parties, their officers, board members, employees and agents, harmless from any claim, expense or cost, damage or liability imposed for injury (as defined by Government Code Section 810.8) occurring by reason of the negligent acts or omissions or willful misconduct of the indemnifying party, its officers, board members, employees or agents, under or in connection with or arising out of any work, authority or jurisdiction delegated to such party under this Agreement. No party, nor any officer, board member, employee or agent thereof shall be responsible for any damage or liability occurring by reason of the negligent acts or omissions or willful misconduct of other parties hereto, their officers, board members, employees or agents, under or in connection with or arising out of any work, authority or jurisdiction delegated to such other parties under this Agreement.

SECTION 8. All notices will be deemed given when in writing and delivered personally or deposited in the United States mail, postage prepaid, return receipt requested, addressed to the other party at the address set forth below or at such other address as the party may designate in writing in accordance with this section:

District: SAN MARTIN COUNTY WATER DIST.
PO BOX 282
SAN MARTIN, CA 95046

County: Director
Department of Environmental Health
P.O. Box 28070
San Jose, CA 95159-8070

SECTION 9. This Agreement shall be construed and enforced in accordance with the laws of the State of California.

SECTION 10. This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

SECTION 11. In the event LAFCO does not approve this out of agency service provision, this agreement shall be null and void.

SECTION 12. This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties, through their duly authorized representatives, have executed this Agreement on the dates indicated hereinbelow.

COUNTY

By: Bruce Dale
Director, Environmental Health

DISTRICT

By: Clayton
Title: Chairperson Board

Date: 5/23/01

Date: 5-21-01

APPROVED AS TO FORM AND LEGALITY:

Kathy Fretchen
Deputy County Counsel

Iter 4.1
Attachment 5

County of Santa Clara

Environmental Resources Agency
Department of Environmental Health
Hazardous Materials Compliance Division
2220 Moorpark Avenue, East Wing, Room 204
San Jose, California 95128-2690
(408) 299-6930 FAX 280-6479
www.ehinfo.org

Mailing Address
Department of Environmental Health
Hazardous Materials Compliance Division
P.O. Box 28070
San Jose, California 95159-8070



May 14, 2001

Neelima Palacherla
LAFCO Executive Director
County of Santa Clara
70 West Hedding Street 10th Floor
San Jose, CA 95110

Dear Ms. Palacherla:

The purpose of this letter is to request a waiver of the fee required for the submission of the application for the Out of Agency Contract for Services and to express the urgency for a resolution to the LAFCO review.

As I've stated in previous correspondence, the construction of a household hazardous waste (HHW) facility in San Martin provides a great benefit to the community. The HHW Program is a collaborative effort of 13 cities and the County to protect the environment and public health from risks related to hazardous materials. The HHW Program was founded in 1991 to provide legal and safe disposal of hazardous wastes generated by residents of the County. This project delivers positive benefits to the southern portion of the county and an overriding public benefit to the county and the 13 cities participating in the countywide Household Hazardous Waste Program. Please waive the LAFCO Fee in consideration of the project's regional benefit.

In addition, the construction project is funded by a grant awarded by the California Integrated Waste Management Board. The grant deadline is September 30, 2001. The project must be completed by this date or the County risks losing over \$600,000 in State grant funds. In addition to this funding, the cities and the County are committing other funding sources to the project. Due to a robust economy and the escalation of costs associated with construction in the Valley, the cost of construction has already exceeded original estimates.

Thank you for your consideration.

Sincerely,

Rob D'Arcy
Hazardous Materials Program Manager.

Item 4.1
Attachment 6

San Martin County Water District

PO Box 282 San Martin, CA 95046 Ph 408-683-4101 Fx 408-683-9448
www.smcwd.dst.ca.us

June 8, 2001

Neelima Palacherla
Executive Director
LAFCO Santa Clara County

Dear Ms Palacherla:

Per your request this letter is to inform you that the San Martin County Water District board passed the following motions during our May and June meetings.

During the May meeting a Resolution was approved to provide service to the County Hazardous Waste Disposal Site.

During the June meeting a Motion to approve annexation of all parcels currently being served or requesting service by the district was passed, additionally a Motion to establish a sphere of influence that may extend to the following boundaries. The middle of Monterey Rd. to the West, middle of Maple Av. to the North, middle of Masten Av. To the South and to the Stanislaus County Line on the East was approved.

Generally we do not have a July meeting so the June minutes are usually prepared just prior to the August meeting for approval.

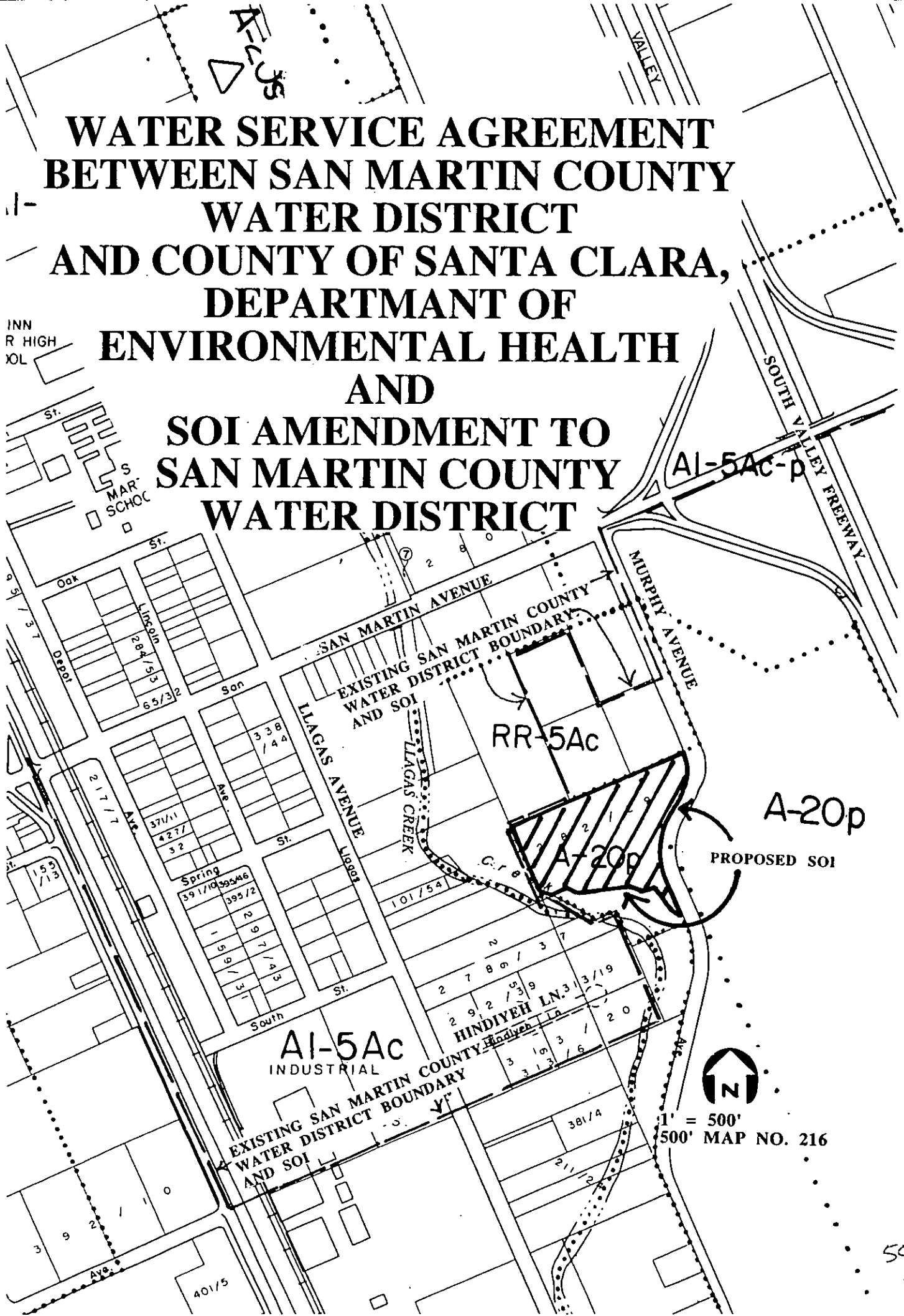
Sincerely,



Alan D. Black
SMCWD, Board Chair

WATER SERVICE AGREEMENT BETWEEN SAN MARTIN COUNTY WATER DISTRICT AND COUNTY OF SANTA CLARA, DEPARTMENT OF ENVIRONMENTAL HEALTH AND SOI AMENDMENT TO SAN MARTIN COUNTY WATER DISTRICT

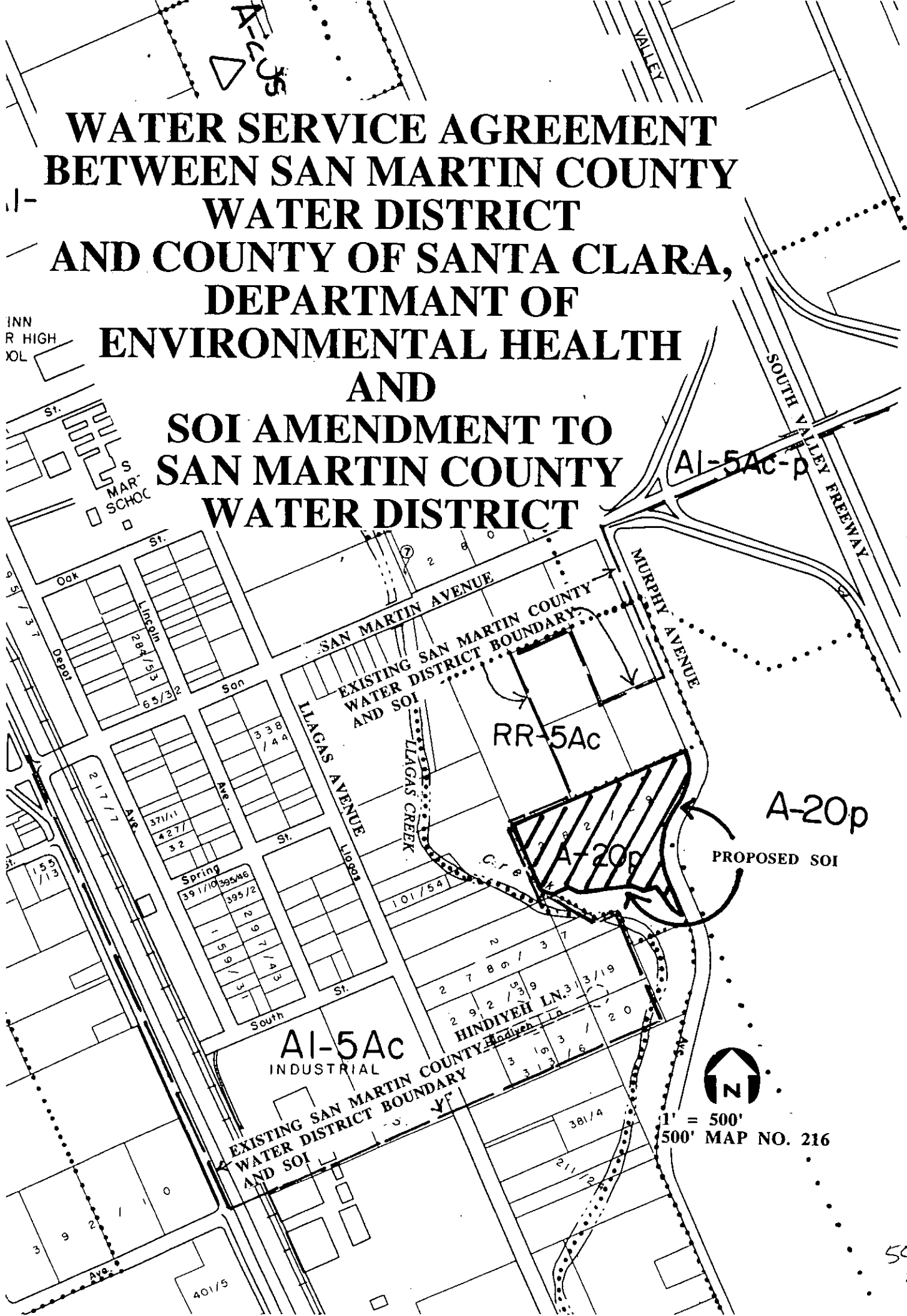
INN
R HIGH
XL



500'
216

WATER SERVICE AGREEMENT BETWEEN SAN MARTIN COUNTY WATER DISTRICT AND COUNTY OF SANTA CLARA, DEPARTMENT OF ENVIRONMENTAL HEALTH AND SOI AMENDMENT TO SAN MARTIN COUNTY WATER DISTRICT

INN
R HIGH
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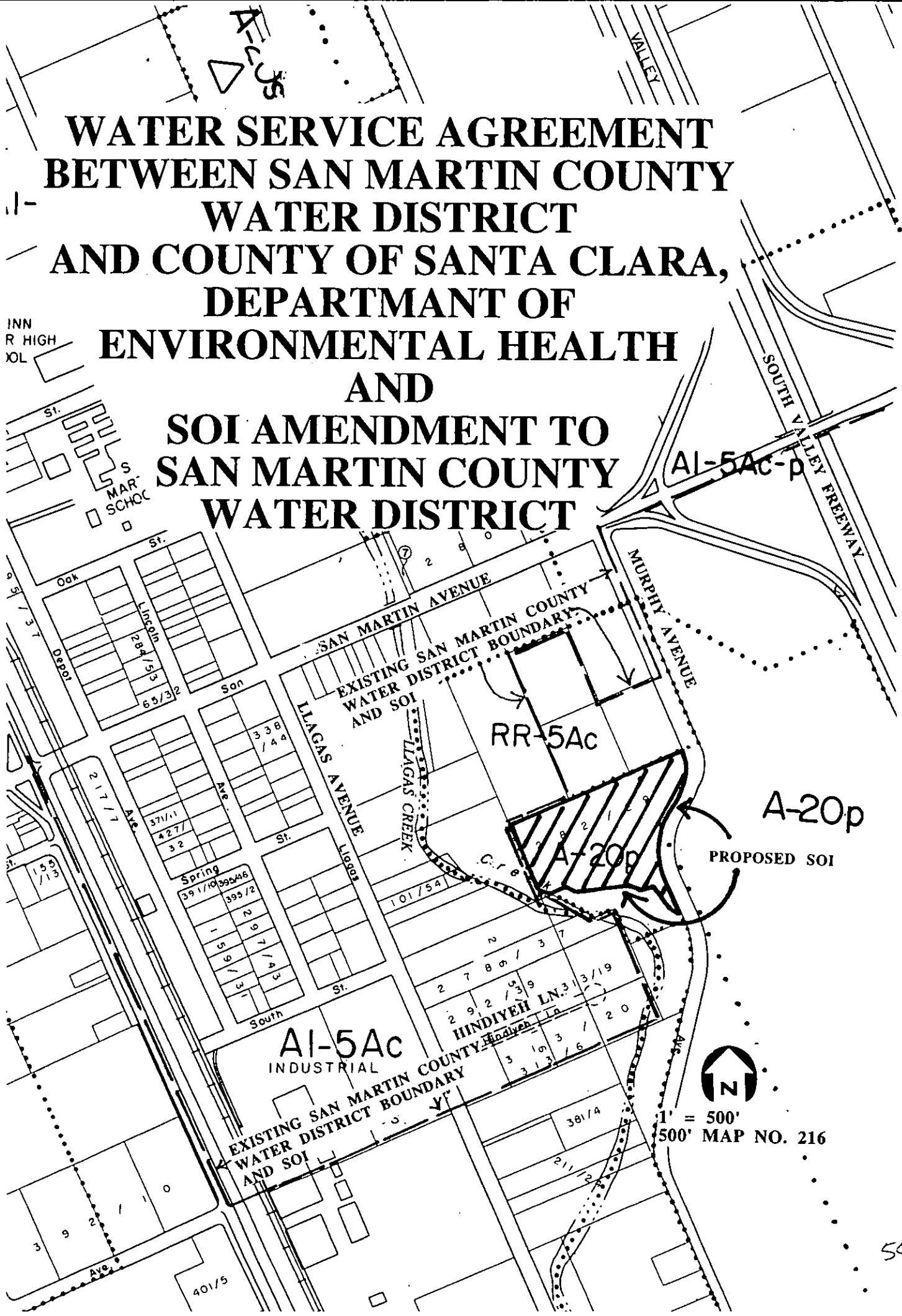


1" = 500'
500' MAP NO. 216

500'
216

WATER SERVICE AGREEMENT BETWEEN SAN MARTIN COUNTY WATER DISTRICT AND COUNTY OF SANTA CLARA, DEPARTMENT OF ENVIRONMENTAL HEALTH AND SOI AMENDMENT TO SAN MARTIN COUNTY WATER DISTRICT

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R HIGH
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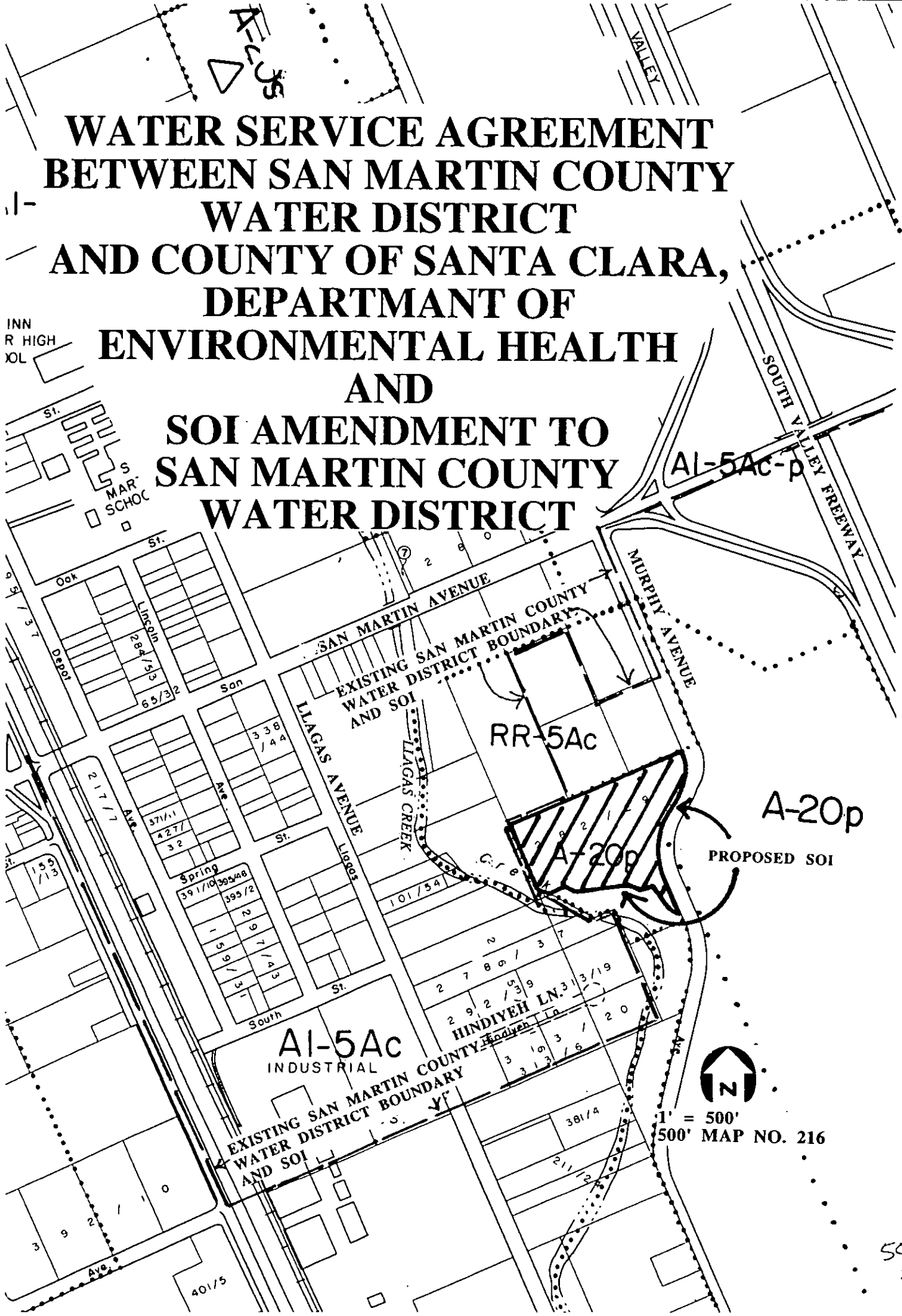


1" = 500'
500' MAP NO. 216

500'
216

WATER SERVICE AGREEMENT BETWEEN SAN MARTIN COUNTY WATER DISTRICT AND COUNTY OF SANTA CLARA, DEPARTMENT OF ENVIRONMENTAL HEALTH AND SOI AMENDMENT TO SAN MARTIN COUNTY WATER DISTRICT

INN
R HIGH
XL



1" = 500'
500' MAP NO. 216

500'
216

San Martin County Water District
P.O. Box 120, San Martin, California 95046
408-683-4101

Santa Clara LAFCO
 Attention: Neelima Palacherla
 70 W. Hedding Street, 11th floor
 San Jose, CA 95110


June 12, 2001

Fax 408-295-1613
 Page One of One

Customers outside the original 1991 district boundaries currently being served by the San Martin County Water District.

1	ROADS & AIRPORTS	13600 MURPHY AVENUE APN 825-09-055	San Martin 95046
2	WILLIAM CASEY SAN MARTIN CA 95046	13505 MURPHY AVE APN 825-09-012	San Martin 95046
3	TWO GENES AVIATION SOUTH COUNTY AIRPORT	13025 MURPHY AVENUE APN 825-10-075	San Martin 95046
4	CALSTONE COMPANY	13755 LLAGAS AVE APN 825-03-005	San Martin 95046
5	PENISULA BLDG MATERIALS	13755 LLAGAS AVE APN 825-03-005	San Martin 95046
6	JAMES M. BIRKEY	13720 LLAGAS AVENUE APN 825-09-030	San Martin 95046
7	THE LEONARD COMPANY	13920 LLAGAS AVE APN 825-09-034	San Martin 95046
8	SANTA CLARA CO PARKS BEAR RANCH HOUSE	2045 E. SAN MARTIN AVE APN 825-31-018	San Martin 95046
9	PETERSON TRACTOR CO	13155 SYCAMORE AVE APN 825-38-003, 014, 015	San Martin 95046

Sincerely yours,


 Peter J. Forest
 District Manager

**Final Initial Study/
Mitigated Negative Declaration**

**SAN MARTIN
HOUSEHOLD HAZARDOUS
WASTE FACILITY**

County of Santa Clara

August 2000

**COUNTY OF SANTA CLARA
DEPARTMENT OF ENVIRONMENTAL HEALTH
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Initial Study/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: General Services Agency, Capital Programs Division Project # AC8026
State Clearinghouse # 2000082098

Project Title and Address:

San Martin Household Hazardous Waste Collection Facility
Murphy Avenue, 950 feet southeast of San Martin Avenue, in San Martin, California,
Parcel # 825-37-043.
(See Section II)

Lead Agency/Project Sponsor and Address:

County of Santa Clara, Department of Environmental Health
2220 Moorpark Avenue, Suite 204
San Jose, Ca 95128

Contact Person and Phone Number:

Rob D'Arcy, Hazardous Materials Program Manager
(408) 299-8767

List of Agencies/Parties sent a copy of this document

California Highway Patrol
Caltrans, District 4
Caltrans, Division of Aeronautics
Department of Conservation
Department of Fish and Game, Region 3
Department of Health Services
Department of Parks and Recreation
Department of Toxics and Substances Control
Integrated Waste Management Board
Native American Heritage Commission
Office of Historic Preservation
Regional Quality Control Board, Region 2
Resources Agency
State Lands Commission
San Martin Planning Advisory Committee
Adjacent property owners to the proposed project location

Project Description

The County of Santa Clara's Department of Environmental Health proposes to construct a permanent household hazardous waste (HHW) collection and storage facility in San Martin, California, as part of their Hazardous Waste Recycling and Disposal Program. Household hazardous wastes include paints, automotive fluids, batteries, garden chemicals, and household cleaners.

The two acre site is located at the northeast corner of the 6.15 acre County-owned parcel currently used as a roadway storage facility. The project includes the construction of a 4,772 square foot metal building, a 240 square foot portable building, employee parking, driveways, landscaping, and an extensive spill containment system. An outfall to Llagas Creek for filtered storm water would also be included in the project. HHW would be brought to the site by residents, small businesses, and public agencies. The HHW collected is temporarily stored, reusable products are given away and the remainder of the waste is removed and transported to an appropriate recycling or disposal facility. It is anticipated that the facility would be open for collection at least four consecutive days, once a month, with one of those days set aside for small businesses and public agencies (See Section II).

Board of Supervisor's Meeting Date

October 17, 2000

Impacts, Mitigation and Findings

Air Quality

Impact: The only substances proposed to be stored on site which may adversely affect air quality are paint products. These products would be delivered to the site in sealed containers, where they would be poured into 55 gallon drums and sealed. These drums would then be stored within the building, which includes an extensive spill containment system, until they are removed and delivered to an appropriate disposal facility.

Mitigations and Findings: Please see page 18

Biological Resources

Impacts: Impacts to Habitat for Special-Status Species

Some special status wildlife species may be only occasional visitors, migrants, or transients, or may only forage (rather than breed) in small numbers on the site. These species include the western pond turtle, double-crested cormorant, American peregrine falcon, merlin, northern harrier, ferruginous hawk, prairie falcon, golden eagle, tricolored blackbird, Vaux's swift, osprey, sharp-shinned hawk, willow flycatcher, bank swallow, Townsend's big-eared bat, and pallid bat. The project would have no effect on the breeding success of any of these species, although it might result in a small reduction of foraging and/or roosting habitat available to some of these species regionally. Due to the abundance of similar habitats regionally and the infrequency with which most of these species occur on the project site, the

project is expected to have a less than significant impact on these species.

Two special status species may occur on the site more regularly, or may breed on, or in close proximity to the site. These species are the white-tailed kite, and the loggerhead shrike. Since the project site represents a small fraction of the available breeding habitat for these species in the region, impacts to regional populations of these species from development are expected to be less than significant.

Impacts to Fish and Game Regulated Habitats

The proposed stormdrain and outfall structure within Llagas Creek will impact approximately 300 square feet of ruderal habitat within CDFG jurisdiction. No riparian trees or shrubs will be impacted from these structures. Due to the abundance of ruderal habitat locally and the minimal impact to this habitat within CDFG jurisdiction, the project is expected to have a less than significant impact to habitats regulated by CDFG.

Potential Impacts to Nesting Raptors during Construction

Raptors (e.g., eagles, hawks, and owls) and their nests are protected under both Federal and State laws and regulations. The Federal Migratory Bird Treaty Act prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered a "taking" by the CDFG. Any loss of fertile raptor eggs or nesting raptors, or any activities resulting in raptor nest abandonment, would constitute a significant impact. Construction activities, such as tree removal, site grading, etc., that disturb a nesting raptor on site, or immediately adjacent to the site, constitute a significant impact.

Several species of raptors could nest in the sycamores, willows, and other trees on and adjacent to the project area. These species include the red-shouldered hawk, American kestrel, and white-tailed kite. Although the project would not remove or destroy any trees on or near the site, construction activity on the site could potentially disturb a nest close to the project area, possibly to the point of nest abandonment. The loss of an active nest or nest failure due to construction of an active nest would constitute a significant impact.

Potential Degradation of Water Quality during Construction

Construction activities within the banks of Llagas Creek could have a significant adverse effect on water quality downstream of the project due to potential for increased turbidity, siltation, and water temperature. Degradation of water quality downstream resulting from construction constitutes a potentially significant impact.

Mitigations and Findings: Please see pages 19 through 23 for all Biological Resources mitigations and findings.

Cultural Resources

Impact: There is always the potential that trenching and/or grading associated with construction might uncover a localized deposit of prehistoric materials. Indicators of archaeological deposits include but are not limited to the following: soils darker in color than surrounding soils, concentrations of stone, bone, or shellfish, human remains, and any evidence of fires (ash, charcoal, fire altered rock, or carbon flecks).

Mitigations and Findings: Please see pages 23 and 24

Geology and Soils

Impact: The proposed project is located in an area subject to strong seismic ground shaking, which can adversely affect structures and expose people to safety hazards. While geologic and soils conditions could compromise the integrity of building foundations, the potential for liquefaction at the site is low due to a lack of continuous layers of sand or silty sand found during the field exploration at the site.

Approximately two feet of fill will be placed on the site in order to elevate the project site above the flood elevation.

Mitigations and Findings: Please see page 26

Hazards and Hazardous Materials

Impact: The collection, sorting, and storage of hazardous household wastes on the project site could potentially result in the spilling or leaking of these wastes. Therefore, the project includes a spill control and containment system, as described below.

Mitigations and Findings: Please see page 29

Hydrology and Water Quality

Impact:

Impacts to Stormwater Quality

The proposed project would include construction of a stormdrain system for the project site. This system would include a storm drainage system which is closely linked to the spill containment system for the project. As described in the project description, the driveways into and out of the site, as well as the material receiving area, would be paved. A catch-basin would be constructed within the material receiving area which would not be connected to the storm drain system for the project.

The site would be graded so that all site drainage would be directed into a bio-swale to be located in the southern portion of the site (refer to Figure 6). This swale would serve to filter out the typical oil, grease, and particulates that accumulate on all roadways and paved

surfaces. A 50,000 gallon detention pond would be constructed at one end of the bio-swale to moderate off-site flow and to provide a tertiary level of containment to capture any spilled or leaked materials if they were to somehow escape the primary and secondary containment systems of the site. The detention pond will be equipped with a shut-off valve to prevent the flow of any possible contaminants. An underground outfall pipe would be constructed from the detention pond to Llagas Creek, where a stormdrain outfall would be constructed.

Flooding Impacts

The proposed project is located within Zone AO, an area of 100-year flooding, where depths average one foot, but no flood hazards are determined. Therefore, the project site would be graded as to raise the elevation of the facility building and materials receiving area one foot, in order to remove them from the floodplain, as required by the Santa Clara Valley Water District.

Construction Related Impacts

As described in the Biological Resources section of this report (Section III., D.), construction of the stormdrain outfall into Llagas Creek would have the potential to affect water quality downstream of the project site. These impacts would be less than significant with implementation of the mitigation measures presented in the Biological Resources section of this report.

Mitigations and Findings: Please see page 32 for all Hydrology and Water Quality mitigations and findings.

DETERMINATION

In accordance with local procedures regarding the California Environmental Quality Act (CEQA), the Department of Environmental Health has conducted an Initial Study/Mitigated Negative Declaration to determine whether the proposed project may have a significant adverse effect on the environment, and on the basis of that study recommends the following determination:

The proposed project impacts on the environment will be less than significant with the implementation of the mitigation measures incorporated into the project.

The Initial Study incorporates all relevant information regarding potential environmental effects of the project and confirms the determination that an EIR is not required.

Findings

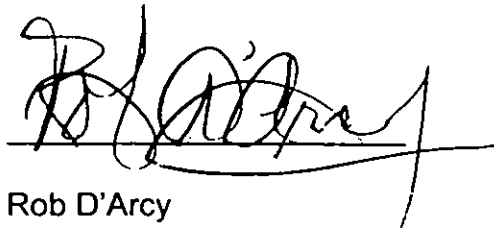
Based on the Findings of the Initial Study/Mitigated Negative Declaration, the proposed project will not have a significant effect on the environment for the following reasons:

- II As discussed in the Initial Study/Mitigated Negative Declaration, the proposed project does not have the potential to significantly degrade the quality of the

environment with the incorporation of mitigation measures, including effects on animals or plants, or to eliminate historic or prehistoric sites.

- II As discussed in the Initial Study/Mitigated Negative Declaration, both short-term and long-term environmental effects associated with the proposed project will be less than significant with the incorporation of mitigation measures.
- II When impacts associated with the adoption of the proposed project are considered alone or in combination with other impacts, the project-related impacts are insignificant with the incorporation of mitigation measures.
- II The Initial Study/Mitigated Negative Declaration did not identify any substantial adverse impacts to people as a result of the proposed project.
- II This determination reflects the independent judgement of the County.

Prepared by:



Rob D'Arcy
Hazardous Materials Program Manager

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Appendices

Appendix A: Biotic Assessment

Appendix B: Geotechnical Investigation

Appendix C: Phase I Environmental Site Assessment

Appendix D: Comment Letter and Response to Comments

I. INTRODUCTION AND PURPOSE

This Initial Study of environmental impacts is being prepared to conform to the requirements of the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 *et. seq.*), and the regulations and policies of the County of Santa Clara.

The two acre site is located on Murphy Avenue, approximately 950 feet southeast of San Martin Avenue, in the San Martin area of unincorporated Santa Clara County (refer to Figures 1, 2, and 3). The project site is a portion of a 6.15 acre site which currently serves as a maintenance and storage facility for the Santa Clara County Department of Roads and Airports. The Santa Clara County Department of Environmental Health proposes to construct a permanent household hazardous waste (HHW) collection and storage facility on the site.

The purpose of the proposed project is to construct a permanent household hazardous waste collection and storage facility in a central location within the southern Santa Clara County area. Household hazardous wastes are defined as unwanted household products labeled as flammable, toxic, corrosive, or reactive. Twenty-two percent of all illegal dumping in the County of these products occurs in the unincorporated areas, and 80% of all abandoned wastes are of household origin. The proposed project would reduce the occurrence of illegal dumping by providing a permanent facility for safe and convenient drop-off of household hazardous wastes.

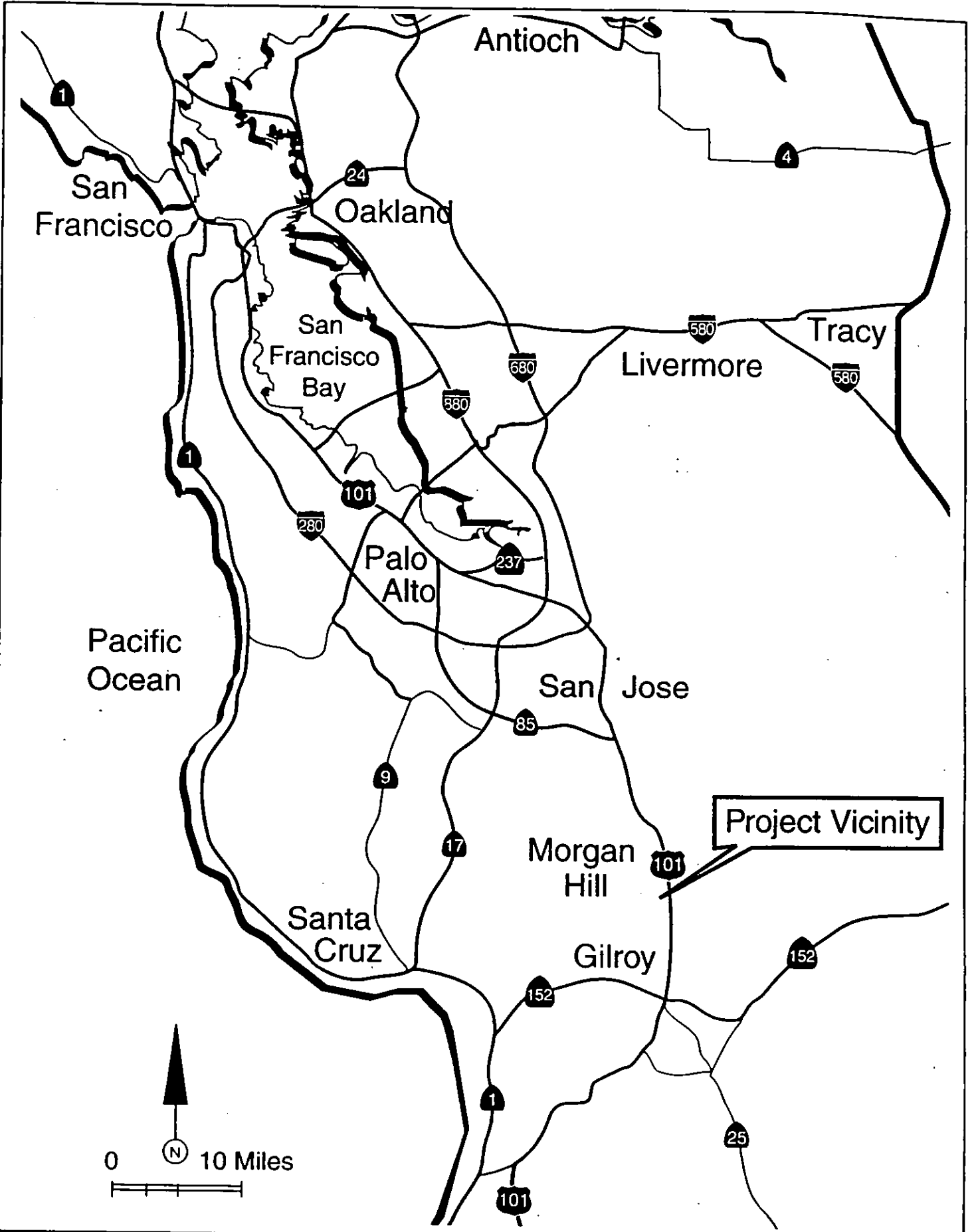
II. PROJECT DESCRIPTION

The two acre project site is located in the northeastern corner of the 6.15 acre parcel currently used by the Santa Clara County Department of Roads and Airports as a maintenance facility. The project site is unpaved, with some gravel on areas frequented by trucks and other equipment. The remainder of the site is used for storage of various road making supplies, such as steel culvert pipe, concrete road dividers, and stockpiles of soil and broken concrete. There are eight sycamore trees located in the southwest corner of the site. Llagas Creek flows along the southern boundary of the maintenance facility, approximately 400 feet south of the project site.

The project proposes to construct a permanent household hazardous waste (HHW) facility which would allow for the collection, and short-term storage of HHW. The most common products include automotive fluids, automotive and other types of batteries, latex and oil paint, oil filters, garden chemicals, household cleaners, and pool chemicals. The facility would not accept items that constitute an imminent danger, such as explosives, medical waste, or radioactive waste. The products collected would ultimately be reused, recycled, or removed and transported to an appropriate disposal facility.

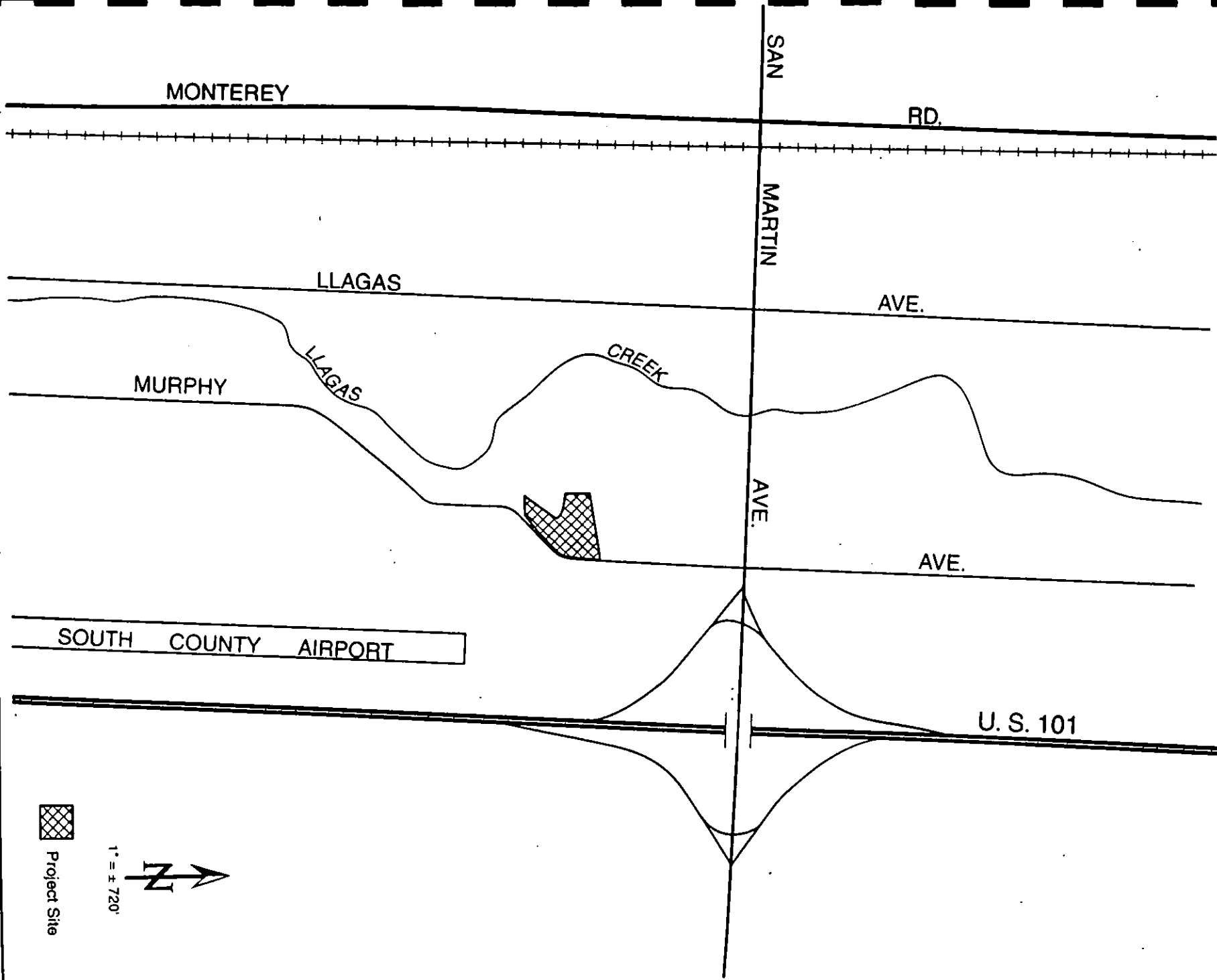
Facility Operations

As shown on Figure 4, residents and small business owners would drive their vehicles into the receiving area of the facility. Technicians in protective clothing would register the visitor and remove the waste from their vehicle. The HHW would then be sorted and stored by type in the enclosed facility building (refer to Figure 5), until it is either reused, recycled, or removed by a licensed handling and transporting firm and taken to an appropriate disposal site. Reused materials would be distributed, free of charge, to area residents at the project site.



REGIONAL MAP

FIGURE 1



Project Site

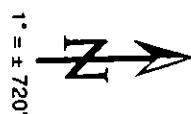
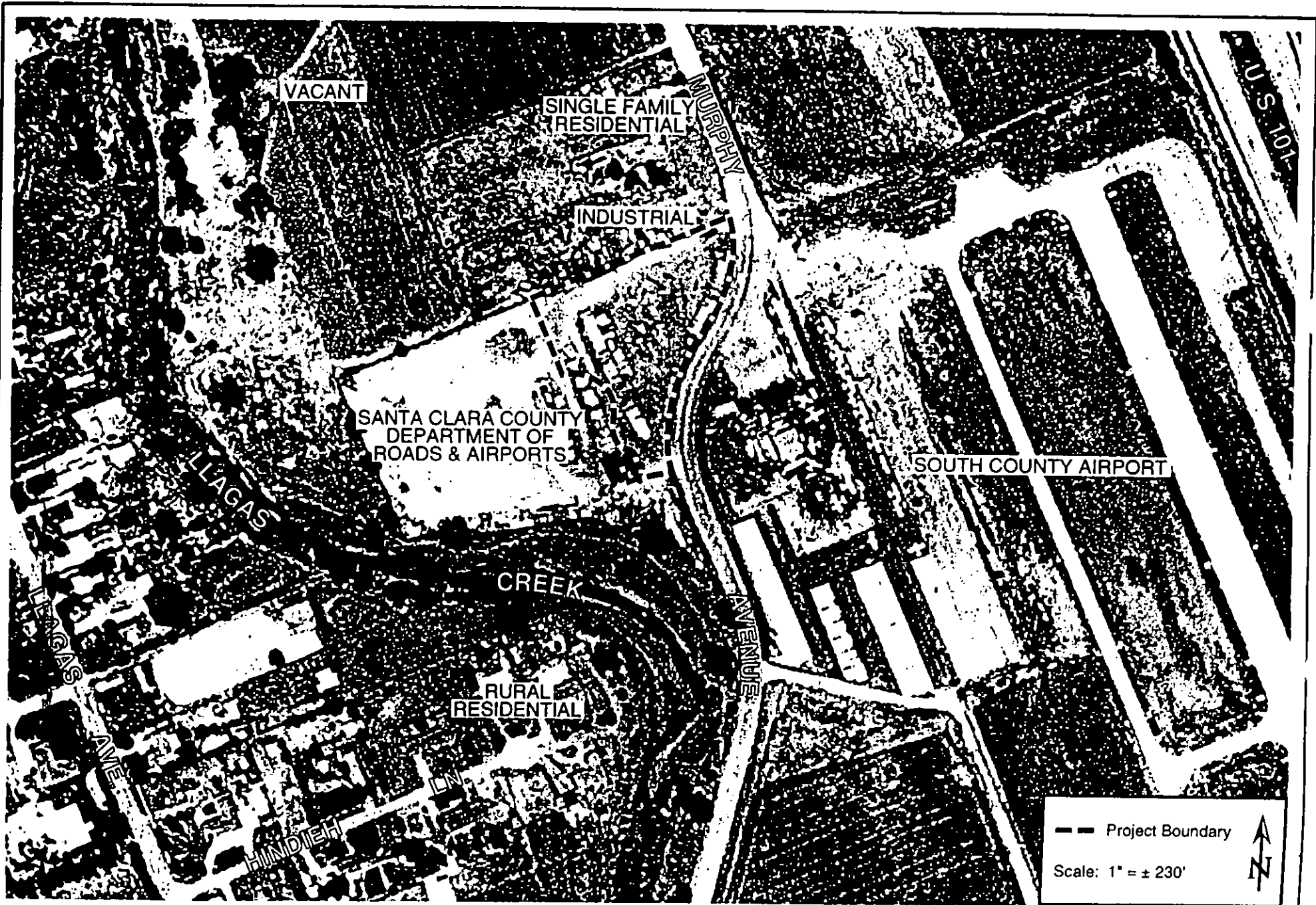


FIGURE 2



AERIAL PHOTOGRAPH

FIGURE 3



E 8600

E 8700

E 8800

FENCE

PERMANENT
HOUSEHOLD
HAZARDOUS
WASTE FACILITY
(PHHW)

CONCRETE
LIGHT VAULT
FLEE WATER
TRAP VAULT

CTRL
GRAV

WAC-ROLL
VAULT

APPROXIMATE PROP.

262.5

262.0

CLUSTER OF 8 SYCAMORES
(14" TO 22" IN DIAMETER)

PROTECT
EXISTING TREES

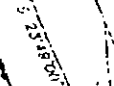
261.0

Murphy
Avenue

FD. T. IN HIGH
BOX & VAULT

STORMWATER TREATMENT SWALE

CONCRETE
LIGHT VAULT
LIGHT POLE



30' GATE

CONCRETE
LIGHT VAULT

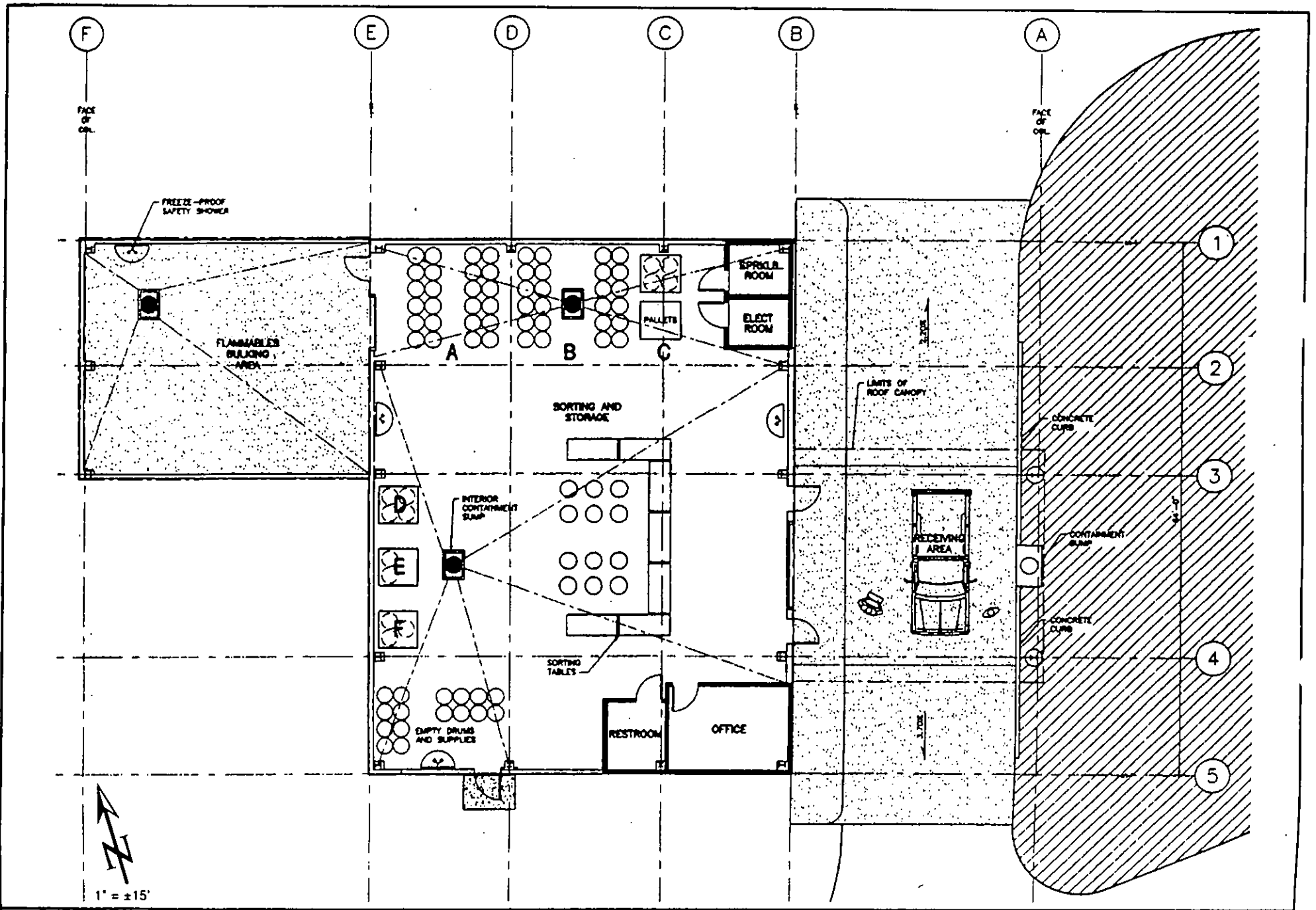
STEEL WIRE FENCING

CONCRETE

	paving
	base rock

SITE PLAN

FIGURE 4



OPERATING FLOOR PLAN

FIGURE 5

The facility would be open to residents of the County, small business owners, and local jurisdictions, on a schedule to be determined. It is anticipated that the facility would be open at least four consecutive days, once a month to residents (probably Wednesday through Saturday), with one of those days set aside for small businesses and local jurisdictions. Currently, a mobile collection event is held once per year in the South County area.

Design and Construction

The proposed project includes construction of an approximately 4,772 square foot metal building, including a canopy over the receiving area, as shown on Figure 5. The building height would be 24 feet. A 240 square foot portable building would be placed on the site for the storage of reusable products to be distributed, free of charge, to area residents and businesses. Employee parking would be provided along the northern portion of the site. Landscaping would be planted in areas to the north, south and east of the facility building when funds become available. An eight-foot high chain link fence with redwood slats currently surrounds the site, and would be retained as part of the project.

Spill Containment System

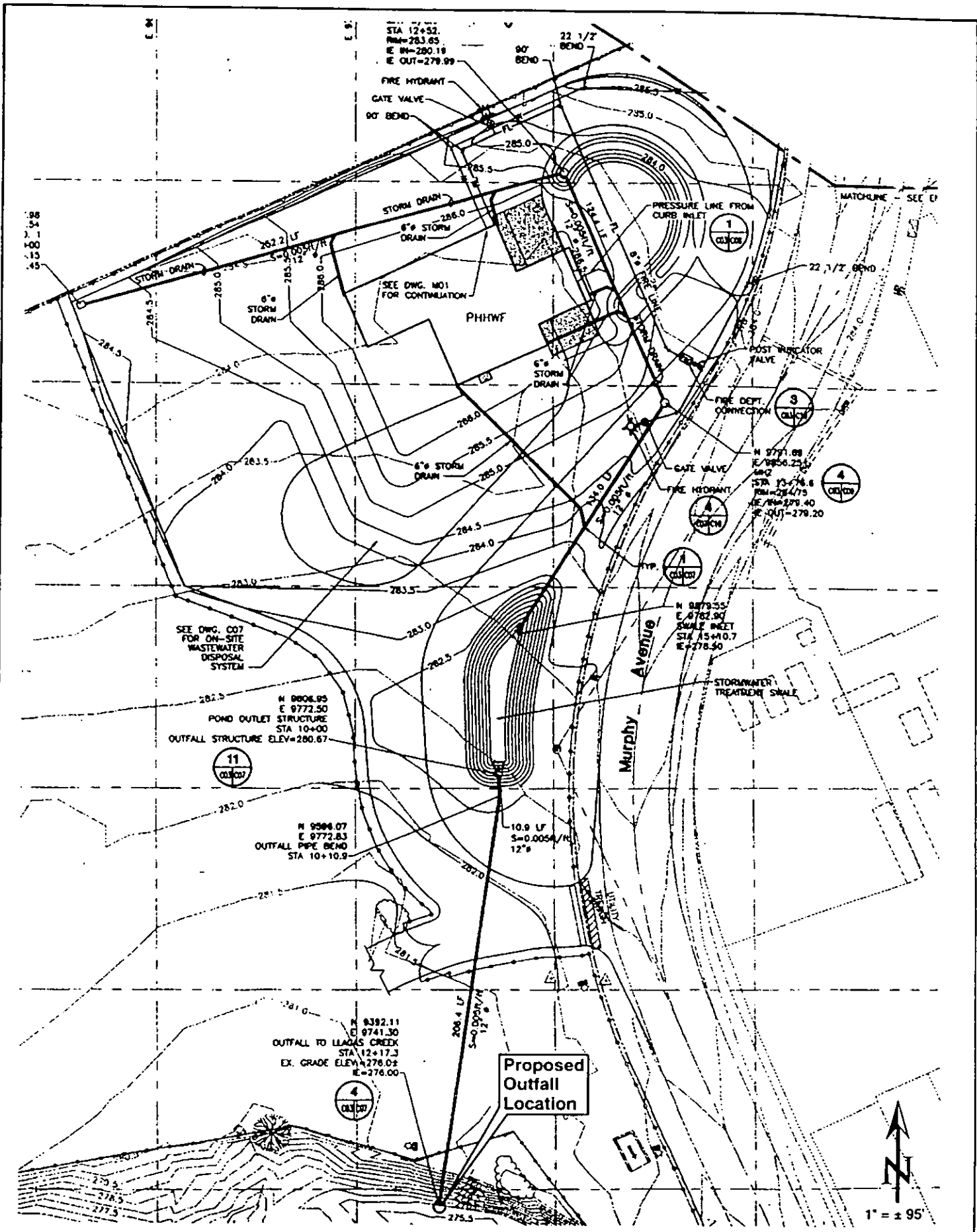
The proposed project has been designed with a containment system to ensure that, should a spill occur, it would be remedied quickly and safely. The driveways onto and out of the site would be paved. The material receiving area would be slightly sloped toward a sump that serves to collect stormwater runoff or hazardous waste should it spill during unloading. The sump would be equipped with a valve which would remain closed during unloading and opened only after testing for contamination. If contamination is found, the sump would be pumped out and any hazardous waste would be disposed of properly. During non-operational hours, the sump would be open so stormwater could drain into the stormwater system (refer to Figure 6). The receiving area would also be under a canopy and, therefore, would have very little, if any, stormwater accumulation. The metal facility building would be entirely self contained in the event of a spill with no discharge to the environment.

The receiving area described above would also be used to receive supplies and load the HHW onto trucks for transport to appropriate recycling and disposal facilities. This would not be done when the facility is open to the public, small businesses, or local jurisdictions. The safety mechanisms described above would continue to operate in the event of a spill while materials are being loaded onto trucks.

Grading and Drainage

According to the Federal Emergency Management Agency's Flood Insurance Rate Maps¹, the project site is located in Zone AO, an area of 100-year shallow flooding where depths are approximately one foot. Therefore, the entire project site would be graded so as to raise the elevation of the facility building and the receiving area so that they are one foot above flood level, as required by the Santa Clara Valley Water District.

¹Federal Emergency Management Agency, Flood Insurance Rate Map, Panel Number 060337 0630, Revised August 17, 1998.



CIVIL UTILITY IMPROVEMENTS

FIGURE 6

The proposed site would be graded so that all site drainage would be directed into a bio-swale to be located in the southern portion of the site (Figure 6). This bio-swale would serve to filter out the typical oil, grease, and particulates that accumulate on all roadways and paved surfaces. A 50,000 gallon detention pond would be constructed at one end of the bio-swale to moderate off-site flow and provide a tertiary level of containment to capture any spilled or leaked materials if they were to somehow escape the primary and secondary containment systems of the site. The detention pond will be equipped with a shut-off valve to prevent the flow of any possible contaminants. An underground outfall pipe would be constructed from the detention pond to Llagas Creek, where a stormdrain outfall would be constructed as part of the proposed project (Figure 7).

The catch-basin at the detention pond's outflow would have two types of inlets draining to the outfall. These components are described below:

1. Narrow inlets at the bottom of the detention pond would slow the flow of stormwater allowing for longer filtering time before entering the pipe to the outfall.
2. The secondary entry for stormwater would have wider inlets at the top of the detention pond to accommodate heavier stormwater flows associated with 25-year floods. This would eliminate overflow of the detention pond during flood events.

Site Access and Parking

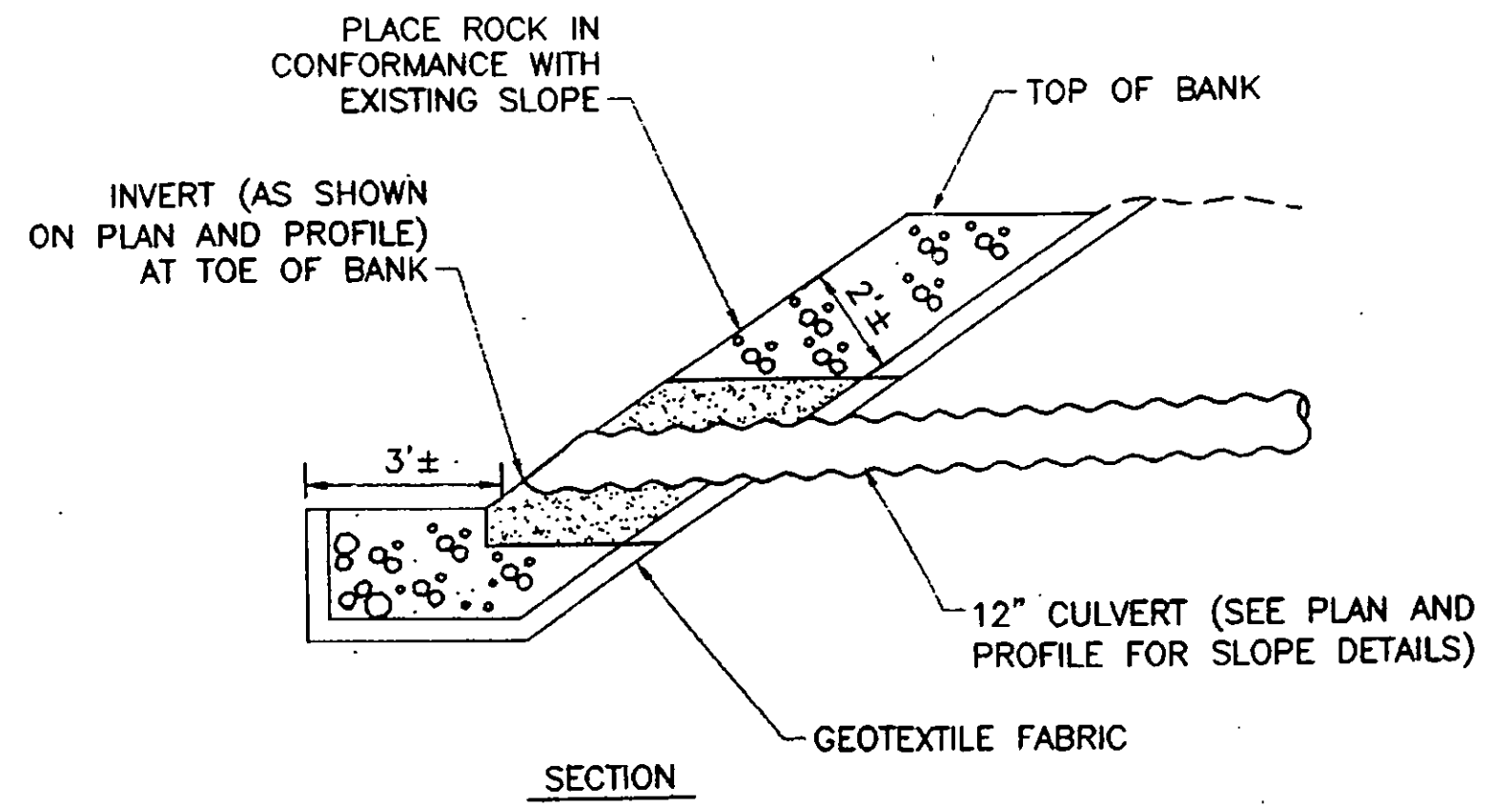
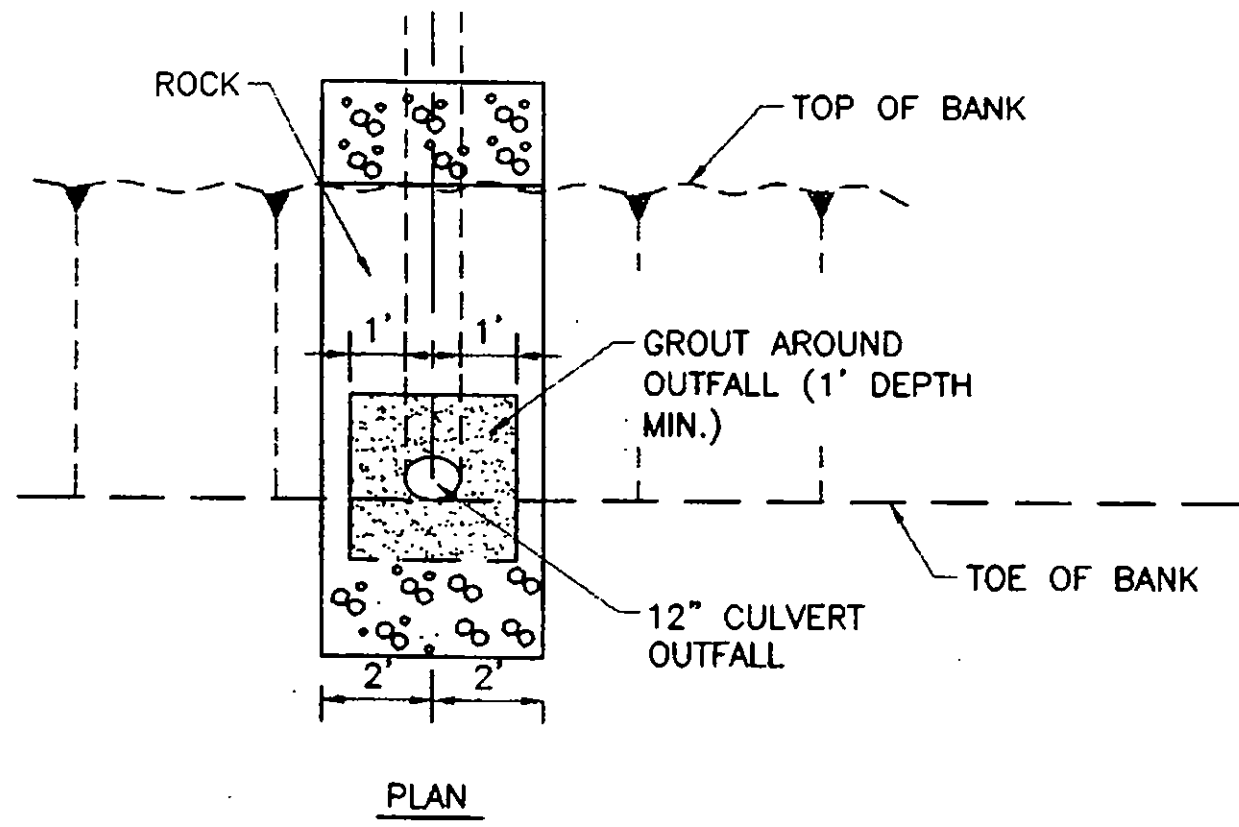
Access would be provided to the site by way of an existing driveway off of Murphy Avenue, which is currently used by the County's maintenance facility. As shown on Figure 4, the driveway into the site would consist of a large loop used by both visitors to the site delivering HHW, and also by trucks delivering supplies to and removing HHW from the site. Employee parking would be provided in the northwestern portion of the site, which would be covered with base rock.

Availability of Utilities

The project site is located within the unincorporated area of San Martin. Utilities and services are available at the project site, with the exception of a storm drainage system, as previously described. All private utility infrastructure would be designed and constructed to meet public improvement standards.

III. SURROUNDING LAND USES AND ENVIRONMENTAL SETTING

The project area is rural in nature, with agricultural, residential, and industrial land surrounding the site. The project site is bounded by the South County Airport to the east, the County maintenance facility to the west and south and industrial land uses (an auto dismantling facility) to the north of the site (refer to Figure 3). Land uses to the west of the County maintenance facility, across Llagas Creek, are rural residential.



STORMWATER OUTFALL TO LLAGAS CREEK

—FIGURE 7

IV. OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED

The proposed project would be an extension of the Santa Clara County Department of Environmental Health's Waste Management Program. The project also includes construction of a stormdrain outfall to Llagas Creek. Therefore, permits required would be from the County Fire Marshal, BAAQMD (Permit to Operate) and a Streambed Alteration Permit from the California Department of Fish and Game (CDFG).

V. CONSISTENCY WITH PLANS, GOALS, AND POLICIES

In conformance with Section 15125(b) of the CEQA Guidelines, the following section discusses the consistency of the proposed project with relevant plans, goals, and policies.

Santa Clara County General Plan

According to the County of Santa Clara's General Plan Land Use/Transportation Diagram, the General Plan land use designation for the site is *Transportation*.

Consistency: The proposed project would be consistent with the General Plan land use designation for the site.

Santa Clara County Zoning Ordinance

The zoning designation for the proposed project site is *Rural Residential*.

Consistency: The proposed project is not consistent with the zoning designation for the site, however, since the project is proposed by the County, consistency with the site's zoning is not required. The project would be compatible with the surrounding land uses.

Land Use Plan for Areas Surrounding Santa Clara County Airports ALUC, September 1992

The Land Use Plan for Areas Surrounding Santa Clara County Airports, adopted by the Santa Clara County Airport Land Use Commission (ALUC) in September, 1992, established land use policies that provide for the orderly growth of the areas surrounding the airports in Santa Clara County. The ALUC has established provisions for the regulation of land use, building height, safety, and noise insulation within areas adjacent to each of the public airports in the County. Proposals to amend the general or specific plans and either building or zoning regulations by local agencies must be submitted to the ALUC for a determination of compliance. Under State law, if the ALUC determines that a proposed project is inconsistent with the ALUC land use plan, project approval by the local lead agency requires an action by the agency's decision-making body, by a two-thirds vote, adopting specific findings overriding the ALUC determination. State law requires that general plans and specific plans pertaining to areas adjacent to airports be consistent with the ALUC Land Use Plan.

The project site is located within the ALUC referral boundary for the South County Airport, but is outside of the safety zone for the airport. Height restrictions for the project site are approximately 280 feet above mean sea level. The elevation of the project site is about 280 feet, therefore, an exception has been granted for the project by the ALUC to allow the proposed 24 foot tall building to be constructed on the site.

Consistency: The project plans have been submitted to the ALUC and have been found to be consistent with the policies in the Airport Land Use Plan.

AB 2948/County Hazardous Waste Management Plan

In 1986, the Tanner Bill (AB 2948) was passed which required the establishment of county hazardous waste management policies and programs within the State of California. The Tanner Bill, along with subsequent legislation, required cities to adopt hazardous waste management plans and to incorporate the County's Hazardous Waste Management Plan into their General Plans. Alternately, cities could adopt an ordinance requiring local land use decisions to be consistent with the County Hazardous Management Plan.

In Santa Clara County, all cities joined with the County to develop a comprehensive and coordinated approach to hazardous waste management planning. In their approval of the County's Hazardous Waste Management Plan, the jurisdictions adopted two major goals to guide future hazardous waste management activities:

1. To protect public health, safety, and the environment, wherever feasible, by reducing or eliminating the generation of hazardous waste as expeditiously as possible through the adoption and implementation of the hierarchy of hazardous waste management priorities by hazardous waste generators, including large industry, small quantity generators, City and County governmental agencies, and households; and
2. To maintain the economic competitiveness of Santa Clara County and the State by siting only those facilities which are necessary, and which safely, economically, and responsibly manage the hazardous waste needs of the County.

The County's Hazardous Waste Management Plan recommends that a local program be established to address the special needs of households and small quantity generators. In addition, a regional program, administered by the Santa Clara County Department of Environmental Health, was instituted which provides residents access to ongoing collection facilities. This includes a series of mobile drop-off events and the construction of permanent collection facilities in the future.

Consistency: The proposed project is consistent with the Tanner Bill, and in fact, it would allow cities within Santa Clara County to conform with the legislation as described above. The construction of a permanent HHW facility within the County would provide free or low cost disposal opportunities for residents, small businesses, and local agencies, thereby reducing illegal dumping of wastes within the County.

1982 Bay Area Air Quality Plan and 1991 Clean Air Plan ABAG/BAAQMD/MTC

The 1982 Bay Area Air Quality Plan and 1991 Clean Air Plan ('97 CAP) establish regional policies and guidelines to meet the requirements of the Clean Air Act, as amended through 1990. The Bay Area is a non-attainment area for carbon monoxide, since federal standards are exceeded from that pollutant. Each non-attainment area was required to submit detailed plans to the State by June 30, 1991 to demonstrate new control programs and schedules for their implementation.

The Bay Area '97 Clean Air Plan is the current regional strategy for improving air quality. The plan proposes the adoption of transportation, mobile source and stationary source controls on a variety of pollutant sources to offset population growth and provide improvement in air quality. The consistency of the proposed project with this regional plan is primarily a question of the consistency with the population/employment assumptions utilized in developing the plan.

Consistency: The project will not change the County's population or employment assumptions. The proposed project may, however, require a Permit to Operate from the Bay Area Air Quality Management District (BAAQMD) in order to accept and store household hazardous waste. The proposed project has been designed in accordance with local, State, and Federal requirements. While the project is expected to generate minor temporary air quality impacts during construction, mitigation measures have been included as part of the project in order to reduce these impacts to a less than significant level. These measures would be consistent with the '97 CAP.

San Francisco Bay Region Water Quality Control Plan

The Regional Water Quality Control Board has developed and adopted a Water Quality Control Plan (Basin Plan) for the San Francisco Bay region. The Plan is a master policy document that contains descriptions of the legal, technical, and programmatic principles of water quality regulation in the San Francisco Bay region. The Regional Board first adopted a water quality control plan in 1975 and the last major revision was adopted in 1995.

The Plan provides a program of actions designed to preserve and enhance water quality and to protect beneficial uses. It meets the requirements of the U.S. Environmental Protection Agency and establishes conditions related to discharges that must be met at all times.

The implementation portion of the Basin Plan includes descriptions of specific actions to be taken by local public entities and industries to comply with the policies and objectives of the Plan. These include measures for urban runoff management and wetland protection.

Consistency: The proposed project would be designed so as to not detrimentally impact stormwater quality; therefore, the project would be consistent with the San Francisco Bay Regional Water Quality Control Plan.

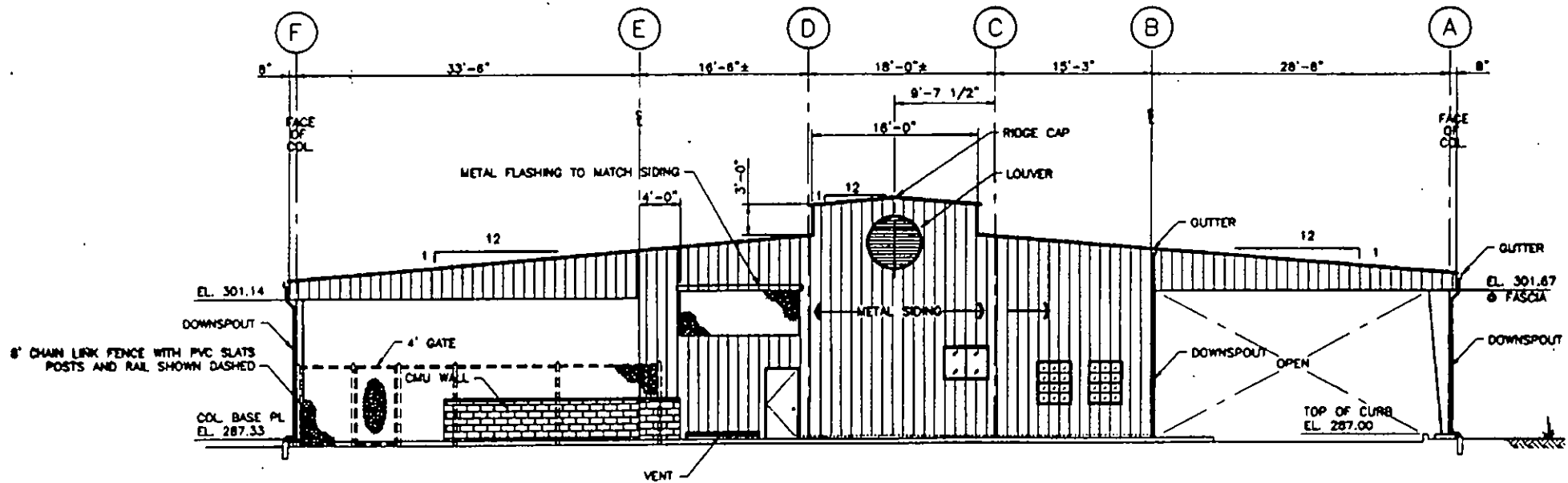
VI. ENVIRONMENTAL CHECKLIST AND DISCUSSION OF IMPACTS

The following section includes the County of Santa Clara's Environmental Evaluation Checklist. The checklist identifies the potentially significant impacts which might result from the proposed project, an explanation of the answers to checklist questions, and a discussion of mitigation measures that are proposed to reduce potentially significant impacts.

A. AESTHETICS					
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.	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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4, 6a,10f
b) Substantially damage scenic resources along a designated scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 6a, 10f
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,3
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3,4
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 checked="" type="checkbox"/>	<input type="checkbox"/>	15,42
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"/>	3,4,42
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"/>	2,11c

Discussion: The existing visual and aesthetic character of the project site is that of a rural/agricultural area (refer to photos on the following pages). The project site is currently used by the Santa Clara County Department of Roads and Airports as a maintenance facility. The project site is unpaved, with some gravel on areas frequented by trucks and other equipment. The site is used for storage of various road making supplies, such as steel culvert pipe, concrete road dividers, and stockpiles of soil and broken concrete. There are eight large, sycamore trees located in the southwest corner of the site. Llagas Creek flows along the southern boundary of the maintenance facility, approximately 400 feet south of the project site. The site is completely surrounded by an eight-foot tall cyclone fence with redwood slats, which would be retained. Therefore, the site would not be visible from surrounding land uses.

The new building would be subject to the County's Architectural and Site Approval (ASA) review process and will conform to architectural, parking, and landscaping standards for development within the South County. An elevation of the proposed building can be seen on Figure 8. The proposed architecture of the building is in conformance with the rural nature of the surrounding area. The



SOUTH ELEVATION

FIGURE 8

project would include outdoor lighting similar to what is currently found in the adjacent areas, and would therefore, not be a new source of significant light.

Finding: The project would not degrade the existing visual character or quality of the site and its surroundings and would be required to conform with the South County ASA Standards and Guidelines. For these reasons, the project would have a less than significant adverse aesthetic impact.

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	
*Questions relating to the California Department of Fish & Game "de minimus impact finding" for the Certificate of Fee Exemption are listed in italics.	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Convert 10 or more acres of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3,30
b) Conflict with existing zoning for agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	7, 42
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"/>	3,4,6a

Discussion: The project site is not used for agricultural purposes, and has not been used as such since at least 1980. The site is not designated by the California Resources Agency as Farmland of any type, and is not the subject of a Williamson Act contract. While agricultural uses are located north of the site, none of the adjacent properties are currently used for agricultural purposes. The project would have no impact on agricultural activities.

Finding: The project would have no adverse impact on agricultural land or agricultural activities either on the site, or in the project area.

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	
*Questions relating to the California Department of Fish & Game "de minimus impact finding" for the Certificate of Fee Exemption are listed in italics.	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
b) <i>Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	5,17
c) <i>Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	5,17
d) <i>Expose sensitive receptors to substantial pollutant concentrations?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	4,5,18
e) <i>Create objectionable odors or dust affecting a substantial number of people?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	5,17,18

Discussion: The project proposes to construct a household hazardous waste collection facility, which would require the storage and use of potentially hazardous chemicals, including wet and dry pesticides, paint and household chemicals. The project would not generate significant amounts of traffic due to its limited hours of operation. The Bay Area Air Quality Management District (BAAQMD) has established thresholds for what would be considered a significant addition to existing air pollution. A project that generates more than 80 pounds per day of reactive organic gases (ROGs) is considered to have a potentially significant impact on regional air quality, according to the BAAQMD guidelines. The District generally does not recommend a detailed air quality analysis for projects generating less than 2,000 vehicle trips per day, unless warranted by the specific nature of the project or project setting.

In accordance with the BAAQMD CEQA Guidelines, it has been determined that an air quality analysis for the project does not need to be prepared. The project proposes a 4,772 square foot metal structure and installation of a 280 square foot portable building, which together, fall well below the threshold (255,000 square feet for institutional uses, or 590,000 square feet for light industrial uses) for projects which may result in significant air pollution emissions.

Construction activities such as site clearing, excavation and grading operations, construction vehicle traffic, and wind blowing over exposed earth, would affect air quality in the project vicinity. The effects of construction activities would be increased dustfall and locally elevated levels of particulate matter downwind of construction activity. The project site is relatively small in size (2.0 acres), and is located within a rural area of San Martin, adjacent to the South County Airport and other industrial uses. The nearest sensitive receptors are residences located across Llagas Creek, approximately 600

feet to the west of the project site. For these reasons, the project is not expected to result in significant construction related air quality impacts.

Impact: The only substances proposed to be stored on site which may adversely affect air quality are paint products. These products would be delivered to the site in sealed containers, where they would be poured into 55 gallon drums and sealed. These drums would then be stored within the building, which includes an extensive spill containment system, until they are removed and delivered to an appropriate disposal facility.

Mitigation: The proposed project would be required obtain a Permit to Operate from the Bay Area Air Quality Management District (BAAQMD). In addition, the project would be required to conform with Title 22 of the California Code of Regulations for Permanent Household Hazardous Waste Collection Facilities with regards to the storage of hazardous materials. These regulations include the following:

- Waste containers must be in good condition and checked weekly. Wastes stored in containers must be compatible and containers must be closed except when adding or removing waste.
- Containers holding incompatible waste must be separated by area or berm.
- Waste must be consolidated in secure areas away from waste receiving areas.
- Written protocol for storage must be approved by local fire and air quality agencies.

While construction related air quality impacts of the project are expected to be less than significant, the project proposes to implement the following construction practices, as determined by the BAAQMD in order to further reduce impacts associated with construction activities.

- Watering would be used to control dust generation during site grading and excavation at least twice daily.
- All trucks hauling debris from or soil to the site would be covered.
- Sweep adjacent streets daily (preferably with water sweepers) if visible soil material from the construction site is present.

The project would also be subject to Santa Clara County's Policies and Standards Pertaining to Grading and Erosion Control.

Finding: The proposed project would not create significant local or regional air quality impacts. Implementation of the above described mitigation measures would further reduce air quality impacts associated with the storage of hazardous waste and construction of the proposed project.

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.	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
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, 10b, 11d
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"/>	4,6a, 10b, 11d,20
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.) through direct removal, filling, hydrological interruption, or other means?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 11c
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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	1,10b, 11d
e) <i>Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3,4,20
f) <i>Conflict with any local policies or ordinances protecting biological resources:</i>					
i) <i>Tree Preservation Ordinance [NS-1203.107]?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,21
ii) <i>Wetland Habitat [GP Policy, R-RC 25-30]?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3, 6a
iii) <i>Riparian Habitat [GP Policy, R-RC 31-41]?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3, 6a, 19

Discussion: The project site, as well as the surrounding area, is rural in nature. The project site is without vegetation, with the exception of a grove of eight sycamore trees located near the southern boundary of the site. These trees range in size from 14 inches to 22 inches in diameter. The project proposes to retain these trees and protect them during construction.

The proposed project includes construction of a storm drain outfall to Llagas Creek, as shown on Figure 7. A biotic assessment was prepared for the project by H.T. Harvey and Associates in order to evaluate the potential impacts to the creek of the proposed outfall. This report can be found in Appendix A.

Riparian Vegetation

Riparian vegetation is restricted to the channel of Llagas Creek, and is not forming any significant canopy or cover along either bank in the vicinity of the proposed outfall. Trees and shrubs are sparse within the immediate area of the proposed outfall and include coyote brush, mulefat, and California sycamore. The lack of trees has allowed for the invasion of ruderal grasses and forbs, such as wild oats, soft chess brome, Italian rye, and riggut brome. Forbs include storkbill filaree, smooth cats-ear, lupine, English plantain, and hedge bedstraw.

Riparian Wildlife

The riparian habitat within the creek in the vicinity of the proposed outfall is limited in value, and wildlife species present here are primarily common, widespread species or species more typically associated with adjacent habitats. Therefore, species associated with riparian habitats, such as the Pacific treefrog, western toad, western fence lizard, gopher snake, and common garter snake, may occur in this habitat. Birds that nest or roost in the small sycamore trees on, or adjacent to the site, such as the mourning dove, house finch, lesser goldfinch, and western scrub-jay, forage within this habitat. During the winter, large numbers of sparrows and finches are expected to forage around the edges of these habitats near the cover provided by trees and shrubs. Expected herbivore mammals include the California meadow vole, Botta's pocket gopher, and desert cottontail. Predators, such as the raccoon, red fox, and gray fox, prey on many of these and other small vertebrates in this habitat.

Special Status Species

Two special-status species may occur on the site or may breed on or in close proximity to the site. These include the white-tailed kite and the loggerhead shrike. There are no recent records for the California red-legged frog within 5 miles of the project site. Llagas Creek has only intermittent flows and no slow-moving pools. Furthermore, predatory fish, crayfish and bullfrogs occur within the channel. For these reasons, the California red-legged frog is not expected to occur on or near the project site. In addition, the lack of shaded riverine aquatic habitat along the creek and the resulting high water temperature are not likely to support salmonids, such as steelhead rainbow trout.

The project site is outside the known distribution of, or there is a lack of suitable habitat for the Bay checkerspot butterfly, California tiger salamander, foothill yellow-legged frog, saltmarsh common yellowthroat, yellow-breasted chat and the California mastiff bat.

Regulated Habitats

Areas meeting the regulatory definition of "Waters of the U.S." (jurisdictional waters) are subject to the jurisdiction of the U.S. Army Corps of Engineers (USACE). These waters include streams, including Llagas Creek. Construction activities within jurisdictional waters are regulated by the USACE. The placement of fill into such waters must be in compliance with permit requirements of the USACE. No USACE permit will be effective in the absence of State water quality certification pursuant to Section 410 of the Clean Water Act.

Similarly, activities that result in the diversion or obstruction of the natural flow of a stream, or substantially change its bed, channel, or bank, or utilize any materials (including vegetation) from the streambed require that the project applicant enter into a Streambed Alteration Agreement with the California Department of Fish and Game (CDFG).

Tributary water and potential wetland habitats, both under the jurisdiction of the USACE were observed in the immediate vicinity of the proposed outfall structure. Specifically, the channel of Llagas Creek is regarded as tributary waters as defined by the ordinary high water mark (OHW) on opposing banks of the creek.

A depression occurs on the primary terrace of Llagas Creek adjacent to the low flow channel that is potential wetland habitat. The depression appears to have had ponded water recently as evidenced by algal matting and limited growth of grasses compared to the surrounding uplands; currently, the depression only contains saturated soils. It is hydrologically connected to Llagas Creek and would be inundated during higher flows. Hydrophytic vegetation within and surrounding this depression is limited to dock, mugwort, and Italian rye. The latter is dominant and continues into the uplands forming the rest of the bank. As proposed, the outfall structure does not directly impact the potential wetland habitat or USACE jurisdictional areas below OHW of Llagas Creek.

Impacts:

Impacts to Habitat for Special-Status Species

Some special status wildlife species may be only occasional visitors, migrants, or transients, or may only forage (rather than breed) in small numbers on the site. These species include the western pond turtle, double-crested cormorant, American peregrine falcon, merlin, northern harrier, ferruginous hawk, prairie falcon, golden eagle, tricolored blackbird, Vaux's swift, osprey, sharp-shinned hawk, willow flycatcher, bank swallow, Townsend's big-eared bat, and pallid bat. The project would have no effect on the breeding success of any of these species, although it might result in a small reduction of foraging and/or roosting habitat available to some of these species regionally. Due to the abundance of similar habitats regionally and the infrequency with which most of these species occur on the project site, the project is expected to have a less than significant impact on these species.

Two special status species may occur on the site more regularly, or may breed on, or in close proximity to the site. These species are the white-tailed kite, and the loggerhead shrike. Since the project site represents a small fraction of the available breeding habitat for these species in the region, impacts to regional populations of these species from development are expected to be less than significant.

Impacts to Fish and Game Regulated Habitats

The proposed stormdrain and outfall structure within Llagas Creek will impact approximately 300 square feet of ruderal habitat within CDFG jurisdiction. No riparian trees or shrubs will be impacted from these structures. Due to the abundance of ruderal habitat locally and the minimal impact to this habitat within CDFG jurisdiction, the project is expected to have a less than significant impact to habitats regulated by CDFG.

Potential Impacts to Nesting Raptors during Construction

Raptors (e.g., eagles, hawks, and owls) and their nests are protected under both Federal and State laws and regulations. The Federal Migratory Bird Treaty Act prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment

and/or loss of reproductive effort is considered a "taking" by the CDFG. Any loss of fertile raptor eggs or nesting raptors, or any activities resulting in raptor nest abandonment, would constitute a significant impact. Construction activities, such as tree removal, site grading, etc., that disturb a nesting raptor on site, or immediately adjacent to the site, constitute a significant impact.

Several species of raptors could nest in the sycamores, willows, and other trees on and adjacent to the project area. These species include the red-shouldered hawk, American kestrel, and white-tailed kite. Although the project would not remove or destroy any trees on or near the site, construction activity on the site could potentially disturb a nest close to the project area, possibly to the point of nest abandonment. The loss of an active nest or nest failure due to construction of an active nest would constitute a significant impact.

Potential Degradation of Water Quality during Construction

Construction activities within the banks of Llagas Creek could have a significant adverse effect on water quality downstream of the project due to potential for increased turbidity, siltation, and water temperature. Degradation of water quality downstream resulting from construction constitutes a potentially significant impact.

Mitigation: Implementation of the following mitigation measures would reduce potentially significant biological impacts of the project to a less than significant level.

Mitigation for Impacts to Nesting Raptors

In order to ensure that no tree-nesting raptor nests or their contents are lost or disturbed due to project-related activities, Mitigation Measure 1 or Mitigation Measures 2 and 3 as warranted, will be implemented to reduce potential impacts to a less than significant level.

Mitigation 1: Restrict Construction Activities to the Non-breeding Season.

In the Southern San Francisco Bay area, most raptors breed from February through August. White-tailed kite may, however, begin nest building as early as January, and egg laying can occur in early to mid-January. In addition, some kites may breed late, potentially having young in the nest as late as September. If construction near raptor nests can be scheduled to occur between October and December, the nesting season would be avoided, and no impacts to nesting raptors would be expected.

Mitigation 2: Pre-construction Surveys.

If it is not possible to schedule construction between October and December, pre-construction surveys for nesting raptors should be conducted by a qualified ornithologist to ensure that no raptor nests will be disturbed during project implementation. This survey should be conducted no more than 15 days prior to the initiation of construction activities during the early part of the breeding season (January through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through September). During this survey, the ornithologist will inspect all trees in, and immediately adjacent to the impact areas for raptor nests.

Mitigation 3: Avoidance/Buffer Zones.

If an active raptor nest is found close enough to the construction area to be disturbed by construction activities, the ornithologist, in consultation with CDFG, will determine the extent of a construction-free buffer zone to be established around the nest.

Mitigation for Water Quality Impacts during Construction

Construction activities within the banks of Llagas Creek could have a significant adverse effect on water quality downstream of the project site, as previously described. Implementation of Best Management Practices described below will reduce this potential impact to a less than significant level. According to the CDFG, these practices must be followed, even if the creek is dewatered.

- No equipment will be operated in the live stream channel.
- When work in a flowing stream is unavoidable, any stream flow shall be diverted around the work area by a barrier, temporary culvert, or a new channel capable of permitting upstream and downstream fish movement.
- Construction of the barrier or the new channel shall normally begin in the downstream area and continue in an upstream direction and the flow shall be diverted only when construction of the diversion is completed.
- No debris, soil, silt, bark, slash, sawdust, cement, concrete, washings, petroleum products or other organic or earthen material shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the State.
- If these mitigation measures fail, the project applicant is to consult with local representatives of the CDFG and U.S. Fish and Wildlife Service to develop contingency mitigation measures.

Finding: Implementation of the mitigation measures described above would reduce potential impacts to nesting raptors and water quality 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	
*Questions relating to the California Department of Fish & Game "de minimus impact finding" for the Certificate of Fee Exemption are listed in italics.					
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 checked="" type="checkbox"/>	<input type="checkbox"/>	3, 10i, 22, 23, 24, 25
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, 10d, 22, 24, 25
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"/>	2,3,4,24,25
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, 24, 25
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"/>	3, 23

Discussion: The project site is located in proximity to Llagas Creek. The creek would have provided a favorable environment during the prehistoric period with riparian and inland resources available for occupation.

An archaeological assessment was prepared for the site by *Holman and Associates*. This assessment is on file with the Santa Clara County Planning Department. This study includes: 1) the results of an archival records search by the California Historical Resources Information System; 2) a review of pertinent literature, maps, and archival records; 3) an archaeological field inventory of the property; and 4) appropriate management recommendations.

1. Literature Review

During a review of the pertinent literature, no recorded archaeological sites were located either on the project site or within 1,000 feet of the site. Two previous evaluations, with negative findings, were conducted within the project area.

2. Field Inspection

A visual evaluation of the project site was not possible, due to the presence of a dense layer of gravel over the entire project site. Therefore, approximately 200 feet of creek bank outside the maintenance yard fence line was inspected starting at Murphy Avenue, and extending downstream, to the approximate location of the proposed storm outfall to the creek. The area immediately surrounding the site was also examined.

The bank of the creek is made up of river cobbles underlaying brown clay silt material. No evidence of historical deposits was noted, nor were there any signs of aboriginal deposits which would have been associated with a camp or village site. Two previous examinations failed to discover any archaeological materials. For these reasons, it has been determined that the potential of discovering buried archaeological materials on the project site during construction is low.

Impact: There is always the potential that trenching and/or grading associated with construction might uncover a localized deposit of prehistoric materials. Indicators of archaeological deposits include but are not limited to the following: soils darker in color than surrounding soils, concentrations of stone, bone, or shellfish, human remains, and any evidence of fires (ash, charcoal, fire altered rock, or carbon flecks).

Mitigation: Should any of the indicators described above be uncovered during initial site grading or trenching activities, work would be halted within 50 feet of the discovery until a qualified archaeologist has had the opportunity to assess the discovery. If it is demonstrated that additional construction will cause damage to a significant archaeological deposit, plans for mitigation of impacts to the deposit would be submitted to the County of Santa Clara before work can continue in any area that contains intact archaeological materials.

Finding: The proposed project is not expected to result in impacts to cultural resources, however, since there is always a potential to uncover materials during construction, implementation of the above described mitigation measure would reduce this potential impact to a less than significant level.

F. GEOLOGY AND SOILS					
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.	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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	11a, 26,28
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9c, 10c
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	9c, 10c
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	9c, 10c
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2, 3,28
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, 28, 29
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	29, 31
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 29
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"/>	3,28
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, 28

Discussion: The following discussion is based upon the United State Department of Agriculture, Soil Conservation Service soils maps for Santa Clara County (June 1968), and the geotechnical report prepared for the site by IT Group (Appendix B).

Topography

The proposed project is located within the Santa Clara Valley, approximately 70 miles south of San Francisco. The valley trends north to south and is typified by flat, mostly urbanized terrain cut by northward-draining rivers and creeks. The project site is located in the San Martin area of southern Santa Clara County, which is a relatively flat portion of the Valley. The project site is flat and has an elevation of approximately 280 feet above sea level.

Soils

The project site is underlain by Pleasanton loam and Pleasanton gravelly loam (PoA and PpA) soils. Pleasanton soils drain well, have no erosion hazard, have moderate fertility, and moderate shrink-swell limitations.

Seismicity

The project site is located within the seismically active San Francisco Bay region. The Uniform Building Code designates the entire south Bay as Seismic Activity Zone 4, the most seismically active zone in the United States. The faults in the region are capable of generating earthquakes of at least 7.0 in magnitude, therefore, it can be expected that earthquakes could produce very strong ground shaking at the subject site during the life of the structure built there. The major earthquake faults in the project area are the San Andreas Fault, located approximately 9.75 miles to the southwest, and the Calaveras Fault, located approximately 3.75 miles to the northeast of the site. There are no known earthquake faults crossing the site, however, severe ground shaking at the site during a major earthquake can be expected during the life of the project.

Impact: The proposed project is located in an area subject to strong seismic ground shaking, which can adversely affect structures and expose people to safety hazards. While geologic and soils conditions could compromise the integrity of building foundations, the potential for liquefaction at the site is low due to a lack of continuous layers of sand or silty sand found during the field exploration at the site.

Approximately two feet of fill will be placed on the site in order to elevate the project site above the flood elevation.

Mitigation: The proposed project would be designed and built in conformance with the requirements of the Santa Clara County Geologic Ordinance and the Uniform Building code for Seismic Zone 4. The potential for geologic and soils impacts resulting from conditions on the site can be mitigated by utilizing standard engineering and construction techniques. In addition, the Santa Clara County Department of Environmental Health will be required by the State Department of Toxic Substances Control (DTSC) to prepare an Operations Plan that includes disaster planning in the event of an earthquake.

Fill materials would be approved by a qualified engineer. The material used should be a granular soils with a maximum particle size of less than three inches and free of organics and deleterious materials. The fill should be moisture conditioned to within about three percent of the optimum moisture content, placed in eight inch loose lifts, and compacted to 95 percent of the maximum dry density for stability.

Finding: With implementation of the mitigation measures listed above, the project would not expose persons or property to significant impacts associated with soil or geologic conditions of the site.

G. HAZARDS & HAZARDOUS MATERIALS					
WOULD THE PROJECT	IMPACT			NO	SOURCE
	YES				
*Questions relating to the California Department of Fish & Game "de minimus impact finding" for the Certificate of Fee Exemption are listed in italics.	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, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 5
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2, 3, 5
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 1/4 mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	34
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"/>	35
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, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 36
f) For a project within 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"/>	3
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5, 37
h) 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"/>	4
i) Provide breeding grounds for vectors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 5
j) 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"/>	3
k) 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, 11c
l) 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"/>	1, 3, 11c

Discussion:

Existing Conditions

A Phase I Environmental Assessment was prepared for the site by Krazan & Associates (Appendix B), which included a visual observation of existing surface conditions, interviews with persons knowledgeable about the site, and a records review. The assessment was performed to obtain information indicating the likelihood of identifying recognized environmental conditions, including hazardous materials and petroleum products, in connection with the property.

A review of local, State and Federal regulatory agency records was conducted to determine if releases of hazardous materials had occurred on the project site, and/or on properties within the project area. No records are on file for the project site, however, five properties located within 0.5 miles of the subject site were noted. It was determined that these sites are of sufficient distance and/or situated cross-gradient to the subject site, such that impact to the subject site is not likely. It was reported that the South County Airport located adjacent to the eastern boundary of the site operates a 10,000 gallon aviation fuel underground storage tank. In addition, the industrial property located adjacent to the northern boundary of the site historically has stored oil in two 55 gallon drums. No records of any hazardous materials incidents or releases have been filed for either property.

During the field review, no obvious evidence of underground fuel storage tanks was noted within the area observed. No standing water or major depressions were observed on the site. No hazardous materials were observed to be used or stored at the subject site. Additionally, no evidence of hazardous materials having been released to the site, such as distressed vegetation, significant staining, or unusual odors were observed. Transformers and utilities were not observed at the site. For these reasons, it was determined that further investigation of the project site is not warranted at this time.

HHW Spill Containment

The proposed project would involve the transport, sorting, and storing of household hazardous wastes. The facility would accept materials from the public, small businesses, and public agencies only during regular operating hours, when the site is staffed by experienced County personnel. Trained technicians remove the waste from vehicles, place it on a roll-cart and wheel it into the processing area, where it is sorted by hazard type. Wastes such as paint, are consolidated to more efficiently accommodate the large volumes received, by pouring them out of their original containers into 55 gallon drums. Materials such as explosives, compressed gas cylinders greater than 5 gallons in size, infectious/medical waste, radioactive waste (except smoke detectors/alarms), explosives (including ammunition), and asbestos would not be accepted at the site.

Impact: The collection, sorting, and storage of hazardous household wastes on the project site could potentially result in the spilling or leaking of these wastes. Therefore, the project includes a spill control and containment system, as described below.

Mitigation:

Spill Containment System

Waste is removed from vehicles in the receiving area which would include pavement that is slightly sloped toward a sump or catch-basin that serves to collect any hazardous waste should it spill during unloading. The sump would not drain to the stormwater system. The sump/catch-basin would be pumped out when necessary and the waste disposed of properly. The receiving area would also be under a canopy and therefore, very little, if any, stormwater would accumulate in this area.

The container in which the waste is received is its primary containment. Once that waste is placed in a 55 gallon drum, it is in secondary containment (this is primary containment for paints removed from their cans and poured into a drum). The secondary containment must be liquid tight and must not be weakened by contact with the spilled or leaked material for the maximum amount of time needed to either clean up the material, should it be spilled, or to deliver the drum to an appropriate disposal facility. Secondary containment is also required to have the capacity to store 150 percent of the largest container or 10 percent of the aggregate of all primary containers stored, whichever is larger.

A monitoring system is required to detect if spillage from the primary container has entered the secondary containment. This requirement will be met by visual inspections of the drums following a schedule approved by the permitting agencies. The chemical storage area would have wide doors to accommodate visual inspection, and removable floor grates for convenient spill clean-up.

Fire and Security

The proposed building would be constructed using "Noncombustible Construction", which implies that the material will not burn or contribute fuel to an existing fire. If required, the building will have a two-hour fire rating for the storage of flammable liquids or solids. The building would also be equipped with an automatic sprinkler system, which would initiate an audible alarm and will alert the County's off site emergency monitoring station. This sprinkler system will be designed and installed to meet National Fire Protection Association standards.

California State Health and Safety codes require security measures to prevent unauthorized persons from entering the hazardous waste storage area. Locks will be placed on all building doors and the entire working area will be surrounded by a locked fence.

Finding: The proposed project would be designed to include the Spill Containment System and Fire and Safety measures, described above. In addition, the project would require permits from various local, State and Federal regulatory agencies for the construction and maintenance of the proposed facility. The project includes measures which would reduce potential hazardous materials impacts of the proposed project to a less than significant level.

H. HYDROLOGY AND WATER QUALITY					
WOULD THE PROJECT:	IMPACT				SOURCE
	YES			NO	
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
*Questions relating to the California Department of Fish & Game "de minimus impact finding" for the Certificate of Fee Exemption are listed in italics.					
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	39, 40
b) <i>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?)</i>	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 11c
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 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, 40,42
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, 9c, 12c
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, 9c, 12c
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) Require a NPDES permit for construction [Does it disturb five (5) acres or more?]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3,40
k) 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
l) 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"/>	4,44

m) 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
n) 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 checked="" type="checkbox"/>	1, 3

Discussion: The nearest hydrologic feature in the project area is Llagas Creek, which flows approximately 400 feet to the south of the project site. The creek flows to the south and is in its natural state in the project vicinity.

According to the Federal Emergency Management Agency's Flood Insurance Rate Maps, the project site is located within Zone AO, an area of 100-year flooding, where depths average one foot, but no flood hazard factors are determined.

Impact:

Impacts to Stormwater Quality

The proposed project would include construction of a stormdrain system for the project site. This system would include a storm drainage system which is closely linked to the spill containment system for the project. As described in the project description, the driveways into and out of the site, as well as the material receiving area, would be paved. A catch-basin would be constructed within the material receiving area which would not be connected to the storm drain system for the project.

The site would be graded so that all site drainage would be directed into a bio-swale to be located in the southern portion of the site (refer to Figure 6). This swale would serve to filter out the typical oil, grease, and particulates that accumulate on all roadways and paved surfaces. A 50,000 gallon detention pond would be constructed at one end of the bio-swale to moderate off-site flow and to provide a tertiary level of containment to capture any spilled or leaked materials if they were to somehow escape the primary and secondary containment systems of the site. The detention pond will be equipped with a shut-off valve to prevent the flow of any possible contaminants. An underground outfall pipe would be constructed from the detention pond to Llagas Creek, where a stormdrain outfall would be constructed.

Flooding Impacts

The proposed project is located within Zone AO, an area of 100-year flooding, where depths average one foot, but no flood hazards are determined. Therefore, the project site would be graded as to raise the elevation of the facility building and materials receiving area one foot, in order to remove them from the floodplain, as required by the Santa Clara Valley Water District.

Construction Related Impacts

As described in the Biological Resources section of this report (Section III., D.), construction of the stormdrain outfall into Llagas Creek would have the potential to affect water quality downstream of the project site. These impacts would be less than significant with implementation of the mitigation measures presented in the Biological Resources section of this report.

Mitigation: The project would be subject to Santa Clara County's Policies and Standards Pertaining to Grading and Erosion Control. Per Section 12-479 of the County's Grading Ordinance, the County will maintain all precautionary measures necessary to protect adjacent watercourses and public or private property from damage by erosion, flooding, or deposition of mud or debris originating from the site during construction grading. Precautionary measures must include provisions of properly designed sediment control facilities. In addition, the Santa Clara County Department of Environmental Health will be required by the DTSC to prepare an Operations Plan that includes disaster planning in the event of a flood.

Finding: With implementation of the mitigation measures described above, including those described in the Biological Resources section of this report regarding water quality within Llagas Creek, the project would not result in significant hydrological impacts.

I. LAND USE		IMPACT				SOURCE
WOULD THE PROJECT:		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.		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) <i>Physically divide an established community?</i>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 4
b) <i>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?</i>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	6a, 7, 9a
c) <i>Conflict with special policies:</i>						
i) <i>San Martin &/or South County?</i>		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 6a, 42
ii) <i>Los Gatos Specific Plan or Lexington Watershed?</i>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 6a
iii) <i>New Almaden Historical Area/Guadalupe Watershed?</i>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 6a
iv) <i>Stanford?</i>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	6a
v) <i>City of Morgan Hill Urban Growth Boundary Area?</i>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	6a, 10a
vi) <i>West Valley Hillsides Preservation Area?</i>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 6a

Discussion: The project site is currently used by the Santa Clara County Department of Roads and Airports as a maintenance and storage yard. The site is used for storage of various road making supplies, such as steel culvert pipe, concrete road dividers, and stockpiles of soil and broken concrete.

The property is bounded by industrial uses to the north, the South County Airport to the east, Llagas Creek to the south, and the existing maintenance facility to the west. Land uses across the creek, to the west of the site, are rural residential (refer to Figure 3).

The project site would allow the construction of a household hazardous waste facility in an area of industrial and airport land uses. The project is in conformance with the Santa Clara County General

Plan, but is not consistent with the County Zoning Ordinance, however, since this is a County sponsored project, it is not required to be consistent with the zoning for the property.

Finding: The proposed facility would be compatible with surrounding land uses, and would be in conformance with all applicable ordinances regarding land use. The project would therefore, not result in significant land use impacts.

J. NOISE					
WOULD THE PROJECT:	IMPACTS				SOURCE
	YES			NO	
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
*Questions relating to the California Department of Fish & Game "de minimus impact finding" for the Certificate of Fee Exemption are listed in italics.					
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 agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	6a, 36, 41
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"/>	41
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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 5, 36
f) For a project within the vicinity of a 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, 3, 5.

Discussion:

Background Information

Several factors influence sound as it is perceived by the human ear, including the actual level of sound, the periods of exposure to the sound, the frequencies involved, and fluctuations in the noise level during exposure. Noise is measured on a "decibel" scale which serves as an index of loudness. Because the human ear can not hear all pitches or frequencies, sound levels are frequently adjusted or weighted to correspond to human hearing. This adjusted unit is known as the "A-weighted" decibel or dBA. Further, sound is averaged over time and referred to as the day-night average or DNL. Penalties are added to the average for noise that is generated during times that may be more disturbing to sensitive uses such as early morning, and late evening.

Existing Noise Environment

The project site is located in a rural area of San Martin and would be constructed adjacent to an existing maintenance facility and airport, therefore, existing ambient noise levels within the project area are already elevated. The addition of noise generated by the project would not be expected to be noticeable to the surrounding area.

Construction noise would be short term and since the adjacent uses include an airport, maintenance yard and industrial uses, construction related noise impacts are not expected to be significant, especially since the project would be required to comply with the County's Noise Ordinance. The nearest sensitive receptors are located approximately 600 feet to the west of the site. For these reasons, the project is not expected to result in significant noise impacts for the surrounding area.

Finding: Compliance with the County's Noise Ordinance would further reduce less than significant construction related noise impacts.

K. POPULATION AND HOUSING					
WOULD THE PROJECT:	IMPACT				SOURCE
	YES			NO	
<i>*Questions relating to the California Department of Fish & Game "de minimus impact finding" for the Certificate of Fee Exemption are listed in italics.</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	
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 project is construction of a Santa Clara County HHW collection facility which would have a maximum of 5 regular employees with up to 10 employees on site during collection days, once per month. Therefore, the project would not induce substantial growth in the area.

Finding: The proposed project would not result in significant adverse impacts on population and housing within the project area or regionally.

L. PUBLIC SERVICES					
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.	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	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 checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 5, 38
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 proposed project site is within an area served by both the Santa Clara County Fire Department and the California Department of Forestry (CDF). The first response fire protection unit is at the CDF/South County Fire Station 2 located at 10810 NoName Uno, in San Martin. The response time from this station would be approximately 5 minutes. An additional first response unit would come from CDF/South County Fire Station 1, located at 15670 Monterey Road in Morgan Hill. Therefore, construction of the project is not expected to result in the need for any new fire protection facilities.

The project will comply with the conditions of the County Fire Marshal and appropriate permits, and be built in conformance with current fire and building codes, including features that will reduce potential fire hazards and risks associated with hazardous materials use and storage. The proposed building would be equipped with a sprinkler system and an audible alarm, which would alert the County's off site Emergency Monitoring Station. The fire line for the sprinkler and hydrant systems at the facility will be served from the existing fire line serving the South County Airport.

Finding: The proposed project would not result in any significant impacts on the physical environment as a result of an increased demand for fire services.

M. RESOURCES AND RECREATION					
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.	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	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, 50

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, 6a
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"/>	9d
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"/>	51

Discussion: The proposed project is construction of a HHW collection facility. It would not result in the loss of any natural resources, nor require construction of additional parks within the project site.

Finding: The project would not result in adverse impacts in regards to natural resources and recreational facilities.

N. TRANSPORTATION / TRAFFIC					
WOULD THE PROJECT:	IMPACT				SOURCE
	YES			NO	
	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	
*Questions relating to the California Department of Fish & Game "de minimus impact finding" for the Certificate of Fee Exemption are listed in italics.					
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
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"/>	56
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
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 type="checkbox"/>	<input checked="" type="checkbox"/>	3, 5
e) Result in inadequate emergency access (e.g. be located on a cul-de-sac over 800 ft. in length and require secondary access which will be difficult to obtain)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 5
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	57

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"/>	6a
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

Discussion: The proposed project is not expected to generate significant amounts of traffic. The site would be open approximately four days per month with approximately 50 to 60 trips to the site per day. The site would be open from approximately 9 AM to 1 PM, thereby, eliminating PM peak hour traffic. In addition, the site plan for the project includes an approximately 600 foot long driveway within the site to allow for the queuing of at least 30 vehicles (20 feet per vehicle) within the boundaries of the site. For these reasons, the project would not result in significant traffic or circulation impacts.

Finding: The proposed project would not result in significant traffic impacts.

O. UTILITIES AND SERVICE SYSTEMS					
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.	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	No Impact	
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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
h) Employ equipment which could interfere with existing communications or broadcast systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 5

Discussion: The proposed project would not produce significant amounts of wastewater or solid waste. The HHW collected and stored on the site would ultimately be transported to an appropriate disposal facility, according to all State and Federal regulations. Sufficient water supplies are

available to the site, and according to the Santa Clara County Fire Department, recent improvements by the Santa Clara Valley Water District have significantly improved flow and pressure in the water line that would serve the facility.

The proposed project would require construction of a storm drainage system, which would include a detention pond and construction of a stormdrain outfall in Llagas Creek, as previously described in the Biological Resources and Hydrology Sections of this report. Implementation of the mitigation measures described in these sections would reduce impacts associated with this construction to a less than significant level.

Finding: The proposed project would not result in significant impacts to utilities and service systems.

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.	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 4
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, 3, 4, 5
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 checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 5

Discussion: As previously described, the proposed project is the construction of a HHW collection and storage facility in a rural area of San Martin. With implementation of the previously described mitigation measures, the project would not degrade the quality of the environment or impact wildlife habitat or rare and endangered species. The project would include the collection, sorting and storage of potentially hazardous chemicals, however, the proposed project would include an extensive containment and storage system, which would be in accordance with all applicable State and Federal regulations, as previously discussed. In addition, the nearest sensitive receptors are located approximately 600 feet to the west of the

project site, therefore, the project is not expected to cause substantial adverse effects on human beings, either directly or indirectly.

Finding: The proposed project would not result in significant findings.

VII. 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
- 6a. Santa Clara County (SCC) General Plan
- 6b. The South County Joint Area Plan
7. SCC Zoning Regulations (Ordinance)
8. GIS Database
9. MAPS (various scales)
 - a. SCC Zoning (500' or 1,000')
 - b. ABAG "On Shaky Ground" - Santa Clara County Map Set (2 miles)
 - c. Barclay's Santa Clara County Local Street Atlas (2631')
 - d. SCC Regional Parks, Trails and Scenic Highways Map (10,000')
10. 5000' or one mile Scale MAPS
 - a. SCC General Plan Land Use
 - b. Natural Habitat Areas
 - c. Relative Seismic Stability
 - d. Archaeological Resources
 - e. Water Resources & Water Problems
 - f. Viewshed and Scenic Roads
 - g. Fire Hazard
 - h. Parks and Public Open Space
 - i. Heritage Resources
 - j. Slope Constraint
 - k. Serpentine soils
11. 2000' Scale MAPS
 - a. State of California, Alquist-Priolo Earthquake Fault Zones
 - b. Water Problem/Resource
 - c. USGS Topo Quad (7.5 minutes)
 - d. Dept. of Fish & Game, Natural Diversity Data Base Map Overlays & Textual Reports (GIS)
12. 1000' Scale MAPS / Air Photos
 - a. Geologic Hazards
 - b. Color Air Photos (MPSI)
 - c. Santa Clara Valley Water District - Maps of Flood Control Facilities & Limits of 1% Flooding
 - d. Soils Overlay Air Photos
 - e. "Future Width Line" map set
13. SCC Development Guidelines for Design Review
14. Architectural and Site Approval Committee Secretary
15. SCC Guidelines for Architecture and Site Approval
16. State Dept. of Conservation, "CA Agricultural Land Evaluation and Site Assessment Model"
17. BAAQMD, Clean Air Plan (1997)
18. BAAQMD Annual Summary of Contaminant Excesses & BAAQMD, "Air Quality & Urban Development - Guidelines for Assessing Impacts of Projects & Plans" [1996]
19. Clean Water Act, Section 404
20. Riparian Inventory of Santa Clara County, Greenbelt Coalition, November 1988
21. Santa Clara County Tree Preservation Ordinance No. Ns-1203.107
22. CEQA Guidelines [1999 Edition]
23. **Santa Clara County Heritage Resource (including Trees) Inventory [computer database]**
24. **Site Specific Archaeological Reconnaissance Report**
25. State Archaeological Clearinghouse, Sonoma State University
26. State Department of Mines and Geology, Special Report #42
27. County Geologist
28. **Site Specific Geologic Report**
29. USDA, SCS, "Soils of Santa Clara County"
30. USDA, SCS, "Soil Survey of Eastern Santa Clara County"
31. Table 18-1-B of the Uniform Building Code [1994 version]
32. County Environmental Health / Septic Tank Sewage Disposal System - Bulletin "A"
33. **County Environmental Health Department Tests and Reports**
34. Section 21151.4 of California Public Resources Code
35. State Department of Toxic Substances, Hazardous Waste and Substances Sites List
36. **ALUC Land Use Plan for Areas Surrounding Airports [1992 version]**
37. **County Office of Emergency Services Emergency Response Plan [1990 version]**
38. County Fire Marshal
39. CA Regional Water Quality Control Board, Water Quality Control Plan, San Francisco Bay Region [95]
40. SCC Nonpoint Source Pollution Control Program, Urban Runoff Management Plan [1997]
41. County Standards and Policies Manual (Vol. 1 - Land Development)
42. **San Martin Integrated Design Guidelines**
43. County Lexington Basin Ordinance Relating to Sewage Disposal
44. San Martin Water Quality Study
45. Santa Clara Valley Water District, Private Well Water Testing Program [12-98]
46. Los Gatos Hillside Specific Area Plan
47. Stanford University Master Use Permit and Environmental Impact Report (EIR)
48. Stanford Protocol and Land Use Policy Agreement
49. Official County Road Book
50. State Department of Mines and Geology, Special Report #146
51. Open Space Preservation, Report of the Preservation 2020 Task Force, April 1987 [Chapter IV]
52. **Official County Road Book**
53. **County Department of Roads and Airports**
54. **Public Works Departments of Individual Cities**
55. **Transportation Research Board, "Highway Capacity Manual", Special Report 209, 1985.**
56. **SCC Congestion Management Agency, "1998 Monitoring and Conformance report"**
57. **County Off-Street Parking Standards**

*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

IIX. REFERENCES

- D'Arcy, Robert, Management Analyst, Hazardous Waste Recycling and Disposal Program, Santa Clara County, personal communications.
- Sharon Dowell, Hazardous Materials Program Manager, Hazardous Waste Recycling and Disposal Program, Santa Clara County, personal communications.
- Federal Emergency Management Agency, Flood Insurance Rate Map, Panel Number 060337 0630. Revised August 1998.
- Hardwick, Jean, Santa Clara County Fire Marshall, personal communication.
- Holman and Associates, Archaeological Consultants, *Archaeological Field Inspection of the Proposed San Martin Household Waste Disposal Site, San Martin, Santa Clara County, California*. February 3, 2000.
- H.T. Harvey and Associates, Ecological Consultants, *Facility Outfall Structure Biotic Assessment*. April 13, 2000.
- IT Group, Geotechnical Consultants, *Geotechnical Investigation for San Martin PHHWCF*, December 22, 1999.
- Kennedy, William, Project Manager, General Services Agency, County of Santa Clara, personal communication.
- Krazan and Associates, Geotechnical Engineers, *Phase I Environmental Site Assessment*, April 23, 1999.
- United State Department of Agriculture, Soil Conservation Service, Maps of Santa Clara County. June 1968.
- Winn, Buff, Project Manager, EMCON/OWT Solid Waste Services, personal communication.

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APPENDIX A

Biotic Assessment



H. T. HARVEY & ASSOCIATES

ECOLOGICAL CONSULTANTS

**SAN MARTIN HOUSEHOLD
HAZARDOUS WASTE FACILITY
OUTFALL STRUCTURE
BIOTIC ASSESSMENT**

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Project # 1749-01

April 13, 2000

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INTRODUCTION

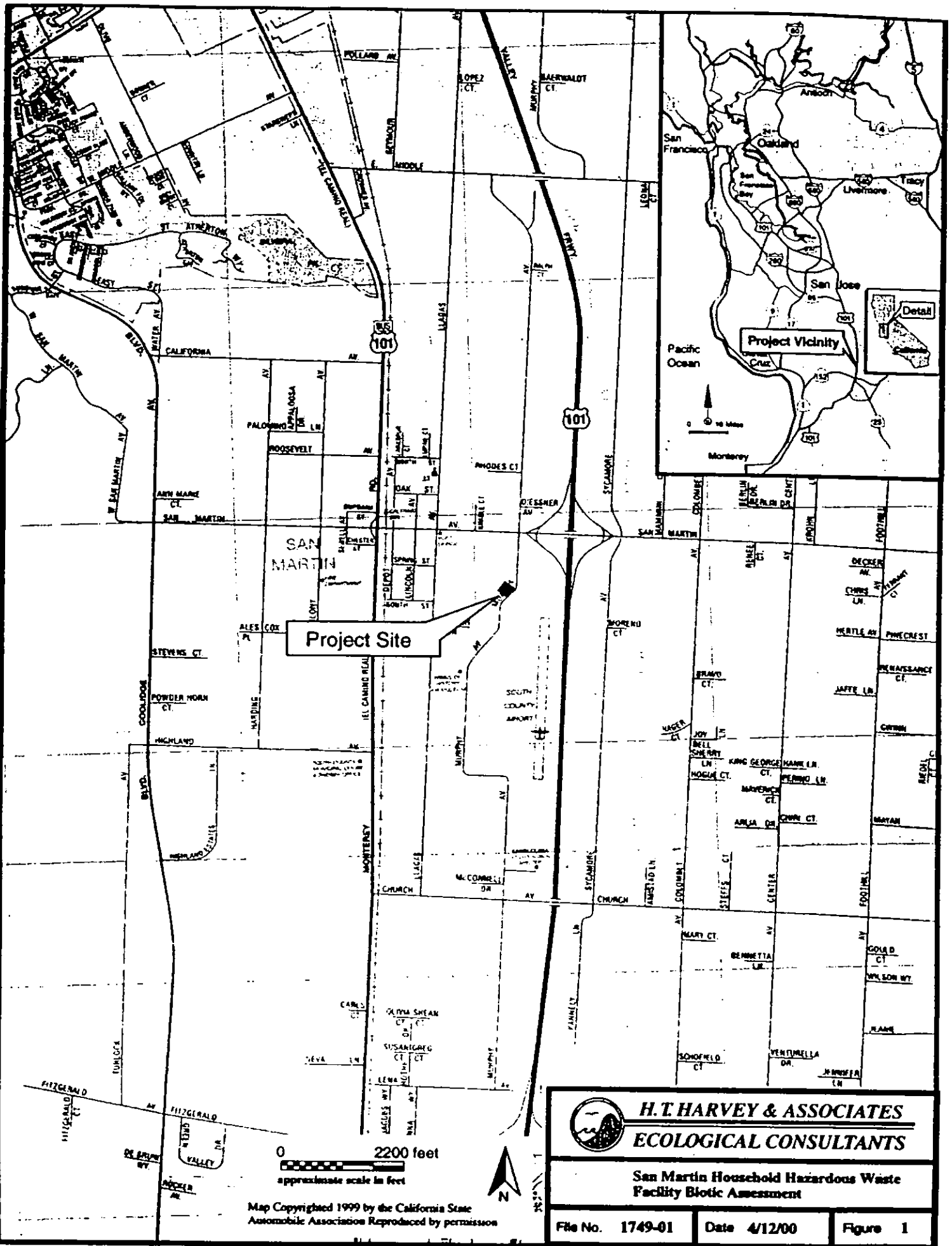
H. T. Harvey & Associates has conducted a biotic assessment of the proposed site for a storm drain outfall structure for the San Martin Household Hazardous Waste Facility located on Murphy Avenue in San Martin, California (Figure 1). This letter reports the results of surveys of the proposed project site and an analysis of potential impacts to regulated habitats and special-status plant and wildlife species as a result of the project.

Project Description

The proposed project is the development of a household hazardous waste facility on Murphy Road in San Martin. This survey only includes the associated outfall structure draining into Llagas Creek, located along the southern boundary of the property.

Biotic Surveys

Reconnaissance-level field surveys to identify biotic habitats, evaluate botanical and wildlife resources, and assess the suitability of the study area to support special-status plant and animal species were conducted only within the area adjacent to the location of the proposed outfall structure in Llagas Creek, at the southern tip of the project site, during March 2000. Survey personnel included a botanist (Andrew Dilworth), a restoration ecologist (Eric Webb, Ph.D.) and a wildlife ecologist (David Johnston, Ph.D.). The approximate extent and distribution of potential jurisdictional areas have been identified for the purpose of determining potential impacts only; a formal delineation of jurisdictional areas has not been performed.



Project Site

Project Vicinity



H. T. HARVEY & ASSOCIATES
ECOLOGICAL CONSULTANTS

San Martin Household Hazardous Waste Facility Biotic Assessment

File No. 1749-01

Date 4/12/00

Figure 1

Map Copyrighted 1999 by the California State
 Automobile Association Reproduced by permission

EXISTING CONDITIONS

The proposed location of the outfall structure for the San Martin Household Hazardous Waste Facility is located on Murphy Road in San Martin, California, approximately ¼ mile south of the intersection with San Martin Avenue (Figure 1). The project site is located on a level, secondary stream terrace just above the primary stream terrace and floodplain of Llagas Creek which lies to the south and west. The area within the current fenceline of the property is completely disturbed and occupied by construction materials; no vegetation occurs within this area except for scattered weeds and a cluster of sycamore trees (*Platanus racemosa*). The proposed outfall structure will occupy an area of ruderal habitat forming the northern bank of the creek at this location. The project area is underlain by 4 phases of 3 soil series including Garretson loam, Pleasanton loams, and Zamora clay loam, all of which are derived from alluvium; none of these are associated with serpentine soils. The bed and floodplain of Llagas creek is comprised of Riverwash.

While the floodplain and bank on the secondary stream terrace at the location of the proposed outfall structure is dominated by annual grasses and is therefore closely related to annual grassland habitat, the presence of numerous sycamore trees scattered up and downstream suggests the creek corridor was historically dominated by sycamore alluvial woodland. The density of the trees is currently reduced, however, and has allowed for the invasion of ruderal grasses and forbs. Among these, wild oats (*Avena fatua*), soft chess brome (*Bromus hordeaceus*), Italian rye (*Lolium multiflorum*), and riggut brome (*Bromus diandrus*) are variably dominant. Common forbs include storkbill filaree (*Erodium botrys*), smooth cats-ear (*Hypochaeris glabra*), lupine (*Lupinus nanus*), English plantain (*Plantago lanceolata*), and hedge bedstraw (*Galium mollugo*). Trees and shrubs are sparse within the immediate area of the proposed outfall and include coyote brush (*Baccharis pilularis*), mulefat (*Baccharis salicifolia*), and California sycamore; a cluster of sycamore trees occurs within approximately 50 feet of the proposed outfall structure. Riparian vegetation is restricted to the channel of Llagas creek, and is not forming any significant canopy or cover along either bank at this location. Common riparian vegetation included arroyo willow (*Salix lasiolepis*), willow herb (*Epilobium* spp.), giant reed (*Arundo donax*), and mulefat. The outfall structure will not reach as far as the primary terrace or low flow channel, and therefore should not impact riparian habitat.

The riparian habitat on the project site is limited in value, and the wildlife species present here are primarily common, widespread species or species more typically associated with adjacent habitats. Therefore species associated with riparian habitats, such as the Pacific treefrog (*Hyla regilla*), western toad (*Bufo boreas*), western fence lizard (*Sceloporus occidentalis*), gopher snake (*Pituophis melanoleucus*), and common garter snake (*Thamnophis sirtalis*), may occur in this habitat. Birds that nest, or roost, in the small sycamore trees on, or adjacent to, the site, such as the Mourning Dove (*Zenaida macroura*), House Finch (*Carpodacus mexicanus*), Lesser Goldfinch (*Carduelis psaltria*), and Western Scrub-Jay (*Apelocoma californica*), forage within this habitat. During winter, large numbers of sparrows and finches are expected to forage around the edges of these habitats near cover provided by trees and shrubs. Expected herbivorous

mammals include the California meadow vole (*Microtus californicus*), Botta's pocket gopher (*Thomomys bottae*), and desert cottontail (*Sylvilagus audubonii*). Predators, such as the raccoon (*Procyon lotor*), red fox (*Vulpes vulpes*) and gray fox (*Urocyon cinereoargenteus*) prey on many of these and other small vertebrates in this habitat.

SPECIAL-STATUS SPECIES

Special-Status Plant Species

The special-status plant species that occur regionally in habitats similar to those found in the project area are described below. The process of identifying special-status plant species for consideration involved two steps. First, a query of special-status plants in the California Natural Diversity Database (CNDDDB 1999) was performed for the Gilroy quadrangle and for all quadrangles surrounding the Gilroy quadrangle. Second, the California Native Plant Society Inventory (1994) was used to produce a similar list for Santa Clara County. The habitat requirements of each special-status species, as compared to the availability of habitats on the project site, was the principal criterion used for inclusion in the list of potentially-occurring species on site.

The CNPS inventory and the CNDDDB identify 40 special-status plant species in Santa Clara County and the quadrangle search area as occurring in marsh and grassland habitats most similar to the aquatic and ruderal habitats on-site. Of these, 38 species were dismissed as potentially occurring on-site due to the absence of suitable microhabitats (such as serpentine, or alkaline substrates) and/or have been regarded as extirpated from Santa Clara county, or extinct. Therefore, suitable habitat exists in the project area for only two species: Gairdner's yampah (*Perideridia gairdneri* spp. *gairdneri*), and Mexican mosquito fern (*Azolla mexicana*). The Gairdner's yampah occurs in moist grassy areas along stream terraces and begins blooming in June, while the mosquito fern occurs in slow-moving or stillwater habitats and is fertile in August. Both species have the CNPS 4 rank indicating limited distribution, and the CNDDDB has no reports for either within the quadrangle search area.

Since these species were not observed during the initial survey, they have been presumed absent in the immediate vicinity of the proposed outfall structure, considering their conspicuous nature. However, these species are also potentially occurring in areas further up- and downstream, and further surveys may be warranted if the location of the storm drain and outfall structure is changed. If these species were to be observed on-site, impacts would likely not be significant, yet this ultimately would depend on the basis of density and distribution of these plants at the site, relative to their regional abundance.

Special-status Wildlife Species

Reconnaissance-level surveys were conducted on 29 March 2000 for special-status wildlife species, and for habitats capable of supporting these species, within and immediately adjacent to the proposed location for the outfall structure. The entire project area was hiked, as well as adjacent areas, to observe all habitats on and near the site. Information concerning special-status species that may occur in the area was collected from several sources and reviewed by H. T. Harvey & Associates' biologists. These sources included The California Department of Fish and Game's (CDFG) Natural Diversity Data Base (CNDDDB 1999), H. T. Harvey & Associates reports on special-status species of amphibians and reptiles (H. T. Harvey & Associates 1997, 1999a, 1999b, and

1999c) and a telephone interview with the Santa Clara Valley Water District's fisheries biologist, David Salisbury.

Two special-status species may occur on the site more regularly or may breed on or in close proximity to the site. These include the White-tailed Kite (*Elanus caeruleus*) and the Loggerhead Shrike (*Lanius ludovicianus*).

There are no recent records for the California red-legged frog within 5 miles of the project site, or upstream on this reach of the creek. There are only intermittent flows and no slow-moving pools in Llagas Creek. Furthermore, predatory fish, crayfish, and bullfrogs occur within the channel. Therefore, the California red-legged frog is not expected to occur on or near the project site. There are no records for steelhead rainbow trout on this reach of Llagas Creek. Furthermore, this shallow, seasonal creek is relatively open (i.e., there is a low percentage of shaded riverine habitat present along this stretch of Llagas Creek), and temperatures are likely too high to support populations of salmonids (David Salisbury, pers. comm.). Therefore, steelhead rainbow trout are not expected to occur in this reach of Llagas Creek.

The project site is outside the known distribution of, or there is a lack of suitable habitat for, the Bay checkerspot butterfly (*Euphydryas editha bayensis*), California tiger salamander (*Ambystoma californiense*), foothill yellow-legged frog (*Rana boylei*), Saltmarsh Common Yellowthroat (*Geothlypis trichas sinuosa*), Yellow-breasted Chat (*Icteria virens*) and the California mastiff bat (*Eumops perotis californicus*).

REGULATED HABITATS AND RESOURCES

Waters of the United States and Habitats Regulated Under Fish and Game Code Section 1601

Regulations Overview. Areas meeting the regulatory definition of "Waters of the U.S." (jurisdictional waters) are subject to the jurisdiction of the U.S. Army Corps of Engineers (USACE). The USACE, under provisions of Section 404 of the Clean Water Act (1972) and Section 10 of the Rivers and Harbors Act (1899), has jurisdiction over "Waters of the U.S." These waters may include all waters used, or potentially used, for interstate commerce, including all waters subject to the ebb and flow of the tide, all interstate waters, all other waters (intrastate lakes, rivers, streams, mudflats, sandflats, playa lakes, natural ponds, etc.), all impoundments of waters otherwise defined as "Waters of the U.S.," tributaries of waters otherwise defined as "Waters of the U. S.," the territorial seas, and wetlands (termed Special Aquatic Sites) adjacent to "Waters of the U.S." (33 CFR, Part 328, Section 328.3).

Areas generally not considered to be jurisdictional waters include non-tidal drainage and irrigation ditches excavated on dry land, artificially-irrigated areas, artificial lakes or ponds used for irrigation or stock watering, small artificial water bodies such as swimming pools, and water-filled depressions (33 CFR, Part 328). In addition, some agricultural lands that satisfy the criteria as "prior converted croplands," as defined by the NRCS (National Food Security Act Manual 1988, Section 512.15), are not subject to regulation under Section 404. "Prior converted croplands" are defined as wetlands that were both manipulated (drained or otherwise physically altered to remove water from the land) and cropped before December 23, 1985, to the extent that they no longer exhibit important wetland values. To qualify as "prior converted croplands," the lands must not be inundated for more than 14 consecutive days during the growing season. However, according to the NRCS if changes in land use are proposed, portions of these so-called agricultural wetlands may be included under USACE jurisdiction.

Construction activities within jurisdictional waters are regulated by the USACE. The placement of fill into such waters must be in compliance with permit requirements of the USACE. No USACE permit will be effective in the absence of state water quality certification pursuant to Section 401 of the Clean Water Act. The State Water Resources Control Board is the state agency (together with the Regional Water Quality Control Boards [RWQCB]) charged with implementing water quality certification in California.

Similarly, activities that result in the diversion or obstruction of the natural flow of a stream, or substantially change its bed, channel or bank, or utilize any materials (including vegetation) from the streambed require that the project applicant enter into a Streambed Alteration Agreement with CDFG, under sections 1601-1603 of the California Fish and Game Code. The CDFG potentially extends the definition of stream to include "intermittent and ephemeral streams, rivers, creeks, dry washes, sloughs, blue-line streams mapped on USGS quads, and watercourses with subsurface flows. Canals,

aqueducts, irrigation ditches, and other means of water conveyance can also be considered streams if they support aquatic life, riparian vegetation, or stream-dependent terrestrial wildlife”.

Results. Tributary water and potential wetland habitats, both under the jurisdiction of the USACE, were observed in the immediate vicinity of the proposed outfall structure. Specifically, the channel of Llagas Creek is regarded as tributary waters as defined by the ordinary high water mark (OHW) on opposing banks of the creek.

A depression occurs on the primary terrace of Llagas Creek adjacent to the low flow channel that is potential wetland habitat. The depression appears to have had ponded water recently as evidenced by algal matting and limited growth of grasses compared to the surrounding uplands; currently, the depression only contains saturated soils. It is hydrologically connected to Llagas Creek and would be inundated during higher flows. Hydrophytic vegetation within and surrounding this depression is limited to dock (*Rumex* spp.), mugwort (*Artemisia douglasiana*), and Italian rye. The latter is dominant and continues into the uplands forming the rest of the bank. As proposed, the outfall structure does not directly impact the potential wetland habitat or USACE jurisdictional areas below OHW of Llagas Creek.

The bed, bank and channel of Llagas Creek minimally describe the lateral extent of wetland and riparian habitats as regulated by CDFG. The location of the proposed outfall structure within the banks of Llagas Creek will require that the project applicant obtain a streambed alteration agreement from CDFG.

IMPACTS AND MITIGATION

Effects Found to be Less-than-significant

Impacts to Habitat for Certain Special-Status Animal Species. Some special-status wildlife species may be only occasional visitors, migrants, or transients, or may only forage (rather than breed) in small numbers on the site. These species include the western pond turtle (*Clemmys marmorata*), Double-crested Cormorant (*Phalacrocorax auritus*), American Peregrine Falcon (*Falco peregrinus anatum*), Merlin (*Falco columbarius*), Northern Harrier (*Circus cyaneus*), Ferruginous Hawk (*Buteo regalis*), Prairie Falcon (*Falco mexicanus*), Golden Eagle (*Aquila chrysaetos*), Tricolored Blackbird (*Agelaius tricolor*), Vaux's Swift (*Chaetura vauxi*), Osprey (*Pandion haliaetus*), Sharp-shinned Hawk (*Accipiter striatus*), Willow Flycatcher (*Empidonax traillii*), Bank Swallow (*Riparia riparia*), Townsend's big-eared bat (*Corynorhinus townsendii*), and pallid bat (*Antrozous pallidus*). The project will have no effect on the breeding success of any of these species, although it might result in a small reduction of foraging and/or roosting habitat available to some of these species regionally. Due to the abundance of similar habitats regionally and the infrequency with which most of these species occur on the project site, the project is expected to have a less-than-significant impact on these species.

Two special-status species may occur on the site more regularly, or may breed on, or in close proximity to, the site. These species are the White-tailed Kite (*Elanus caeruleus*) and the Loggerhead Shrike (*Lanius ludovicianus*). Because the project site represents a small fraction of the available breeding habitat for these species in the region, impacts to regional populations of these species from development are expected to be less-than-significant (but see *Potential Impacts to Nesting Raptors during Construction* under Significant Impacts section).

Impacts to Habitats Regulated Under Fish and Game Code 1601. The proposed storm drain and outfall structure will impact approximately 300 square feet of ruderal habitat within CDFG jurisdiction. No riparian trees or shrubs will be impacted from the storm drain or outfall structure. Due to the abundance of ruderal habitat locally and the minimal impact to this habitat within CDFG jurisdiction, the project is expected to have a less than significant impact to habitats regulated by CDFG.

Potentially Significant Impacts

Potential Impacts to Nesting Raptors during Construction. Raptors (e.g., eagles, hawks, and owls) and their nests are protected under both federal and state laws and regulations. The federal Migratory Bird Treaty Act (16 U.S.C. § 703, Supp. I, 1989) prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs. Birds of prey are protected in California under California Fish and Game Code section 3503.5. Section 3503.5 states that it is "unlawful to take, possess, or destroy any birds in the order Falconiformes or

Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto." Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered a "taking" by the CDFG. Any loss of fertile raptor eggs or nesting raptors, or any activities resulting in raptor nest abandonment, would constitute a significant impact. Construction activities such as tree removal, site grading, etc., that disturb a nesting raptor on-site, or immediately adjacent to the site, constitute a significant impact.

Several species of raptors could nest in the sycamores, willows, and other trees on and adjacent to the project area. These species include the Red-shouldered Hawk, American Kestrel (*Falco sparverius*), and White-tailed Kite. Although the project will not remove or destroy any trees on or near the site (that could otherwise directly impact an active nest), any activity on the project site could potentially disturb a nest close to the project area, possibly to the point of nest abandonment. The loss of an active nest or nest failure due to disturbance from construction in close proximity to (e.g., within 250 feet of) an active nest would constitute a significant impact.

Potentially suitable tree-nesting raptor habitat is present on or in close proximity to the project site along Llagas Creek. In order to ensure that no tree-nesting raptor nests or their contents are lost or disturbed due to project-related activities, Mitigation 1, or Mitigations 2 and 3 as warranted, will be implemented to reduce potential impacts to a less-than-significant level.

Mitigation 1. Restrict Construction Activities to the Non-breeding Season.

In the southern San Francisco Bay area, most raptors breed from February through August. However, White-tailed Kites may begin nest-building as early as January, and a fully-fledged juvenile White-tailed Kite observed in Santa Clara County on 24 March 1999 indicates that egg-laying can occur in early to mid-January. In addition, some kites may breed late, potentially having young in the nest as late as September. If construction near raptor nests can be scheduled to occur between October and December, the nesting season would be avoided, and no impacts to nesting raptors would be expected.

Mitigation 2. Pre-construction Surveys. If it is not possible to schedule construction between October and December, pre-construction surveys for nesting raptors should be conducted by a qualified ornithologist to ensure that no raptor nests will be disturbed during project implementation. This survey should be conducted no more than 15 days prior to the initiation of construction activities during the early part of the breeding season (January through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through September). During this survey, the biologist will inspect all trees in, and immediately adjacent to, the impact areas for raptor nests.

Mitigation 3. Avoidance/Buffer Zone. If an active raptor nest is found close enough to the construction area to be disturbed by mitigation activities, the ornithologist, in consultation with CDFG, will determine the extent of a construction-free buffer zone to be established around the nest.

Potential Degradation of Water Quality During Construction. Construction activities within the banks of Llagas Creek could have a significant adverse effect on water quality downstream of the project due to the potential for increased turbidity, siltation, and water temperature. Degradation of water quality downstream resulting from construction constitutes a potentially significant impact. Implementation of Best Management Practices described in the mitigation section will reduce this potential impact to a less-than-significant level.

The following mitigation recommendations by the CDFG must be followed regardless if the watercourse on site is dewatered or not in order to comply with proper mitigation measures:

Mitigation 1. No equipment will be operated in the live stream channel.

Mitigation 2. When work in a flowing stream is unavoidable, any stream flow shall be diverted around the work area by a barrier, temporary culvert or a new channel capable of permitting upstream and downstream fish movement.

Mitigation 3. Construction of the barrier or the new channel shall normally begin in the downstream area and continue in an upstream direction and the flow shall be diverted only when construction of the diversion is completed.

Mitigation 4. No debris, soil, silt, sand, bark, slash, sawdust, cement, concrete, washings, petroleum products or other organic or earthen material shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the State.

If these mitigation measures are implemented, then potentially adverse effects upon water quality will be reduced to a less-than-significant level. If these mitigation measures fail, however, the project applicant is to consult with local representatives of the CDFG and USFWS to develop contingency mitigation measures.

LITERATURE CITED

- California Native Plant Society. 1994. Inventory of Rare and Endangered Vascular Plants of California. Edited by M. W. Skinner and B. Pavlik.
- City of San Jose. 1994. Riparian Corridor Policy Study. Consultants: The Habitat Restoration Group and Jones and Stokes Associates, Inc.
- CNDDDB. 1999. California Natural Diversity Data Base. California Department of Fish and Game.
- Holland, R. F. 1986. Preliminary Description of the Terrestrial Natural Communities of California. California Department of Fish and Game.
- H.T. Harvey & Associates. 1997. Santa Clara Valley Water District California red-legged frog distribution and status - 1997. Project 1164-01.
- H.T. Harvey & Associates. 1998. Evergreen Phase II Biotic Constraints Analysis. Project 1270-04.
- H.T. Harvey & Associates. 1999a. Santa Clara Valley Water District western pond turtle distribution and status - 1999. Project 1563-01.
- H.T. Harvey & Associates. 1999b. Santa Clara Valley Water District yellow-legged frog distribution and status - 1999. Project 1563-01.
- H.T. Harvey & Associates. 1999c. Santa Clara Valley Water District California tiger salamander distribution and status - 1999. Project 1563-01.

PERSONS CONTACTED

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APPENDIX B

Geotechnical Investigation



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December 22, 1999
Project No.: 791508

Mr. William Kennedy
Project Manager
County of Santa Clara
General Services Agency
1570 Oakland Road, Suite 102
San Jose, California 95131

Re: Geotechnical Investigation for San Martin PHHWCF

Dear Mr. Kennedy:

We are pleased to present this geotechnical investigation report for the proposed Permanent Household Hazardous Waste Collection Facility (PHHWCF) in San Martin, California. The work was performed in accordance with our proposal dated August 25, 1999.

INTRODUCTION

The PHHWCF is proposed to be located to the west of Murphy Road near the South County Airport in San Martin. The PHHWCF will be a pre-fabricated metal building with an approximate area of 60 feet x 50 feet. The building will include a loading dock for unloading of supplies and the loading of packaged household hazardous wastes. Approximately 2 feet of fill will be required to raise the building floor above the flood plain. At the time of the exploration, much of the proposed PHHWCF building site was covered with soil stockpiles, pipes, and debris.

DESCRIPTION OF THE FIELD EXPLORATION

Three (3) test borings, designated as B-1, B-2, and B-3 were drilled at the proposed PHHWCF site on November 17, 1999. The test boring logs and approximate locations of the borings are included in Attachment 1. Test boring B-1 was drilled at the proposed access road alignment and borings B-2 and B-3 were drilled at the proposed building location. Test borings B-1, B-2, and B-3 were drilled to depths of 10, 40, and 31 feet, respectively.

The test borings were advanced using a hollow-stem auger (HSA). Split-spoon sampling in conjunction with standard penetration tests was performed at 5-foot intervals in accordance with ASTM D1586. The split-spoon samples were collected in air-tight plastic bags for laboratory testing. Tube samples were also collected from selected

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depths. In addition, bulk samples of the soil subgrade were also collected in 5-gallon buckets.

The standard penetration resistance (N) value was recorded as the number of blows of a 140 pound hammer, falling 30 inches, to advance the split-sampler 1-foot into the soil. The sampler is lowered to the bottom of the borehole and the number of blows recorded for each of three successive increments of 6-inch penetration. The N value is obtained by adding the number blows for the last two 6-inch increments (i.e., number of blows from 6 to 18 inches).

The test borings were performed under the supervision of an EMCON/OWT Solid Waste Services (EMCON/OWT) geologist. The geologist logged each boring in the field with a visual classification of the drill cuttings in accordance with ASTM D2448.

After completion of the test borings, apparent depth to the groundwater table was recorded. The boreholes were backfilled with drill cuttings and sealed with hydrated bentonite.

The soil samples collected during the field investigation were transported to our geotechnical testing laboratory located in San Jose, California.

DESCRIPTION AND SUMMARY OF THE LABORATORY TESTING

Laboratory testing was performed on selected samples of the soil obtained during the field investigation. The laboratory test results are included in Attachment 2. The tests performed included the following:

- Natural moisture content (ASTM D2216)
- Atterberg limits (ASTM D4318)
- Percent passing the No. 200 sieve (ASTM D1140)
- Laboratory compaction (ASTM D1557)
- Hveem's R-value (Caltrans 301)

To obtain soil moisture content profile with depth, moisture content tests were performed on several split-spoon samples from boring B-2. The measured moisture content values varied from a minimum of 9.9 percent in saturated clayey gravel to a maximum of 30.7 percent in the saturated silty clay.

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Atterberg limit tests were performed on samples of silty clay from borings B-2 and B-3. The sample from B-2 exhibited a liquid limit (LL) of 38 and a plastic limit (PL) of 22 and the sample from B-3 exhibited a LL of 38 and a PL of 20.

To measure the fines content (percentage of soils finer than 75 microns) in sandy soils, a washed sieve analysis was performed on selected samples. The fines content ranged from 7.4 to 17.2 in the samples tested. The results of this test were used in the liquefaction analysis discussed subsequently.

To determine the moisture-density relationship of the subgrade soil at the site, a modified Procter compaction test was performed on a bulk sample obtained from boring location B-1. The maximum dry density and optimum moisture content from this test were determined to be 123.5 pounds per cubic foot (pcf) and 11.7 percent, respectively. The results of this test can be used for the control of compaction of the subgrade and fill placement involving similar onsite materials.

EMCON/OWT subcontracted Cooper Testing Laboratories, Mountainview, California to determine R-value on the subgrade bulk sample obtained from boring location B-3. The reported R-value is 7 for the sandy clay subgrade.

GENERALIZED SUBSURFACE CONDITIONS

Based on the test boring logs and the laboratory test results, the subgrade at the site consists of alluvial deposits with particle sizes ranging from silty clay to clayey gravel. In general, the upper 6 to 8 feet of the subgrade consists of clayey silt/silt/sandy silt material. A 3 to 5 foot thickness of silty sand was encountered underlying the surficial materials in two borings (B-1 and B-3), but not in boring B-2. The surficial material in boring B-2 was underlain by an approximately 16-foot thickness of clayey gravel. This clayey gravel in boring B-2 is underlain by an approximately 3-foot thickness of silty sand and then silty clay and clayey silt. The silty sand in boring B-3 was underlain by about 2 feet of silty clay and an 11-foot thickness of clayey gravel, underlain by silty clay.

The N values recorded on the boring logs for granular soils ranged from 12 to 57, which indicates that these materials are in a medium-dense to dense state. The N values for the cohesive materials ranged from 14 to 21, therefore, the cohesive materials appear to be stiff in consistency.

During the filed investigation, the groundwater table was encountered at approximately 9 feet below the existing ground surface.

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EVALUATION OF LIQUEFACTION POTENTIAL

General

Liquefaction phenomena includes two main groups: (i) flow liquefaction, and (ii) cyclic mobility. Flow liquefaction is a phenomenon in which the shear strength of a saturated soil is reduced by earthquake shaking. Loose sands attempt to move into a denser configuration during earthquake loading (i.e., have potential for volume reduction). However, if the sand is saturated, there is not enough time for the water in the pores of the soil to dissipate. This prevents the soil particles from moving closer together which results in an increase in pore pressure. The increase in pore pressure reduces the effective stress and consequently the shear strength. If the pore pressure build-up is large enough, the sand can behave as a viscous liquid. Cyclic mobility is a phenomenon that can produce large cumulative displacements during earthquake shaking cycles.

Loose sands are more susceptible to liquefaction than dense sands. Higher fractions of fines (passing the No. 200 sieve) and more uniform grading tend to decrease liquefaction susceptibility. Loose silts are also susceptible to liquefaction. Although less likely, cohesive soils and gravelly soils are known to liquefy occasionally.

Because the site is located in a high seismicity area and saturated sandy materials were encountered within the boring logs, a liquefaction evaluation was performed as discussed below.

Peak Ground Acceleration

The site is located near two major fault systems, the Calaveras fault and the San Andres fault. The Calaveras fault is located approximately 6 kilometers northeast of the site and the San Andres fault is located approximately 16 kilometers to the southwest of the site. Both faults are predominantly right-lateral strike-slip faults. The maximum probable earthquakes (MPE) for these two faults have been used to estimate the peak ground accelerations (PGA) at the site. The MPE is defined as the earthquake that is likely to occur in 100 years, but it is not smaller than the largest historical earthquake. For the Calaveras fault, the 1911 earthquake with a moment magnitude (M) of 6.6 has been determined to be the MPE. For the San Andres fault, the 1906 earthquake with an estimated M of 7.8 has been determined to be the MPE.

The PGA at the site has been estimated using the attenuation relationship proposed by Sadigh, et al. (1997), which is based on data for shallow crustal earthquakes in California. The site PGA for the Calaveras fault (M=6.6 and R=6 km) and San Andres fault (M=7.8 and R=16 km) were determined to be 0.45g and 0.32g, respectively. The attenuation plots are included in Attachment 3.

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Liquefaction Evaluation

The liquefaction potential has been evaluated using N values based on the procedure recommended by Seed et al. (1971) and subsequent modifications (NCEER, 1996). The cyclic stress ratios (CSR) at various depths for the two MPE's identified above were computed using the corresponding PGAs. The cyclic resistance ratios (CRR) at various depths were computed based on the corrected N values. The N values were corrected for effective overburden stress, energy ratio, and fines content. The computed CRR was also corrected for earthquake magnitude and effective overburden stress. The factor of safety against liquefaction was computed as the ratio of the corrected CRR divided by the CSR.

Although the PGA (0.32g) corresponding to the MPE from the San Andres fault is smaller than that for the Calaveras fault (0.45g), the computed factors of safety were lower for the former. This is because of the larger magnitude of the MPE for the San Andres fault (i.e., larger number of cycles of shaking). The results of the liquefaction evaluation for the PGA from the San Andres fault are presented in Attachment 3.

Results

It should be noted that in the spreadsheets presented in Attachment 3, the factors of safety against liquefaction have been computed for all depths where N values were recorded. After assuming that silty clays and clayey silts are non-liquefiable, only one location (i.e., at 25 feet depth in B-2) within the three borings shows potential for liquefaction with a factor of safety of 0.51. Although this factor of safety is less than 1, in general, the potential for liquefaction at this site is considered low for the following reasons:

- Other locations evaluated do not show liquefaction potential
- No continuous layers of sand or silty sand were encountered during the field exploration at the site.
- The N values measured within borings drilled using hollow-stem augers typically under-estimate N values because of stress relief. Therefore, the analysis presented herein is likely to be conservative.
- The CSR computed using the Seed method is conservative since it assumes the soil column to be rigid (it is very likely that CSR computed using a SHAKE analysis would be smaller).

Therefore, improvements to increase liquefaction resistance are not recommended.

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GEOTECHNICAL DESIGN PARAMETERS AND RECOMMENDATIONS

Site Preparation and Fill Placement

The areas of proposed building, parking areas, and roadways should be cleared and grubbed to remove vegetation, topsoil, stockpiled soil materials, pipe, and debris. The subgrade under footings and areas that will receive fill should be over-excavated to a depth of 1 foot, the soil moisture conditioned within ± 2 percent of optimum moisture content, and compacted to 95 percent relative compaction (ASTM D1557). Foundation and utility trench backfill should be compacted to 90 percent relative compaction. Compaction should be accomplished by mechanical means only.

The material proposed for fill should be approved by a qualified engineer. The fill material used should be a granular soil with a maximum particle size of less than 3 inches and free of organics and deleterious materials. The fill should be moisture conditioned to within ± 3 percent of the optimum moisture content, placed in 8-inch loose lifts, and compacted to 95 percent of the maximum dry density. Backfill placed around footings and foundation walls should be placed in lift thickness of less than 4 inches and compacted using a hand operated compactor to 90 percent of the maximum dry density. We recommend that EMCON/OWT be hired to perform observation and testing services during earthwork and foundation construction.

Foundations and Allowable Bearing Capacity

Since the proposed structure is lightly loaded, the structure can supported on spread footings founded on the silty material or compacted fill. The footings should be founded at least 2 feet below adjacent grade. The footings can be dimensioned using an allowable bearing pressure of 2,000 psf, with a minimum dimension of 2 feet.

Lateral Earth Pressure

Foundation walls, which are free to rotate at the top, will develop active earth pressure (K_a) conditions. Such walls can be designed with an equivalent fluid density of 45 pcf. Rigid walls or walls that are restrained from lateral movement will develop at-rest pressure (K_0) conditions. Such walls can be designed assuming an equivalent fluid density of 60 pcf. A coefficient of friction of 0.35 can be used to determine resistance against wall sliding.

It should be noted that the recommended lateral earth-pressures are based on the assumption that the walls will not be subject to hydrostatic pressure and compaction adjacent to the wall will be performed using hand-operated compactor.

Project 791508

Mr. William Kennedy
December 22, 1999
Page 7

Slab on Grade

At least 4-inch thick clean fine to medium grained sand should be placed on the subgrade and compacted where concrete slabs will be placed on grade. An impervious membrane must be provided as a vapor barrier beneath the slab.

Seismic Design

The project site is in Zone 4 seismic area in the 1997 Unified Building Code (UBC). A S₃ soil profile should be used for selecting a site coefficient.

Pavement Considerations

The testing performed on a bulk sample from boring B-3 at 0 to 4 feet indicated an R-value of 7. We recommend designing asphalt pavement section using an R-value of 7 for compacted native subgrade soil.

If you have any questions about the contents of this letter please do not hesitate to call us.

Sincerely,

EMCON/OWT Solid Waste Services

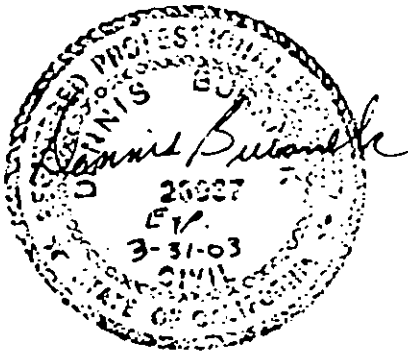
Dennis Buranek

Dennis Buranek, P.E.
Geotechnical Engineer

Richard D. Haughey

Richard D. Haughey, P.E.
Project Manager

- Attachments: References
- Limitations
- Attachment 1: Test Boring Locations and Logs
- Attachment 2: Laboratory Test Results
- Attachment 3: Evaluation of Liquefaction Potential



REFERENCES

1. International Conference of Building Officials. (1997). *Uniform Building Code*.
2. Sadigh, K., Chang, C.Y, Egan, J.A., Makdisi, F. and Youngs, R.R. (1997). "Attenuation Relationships for Shallow Crustal Earthquakes Based on California Strong Motion Data". *Seismological Research Letters*, Volume 68, Number 1, January/February 1997.
3. Seed, H.B. and Idriss, I.M. (1971). "Simplified Procedure for Evaluating Soil Liquefaction Potential". *Journal of the Soil Mechanics and Foundation Division*, ASCE, Vol. 97, No. SM9, pp. 1249-1273.
4. Youd, T.L. and Idriss, I.M. editors (1997). *Proceeding of the NCEER Workshop on Evaluation of Liquefaction Resistance of Soils*. National Center for Earthquake Engineering Research, Technical Report No. NCEER-97-0022, December 31, 1997.

LIMITATIONS

The services described in this report were performed consistent with generally accepted professional engineering principles and practices. No other warranty, express or implied, is made. These services were performed consistent with our agreement with our client. This report is solely for the use and information of our client. Any reliance on this report by a third party is at such party's sole risk.

Opinions and recommendations contained in this report apply to conditions existing when services were performed and are intended only for the project parameters indicated.

We are not responsible for the impacts of any changes in environmental standards, practices, or regulations subsequent to performance of services. We do not warrant the accuracy of information supplied by others, or the use of segregated portions of this report for other structures at this site.

The boring logs do not provide a warranty of the conditions that may exist at the site. The extent and nature of subsurface soil and ground water variations may not become evident until construction begins. Variations in soil conditions between borings could exist between or beyond the points of exploration or ground water elevations may change, both of which may require additional studies, consultation, and possible design revisions. Any person associated with this project who observes conditions or features of the site or surrounding areas that are different from those described in this report should report them to EMCON/OWT for consideration and evaluation.

APPENDIX C

Phase I Environmental Site Assessment



PHASE I ENVIRONMENTAL SITE ASSESSMENT
PROPOSED SAN MARTIN HOUSEHOLD
HAZARDOUS WASTE FACILITY
NORTHEAST CORNER OF SANTA CLARA
COUNTY ASSESSORS PARCEL NO. 825-37-043
SAN MARTIN, CALIFORNIA

Project No. 044-99071
April 23, 1999

Prepared for:
Mr. Rob D'Arcy
County of Santa Clara
Department of Environmental Health
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 **Krazan** & ASSOCIATES, INC.

SITE DEVELOPMENT ENGINEERS

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Project No. 044-99071

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Maps

Vicinity Map included in Appendix A

Site Map following text

Color Photographs

Photographs following Site Map

Appendices

Vista Report, Vicinity Map, and Regulatory Agency List Information A

April 23, 1999

Project No. 044-99071

**PHASE I ENVIRONMENTAL SITE ASSESSMENT
PROPOSED SAN MARTIN HOUSEHOLD HAZARDOUS WASTE FACILITY
NORTHEAST CORNER OF SANTA CLARA COUNTY
ASSESSORS PARCEL NO. 825-37-043
SAN MARTIN, CALIFORNIA**

1.0 EXECUTIVE SUMMARY

We have performed a Phase I Environmental Site Assessment (ESA) of the San Martin Household Hazardous Waste Facility located at northeast corner of Santa Clara County Assessors Parcel No. 825-37-043, San Martin, California. Krazan & Associates, Inc. (Krazan) performed this assessment in conformance with American Society for Testing and Materials (ASTM) E1527-97 *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process* and the scope of work approved by Mr. Rob D'Arcy of the County of Santa Clara Department of Environmental Health on April 19, 1999. Based on the site reconnaissance, review of published data, and discussions with regulatory and advisory agencies, it is our opinion that further investigation of the subject site is not warranted at this time. This assessment has revealed no evidence of recognized environmental conditions in connection with the subject site.

2.0 PURPOSE AND SCOPE OF ASSESSMENT

The Phase I ESA constitutes appropriate inquiry designed to identify recognized environmental conditions in connection with the previous and current uses and ownership of the subject site. The purpose of the Phase I ESA is to permit the user to satisfy one of the requirements to qualify for what is commonly known as the "innocent landowner" defense to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) liability as described by 42 U.S.C. Section 9601 (35).

The Phase I ESA included visual observation of existing surface conditions and the adjacent properties, interview with persons knowledgeable about the subject site, and a records review.

3.0 PHYSICAL SETTING

General site information and site use are summarized in Table I. Refer to the Vicinity Map (included in Appendix A).

TABLE I
Summary of Site and Adjoining Property Information

Topographic Map:	U.S. Geological Survey, 7.5 minute Gilroy, California topographic quadrangle map, photo revised 1993.
Topographic Map Location:	NE 1/4, NE 1/4 of Section 11, Township 10 South, Range 3 East, and NW 1/4, NW 1/4 of Section 11, Township 10 South, Range 3 East, Mount Diablo Baseline and Meridian.
Topography:	The subject site, at an elevation of approximately 280 feet above mean sea level, is level with local topography sloping gently to the southwest.
General Location:	The site is located west of Murphy Avenue approximately 0.17 miles southeast of San Martin Avenue.
Assessor's Parcel Number:	825-37-043
Geology & Hydrogeology:	The site area is located within the southern portion of the Santa Clara Valley, a large structural sedimentary basin in the Coast Ranges Geomorphic Province of California. The Coast Range Geomorphic Province is characterized by northwest-trending structural features, including folds, faults and geologic units. The Santa Clara Valley is bounded by the Santa Cruz Mountains to the west and the Diablo Mountains to the east. The site has been mapped as being underlain by Late Pleistocene Alluvium which is described as weakly consolidated, slightly weathered, poorly sorted, irregularly bedded clay, silt, sand and gravel.
Permeability:	Low to medium
Depth to Groundwater:	16 to 18 feet below ground surface (bgs)
Groundwater Flow Direction:	Southerly
Existing Use:	County of Santa Clara culvert storage yard

4.0 SITE RECONNAISSANCE

A site reconnaissance, which included a visual observation of the subject site and surrounding properties, was conducted by Mike Anderson of Krazan on April 9, 1999. The objective of the site reconnaissance is to obtain information indicating the likelihood of identifying recognized environmental conditions.

including hazardous materials and petroleum products, in connection with the property (including soils, surface waters, and groundwater).

4.1 Observations

Table II summarizes conditions encountered during our site reconnaissance. A discussion of physical observations follows Table II. Refer to the Site Map (Figure No. 1) and color photographs following the text for the locations of items discussed in this section of the report.

TABLE II
Summary of Site Reconnaissance

Feature	Observed	Not Observed
Structures (existing)		X
Evidence of past uses		X
Hazardous substances and/or petroleum products (including containers)		X
Aboveground storage tanks (ASTs)		X
Underground storage tanks (USTs) or evidence of USTs		X
Strong, pungent, or noxious odors		X
Pools of liquid likely to be hazardous materials or petroleum products		X
Drums		X
Unidentified substance containers		X
PCB-containing equipment		X
Subsurface hydraulic equipment		X
Heating and cooling systems		X
Stains or corrosion on floors, walls, or ceilings		X
Floor drains and sumps		X
Pits, ponds, or lagoons		X
Stained soil and/or pavement		X
Stressed vegetation		X
Waste or wastewater discharges to surface or surface waters on subject site (including stormwater)		X
Wells (irrigation, domestic, dry, injection, abandoned)		X
Septic Systems		X

- The subject site consists of a two-acre parcel which is a portion of a larger eight-acre Santa Clara County culvert yard in San Martin, California. The subject site is located immediately southwest of Murphy Avenue and approximately 950 feet southeast of San Martin Avenue. There are no structures on the subject site at present. The site is predominantly unpaved with some coarse gravel on areas frequented by trucks and other mobile equipment. There are piles of soil covering some of the subject site and scattered grasses and weeds only. There is a cluster of eight large trees at the southwest corner of the site. The subject site, along with the remainder of the Santa Clara County Culvert Yard, is used for storage of various road making components including steel corrugated culvert pipe in various diameters, concrete road dividers, and stockpiles of soil and broken concrete.

- During the physical observation of the site, no obvious evidence (vent pipes, fill pipes, dispensers, etc.) of underground fuel storage tanks was noted within the area observed. No standing water or major depressions were observed on the subject property. No hazardous materials were observed to be used or stored at the subject site. Additionally, evidence of hazardous materials released to the site such as distressed vegetation, significant staining, or unusual odors were not observed at the site. Transformers and utilities were not observed at the site.

4.2 Asbestos Containing Building Materials

Asbestos is a fibrous form of several different minerals and has been used in many different applications for its fireproofing abilities and resistance to reaction with many chemicals. Many common uses of asbestos include thermal and acoustic insulation, fireproofing, textiles, concrete, plastic products such as vinyl floor tiles, roofing felts and papers, and electrical insulation. Asbestos containing materials (ACMs) are generally divided into two categories. Friable asbestos products are those that will crumble, pulverize, or otherwise release asbestos dust or fibers by the application of hand pressure. A non-friable ACM is one in which the asbestos fibers are tightly bound or sealed and the asbestos will not be released by hand pressure. Some materials are friable as installed and remain friable throughout their lifetime in a building. Other materials are not friable when installed but may become friable due to damage, disturbance, or decay. Friable materials or damaged non-friable materials are more likely to release asbestos fibers into the air and are, therefore, of greater concern. Because no structures are associated with the site, the potential for ACMs does not exist at this time.

4.3 Radon

Radon is a radioactive gas that is found in certain geologic environments in the earth's surface and is formed by the natural breakdown of radium, which is commonplace in the earth's crust. The U.S. EPA has set the safety standard for radon gas in homes to be 4 pico curies per liter (pci/l). According to the National Radon database and the State of California Department of Health Services (DHS) radon survey, radon concentrations in residences in the geographical region of the subject site average below 4 pci/l, and therefore, radon is not anticipated to pose an adverse impact to the subject site.

4.4 Potable Water Source

The water purveyor for the subject site is the San Martin Water Company District. The San Martin Water Company District's water quality monitoring is an on-going program with water samples obtained on a regular basis. The San Martin Water Company District Annual Water Quality Report, dated 1998, revealed that water provided by the San Martin Water Company District is in compliance with the California State Maximum Contaminant Levels (MCLs) for drinking water.

4.5 Sewage Disposal System

Sanitary sewer service is not provided to the area of the subject site. Portable toilets which are serviced by an outside contractor are used at the subject site. It is our understanding that septic systems are used for sewage disposal in the surrounding area of the subject site.

4.6 Adjoining Streets and Property Usage

Table III summarizes the current adjoining roads and property uses observed during the site reconnaissance.

TABLE III
Adjoining Streets and Property Use

Direction	Adjoining Street	Adjacent Property Use
North	None	Auto body repair and painting shop.
East	Murphy Avenue	South County Airport
South	Murphy Avenue	Vacant land beyond which is Llagas Creek and scattered residences.
West	None	Vacant land beyond which is Llagas Creek and cultivated land.

Based on the uses of the adjacent properties it is likely that hazardous materials are used at the South County Airport and adjacent auto body shop. These facilities are discussed further in Section 5.3 of this report.

5.0 SITE USAGE SURVEY

The site usage survey included assessing site history, and reviewing local, state, and federal regulatory agency records.

5.1 Site History

A review of historical aerial photographs, County of Santa Clara Environmental Resources Agency Building Department records, Haines Criss-Cross Directories (HCCDs) and Polk Guide Directories (PGDs), Sanborn Fire Insurance Maps (SFIMs), and a Phase I ESA interview were used to assess the history of the subject site.

Aerial Photograph Interpretation

Historical aerial photographs, dated 1939, 1950, 1953, 1965, 1974, 1980, 1985, and 1987, were reviewed to assess site history. These photographs were obtained from the United Geological Survey (USGS) McKelvey Library in Menlo Park, California and the University of Santa Cruz McHenry Library at Santa Cruz, California. Additionally, aerial photograph coverage for the years prior to 1939 and later than 1987 were not reasonably ascertainable or available. The aerial photograph summary is provided below in Table IV.

TABLE IV
Summary of Aerial Photograph Review

Year/Scale	Site Use	Site and Adjacent Property Observation
1939 1" = 1667'	Probably Agricultural	There are no structures visible on the subject site. There is a large parcel that borders the north, south, and west sides of the subject site. There is a narrow road from Murphy Avenue southwest through the southern portion of the subject site to a rectangular structure approximately 500 feet west of the subject site. There appears to be farm structures immediately north of the subject site and also southeast across Murphy Avenue. There are orchards north, east, and south in the surrounding site vicinity. The surrounding site vicinity is predominantly agricultural.
1950 1" = 1667'	Probably Agricultural	There are no structures visible on the subject site. The subject site and surrounding site vicinity appears very similar to the 1939 aerial photographs.
1953 1" = 1667'	Probably Agricultural	There are no structures visible on site the subject site. The subject site and surrounding site vicinity appears very similar to 1950 aerial photographs.
1965 1" = 1000'	Probably Agricultural	There is a rectangular structure in the northeast corner of the subject site along Murphy Avenue. The use of the structure is unknown, but it is likely residential. There appear to be three small structures about 100 feet south of the subject site. The surrounding site vicinity is very similar to the 1953 aerial photographs.
1974 1" = 1667'	Probably Agricultural	There are no structures visible on the subject site. Murphy Avenue has been re-routed and curves to the west and then straightens out to the southeast. There is a clump of trees visible in southeast quadrant of the site. The South County Airport is present southeast of Murphy Avenue but is not complete. Surrounding the site vicinity is predominately cultivated ground. The cloverleaf at the intersection of San Martin Avenue and Highway 101 has been constructed.
1980 1" = 3333'	Santa Clara County Culvert Yard	There are no structures visible on the subject site. There are road supplies visible at the subject site. There is a large L-shaped structure across Murphy Avenue at the South County Airport location. The surrounding site vicinity is predominantly agricultural.
1985 1" = 2640'	Santa Clara County Culvert Yard	The subject site and surrounding site vicinity are very similar to the 1980 aerial photographs. A new taxiway is under construction at the South County Airport.

**TABLE IV (cont.)
Summary of Aerial Photograph Review**

Year/Scale	Site Use	Site and Adjacent Property Observation
1987 1" = 3333'	Santa Clara County Culvert Yard	The subject site and surrounding site vicinity are very similar to the 1985 aerial photographs. There are structures north of the northeast corner of the site where the present auto repair shop is located.

County of Santa Clara Environmental Resources Agency - Building Department Records

On April 19, 1999, a records request was made to County of Santa Clara Environmental Resources Agency - Building Department (CSCBD) for the subject site APN 825-37-043. According to CSCBD officials, permits are filed by street address; however, a street address has not been assigned to the subject site. Therefore, no permits for items such as underground structures, septic systems, building, demolition, or previous structures were on file for the subject site.

Haines Criss-Cross and Polk Guide Directories

Haines Criss-Cross Directories and Polk Guide Directories were not searched due to the historical and current absence of an address for the subject site.

Sanborn Fire Insurance Maps

Krazan reviewed Sanborn Fire Insurance Maps (SFIMs) to evaluate prior land use at the subject site and adjacent properties. SFIMs typically exist for cities with populations of 2,000 or more, the coverage dependent on the location of the site. Review of the California SFIM Directory, which lists SFIM coverage by city and year, shows no coverage is available for San Martin, California.

Phase I Environmental Site Assessment Interview

On April 12, 1999, a Phase I ESA Telephone Interview was conducted with Mr. Roger Piazza, Road Operations Manager of Santa Clara County Roads and Airports, the owner of the subject site. The interview is designed to provide pertinent information regarding environmental and historical impacts associated with the subject site.

According to Mr. Piazza, to the best of his knowledge, no on-site treatment and/or discharge of waste; no on-site leach fields, dry wells, sumps, or disposal ponds; no use, storage, or disposal of hazardous materials; no existing or former ASTs or USTs; no hazardous materials spills; no buried materials; no monitoring, domestic, or irrigation wells; or any items of environmental concern are associated with the subject site.

5.2 Agricultural Chemicals

Review of historical aerial photographs reveals that the subject site has not been used for agricultural purposes since at least 1980. Based upon the length of time since the subject site may have been used for agricultural purposes, it is not anticipated that elevated concentrations of environmentally persistent pesticides would be found in the near surface soils of the subject site. Krazan's sampling and analysis of surface soils from properties with similar histories has typically yielded non-detectable results for analysis of environmentally persistent pesticides. Therefore, it is not anticipated that elevated concentrations of environmentally persistent pesticides would be found in the near surface soils of the subject site.

5.3 Local Regulatory Agency Interface

A review of local regulatory agency records was conducted to help determine if hazardous materials have been handled, stored, or generated on the subject site and/or the properties and businesses within 500 feet of the subject site.

County of Santa Clara Department of Environmental Health

Review of the County of Santa Clara Department of Environmental Health System (CSCDEH) Miscellaneous Site Files (U.S. EPA, Cal-EPA, Santa Clara County Agency Files, etc.) List, dated June 17, 1997, and the UST/Hazardous Materials Management Plan (HMMP) List, dated March 18, 1997, indicated that no records are on file for the subject site; however, records were on file for two adjacent properties with the CSCDEH.

13030 Murphy Avenue - South County Airport

The South County Airport (SCA) located east of the subject site, was noted to potentially handle or store hazardous materials at the time of our immediate vicinity survey. The SCA is reported to operate a 10,000-gallon aviation fuel UST. Additionally, an AST was also observed at the SCA. Also, it is likely that airplane repairs are conducted at the SCA which would use hazardous materials. However, no records of any hazardous materials incidents or releases are on file with the CSCDEH for this facility. This property is not anticipated to pose an adverse impact to the subject site due to the lack of any known hazardous materials handling or contamination, and its location hydraulically cross-gradient of the subject site.

13145 Murphy Avenue - 101 Freeway Auto Frame (formerly Airport Auto Service #1)

The 101 Freeway Auto Frame is located adjacent to the subject site to the north. Records for this site were on file with the CSCDEH and cover the time period of August 1984 through October 1987. The correspondence in this file deals with permits, secondary containment for the waste oil drums, and Hazardous Materials Management Plans (HMMP) for the Airport Auto Service #1. Based on the HMMP, the facility historically stored waste oil in two 55-gallon drums. However, no records of any hazardous materials

incidents or releases are on file with the CSCDEH for this facility. Also, there was no mention of above ground or underground storage tanks at the Airport Auto Service #1. At present, due to its proximity, this property has a potential to impact the groundwater underlying subject site if a hazardous materials release occurs. In the event of a release, if contamination attributable to this property does migrate beneath the subject site, the expense and/or liability associated with the investigation and remediation would typically fall upon the responsible party.

South County Fire Protection District

The South County Fire Protection District (SCFPD) has jurisdiction for the fire protection for the subject site and the immediate vicinity. According to Battalion Chief David Ault, records of hazardous materials incidents are kept by the Santa Clara Department of Environmental Health (SCDEH). Additionally, hazardous/flammable incidents are filed according to the date of occurrence and not by the address of occurrence with the SCFPD. Therefore, records of hazardous/flammable releases or incidents were unobtainable from the SCFPD.

Battalion Chief Ault was not aware of any problems with the 13030 Murphy Avenue address (South County Airport) but stated that the South County Fire Protection District had been called out to the 13145 Murphy Avenue address numerous times for incidents of trash burning in barrels. He stated that he considered these incidents to be minor in nature.

5.4 Regulatory Agency Lists Review

Several agencies have published documents that list businesses or properties, which have handled hazardous materials or waste, or may have experienced site contamination. The lists consulted in the course of our investigation were compiled by VISTA Information Solutions, Inc. (VISTA) and Krazan on April 8, 1999, and represent reasonably ascertainable current listings. No unmapped (orphan) properties were determined to be located within the search radii specified for each of the following lists. Table VIII summarizes the listed properties located within the ASTM Search Radii. General information for the Regulatory Agency Lists reviewed, the Regional Map, and the VISTA report, are included in Appendix A.

TABLE VIII
Listed Properties

List Name	List Date	Subject Site	Distance from site (miles)			
			Adj	Adj-¼	¼-½	½-1
US EPA CERCLIS	1/99	0	0	0	0	NS
US EPA CORRACTS (TSD)	2/99	0	0	0	0	0
US EPA ERNS	7/98	0	NS	NS	NS	NS
US EPA Liens List	10/91 & 7/92	0	0	0	0	0
US EPA NPL	2/99	0	0	0	0	0
US EPA RCRA-LG	2/99	0	0	NS	NS	NS
US EPA RCRA-SG	2/99	0	0	NS	NS	NS
US EPA RCRA TSD	2/99	0	0	0	0	NS
Cal-EPA AWP (SPL)	10/98	0	0	0	0	0
Cal-EPA CalSites (SCL)	10/98	0	0	0	0	NS
Cal-EPA RDR List	4/94	0	0	0	0	NS
Cal-EPA LUST	11/98	0	0	0	5	NS
SWRCB AST	12/98	0	0	NS	NS	NS
SWRCB UST	1/99	0	1	NS	NS	NS
RWQCB SLIC	4/97	0	0	0	0	NS
IWMB SWIS	12/98	0	0	0	0	NS
DOG/Munger Map Book	1997	0	0	0	0	NS

0 = No sites in radius searched
NS = Not Searched
Adj. = Adjacent Sites

Review of the agency published documents discussed above, that list businesses or properties which have handled hazardous materials or waste or may have experienced site contamination, revealed that subject site, within the specified search radius of adjacent properties, or sites of 0.25-mile do not appear on any of the agency lists.

The remaining five properties within the 0.5-mile specified search radius of the subject site, which appeared on local, state, or federally published lists of sites that use or have had releases of hazardous materials, are of sufficient distance and/or situated cross-gradient to the subject site, such that impact to the subject site is not likely.

6.0 CONCLUSIONS AND RECOMMENDATIONS

We have conducted a Phase I ESA in conformance with the scope and limitations of the current ASTM *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process E1527-97* of northeast corner of Santa Clara County Assessors Parcel No. 825-37-043, San Martin, California, the Proposed San Martin Household Hazardous Waste Facility. This assessment has revealed no evidence of recognized environmental conditions in connection with the Proposed San Martin Household Hazardous Waste Facility. Based on visual observation, review of published data, and discussions with regulatory and advisory agencies, it is our opinion that further investigation of the subject site is not warranted at this time.

7.0 LIMITATIONS

This reconnaissance and review of the subject site has been limited in scope. This type of investigation is undertaken with the calculated risk that the presence, full nature, and extent of contamination would not be revealed by visual observation alone. Although a thorough site reconnaissance was conducted in accordance with ASTM Guidelines and employing a professional standard of care, no warranty is given, either expressed or implied, that hazardous material contamination or buried structures, which would not have been disclosed through this investigation, do not exist at the subject site. Therefore, the data obtained are clear and accurate only to the degree implied by the sources and methods used.

The findings presented in this report were based upon field observations during a single site visit, review of available data, and discussions with local regulatory and advisory agencies. Observations describe only the conditions present at the time of this investigation. The data reviewed and observations made are limited to accessible areas and currently available records searched. Krazan cannot guarantee the completeness or accuracy of the regulatory agency records reviewed. Additionally, in evaluating the property, Krazan has relied in good faith upon representations and information provided by individuals noted in the report with respect to present operations and existing property conditions, and the historic uses of the property. It must also be understood that changing circumstances in the property usage, proposed property usage, subject site zoning, and changes in the environmental status of the other nearby properties can alter the validity of conclusions and information contained in this report. Therefore, the data obtained are clear and accurate only to the degree implied by the sources and methods used.

This report is provided for the exclusive use of the client noted on the cover page and shall be subject to the terms and conditions in the applicable contract between the client and Krazan. Any third party use of this report, including use by Client's lender, shall also be subject to the terms and conditions governing the work in the contract between the client and Krazan. The unauthorized use of, reliance on, or release of the information contained in this report, without the expressed written consent of Krazan is strictly prohibited and will be without risk or liability to Krazan.

Conclusions and recommendations contained in this report are based on the evaluation of information made available during the course of this assessment. It is not warranted that such data cannot be superseded by future environmental, legal, geotechnical or technical developments.

If you have any questions or if we can be of further assistance, please do not hesitate to contact our office at (408) 271-2200.



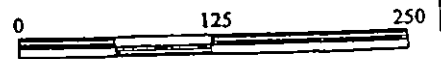
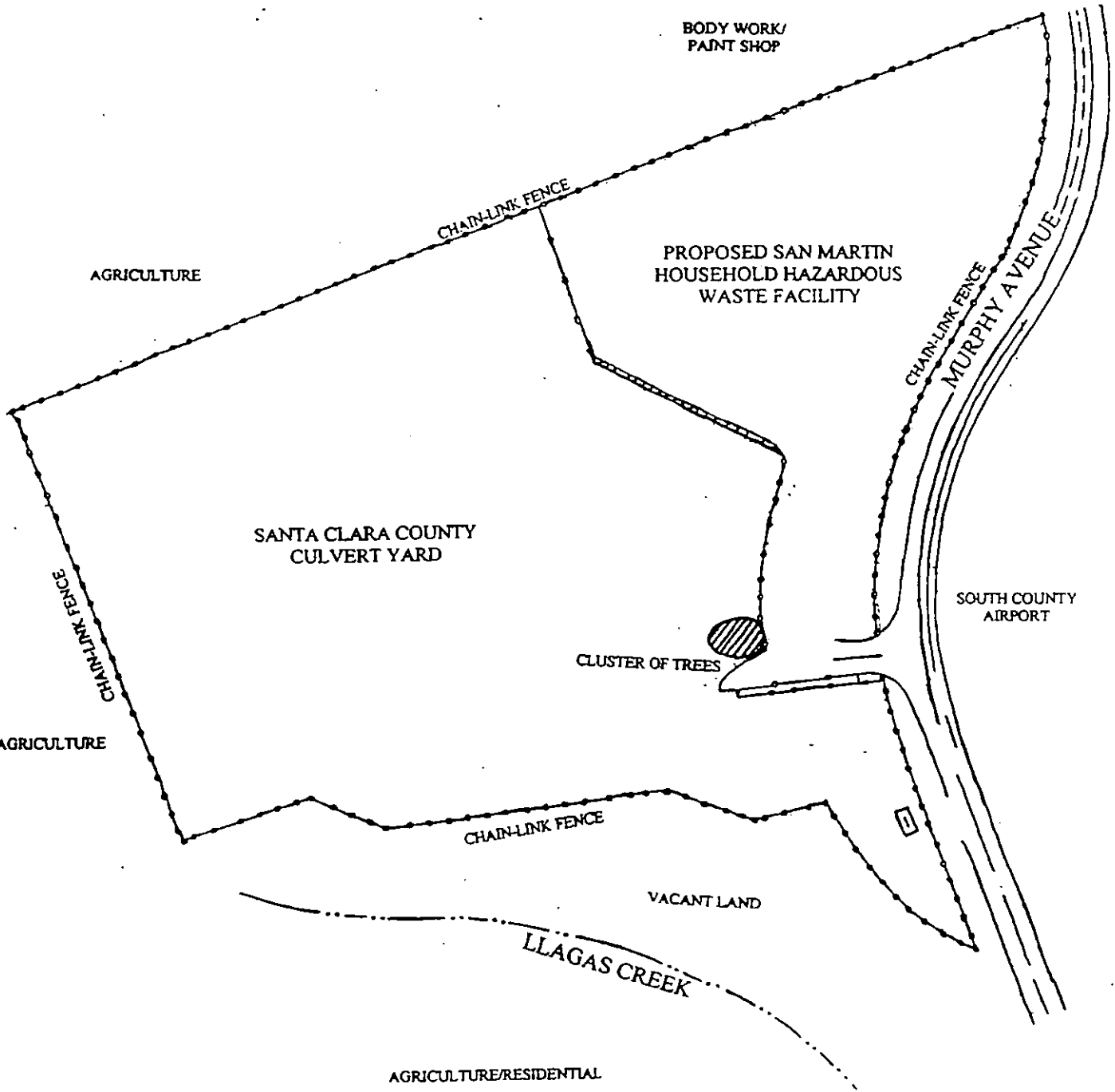
Respectfully submitted,
KRAZAN & ASSOCIATES, INC.

Mike Anderson
Project Manager
BEA 03439

Dean Alexander
Geotechnical Engineer
RGE #002051/RCE #34274

MA/DA/bm

3c: herewith



SCALE IN FEET (±)

<p>SITE MAP</p> <p>PROPOSED SAN MARTIN HOUSEHOLD HAZARDOUS WASTE FACILITY NORTHEAST CORNER OF SANTA CLARA COUNTY ASSESSORS PARCEL NO. 825-37-043 SAN MARTIN, CALIFORNIA</p>	Scale:	Date:
	AS SHOWN	4/99
	Drawn by:	Approved by:
	C.G.	M.A.
Project No.	Figure No.	
044-99071	1	

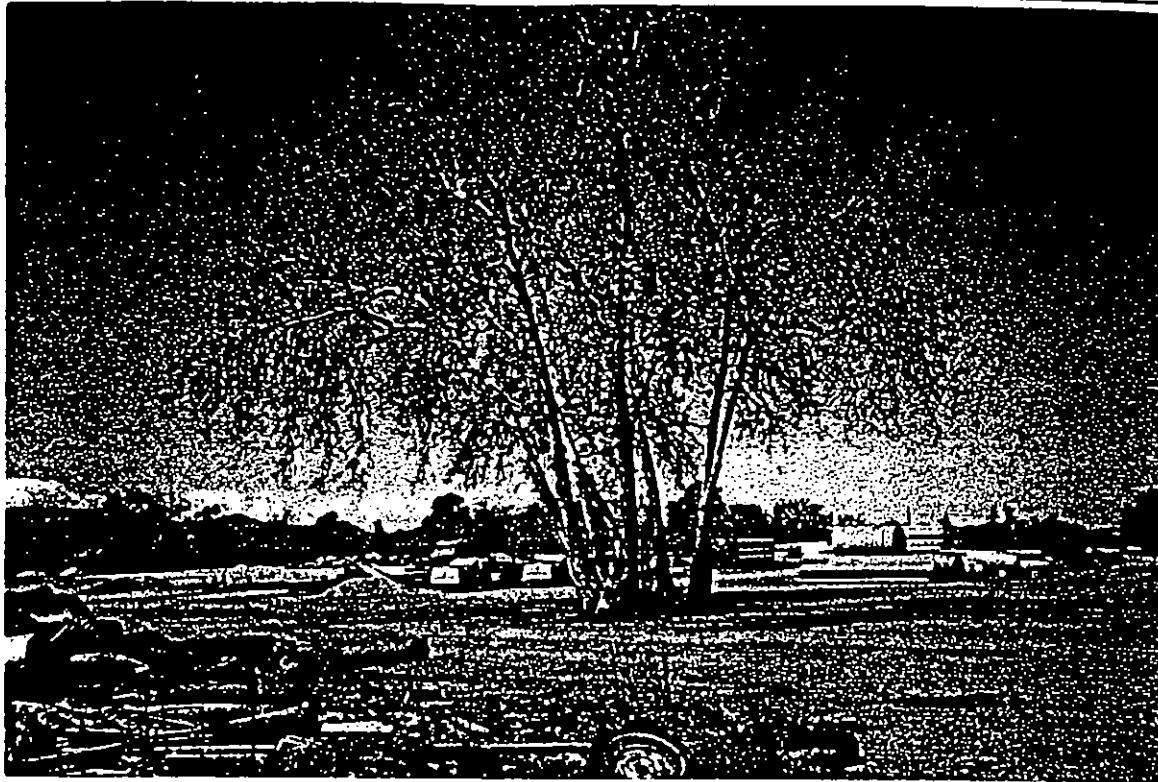


Photo 1: Looking northwest at cluster of large trees in the culvert yard. San Martin Household Hazardous Waste Facility (SMHHWF) begins where the large diameter culvert is stacked.



Photo 2: View looking north along the east fence of the SMHHWF. Stockpiled soil is visible at the left and concrete highway dividers at the right of the photograph.

**Proposed San Martin Household
Hazardous Waste Facility**

~~NEC Santa Clara Co. APN 825-37-043~~
San Martin, California

Project No. 044-99071

Date: April 1999

Approved by: M.A.

 **Krazan**



Photo 3: View of the northwest fence of the SMHHWF looking northeast. The area under the soil pile is within the boundary of the planned facility.



Photo 4: View looking southeast out of Culvert Yard gate across Murphy Avenue and towards Yellow South County Airport buildings.

**Proposed San Martin Household
Hazardous Waste Facility
NEC Santa Clara Co. APN 825-37-043
San Martin, California**

Project No. 044-99071

Date: April 1999

Approved by: M.A.

 **Krazan**



Photo 5: Looking north up Murphy Avenue. Llagas Creek is just out of the picture at the left while the south and east fences and gate of the Culvert Yard are apparent.



Photo 6: Looking west across Murphy Avenue at northeast corner of Culvert Yard and to 101 Freeway Auto Frame repair garage.

**Proposed San Martin Household
Hazardous Waste Facility**

**NEC Santa Clara Co. APN 825-37-043
San Martin, California**

Project No. 044-99071

Date: April 1999

Approved by: M.A.

 **Krazan**



Photo 7: Looking southeast from San Marin Avenue across cultivated field to the north fence of Culvert Yard. 101 Freeway Auto Frame is visible at the left side of the photograph.



Photo 8: Widely spaced residences south of the Culvert Yard and west of Murphy Avenue.

**Proposed San Martin Household
Hazardous Waste Facility
NEC Santa Clara Co. APN 825-37-043
San Martin, California**

Project No. 044-99071

Date: April 1999

Approved by: M.A.

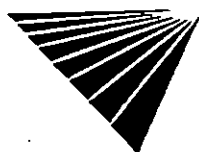
**Krazan**

Appendix A

SITE ASSESSMENT PLUS REPORT

PROPERTY INFORMATION	CLIENT INFORMATION
Project Name/Ref #: Not Provided County of Santa Clara Murphy Avenue San Martin, CA 95046 Latitude/Longitude: (37.084470, 121.600508)	

Site Distribution Summary	within 1/8 mile	1/8 to 1/4 mile	1/4 to 1/2 mile	1/2 to 1 mile
Agency / Database - Type of Records				
A) Databases searched to 1 mile:				
US EPA NPL National Priority List	0	0	0	0
US EPA CORRACTS RCRA Corrective Actions	0	0	0	0
STATE SPL State equivalent priority list	0	0	0	0
B) Databases searched to 1/2 mile:				
STATE SCL State equivalent CERCLIS list	0	0	0	-
US EPA CERCLIS / NFRAP Sites currently or formerly under review by US EPA	0	0	0	-
US EPA TSD RCRA permitted treatment, storage, disposal facilities	0	0	0	-
STATE REG CO LUST Leaking Underground Storage Tanks	0	0	5	-
STATE/ REG/CO SWLF Permitted as solid waste landfills, incinerators, or transfer stations	0	0	0	-
STATE DEED RSTR Sites with deed restrictions	0	0	0	-
REGIONAL SOUTH BAY Sites on South Bay Toxic List	0	0	0	-
STATE CORTESE State index of properties with hazardous waste	0	0	0	-
STATE TOXIC PITS Toxic Pits cleanup facilities	0	0	0	-
USGS/STATE WATER WELLS Federal and State Drinking Water Sources	0	0	0	-
C) Databases searched to 1/4 mile:				
US EPA RCRA Viol RCRA violations/enforcement actions	0	0	-	-
US EPA TRIS Toxic Release Inventory database	0	0	-	-
STATE UST/AST Registered underground or aboveground storage tanks	1	0	-	-



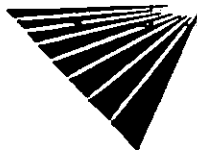
SITE ASSESSMENT PLUS REPORT

SITE INVENTORY

MAP ID	PROPERTY AND THE ADJACENT AREA (within 1/8 mile)	A			B							C		D						
		VISTA ID DISTANCE DIRECTION	NPL	CORRACTS	SPL	SCL	CERCLIS/NFRAP	TSD	LUST	SWLF	DEED RSTR	SOUTH BAY	CORTESE	TOXIC PITS	WATER WELLS	RCRA VIOL	TRIS	UST/AST	ERNS	GNRTR
1	S SANTA CLARA COUNTY AIRPORT 13025 MURPHY SAN MARTIN, CA 95046	3199660 0.03 MI N															X			

MAP ID	SITES IN THE SURROUNDING AREA (within 1/8 - 1/4 mile)	A			B							C		D					
		VISTA ID DISTANCE DIRECTION	NPL	CORRACTS	SPL	SCL	CERCLIS/NFRAP	TSD	LUST	SWLF	DEED RSTR	SOUTH BAY	CORTESE	TOXIC PITS	WATER WELLS	RCRA VIOL	TRIS	UST/AST	ERNS
No Records Found																			

MAP ID	SITES IN THE SURROUNDING AREA (within 1/4 - 1/2 mile)	A			B							C		D						
		VISTA ID DISTANCE DIRECTION	NPL	CORRACTS	SPL	SCL	CERCLIS/NFRAP	TSD	LUST	SWLF	DEED RSTR	SOUTH BAY	CORTESE	TOXIC PITS	WATER WELLS	RCRA VIOL	TRIS	UST/AST	ERNS	GNRTR
2	WESTERN REFRIGERATION 13805 LLAGAS AVE SAN MARTIN, CA 95046	937141 0.35 MI NW							X											
3	WES/DER WOOD PRODUCTS 40 W. SAN MARTIN AVE SAN MARTIN, CA 95046	937140 0.40 MI W							X											
4	AIR AUTO SALVAGE SERVICE 13895A LLAGAS AVE SAN MARTIN, CA 95046	937143 0.46 MI NW							X											
5	AMY MARZOLF 25 CHESTER AVE SAN MARTIN, CA 95046	6563528 0.46 MI W							X											
6	A FOREIGN AUTO 13075 MONTEREY HWY SAN MARTIN, CA 95046	3079362 0.48 MI W							X											



X = search criteria; * = tag-along (beyond search criteria).

For more information call VISTA Information Solutions, Inc. at 1 - 800 - 767 - 0403.

Report ID: 004499071

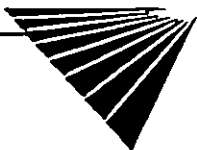
Date of Report: April 8, 1999

Version 2.6

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MAP ID	SITES IN THE SURROUNDING AREA (within 1/2 - 1 mile)	A				B						C		D					
		VISTA ID	CORRACTS	SPL	SCL	CERCLIS/NFRAP	TSD	LUST	SWLF	DEED RSTR	SOUTH BAY	CORTESE	TOXIC PITS	WATER WELLS	RCRA VIOL	TRIS	UST/AST	ERNS	GNRTR

No Records Found



UNMAPPED SITES	A			B								C		D					
	VISTA ID	NPL	CORRACTS	SPL	SCL	CERCLIS/NFRAP	TSD	LUST	SWLF	DEED/RSTR	SOUTH BAY	CORTESE	TOXIC PITS	WATER WELLS	RCRA VIOL	TRIS	UST/AST	ERNS	GNRTR
SAN MARTIN SWDS LLAGAS AVE..5 MI N SAN MARTIN SAN MARTIN, CA 95046	7004824								X										
HENRY COE STATE PARK DUNNE AVE E. MORGAN HILL, CA	6531964						X				X								

X = search criteria; • = tag-along (beyond search criteria).

For more information call VISTA Information Solutions, Inc. at 1 - 800 - 767 - 0403.

Report ID: 004499071

Date of Report: April 8, 1999

Version 2.6

Page #8

SITE ASSESSMENT PLUS REPORT

DETAILS

PROPERTY AND THE ADJACENT AREA (within 1/8 mile)

VISTA Address:	S SANTA CLARA COUNTY AIRPORT		VISTA ID#:	3199660
	13025 MURPHY		Distance/Direction:	0.03 MI / N
	SAN MARTIN, CA 95046		Plotted as:	Point
STATE UST - State Underground Storage Tank / SRC# 1612			EPA/Agency ID:	N/A
Agency Address:		SAME AS ABOVE		
Underground Tanks:		1		
Aboveground Tanks:		NOT REPORTED		
Tanks Removed:		NOT REPORTED		
Tank ID:	1001U	Tank Status:	ACTIVE/IN SERVICE	
Tank Contents:	AVIATION GAS	Leak Monitoring:	Agency Code (?)	
Tank Age:	NOT REPORTED	Tank Piping:	UNKNOWN	
Tank Size (Units):	10000 (GALLONS)	Tank Material:	UNKNOWN	

Map ID

1

SITES IN THE SURROUNDING AREA (within 1/8 - 1/4 mile)

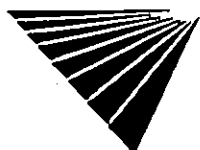
No Records Found

SITES IN THE SURROUNDING AREA (within 1/4 - 1/2 mile)

VISTA Address:	WESTERN REFRIGERATION		VISTA ID#:	937141
	13805 LLAGAS AVE		Distance/Direction:	0.35 MI / NW
	SAN MARTIN, CA 95046		Plotted as:	Point
STATE LUST - State Leaking Underground Storage Tank / SRC# 5497			EPA/Agency ID:	N/A
Agency Address:		SAME AS ABOVE		
Facility ID:		456		
Leak Report Date:		06/26/87		
Case Closed Date:		06/26/87		
Substance:		GASOLINE		
Remediation Event:		NO ACTION REQUIRED		
Remediation Status:		CASE CLOSED		
Media Affected:		SOIL ONLY		
Region / District:		CENTRAL COAST REGION		
Description / Comment:		COUNTY: SANTA CLARA		
Description / Comment:		CROSS STREET: E. SAN MARTIN AVE.		
Description / Comment:		REVIEW DATE: 07/21/87		

Map ID

2



* VISTA address includes enhanced city and ZIP.

For more information call VISTA Information Solutions, Inc. at 1 - 800 - 767 - 0403.

Report ID: 004499071

Date of Report: April 8, 1999

Version 2.6

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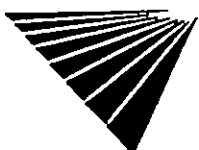
SITES IN THE SURROUNDING AREA (within 1/4 - 1/2 mile) CONT.

STATE LUST - State Leaking Underground Storage Tank / SRC# 5688	EPA/Agency ID:	N/A
Agency Address:	SAME AS ABOVE	
Facility ID:	456.00000	
Date Discovered:	06/26/87	
Leak Report Date:	06/26/87	
Who Reported:	MCPHAILL, GORDON	
Case Closed Date:	06/26/87	
Leak Detection Method:	OTHER MEANS	
Leak Cause:	UNKNOWN	
Leak Source:	UNKNOWN	
Substance:	GASOLINE	
Remediation Event:	NO ACTION REQUIRED	
Remediation Event:	HOW STOPPED: REMOVE CONTENTS	
Remediation Status:	CASE CLOSED	
Media Affected:	SOIL ONLY	
Lead Agency:	PAT CAMERON	
Region / District:	CENTRAL COAST REGION	
Contact:	PAT CAMERON	
Responsible Party:	WESTERN REFRIGERATION	
Description / Comment:	PRIORITY: NOT AVAILABLE COUNTY: SANTA CLARA, CROSS STREET: E. SAN MARTIN AVE., FACPHONE: (408)683-2606 RPPHONE: (408)683-2606, RPADDR: 13805 LLAGAS AVENUE, SANMARTIN, CA 95046	

VISTA Address:	WES/DER WOOD PRODUCTS 40 W. SAN MARTIN AVE SAN MARTIN, CA 95046	VISTA ID#:	937140
		Distance/Direction:	0.40 MI. W
		Plotted as:	Point

Map ID
3

STATE LUST - State Leaking Underground Storage Tank / SRC# 5497	EPA/Agency ID:	N/A
Agency Address:	WES/DER WOOD PRODUCTS 40 SAN MARTIN AVE E SAN MARTIN, CA 95046	
Facility ID:	459	
Leak Report Date:	07/22/87	
Case Closed Date:	07/22/87	
Substance:	GASOLINE	
Remediation Event:	NO ACTION REQUIRED	
Remediation Status:	CASE CLOSED	
Media Affected:	SOIL ONLY	
Region / District:	CENTRAL COAST REGION	
Description / Comment:	COUNTY: SANTA CLARA	
Description / Comment:	CROSS STREET: DEPOT STREET	
Description / Comment:	REVIEW DATE: 07/29/87	



SITES IN THE SURROUNDING AREA (within 1/4 - 1/2 mile) CONT.

VISTA Address:	A FOREIGN AUTO 13075 MONTEREY HWY SAN MARTIN, CA 95046	VISTA ID#:	3079362
		Distance/Direction:	0.48 MI / W
		Plotted as:	Point

Map ID
6

STATE LUST - State Leaking Underground Storage Tank / SRC# 5497	EPA/Agency ID:	N/A
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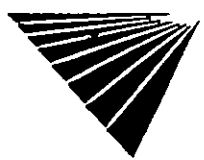
Agency Address:	SAME AS ABOVE
Facility ID:	2120
Leak Report Date:	08/31/90
Case Closed Date:	09/30/90
Substance:	GASOLINE
Remediation Event:	UNKNOWN
Remediation Status:	CASE CLOSED
Media Affected:	SOIL ONLY
Region / District:	CENTRAL COAST REGION
Description / Comment:	COUNTY: SANTA CLARA
Description / Comment:	REVIEW DATE: 04/29/92

STATE LUST - State Leaking Underground Storage Tank / SRC# 5688	EPA/Agency ID:	N/A
--	----------------	-----

Agency Address:	SAME AS ABOVE
Facility ID:	2120.00000
Date Discovered:	08/31/90
Leak Report Date:	08/31/90
Who Reported:	G. MCPHAIL
Case Closed Date:	09/30/90
Leak Detection Method:	TANK CLOSURE
Leak Cause:	UNKNOWN
Leak Source:	TANK
Substance:	GASOLINE
Remediation Event:	STOP DATE: 08/31/90 HOW STOPPED: OTHER MEANS
Remediation Status:	CASE CLOSED
Media Affected:	SOIL ONLY
Region / District:	CENTRAL COAST REGION
Responsible Party:	JOHN DOUGHTY
Description / Comment:	PRIORITY: NOT AVAILABLE COUNTY: SANTA CLARA, CROSS STREET., FACPHONE: RPSEARCH: ,RPPHONE: RPADDR:

SITES IN THE SURROUNDING AREA (within 1/2 - 1 mile)

No Records Found

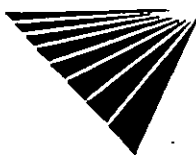


UNMAPPED SITES

VISTA Address:	SAN MARTIN SWDS LLAGAS AVE., 5 MI N SAN MARTIN SAN MARTIN, CA 95046	VISTA ID#:	7004824
WMUDS / SRC# 5368		Agency ID:	3 430307002
Agency Address:	SAN MARTIN SWDS LLAGAS AVE., 5 MI N SAN MARTIN SAN MARTIN, CA		
Solid Waste Inventory System ID:	NOT REPORTED		
Facility Type:	SOLID WASTE SITES-CLASS III - Landfills for nonhazardous solid wastes.		
Facility In State Board Waste Discharger System:	NO		
Chapter 15 Facility:	NO		
Solid Waste Assessment Test Facility:	NO		
Toxic Pits Cleanup Act Facility:	NO		
RCRA Facility:	NO		
Department of Defense Facility:	NO		
Open To Public:	NO		
Number Of Waste Management Units:	1		
Rank:	6		
Enforcements At Facility:	NO		
Violations At Facility:	NO		

VISTA Address:	HENRY COE STATE PARK DUNNE AVE E MORGAN HILL, CA	VISTA ID#:	6531964
STATE LUST - State Leaking Underground Storage Tank / SRC# 5497		EPA/Agency ID:	N/A
Agency Address:	HENRY COE STATE PARK DUNNE AVE E MORGAN HILL, CA 2690		
Facility ID:	2690		
Leak Report Date:	05/08/96		
Substance:	LEAD		
Remediation Status:	NO ACTION		
Media Affected:	SOIL ONLY		
Region / District:	CENTRAL COAST REGION		
Description / Comment:	COUNTY: SANTA CLARA		
Description / Comment:	CROSS STREET: HWY 101		

STATE LUST - State Leaking Underground Storage Tank / SRC# 5688		EPA/Agency ID:	N/A
Agency Address:	HENRY COE STATE PARK DUNNE AVE E MORGAN HILL, CA 2690.00000		
Facility ID:	2690.00000		
Date Discovered:	03/20/96		
Leak Report Date:	05/08/96		
Who Reported:	GEORGE CARSON		
Leak Detection Method:	TANK CLOSURE		



Cal Cerclis
SRC#: 2462

VISTA conducts a database search to identify all sites within 1/2 mile of your property. The agency release date for Ca Cerclis w/Regional Utility Description was June, 1995.

This database is provided by the U.S. Environmental Protection Agency, Region 9. The agency may be contacted at: . These are regional utility descriptions for California CERCLIS sites.

NFRAP
SRC#: 5595

VISTA conducts a database search to identify all sites within 1/2 mile of your property. The agency release date for CERCLIS-NFRAP was January, 1999.

NFRAP sites may be sites where, following an initial investigation, no contamination was found, contamination was removed quickly, or the contamination was not serious enough to require Federal Superfund action or NPL consideration.

SCL
SRC#: 5454

VISTA conducts a database search to identify all sites within 1/2 mile of your property. The agency release date for Calsites Database: All Sites except Annual Workplan Sites (incl. ASPIS) was October, 1998.

The CalSites database contains information on properties (or "sites") in California where hazardous substances have been released, or where the potential for such a release exists. This database is used primarily by the Department of Toxic Substances Control to evaluate and track activities at sites that may have been affected by the release of hazardous substances. Also see SPL/SCL: Annual Work Plan (AWP) sites are classified as SPL and all the other sites are classified as SCL.

The CalSites database includes both known and potential sites. Two-thirds of these sites have been classified, based on available information, as needing "No Further Action" (NFA) by the Department of Toxic Substances Control. The remaining sites are in various stages of review and remediation to determine if a problem exists at the site. Several hundred sites have been remediated and are considered certified. Some of these sites may be in long term operation and maintenance.

RCRA-TSD
SRC#: 5596

VISTA conducts a database search to identify all sites within 1/2 mile of your property. The agency release date for HWDMS/RCRIS was February, 1999.

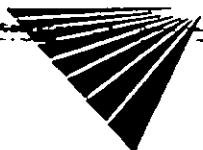
The EPA's Resource Conservation and Recovery Act (RCRA) Program identifies and tracks hazardous waste from the point of generation to the point of disposal. The RCRA Facilities database is a compilation by the EPA of facilities which report generation, storage, transportation, treatment or disposal of hazardous waste. RCRA TSDs are facilities which treat, store and/or dispose of hazardous waste.

SWLF
SRC#: 5689

VISTA conducts a database search to identify all sites within 1/2 mile of your property. The agency release date for Ca Solid Waste Information System (SWIS) was December, 1998.

This database is provided by the Integrated Waste Management Board. The agency may be contacted at: 916-255-4021.

The California Solid Waste Information System (SWIS) database consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations pursuant to the Solid Waste Management and Resource Recovery Act of 1972, Government Code Section 2.66790(b). Generally, the California Integrated Waste Management Board learns of locations of disposal facilities through permit applications and from local enforcement agencies.



WMUDS
SRC#: 5368

VISTA conducts a database search to identify all sites within 1/2 mile of your property. The agency release date for Waste Management Unit Database System (WMUDS) was October, 1998.

This database is provided by the State Water Resources Control Board. The agency may be contacted at: 916-892-0323. This is used for program tracking and inventory of waste management units. This system contains information from: Facility, Waste Management Unit, SWAT Program and Report Summary Information, Chapter 15 (formerly Subchapter 15), TPCA and RCRA Program Information, Closure Information; also some information from the WDS (Waste Discharge System).

The WMUDS system also accesses information from the following databases from the Waste Discharge System (WDS): Inspections, Violations, and Enforcements. The sites contained in these databases are subject to the California Code of Regulations - Title 23. Waters.

LUST
SRC#: 4579

VISTA conducts a database search to identify all sites within 1/2 mile of your property. The agency release date for Region #2-North and South Bay SLIC Report was January, 1998.

This database is provided by the Regional Water Quality Control Board, Region #2. The agency may be contacted at: 510-622-2300.

LUST
SRC#: 5032

VISTA conducts a database search to identify all sites within 1/2 mile of your property. The agency release date for Region #2-San Francisco Bay Fuel Leaks List was June, 1998.

This database is provided by the Regional Water Quality Control Board, Region #2. The agency may be contacted at: 510-622-2300.

LUST
SRC#: 5442

VISTA conducts a database search to identify all sites within 1/2 mile of your property. The agency release date for Region #3-Central Coast Region SLIC List was November, 1998.

This database is provided by the Regional Water Quality Control Board, Region #3. The agency may be contacted at: 805-542-4639.

LUST
SRC#: 5497

VISTA conducts a database search to identify all sites within 1/2 mile of your property. The agency release date for Lust Information System (LUSTIS) was October, 1998.

This database is provided by the California Environmental Protection Agency. The agency may be contacted at: 916-445-6532.

LUST
SRC#: 5670

VISTA conducts a database search to identify all sites within 1/2 mile of your property. The agency release date for Lahontan Region LUST List was January, 1999.

This database is provided by the Lahontan Region Six South Lake Tahoe. The agency may be contacted at: 916-542-5400.

LUST
SRC#: 5688

VISTA conducts a database search to identify all sites within 1/2 mile of your property. The agency release date for Region #3-Central Coast Region LUST List was January, 1999.

This database is provided by the Regional Water Quality Control Board, Region #3. The agency may be contacted at: 805-542-4695.

CORTESE
SRC#: 4840

VISTA conducts a database search to identify all sites within 1/2 mile of your property. The agency release date for Cortese List-Hazardous Waste Substance Site List was April, 1998.

This database is provided by the Office of Environmental Protection, Office of Hazardous Materials. The agency may be contacted at: 916-445-6532.

The California Governor's Office of Planning and Research annually publishes a listing of potential and confirmed hazardous waste sites throughout the State of California under Government Code Section 65962.5. This database (CORTESE) is based on input from the following: (1)CALSITES-Department of Toxic Substances Control, Abandoned Sites Program Information Systems; (2)SARA Title III Section III Toxic Chemicals Release Inventory for 1987, 1988, 1989, and 1990; (3)FINDS; (4)HWIS-Department of Toxic Substances Control, Hazardous Waste Information System. Vista has not included one time generator facilities from Cortese in our database.; (5)SWRCB-State Water Resources Control Board; (6)SWIS-Integrated Waste Management Control Board (solid waste facilities); (7)AGT25-Air Resources Board, dischargers of greater than 25 tons of criteria pollutants to the air; (8)A1025-Air Resources Board, dischargers of greater than 10 and less than 25 tons of criteria pollutants to the air; (9)LTANK-SWRCB Leaking Underground Storage Tanks; (10)UTANK-SWRCB Underground tanks reported to the SWEEPS systems; (11)IUR-Inventory Update Rule (Chemical Manufacturers); (12)WB-LF- Waste Board - Leaking Facility, site has known migration; (13)WDSE-Waste Discharge System - Enforcement Action; (14)DTSCD-Department of Toxic Substance Control Docket.

Deed
Restrictions
SRC#: 1703

VISTA conducts a database search to identify all sites within 1/2 mile of your property. The agency release date for Deed Restriction Properties Report was April, 1994.

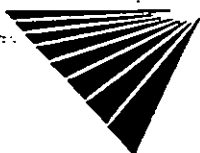
This database is provided by the Department of Health Services-Land Use and Air Assessment. The agency may be contacted at: 916-323-3376. These are voluntary deed restriction agreements with owners of property who propose building residences, schools, hospitals, or day care centers on property that is "on or within 2,000 feet of a significant disposal of hazardous waste".

California has a statutory and administrative procedure under which the California Department of Health Services (DHS) may designate real property as either a "Hazardous Waste Property" or a "Border Zone Property" pursuant to California Health Safety Code Sections 25220-25241. Hazardous Waste Property is land at which hazardous waste has been deposited, creating a significant existing or potential hazard to public health and safety. A Border Zone Property is one within 2,000 feet of a hazardous waste deposit. Property within either category is restricted in use, unless a written variance is obtained from DHS. A Hazardous Waste Property designation results in a prohibition of new uses, other than a modification or expansion of an industrial or manufacturing facility on land previously owned by the facility prior to January 1, 1981. A Border Zone Property designation results in prohibition of a variety of uses involving human habitation, hospitals, schools and day care center.

Toxic Pits
SRC#: 2229

VISTA conducts a database search to identify all sites within 1/2 mile of your property. The agency release date for Summary of Toxic Pits Cleanup Facilities was February, 1995.

This database is provided by the Water Quality Control Board, Division of Loans Grants. The agency may be contacted at: 916-227-4396.



**South Bay
SRC#: 1719**

VISTA conducts a database search to identify all sites within 1/2 mile of your property. The agency release date for South Bay Site Management System was April, 1994.

This database is provided by the San Francisco Bay Region. The agency may be contacted at:

**Water Wells
SRC#: 5384**

VISTA conducts a database search to identify all sites within 1/2 mile of your property. The agency release date for USGS WATER WELLS was March, 1998.

The Ground Water Site Inventory (GWSI) database was provided by the United States Geological Survey (USGS). The database contains information for over 1,000,000 wells and other sources of groundwater which the USGS has studied, used, or otherwise had reason to document through the course of research. The agency may be contacted at 703-648-6819.

C) DATABASES SEARCHED TO 1/4 MILE

RCRA-Viols/Enf

VISTA conducts a database search to identify all sites within 1/4 mile of your property. The agency release date for HWDMS/RCRIS was February, 1999.

The EPA's Resource Conservation and Recovery Act (RCRA) Program identifies and tracks hazardous waste from the point of generation to the point of disposal. The RCRA Facilities database is a compilation by the EPA of facilities which report generation, storage, transportation, treatment or disposal of hazardous waste. RCRA Violators are facilities which have been cited for RCRA Violations at least once since 1980. RCRA Enforcements are enforcement actions taken against RCRA violators.

**UST's
SRC#: 1612**

VISTA conducts a database search to identify all sites within 1/4 mile of your property. The agency release date for Underground Storage Tank Registrations Database was January, 1994.

This database is provided by the State Water Resources Control Board, Office of Underground Storage Tanks. The agency may be contacted at: 916-227-4337; Caution-Many states do not require registration of heating oil tanks, especially those used for residential purposes.

**UST's
SRC#: 5262**

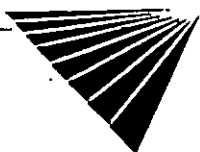
VISTA conducts a database search to identify all sites within 1/4 mile of your property. The agency release date for Sunnyvale City UST List was September, 1998.

This database is provided by the City of Sunnyvale Department of Public Safety. The agency may be contacted at: 408-730-7212; Caution-Many states do not require registration of heating oil tanks, especially those used for residential purposes.

**UST's
SRC#: 5360**

VISTA conducts a database search to identify all sites within 1/4 mile of your property. The agency release date for City of Santa Clara Underground Storage Tanks was September, 1998.

This database is provided by the City of Santa Clara, Fire Department. The agency may be contacted at: 408-984-4109; Caution-Many states do not require registration of heating oil tanks, especially those used for residential purposes.



UST's
SRC#: 5372

VISTA conducts a database search to identify all sites within 1/4 mile of your property. The agency release date for City of Palo Alto Underground Storage Tank List was October, 1998.

This database is provided by the City of Palo Alto Fire Department. The agency may be contacted at: 650-329-2135; Caution-Many states do not require registration of heating oil tanks, especially those used for residential purposes.

UST's
SRC#: 5471

VISTA conducts a database search to identify all sites within 1/4 mile of your property. The agency release date for City of San Jose Underground Storage Tanks List was September, 1998.

This database is provided by the City of San Jose Fire Department. The agency may be contacted at: 408-277-4659; Caution-Many states do not require registration of heating oil tanks, especially those used for residential purposes.

UST's
SRC#: 5495

VISTA conducts a database search to identify all sites within 1/4 mile of your property. The agency release date for City of Mountain View Underground Storage Tank List was December, 1998.

This database is provided by the Mountain View Fire Department. The agency may be contacted at: 415-903-6378; Caution-Many states do not require registration of heating oil tanks, especially those used for residential purposes.

UST's
SRC#: 5672

VISTA conducts a database search to identify all sites within 1/4 mile of your property. The agency release date for City of Milpitas UST List was January, 1999.

This database is provided by the City of Milpitas Fire Department. The agency may be contacted at: 408-942-2383; Caution-Many states do not require registration of heating oil tanks, especially those used for residential purposes.

UST's
SRC#: 5677

VISTA conducts a database search to identify all sites within 1/4 mile of your property. The agency release date for Hazmat Facilities Database, Underground Storage Tanks of Santa Clara County was January, 1999.

This database is provided by the Santa Clara County Fire Department. The agency may be contacted at: 408-378-4010; Caution-Many states do not require registration of heating oil tanks, especially those used for residential purposes.

AST's
SRC#: 5513

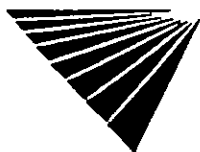
VISTA conducts a database search to identify all sites within 1/4 mile of your property. The agency release date for Aboveground Storage Tank Database was December, 1998.

This database is provided by the State Water Resources Control Board. The agency may be contacted at: 916-227-4364.

TRIS
SRC#: 4946

VISTA conducts a database search to identify all sites within 1/4 mile of your property. The agency release date for TRIS was January, 1998.

Section 313 of the Emergency Planning and Community Right-to-Know Act (also known as SARA Title III) of 1986 requires the EPA to establish an inventory of Toxic Chemicals emissions from certain facilities (Toxic Release Inventory System). Facilities subject to this reporting are required to complete a Toxic Chemical Release Form (Form R) for specified chemicals.



D) DATABASES SEARCHED TO 1/8 MILE

ERNS
SRC#: 4939

VISTA conducts a database search to identify all sites within 1/8 mile of your property.
The agency release date for was July, 1998.

The Emergency Response Notification System (ERNS) is a national database containing records from October 1986 to the release date above and is used to collect information for reported releases of oil and hazardous substances. The database contains information from spill reports made to federal authorities including the EPA, the US Coast Guard, the National Response Center and the Department of Transportation. The ERNS hotline number is (202) 260-2342.

RCRA-LgGen
SRC#: 5596

VISTA conducts a database search to identify all sites within 1/8 mile of your property.
The agency release date for HWDMS/RCRIS was February, 1999.

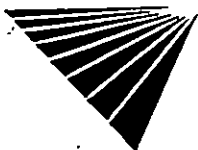
The EPA's Resource Conservation and Recovery Act (RCRA) Program identifies and tracks hazardous waste from the point of generation to the point of disposal. The RCRA Facilities database is a compilation by the EPA of facilities which report generation, storage, transportation, treatment or disposal of hazardous waste. RCRA Large Generators are facilities which generate at least 1000 kg./month of non-acutely hazardous waste (or 1 kg./month of acutely hazardous waste).

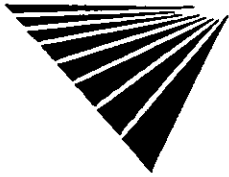
RCRA-SmGen
SRC#: 5596

VISTA conducts a database search to identify all sites within 1/8 mile of your property.
The agency release date for HWDMS/RCRIS was February, 1999.

The EPA's Resource Conservation and Recovery Act (RCRA) Program identifies and tracks hazardous waste from the point of generation to the point of disposal. The RCRA Facilities database is a compilation by the EPA of facilities which report generation, storage, transportation, treatment or disposal of hazardous waste. RCRA Small and Very Small generators are facilities which generate less than 1000 kg./month of non-acutely hazardous waste.

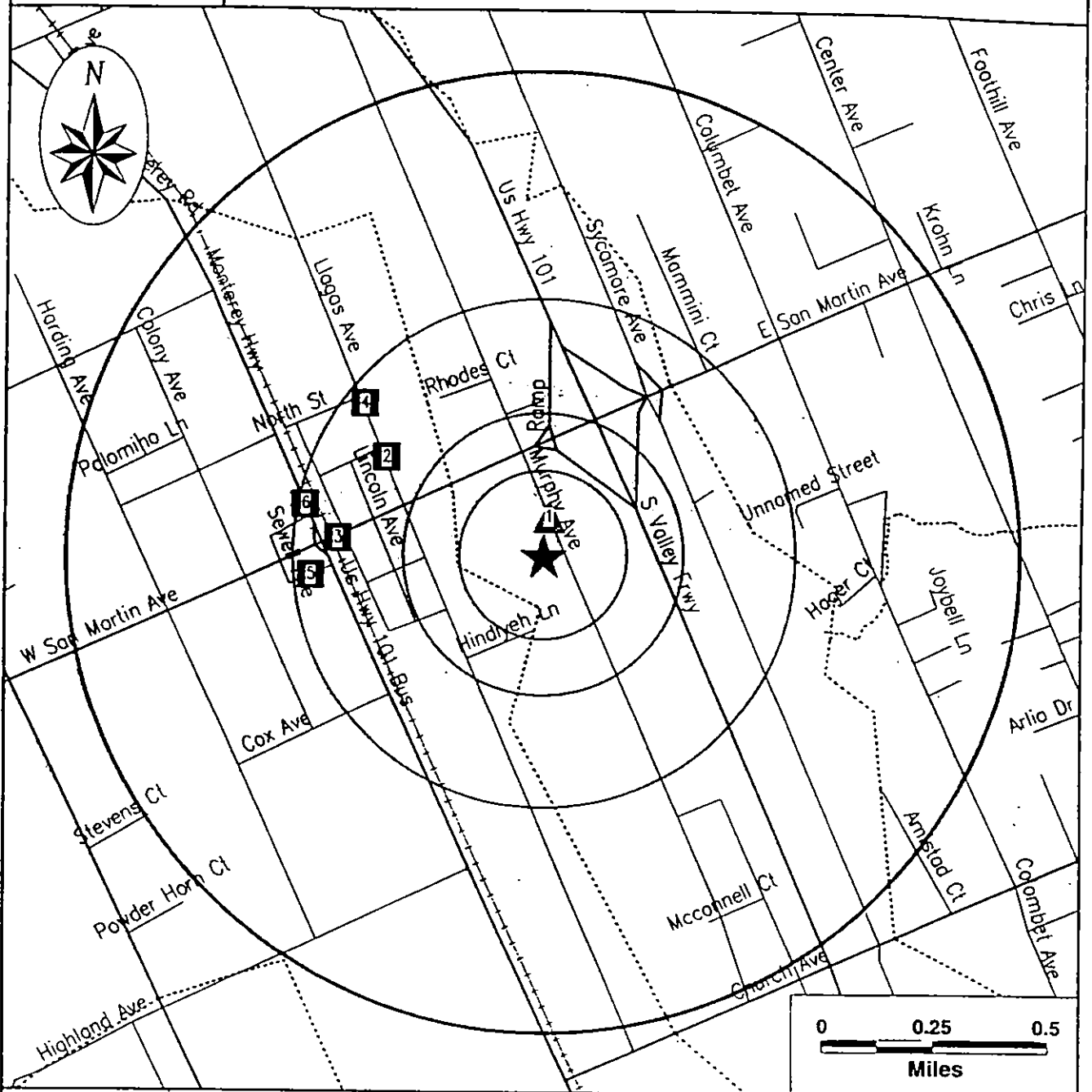
End of Report



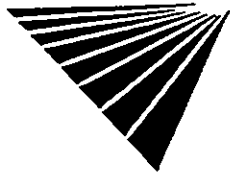


SITE ASSESSMENT PLUS REPORT

Map of Sites within One Mile

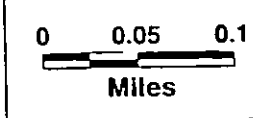
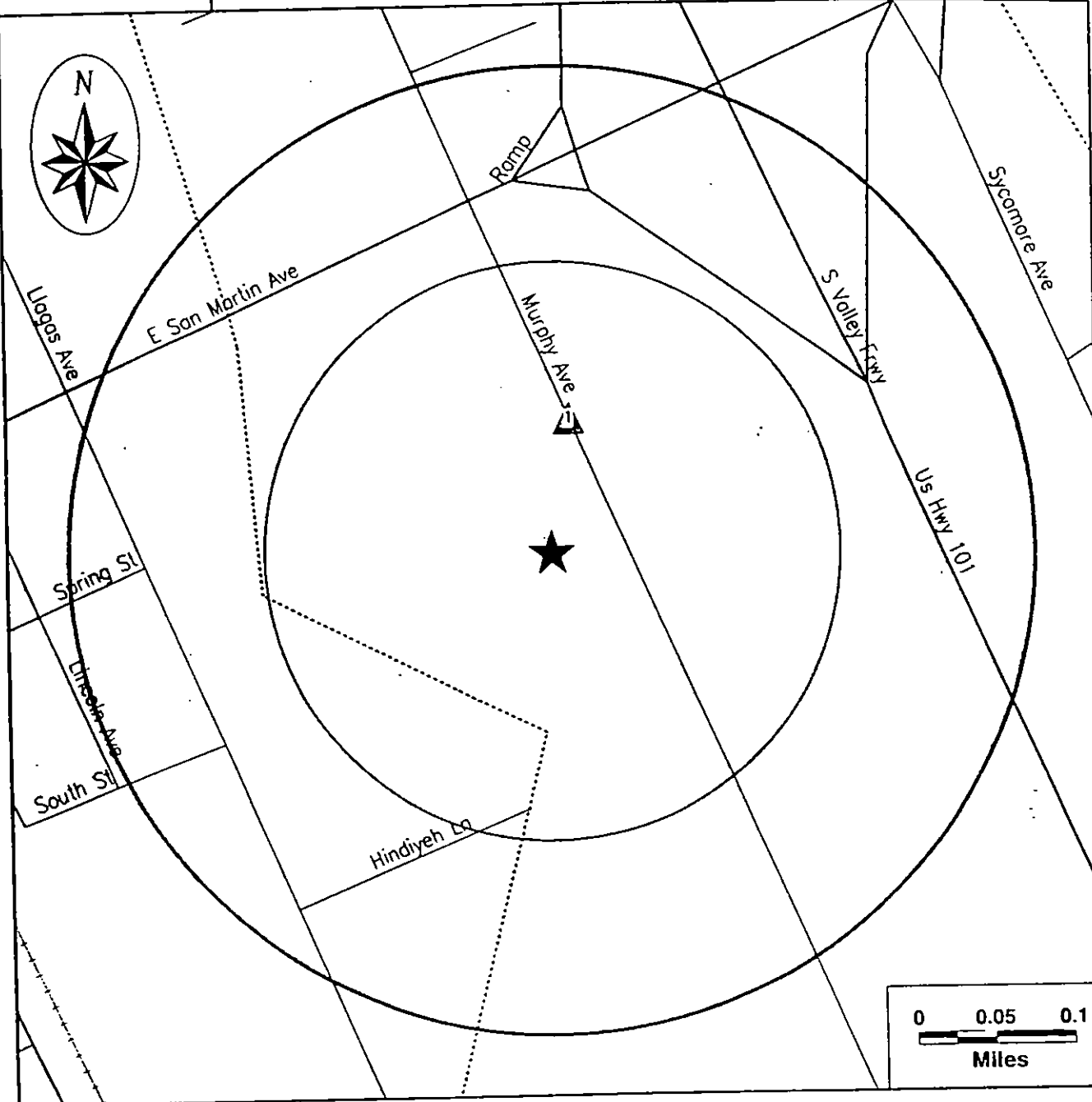
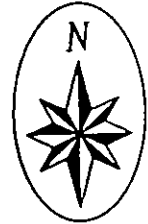


Subject Site 	Category: Databases Searched to: Single Sites Multiple Sites	A 1 mi. 	B 1/2 mi. 	C 1/4 mi. 	D 1/8 mi.
	Highways and Major Roads Roads Railroads Rivers or Water Bodies Utilities	NPL, SPL, CORRACTS (TSD)	CERCLIS, NFRAP, TSD, LUST, SWLF, SCL	RCRA VIOL, TRIS, UST	ERNS, GENERATORS

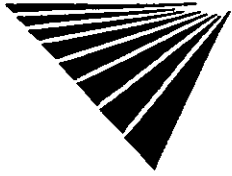


SITE ASSESSMENT PLUS REPORT

Map of Sites within Quarter Mile

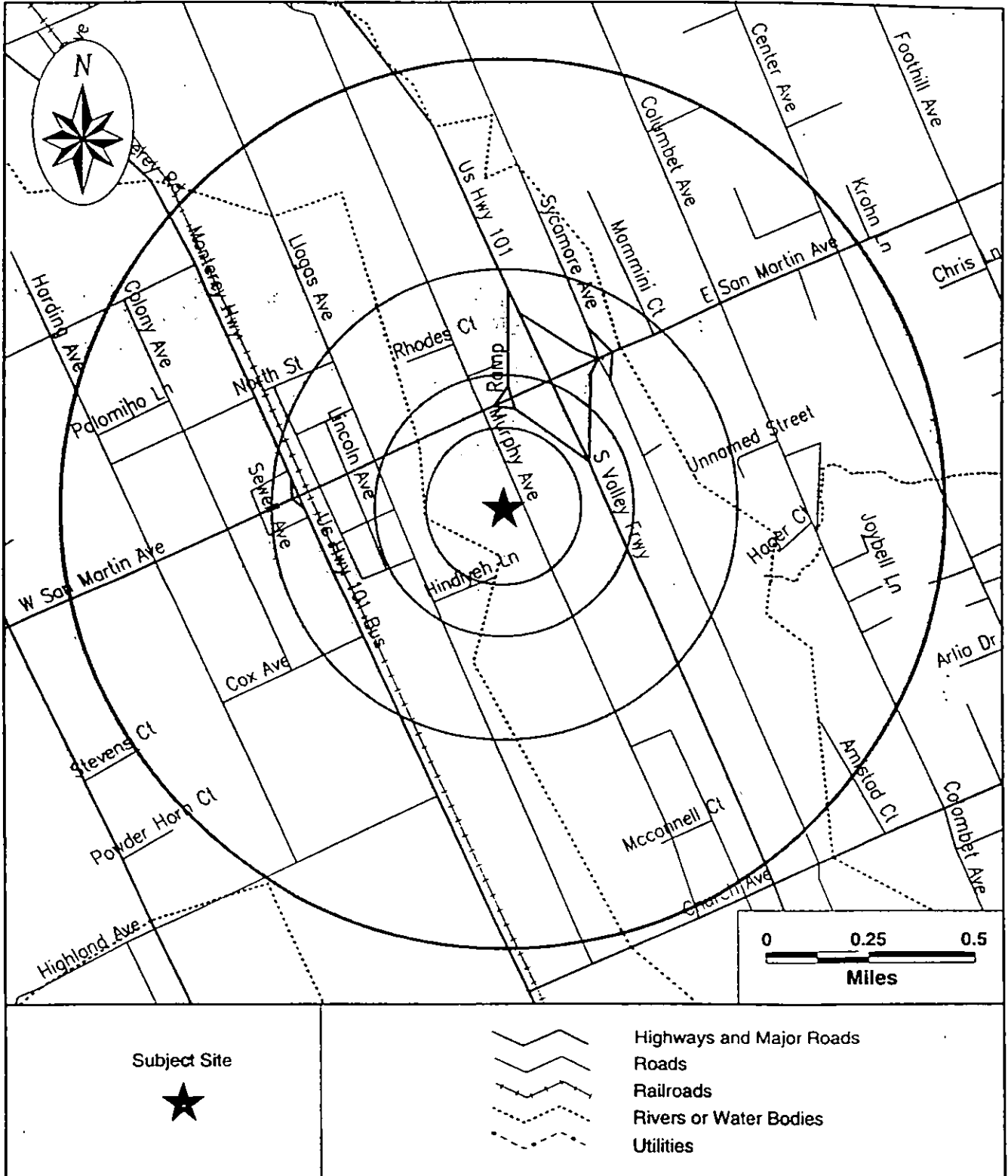


Subject Site 	Category: A 1 mi.	B 1/2 mi.	C 1/4 mi.	D 1/8 mi.
	Databases Searched to: Single Sites Multiple Sites 	 	 	
Highways and Major Roads Roads Railroads Rivers or Water Bodies Utilities	NPL, SPL, CORRACTS (TSD)	CERCLIS, NFRAP, TSD, LUST, SWLF, SCL	RCRA VIOL, TRIS, UST	ERNS, GENERATORS



SITE ASSESSMENT PLUS REPORT

Street Map



Additional Regulatory Agency Lists Information (VISTA)

U.S. EPA, Federal Superfund Liens List and the U.S. EPA California Liens: The Liens Lists identify properties for which liens have been filed pursuant to CERCLA. The Liens Lists were reviewed to determine if the subject site or properties within a mile radius of the subject site are listed.

California Environmental Protection Agency (Cal-EPA), Voluntary Clean-up Program: This list locates and describe contaminated sites within California that are undergoing voluntary remediation. The Voluntary Clean-up Program List was reviewed to determine if the subject site or properties within a mile radius of the subject site are listed.

Cal-EPA, Recorded Deed Restriction List (RDR): Environmental Science and Support Unit of the Cal-EPA, DTSC has compiled a list, last published in April 1994, of properties for which land use restrictions have been recorded. The RDR was reviewed to determine if the subject site or properties within a mile radius of the subject site are listed.

The California Department of Conservation Division of Oil and Gas (DOG) Regional Wildcat Maps: The DOG publishes several maps showing the location of producing oil and gas wells as well as the location of plugged and abandoned dry holes. The DOG maps were reviewed to determine if producing oil and gas wells or plugged and abandoned dry holes are located on or within a half mile radius of the subject site.

The Munger Map Book California - Alaska Oil and Gas Fields Munger Maps: The Munger Map Book shows the location of producing oil and gas wells as well as the location of plugged and abandoned dry holes. The Munger map was reviewed to determine if producing oil and gas wells or plugged and abandoned dry holes are located on or within a half mile radius of the subject site.

APPENDIX D

Comment Letter and Response to Comments

California Integrated Waste Management Board

Linda Moulton-Patterson, Chair
8800 Cal Center Drive • Sacramento, California 95826 • (916) 255-2200
www.ciwmb.ca.gov



Gray Davis
Governor

Winston H. Hickox
Secretary for
Environmental
Protection

September 18, 2000

Mr. Rob D'Arcy
Department of Environmental Health
Santa Clara County
2220 Moorpark Avenue
San Jose, CA 95159

Subject: SCH 2000082098: Notice of Completion (NOC) and Initial Study (IS) for
Negative Declaration (ND) for the San Martin Household Hazardous Waste
Collection Facility in Santa Clara County

Dear Mr. D'Arcy:

California Integrated Waste Management Board (CIWMB) Environmental Review Section (ERS) staff have reviewed the document cited above. ERS staff offer the following project description and analysis of and comments on the proposed project in the Initial Study.

CIWMB Authority

The CIWMB does not regulate or issue permits for this type of facility; therefore, all comments and questions are provided from the perspective of a "commenting agency" in order to assist the Lead Agency in identifying significant environmental issues and to facilitate the evaluation process under the California Environmental Quality Act (CEQA).

CIWMB Staff's Understanding of the Proposed Project

If the following ERS staff project description varies substantially from the project as understood by the Lead Agency, ERS staff request notification of any significant differences.

The Santa Clara County Department of Environmental Health, acting as Lead Agency, has prepared and circulated this IS for the Negative Declaration to help identify and evaluate potential environmental impacts and/or other concerns that could occur with the approval of the proposed project.

The Santa Clara County Department of Environmental Health (project applicant) proposes to construct a permanent household hazardous waste (HHW) collection and storage facility on two acres of a 6.15 acre site that currently serves as a maintenance and storage facility for Santa Clara County Department of Roads and Airports. The project proposes to construct a permanent

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HHW facility which would allow for the collection and short-term storage of HHW. The facility would accept products including automotive fluids, automotive and other types of batteries, latex and oil paint, oil filters, garden chemicals, household cleaners, and pool chemicals. The facility would not accept items that constitute an imminent danger, such as explosives, medical waste, or radioactive waste.

The products collected would ultimately be reused, recycled, or removed and transported to an appropriate disposal facility.

CIWMB ERS Staff Comments and Questions

Although not required under CEQA Guidelines, it would be very helpful to ERS staff if the Lead Agency would send a written response to the following comments. For accuracy and clarity, the Environmental Document (ED) should include, but not be limited to:

- Discussion of the "reuse" and "recycled" programs. The Project Description refers to the products being "reused, recycled, or removed and transported to an appropriate disposal facility," but no further information is provided in the ED.
- Include in the ED information regarding the disposal or recycling sites for the materials resulting from this project. This information would include, for example, disposal site name(s) and site location(s) and that the site(s) is permitted to accept HHW. Not all landfills are permitted to take all types of solid waste; therefore, the project applicant must verify that the facility(s) are permitted and willing to receive the HHW material.
- Estimate the volume and weight during a specified time frame (month, quarterly, annually) for the various types of HHW collected as a result of the project. Discussion should include the proposed facility's capability to accept, temporarily store, and transport off-site the quantities accepted as well as any associated environmental impacts.
- Specifically define "short-term storage" in terms of time and/or amount and types of materials collected.
- Describe any impacts of off-site transportation of the HHW materials to the recycling and disposal sites.

Summary

CIWMB ERS staff have no further comments at this time. We would like to thank the Lead Agency for the opportunity to review and comment on this proposed project. If you have any questions, please call me at (916) 255-1703 or e-mail me at csabeh@ciwmb.org.

Sincerely yours,



Charlotte Sabeh
Environmental Review Section
Permitting & Inspections Branch

cc: Karen Fowler
State Clearinghouse (SCH)
P.O. box 3044
Sacramento, CA 95812-3044

Antone Pacheco
Department of Environmental Health
Hazardous Material Compliance Division
PO Box 28070
San Jose, CA 95159-8070

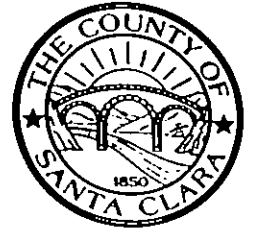
Mary Coyle, Supervisor
Permitting and Enforcement Division, Region 1
California Integrated Waste Management Board

County of Santa Clara

Environmental Resources Agency
Department of Environmental Health

Hazardous Materials Compliance Division
2220 Moorpark Avenue, East Wing, Room 204
San Jose, California 95128-2690
(408) 299-6930 FAX 280-6479

Mailing Address
Department of Environmental Health
Hazardous Materials Compliance Division
P.O. Box 28070
San Jose, California 95159-8070



September 27, 2000

Ms. Charlotte Sabeh
Environmental Review Section
Permitting and Inspections Branch
California Integrated Waste Management Board
8800 Cal Center Drive
Sacramento, CA 95826

Re: SCH 2000082098: Initial Study/Mitigated Negative Declaration for the San Martin Household Hazardous Waste (HHW) Collection Facility in Santa Clara County

Dear Ms. Sabeh:

Thank you for your comments and questions regarding the proposed San Martin HHW Collection Facility. You have requested a response for clarification purposes some of the terms used in the Environmental Document (ED).

Question/Comment

Discuss of the "reuse" and "recycled" programs. The Project Description refers to the products being "reused, recycled, or removed and transported to an appropriate disposal facility," but no further information is provided in the ED.

Response

The "Reuse" program administered by the program allows for the distribution of products back to the public for their use if it meets our Quality Assurance Plan requirements. Our Quality Assurance Plan requires that products be in the manufacturers original containers, more than half full and in good condition with a clearly legible label. These products can be used by a resident for the manufactured purpose. The program helps divert the product from the waste stream. The word "Recycled" refers to waste streams where markets exist to use the waste and return it to a usable form. The County of Santa Clara contracts with Philip Services Corporation (Contractor) at this time. In addition, the County

contracts with Evergreen Oil Company for the re-refining of used motor oil and Kelly Moore Paint Company for the remanufacturing of latex paint.

Question/Comment

Include in the ED information regarding disposal or recycling sites for materials resulting from this project. This information would include, for example, disposal site name(s) and site location(s) and that the site(s) is permitted to accept HHW. Not all landfills are permitted to take all types of solid waste; therefore, the project applicant must verify that the facility(s) are permitted and willing to receive the HHW material.

Response

The disposal site, names and permit status are outside the scope of the ED. The Contractor relies on a number of technologies and disposal entities and the addition to the ED would be voluminous. The County performs audits of the Contractor and subcontractors to verify that receiving facilities are appropriately permitted. The contractual specifications are available for your review if so requested.

Question/Comment

Estimate the volume during a specified time frame (monthly, quarterly, annually) for the various types of HHW collected as a result of the project. Discussion should include the proposed facility's capability to accept, temporarily store, and transport off-site the quantities accepted as well as any associated environmental impacts.

Response

HHW are common Household products displaying toxic, ignitible, flammable and/or reactive characteristics. The volume and weight of waste will vary from collection day to collection day. The facility is designed with modular and expandable secondary containment. The facility will operate four days per month and will require an appointment which will limit the access to the facility to 50 residents per day. In addition residents are legally restricted by the Department of Transportation from transporting any more than 50 pounds or 5 gallons of hazardous waste in a vehicle. As mentioned above, the County Contractor will remove waste when capacity is reached or when it is economically prudent to do so.

The design allows for waste volume capacities to expand and contract with demand. The waste is stored in 55 gallon drums.

The following capacities are planned:

Flammables	24 drums
Latex/Asbestos/PCBs	24 Drums
Acids	4 Drums
Bases	4 Drums
Oxidizers	2 Drums
Reactives	3 Drums

Question/Comment

Specifically define "short-term storage" in terms of time and/or amount and types of materials collected.

Response

HHW facilities are permitted to store waste for a maximum of 1 year.

Question/Comment

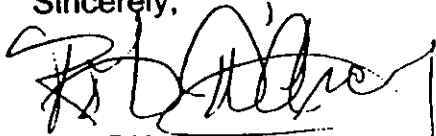
Describe any impacts of off-site transportation of the HHW materials to the recycling and disposal sites.

Response

None known

Thank you for your questions and comments during the Environmental review.

Sincerely,



Rob D'Arcy
Hazardous Materials Program Manager

**LOCAL AGENCY FORMATION COMMISSION
SANTA CLARA COUNTY
www.santaclara.lafco.ca.gov**

County Government Center, 11th Floor, East Wing
70 West Hedding Street, San Jose, CA 95110
(408) 299-3800 FAX 295-1613
Neelima Palacherla, Executive Director

June 1, 2001

TO: LAFCO
FROM: Neelima Palacherla, Executive Director *up*
SUBJECT: Protest Proceedings
Agenda Item #5

RECOM*ENDATION

1. Adopt resolution delegating all the functions and responsibilities of conducting authority to Executive Officer.
2. Adopt the attached procedural guidelines for the conduct of protest proceedings.

BACKGROUND

At the April 11, 2001 meeting, the Commission delegated all of the functions and responsibilities of conducting authority to the Executive Officer and directed staff to prepare a delegation resolution. Attached is the resolution for commission adoption. (Attachment #1) The Cortese Knox Hertzberg Act requires LAFCO to be the conducting authority for protest proceedings except in the case of city-conducted annexations.

Government Code §56300(e) requires the commission to adopt written polices and procedures including forms for filing protests with the commission concerning any proposed reorganization. Staff has developed for Commission adoption:

Guidelines for the Conduct of Protest Proceedings (Attachment #2)

Written Protest Filing Forms (Attachment #3)

Charts depicting Protest Thresholds for Different Types of Organizational Changes (Attachment #4)

RESOLUTION NO. _____

**RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION
OF THE COUNTY OF SANTA CLARA DELEGATING AUTHORITY TO
THE EXECUTIVE OFFICER FOR ALL OF THE FUNCTIONS AND
RESPONSIBILITIES OF A CONDUCTING AUTHORITY
PURSUANT TO GOVERNMENT CODE SECTION 57000 ET SEQ.**

WHEREAS, following approval of a proposal by the Local Agency Formation Commission (LAFCO), LAFCO shall conduct protest proceedings in compliance with Title 5, Division 3, Part 4 of the Government Code commencing with section 57000 et seq.; and

WHEREAS, Government Code section 57000 authorizes the Commission to delegate the authority to the Executive Officer to conduct the protest proceedings and perform any functions otherwise required of the Commission in regard to its responsibilities as a conducting authority; and

WHEREAS, delegating authority to the Executive Officer would assist LAFCO and the applicant by allowing for the proceedings to be conducted expeditiously;

NOW, THEREFORE, BE IT RESOLVED by the Local Agency Formation Commission of the County of Santa Clara that the Executive Officer is hereby authorized to conduct protest proceedings and to perform all functions otherwise required of the Commission as a conducting authority. This delegation of authority shall be in effect until repealed by resolution.

PASSED AND ADOPTED by the Local Agency Formation Commission of the County of Santa Clara, State of California, on June 13, 2001 by the following vote:

AYES: Commissioners

NOES: Commissioners

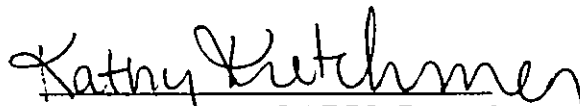
ABSENT: Commissioners

Chairperson
Local Agency Formation Commission

ATTEST:

APPROVED AS TO FORM AND LEGALITY

Deputy Clerk, LAFCO


Kathy Kretchmer, LAFCO Counsel

**CONDUCTING AUTHORITY PROCEEDINGS
LAFCO PROTEST PROCEEDINGS (§ 57000)**

Following LAFCO approval of a proposal, LAFCO as conducting authority is required to set the proposal for a protest hearing or waive protest proceedings entirely, if certain conditions are met. The Commission has delegated all responsibilities of holding a protest proceeding to the Executive Officer. In the case of city-conducted annexations, the City Council remains the conducting authority for protest proceedings. (§56757(b)) The city proceedings shall be conducted as nearly as practicable in accordance with the Cortese Knox Hertzberg Act and LAFCO procedures. The following are procedural guidelines for the conduct of a protest proceeding.

I. WAIVER OF PROTEST PROCEEDINGS

- a. The Commission may waive protest proceedings for uninhabited §56663 (c) or inhabited §56663 (d) annexations or detachments or both if all the following conditions are met:
 1. The application includes a Waiver of Protest Proceedings Form from all agencies losing and gaining territory and
 2. Notices have been sent to all property owners and registered voters within area (stating that unless opposition is expressed regarding the proposal, or the commission's intent to waive protest proceedings, there will be no subsequent protest proceedings) and no opposition has been received prior to or at the LAFCO meeting and
 3. In the case of uninhabited annexations or detachments, the proposal has 100% landowner consent (i.e., all landowners in area agree in writing to proposal)
- b. An agenda including proposals for which protest proceedings may be waived should include the following statement:

Unless there is opposition expressed to these proposals prior to or at the LAFCO meeting, there will be no further protest proceedings.

II. PROTEST PROCEEDINGS

1. SETTING THE PROPOSAL FOR A PROTEST HEARING

- a. Within 35 days of the adoption of the resolution by the commission, and not prior to the 30-day reconsideration period of a commission decision, the Executive Director shall notice the proposal for protest hearing. Unless otherwise required by state law, the date of the hearing shall be between 21 to 60 days from the date of the notice. (§57002(a))
- b. Notices shall be posted and published 21 days prior to hearing (§57025(a))
- c. Notices shall be sent out to each affected city, district or county, the proponents and all landowners within the subject area and to anybody requesting special notice. (§57025(b))
- d. The notice shall include the following information (§57026):
 1. Short form designation of the proposal
 2. A statement indicating who initiated proceedings
 3. A description of the exterior boundaries of the subject area
 4. A description of the proposed changes of organization for each affected agency and the terms and conditions if any. The description may include reference to commission's resolution making determinations
 5. A statement of reasons for the change of organization
 6. A statement of time date and place of protest hearing on the proposed change of organization
 7. If inhabited, a statement that any owner of land within the territory or any registered voter within the territory may file a written protest against the proposal with the Executive Officer at any time prior to the conclusion of the hearing by the commission on the proposal.
 8. If uninhabited, a statement that any owner of land within the territory may file a written protest against the proposal with the

Executive Officer at any time prior to the conclusion of the hearing by the commission on the proposal.

2. PROTEST HEARING (§57050)

- a. At the protest hearing, the Executive Officer shall:
 - 1. Summarize the commission's resolution and
 - 2. Hear and receive oral or written protests
- b. Protests may be filed with LAFCO from the date of the notice until the conclusion of the protest hearing. Written protests may be withdrawn anytime prior to conclusion of hearing. See attached forms for filing written protest (§57051)
- c. The hearing may be continued, but not for more than 60 days from the date specified for the hearing in the notice, unless upon stipulation of the proponents and the affected agency a later time is agreed upon. (§57050)

3. PROTEST HEARING ACTION (§57052, §57075)

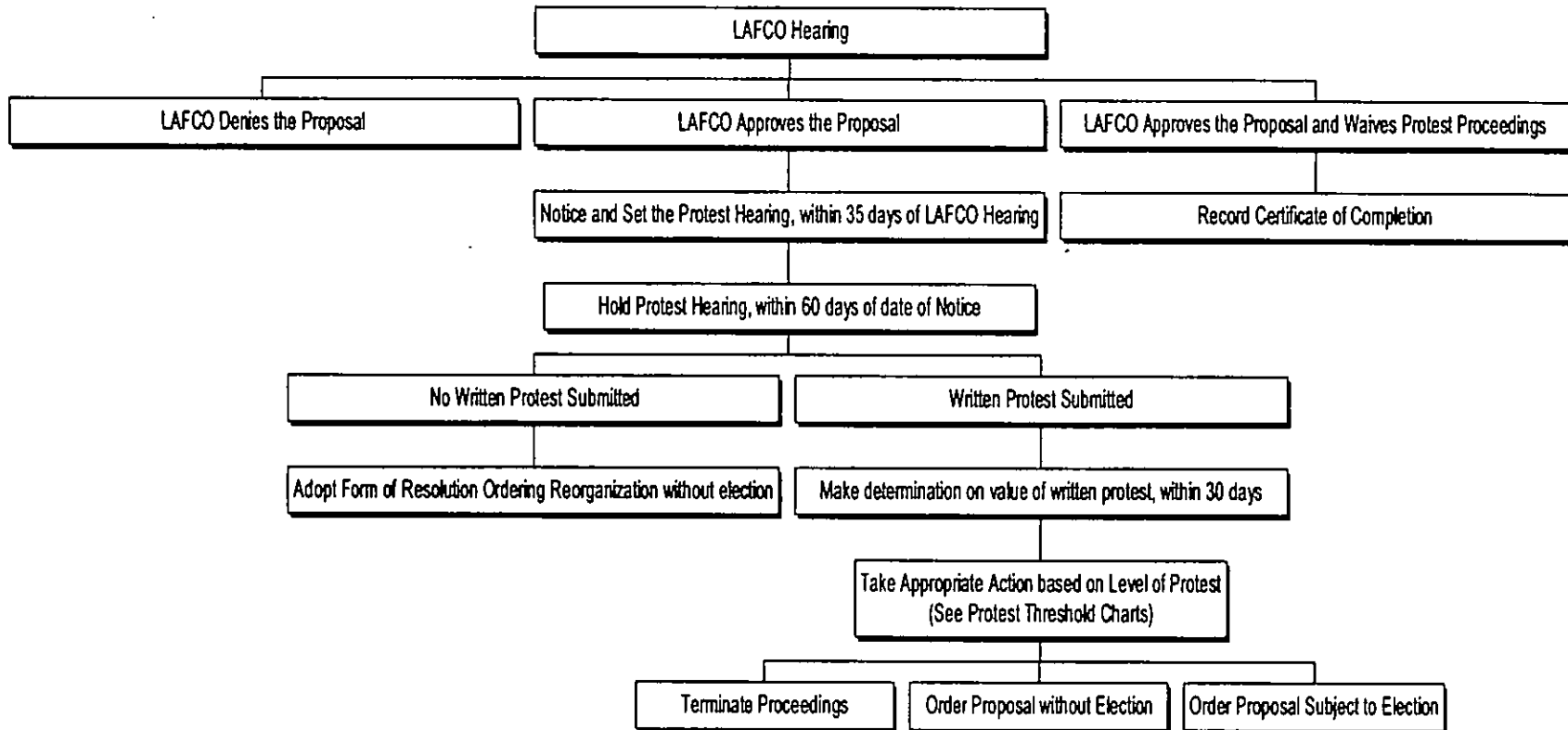
- a. If no written protests have been filed, the Executive Officer shall adopt a resolution ordering the change of organization without an election.
- b. If written protests have been filed, the Executive Officer shall within 30 days after the conclusion of the hearing make a finding on the values of written protests filed and not withdrawn. To determine the value of the written protests filed and not withdrawn, the Executive Officer shall cause the names of the signers of the protests to be compared with either the Voter's register in the registrar's office (§56707) or the names of the owners of land on the most recent assessment roll pursuant to §§56708 and 56710.
- c. Any annexation that consists of two or more distinct communities as defined in the County general plan, census designated places listing or other commonly recognized community designation, as determined by the Commission, and where any one community has a population of more than 250 registered voters, shall have an individual accounting of protests for each community. (§ 57078.5) This does not apply to annexations proposed under special island annexation provisions in §56375.3.

- c. Upon determination of the value of written protests filed and not withdrawn, the EO shall take one of the following actions, depending on the nature of the change of organization and the level of protest (See protest Charts):
 - 1. Issue a Certificate of Termination, terminating proceedings. (§57179)
 - 2. Adopt a resolution making determinations and ordering a change of organization without an election.
 - 3. Adopt a resolution making determination and ordering a change of organization subject to confirmation by the voters.
- d. If election is required, the EO, pursuant to §57000(d) shall inform the legislative body of the affected agency of LAFCO's determination and request the legislative body to direct the elections official to conduct the election. §57000(e) requires the Board / Council to perform specified tasks directly related to the calling of an election.

4. FOLLOW-UP

- a. After ordering a change of organization without an election or confirming an order for a change of organization after confirmation by the voters, the Executive Officer shall file a certificate of completion. (§57200(a))
- b. The Executive Officer shall inform the Commission of the action taken as a result of the protest proceedings. The Executive Officer shall include it as an Information Only item with no action required on the Commission's next agenda.
- c. In the case of a city conducted annexation, after ordering a change of organization without an election or confirming an order for a change of organization after confirmation by the voters, the City shall forward the necessary paper work to the Executive Officer for finalization.

LAFCO PROTEST PROCEEDINGS



LANDOWNER PROTEST FORM

In order for a landowner to protest an annexation or a detachment to / from a city or a special district, this form must be completed.
(You may use additional sheets if necessary)

The undersigned hereby protest the following change of reorganization:

(LAFCO's Designated Title of Proposal)

Each of the undersigned states:

1. I personally signed this protest.
2. I am a landowner within the affected territory.
3. I personally affixed hereto the date of my signing this protest and the address and/or the Assessor's Parcel Number(s) such that the location of the property is readily ascertainable.

Name and Sign of Landowner	Address and/or Assessor's Parcel No.	Date	Official Use Only
Sign _____ PRINT _____	_____ _____ _____		
Sign _____ PRINT _____	_____ _____ _____		
Sign _____ PRINT _____	_____ _____ _____		

ONLY protests dated and submitted between the date of the publication of the hearing notice and the conclusion of the protest hearing will be considered in ascertaining the value of written protest. Protests may be withdrawn anytime prior to the conclusion of the protest hearing.

Please contact the LAFCO Clerk at (408) 299-4321 if you have any questions regarding this form or for information about a proposal or public hearing.

REGISTERED VOTER PROTEST FORM

In order for a registered voter to protest an annexation or a detachment to / from a city or a special district, this form must be completed.

(You may use additional sheets if necessary)

The undersigned hereby protest the following change of reorganization:

_____ (LAFCO's Designated Title of Proposal)

Each of the undersigned states:

1. I personally signed this protest.
2. I am a registered voter of the City of _____ or the _____ district.
3. I personally affixed hereto the date of my signing this protest and my place of residence, or if no street or number exists, then a designation of my place of residence that will enable the location to be readily ascertainable.
4. My residence and address are correctly written after my name.

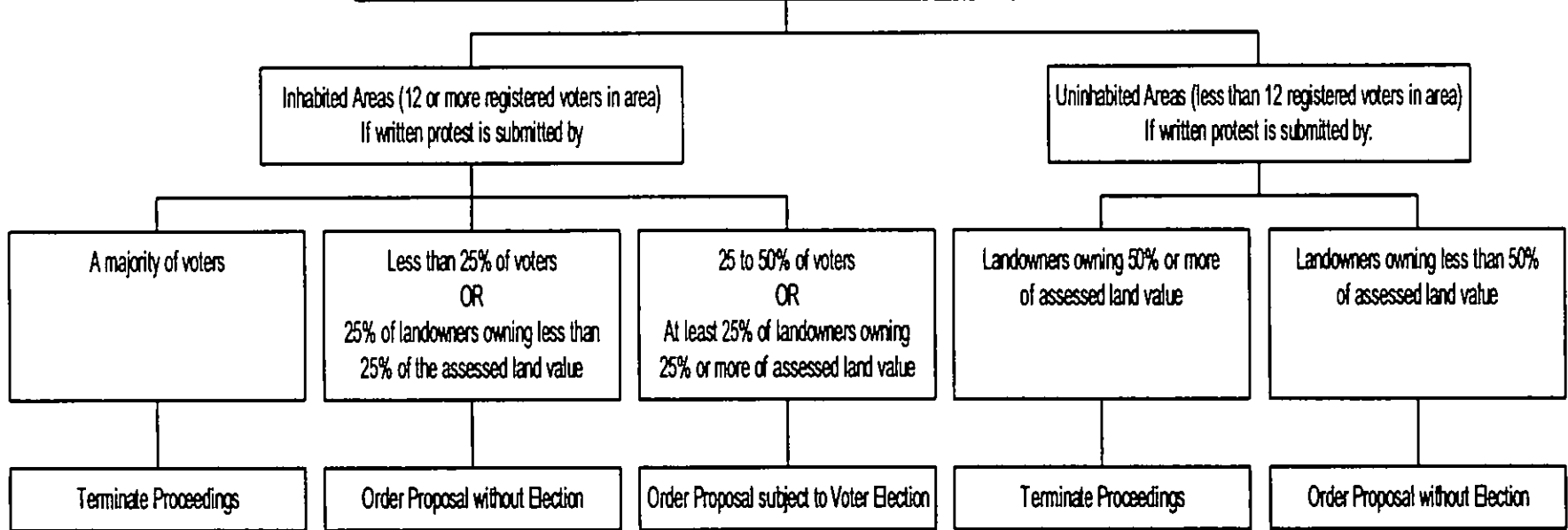
Name & Sign of Reg. Voter	Residence Address	Date	Official Use
Sign _____ PRINT _____	_____ _____ _____		
Sign _____ PRINT _____	_____ _____ _____		
Sign _____ PRINT _____	_____ _____ _____		

ONLY protests dated and submitted between the date of the publication of the hearing notice and the conclusion of the protest hearing will be considered in ascertaining the value of written protest. Protests may be withdrawn anytime prior to the conclusion of the protest hearing.

Please contact the LAFCO Clerk at (408) 299-4321 if you have any questions regarding this form or for information about a proposal or public hearing.

PROTEST THRESHOLDS

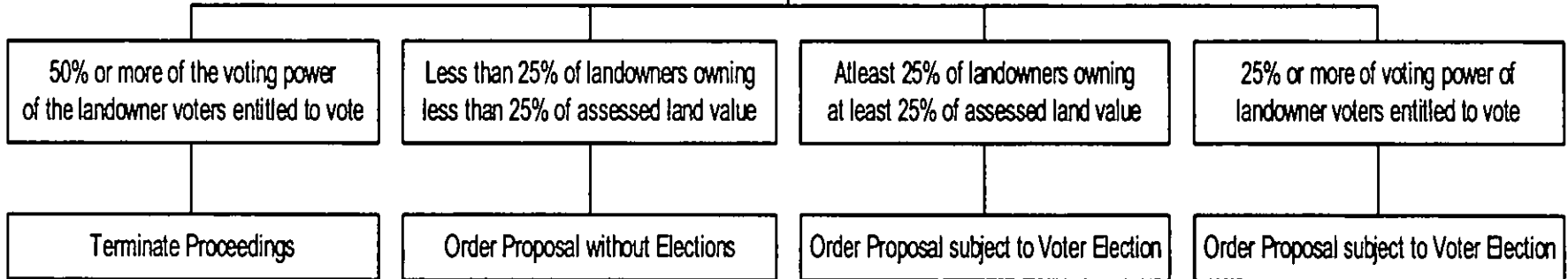
For Annexations, Detachments or County Service Area Formations
(In Registered Voter Districts and Cities)
(Section 57075)



PROTEST THRESHOLDS

FOR ANNEXATIONS, DETACHMENTS OR COUNTY SERVICE AREA FORMATIONS
(In Landowner-Voter Districts)
(Section 57076)

If Written Protest is submitted by:





OFFICE OF THE COUNTY COUNSEL
COUNTY OF SANTA CLARA
70 West Hedding Street
9th Floor, East Wing
San Jose, California 95110-1705
(408) 299-2111
(408) 292-7240 (FAX)

Ann Miller Ravel
COUNTY COUNSEL

William I. Anderson
Debra L. Cauble
Laurie F. Faulkner
Susan G. Levenberg
ASSISTANT COUNTY COUNSEL

MEMORANDUM

TO: Honorable Commissioners
Local Agency Formation Commission

FROM: Kathy Kretchmer, LAFCO Counsel *KK*
Neelima Palacherla, LAFCO Executive Director *up*

RE: Special District Reorganization Issues

DATE: June 6, 2001

ISSUE: What powers does LAFCO have to initiate mergers, consolidations, dissolutions, and/or detachments of special districts?

CONCLUSION: LAFCO has the authority to initiate proposals for mergers, consolidation of districts, dissolution of districts, establishment of subsidiary districts, or reorganizations that include any of these changes of organization. Any such proposal must be consistent with a sphere of influence study or a service review study.

DISCUSSION: At the April 11, 2001 LAFCO meeting, various citizens during the public presentation period expressed dissatisfaction with the response time of Saratoga Fire Protection District and suggested that Central Fire Protection District could provide better service. As a result of those public comments, a referral was made to counsel to provide information on LAFCO's role in such a situation. In order to discuss LAFCO's role, it is necessary to define the following terms:

- a) **Change of organization:** A change of organization means any of the following:
- i) a city incorporation
 - ii) a district formation
 - iii) an annexation to, or detachment from, a city or district
 - iv) a disincorporation of a city
 - v) a district dissolution

Honorable LAFCO Commissioners
RE: Special District Reorganization Issues
June 6, 2001
Page 2

- vi) a consolidation of cities or special districts
- vii) a merger or establishment of a subsidiary district.

b) **Consolidation of districts:** A consolidation of districts is the merger of two or more districts into a single new successor district. The districts must be formed pursuant to the same principal act.

c) **District of limited powers:** A fire protection district is a district of limited powers.

d) **Merger:** Merger means the extinguishment of the existence of a district of limited powers (such as a fire district) by the merger of that district with a city.

e) **Reorganization:** A reorganization means two or more changes of organization initiated in a single proposal.

f) **Subsidiary district:** A subsidiary district is a district of limited powers in which a city council is designated as the ex officio board of directors of the district.

LAFCO has the authority to review and approve or disapprove proposals for changes of organization or reorganization, consistent with state law and LAFCO's written policies and guidelines. Such proposals typically come before LAFCO either by petition or by resolution of the governing body of any affected local agency. Petitions may be presented by either registered voters or landowners in the affected area. Signature requirements vary depending on the type of reorganization proposal. Resolutions of application may be made by the legislative body of any agency which contains territory within the proposal presented. For reorganization issues involving Saratoga Fire Protection District, the possible affected local agencies are Saratoga Fire Protection District, Central Fire Protection District, the City of Saratoga and the County of Santa Clara. Any resolution of application shall be submitted with a plan for services.

Proposals for a reorganization may be referred to a reorganization committee after a public hearing on the matter. Government Code sections 56828 and 56853(c). The reorganization committee consists of members appointed by the legislative body of each special district involved in the reorganization. The purpose of such a committee is to present a plan of reorganization and a recommendation for approval or disapproval. Gov. Code section 56847.

Additionally, the Commission itself may initiate proposals for (1) consolidation of districts, (2) dissolution of districts, (3) mergers or (4) establishment of a subsidiary districts, or (5) reorganizations that include any of these changes of organization. For LAFCO to initiate any of the above, the action

Honorable LAFCO Commissioners
RE: Special District Reorganization Issues
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Page 3

must be consistent with a recommendation or conclusion of a sphere of influence study or a service review study. Government Code section 56375. Currently, there is no sphere study or service review study underway at this time for either Saratoga Fire Protection District or for Central Fire District. State law requires the state to prepare guidelines for use by LAFCOs in conducting service reviews. These guidelines are expected to be available in August, following which staff will develop a work plan and schedule for implementing the service review and sphere of influence update requirements.

There are many variations upon which a proposal involving a reorganization of Saratoga Fire Protection District and Central Fire District may be considered by LAFCO. There may be a proposal for a district consolidation, in which the two districts would be merged into a single new successor district. There may be a proposal to dissolve the Saratoga Fire Protection District, to create a subsidiary district with the Saratoga City Council as the ex officio board of directors of the district, and to annex the remaining unincorporated area into Central Fire Protection District. (The Commission shall not order a merger or establish a subsidiary district without the consent of the affected city.) There may be a proposal for dissolution of Saratoga Fire Protection District and the subsequent annexation of the entire territory to Central Fire Protection District. (Central Fire may request termination of such annexation if such request is made on a timely basis. Gov. Code section 56857). As there are so many variations on how the issue of the provision of service may be addressed, LAFCO will provide information to any potential applicants based on the approach they wish to pursue.

It has recently come to LAFCO's attention that Saratoga Fire Protection District has prepared a formal request for proposals, and is considering contracting out for fire protection services, emergency services and emergency communications. This is another approach to provide the necessary level of service in their district. Such a contract would not require LAFCO approval if another public agency provides service at a level of service contemplated by Saratoga Fire Protection District. Gov. Code section 56133(e).

Item No. 6

**FIREFIGHTERS & CITIZENS
TASK FORCE (FACT)
INFORMATION PACKET**

(The attached information packet was distributed at the 4/11/01 LAFCO meeting)

LAFCO BRIEFING: SARATOGA FIRE PROTECTION CONTROVERSY

FACT Committee Chair: Dave Dolloff, 867-2015 --- website WWW.ALD.COM/FACT

The city of Saratoga is served by two fire departments. County Fire's 14 fire houses protect over 70,000 homes in part of Saratoga as well as six other neighboring cities, and Saratoga Fire's single fire house protects 4,400 homes in the remainder of Saratoga. For eighteen months, the firefighters of Saratoga Fire have lobbied for a merger of Saratoga Fire with County Fire, citing three main arguments:

1. The fire response from County Fire is more comprehensive (twice as much equipment, twice as many firefighters). This results in better service to the citizens.
2. This larger response puts the firefighters at less risk.
3. Such a merger would cost about the same as Saratoga Fire currently spends.

This merger is appealing to County Fire because the Saratoga Fire district is an isolated island, completely surrounded by County Fire's cohesive, integrated network (see map). However, the three-man Saratoga Fire Commission and the Saratoga Fire Chief have strongly resisted this merger, for reasons not shared with citizens or their own firefighters. The Saratoga Fire District is an independent political entity, and the Board of Fire Commissioners reports only to the voters.

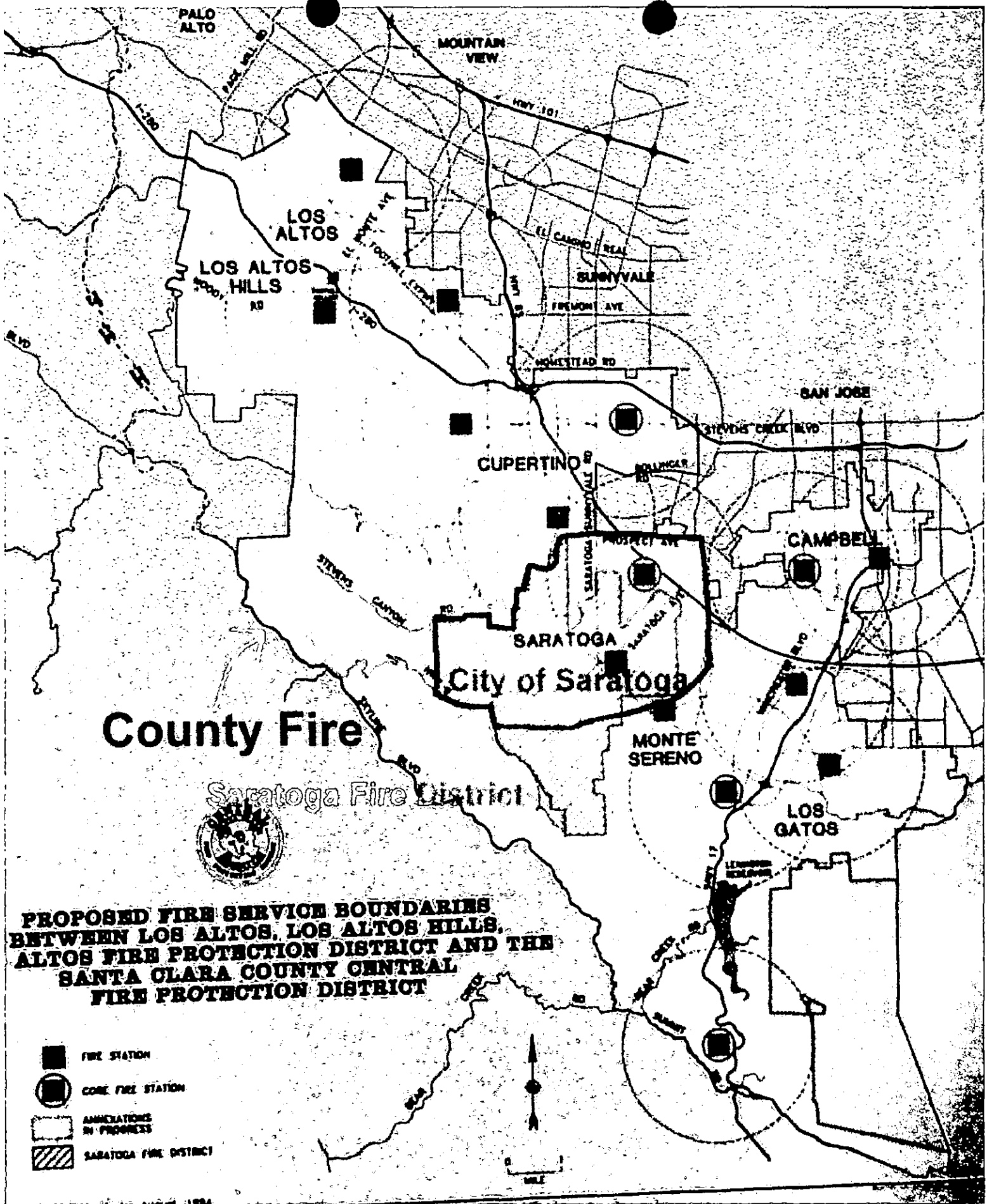
In October 2000, a citizen asked the Saratoga City Council to direct its advisory body, the Saratoga Public Safety Commission, to study such a merger. The council complied, and a study was begun. During the five months consumed by this study, the citizens formed the Firefighters' And Citizens' Taskforce, a political action committee devoted to raising public awareness of the issue. At FACT committee insistence, the Saratoga Fire Commissioners begrudgingly generated a Request For Proposal to subcontract fire protection services to three neighboring fire departments. This RFP specifies a level of service far in excess of Saratoga Fire's current capabilities, approximately in line with those of County Fire and San Jose Fire. This suggests a good-faith effort on the part of the Saratoga Fire Commissioners. However, the Commissioners have also added extraordinary and inappropriate provisions to the RFP which appear to be pretexts for rejecting the proposals. (See the Commissioners' RFP and FACT's assessment of the RFP).

In March, 2001, the Saratoga Public Safety Commission finally released its report, which instead of considering the merits of a merger, addressed solely whether current fire protection is 'adequate' in Saratoga. The report concluded that it was. (See the Safety Commission's report.) In April, the FACT committee published and presented to the City Council a 'supplement' to the Safety Commission's report, containing relevant material which was not addressed in the report. The FACT committee's supplement drew two conclusions: (1) the Safety Commission's report, lacking this material, was incomplete, and (2) this material rendered the Safety Commission's own conclusions incorrect. (See the FACT committee's supplement.) The FACT committee recommended that the City Council not accept its Safety Commission's report.

The FACT committee is interested in pursuing any and all means to persuade or compel the Saratoga Fire Commissioners to execute a realistic merger or subcontract with County Fire, including seeking political pressure from the City Council and the County Board of Supervisors, and running opposition candidates to the fire commissioners in the next election. The FACT committee hereby requests assistance from LAFCO.

Additional included materials for background:

1. Map showing County Fire District and Saratoga Fire District
2. Saratoga Public Safety Commission's report
3. The FACT committee's supplement to the report
4. The Fire Commissioners' RFP for subcontracting service
5. The FACT committee's assessment of the RFP.
6. Comparison summary between Saratoga Fire and County Fire



REPORT
SARATOGA PUBLIC SAFETY COMMISSION
STUDY COMMITTEE ON
FIRE PROTECTION DELIVERY

MARCH 8, 2001

Report
Saratoga Public Safety Commission
Study Committee on Fire Protection Delivery

MISSION: Evaluate the adequacy of the current *fire protection delivery system* to meet the basic public safety and paramedic service needs of Saratoga residents and businesses.

BACKGROUND: The Saratoga Fire Protection District (SFPD) and the Santa Clara County Central Fire Protection District (SCCCFPD) share fire protection and paramedic service responsibilities for the city and are public agencies independent from Saratoga city government. Each organization covers about half of the incorporated city plus certain adjacent hillside areas. In combination both organizations represent the *fire protection delivery system* on which residents rely. The SFPD is managed by three Commissioners elected by voters in the district; the County Board of Supervisors acting as a Board of Directors oversees the SCCCFPD. Each district operates its own fire department led by a Chief. These departments are funded by allocation of property tax revenues derived from the areas served in amounts defined by state law.

EVALUATION METHODOLOGY: Extensive interviews with the Chiefs and other leadership of the Santa Clara County Fire Department (SCCFD) and the Saratoga Fire Department (SFD) including two front-line Captains; review of incident response performance statistics for Saratoga from each department; attendance at public meetings of the SFPD Commissioners; observation of an SFD local training exercise; review of the report by DMG/Maximus evaluating the fire and emergency medical services needs of the SFPD.

PRIMARY FINDING: Saratoga's hybrid fire service system is adequately meeting the current fire protection and paramedic needs of the city. Response times for emergency service calls are generally under five minutes (a recognized public safety target), annual property losses are low relative to property values and medical service delivery complies with established patient protocols.

The relatively young age of most Saratoga construction and the adoption of aggressive fire protection codes including mandated city-wide Class A roofing and detection, alarm and sprinkler systems for larger residential structures and public buildings help lower fire risk.

The aging of many residents as well as the increasing numbers of small children in Saratoga's population has generated a substantial requirement for paramedic services. In Saratoga the fire services are the "first responder" when medical assistance is required.

Table 1 summarizes the incidents within Saratoga handled by both departments from 1996 through 2000. Trends are:

- The total number of calls fluctuate year to year but are growing slightly.
- The number of fire calls is in a decline and currently represent less than 5 percent of all calls.
- Emergency medical calls are on the rise and comprise approximately 47 percent of total calls.

The balance of calls are in the areas of public service (eg. lockouts etc.), vehicle accidents, smoke and gas smells and hazmat situations.

DISCUSSION AND OBSERVATIONS: In reaching its finding, the study committee considered such factors as the nature of the service area, provider organization and staffing, call mix and performance metrics, operational communications, equipment resources and deployment, auto-aid and mutual aid agreements, training and prevention initiatives such as hazard abatement and public outreach. The balance of this report addresses topics the committee felt were worthy of notice and discussion:

LARGE VS. SMALL FIRE DEPARTMENTS: Saratoga is served by both a large fire department (SCCFD) and a small department (SFD). The mix of adjacent large and small departments is quite common in the Bay Area. Figure 1 shows the city of Saratoga footprint overlaid on the SFD and SCCFD. Local fire stations are highlighted. Delivering acceptable response times within these geographical districts has led SFD and SCCFD to develop and regularly update auto-aid agreements that in essence transform the geographic jurisdictions into response time jurisdictions. These agreements have SFD as the primary responder in some areas outside its borders and similarly SCCFD is the primary responder to calls outside of its borders. Also the mutual aid system (as distinguished from auto-aid) makes available personnel and equipment from either department if the severity of the incident requires additional resources. A high level of cooperation and operational integration exists between SPD and SCCFD.

SERVICE AREA: The nature of the service area in large measure defines the resource inventory necessary for adequate protection. Saratoga is a residential community with a modest village downtown. Absent are high rise buildings, industrial sites, businesses using quantities of toxic materials and other sites with specialized or unusual fire protection requirements. Low-rise public structures dominate, including more than a dozen public, parochial and private schools, a number of municipal buildings, rest and retirement homes, a major shopping center and several strip malls, condominium complexes as well as the Montalvo Arts Center and the Mountain Winery complex.

The most significant natural fire threat is the abundant vegetation and tree canopy found in and around the city.

EQUIPMENT AND STAFFING RESOURCES: Both districts use modern fire apparatus as well as state-of-the-art on board fire-fighting equipment. SFD employs engines designed to meet the requirements of Saratoga's predominately residential neighborhoods and low rise commercial structures. SCCFD operates similar equipment and has specialized equipment such as hazmat and brush patrol vehicles and ladder trucks. These are available under aid agreements for use anywhere in Saratoga if needed.

First **FIRE ALARM RESPONSE** for SFD consists of two engine companies staffed by three firefighters on each engine for a total of six persons. This response, although not dependent on volunteers, is run more efficiently with their participation. A first alarm response for SCCFD consists of two engine companies staffed by three fire fighters per engine, one ladder truck staffed by four people, a rescue or hazmat vehicle with three people and a command vehicle with a chief officer for a total of 14. SCCFD utilizes their volunteer base as additional assistance to professional personnel.

A single engine with paramedic aboard is the first responder to *MEDICAL CALLS* answered by either district. An AMR ambulance is second to the scene. The county certifies paramedics in both departments. They are required to have a minimum amount of continuing education and must be re-certified every two years. Overseeing licensed physicians review proficiency and adherence to patient protocols.

Construction of the new firehouse in central Saratoga is making available a seismically safe, modern facility at the heart of the area served by both departments. Other primary stations serving the city have passed seismic review.

TRAINING: The SCCFD utilizes a dedicated training facility, classroom instruction and field exercises to maintain the proficiency of its more than 200 firefighters. Of its 20-hour per month training schedule, 10 hours are directed by the Training Division and 10 hours directed by the shift captain. All training is done while on duty but the time allotted to the Training Division is out- of- service time not subject to interruption by calls. The remaining 10 hours has the potential for interruption. A SFD Captain serves as Training Officer for its 24 firefighters. The program includes classroom instruction, field exercises and joint training with other fire departments. Exercises are scheduled and performed at the discretion of the Training Officer. All SFD training is done while on duty and in service with the potential for interruption by calls. It would be desirable to explore ways for SFD to have out- of- service training opportunities.

SUMMARY: Saratogans are adequately protected against credible fire and medical emergencies. The task force did not identify any major defects in the present approach.

STUDY COMMITTEE MEMBERS:

Hugh Hexamer, Public Safety Commissioner
Chairman
SFPD resident
Mitch Kane, Public Safety Commissioner
SCCCFPD resident
Paige McClellan, Public Safety Commissioner
SFPD resident

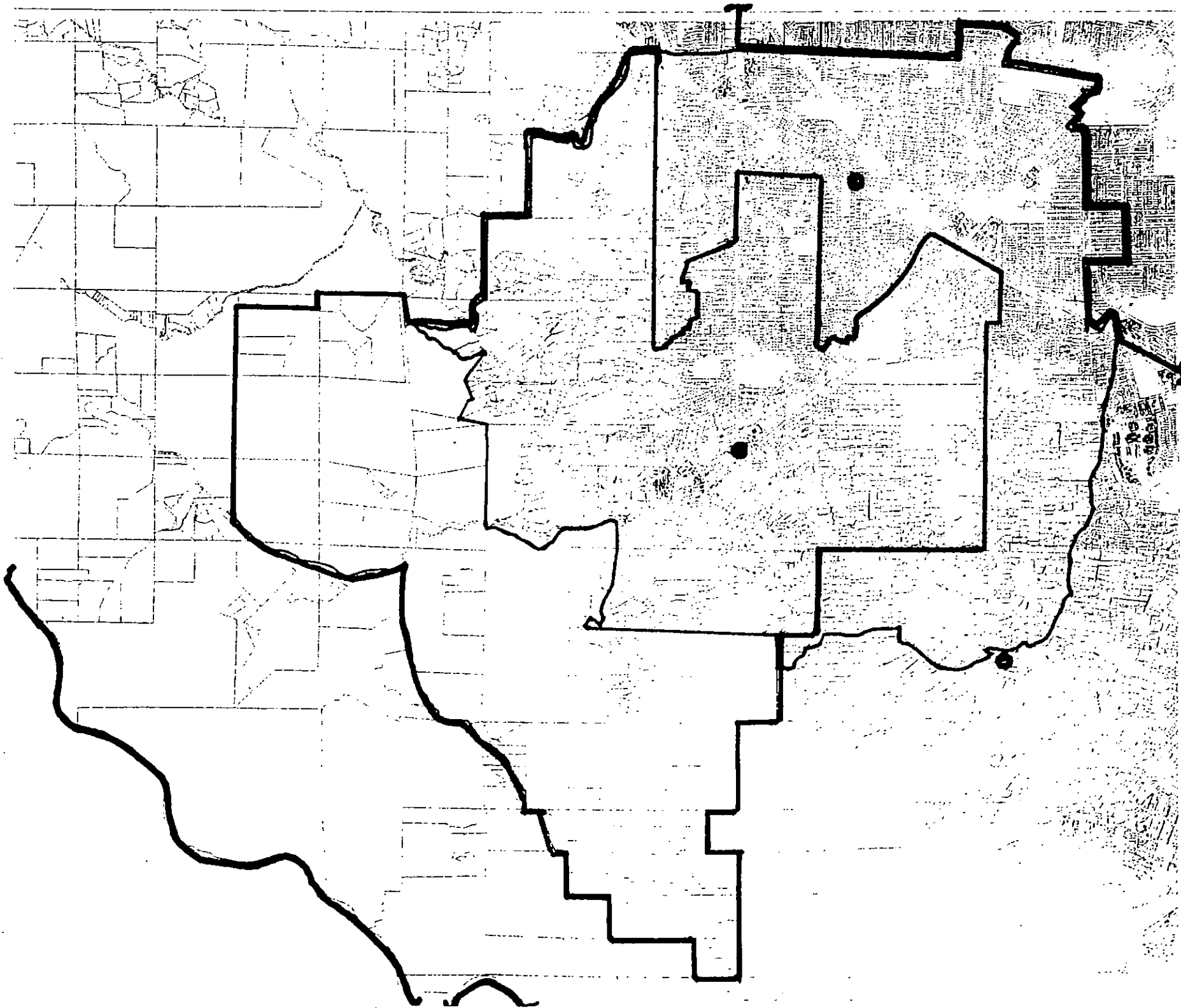
March 8, 2001

City of Saratoga Call Summary

	1996	1997	1998	1999	2000
Call Frequency	1772	1730	1835	1828	2011
Yr to Yr Chg	-3.22%	-2.37%	6.07%	-0.38%	10.01%
Saratoga Fire	1005	983	1023	1039	1084
County Fire	767	747	812	789	927
Total Fire	162	116	68	85	93
Yr to Yr Chg	6.58%	-28.40%	-41.38%	25.00%	9.41%
As % of Total Calls	9.1%	6.7%	3.7%	4.6%	4.6%
Saratoga Fire	86	61	43	43	51
County Fire	76	55	25	42	42
Total Medical	751	725	817	860	953
Yr to Yr Chg	-2.59%	-3.46%	12.69%	5.26%	10.81%
As % of Total Calls	42.4%	41.9%	44.5%	47.0%	47.4%
Saratoga Fire	368	371	404	454	441
County Fire	383	354	413	406	512
Total Other	859	889	950	883	965
Yr to Yr Chg	-5.40%	3.49%	6.86%	-7.05%	9.29%
As % of Total Calls	48.5%	51.4%	51.8%	48.3%	48.0%
Smoke Smell, ANF	379	493	508	465	564
Saratoga Fire	225	287	286	277	323
County Fire	154	206	222	188	241
Public Service	265	210	255	224	205
Saratoga Fire	180	145	165	134	139
County Fire	85	65	90	90	66
Vehicle Accident	182	164	173	173	169
Saratoga Fire	125	108	114	119	112
County Fire	57	56	59	54	57
Haz Mat	33	22	14	21	27
Saratoga Fire	21	11	11	12	18
County Fire	12	11	3	9	9

Source: Saratoga Fire District and Central Fire District

Table 1. Call Mix / Call Frequency



 SCCC FPD
 ● STATION

 SFD
 ● STATION

 CITY LIMITS

FIGURE 1

1
 0.5
 0.25
 0
 0.25
 0.5
 1
 COUNTY OF SANTA CLARA
 REGISTRAR OF VOTER
 District Maps - June 2007

SUPPLEMENTAL MATERIAL RELEVANT TO THE SARATOGA
PUBLIC SAFETY COMMISSION'S REPORT ON FIRE
PROTECTION DELIVERY

Firefighters And Citizen's Taskforce
Apr. 4, 2001

INTRODUCTION

The Saratoga Public Safety Commission has concluded that Saratoga's fire protection is adequate, but its report omits both the Commission's standards for adequacy and the details which support its conclusions. This supplementary material addresses these omissions.

In presenting an evaluation of the adequacy of fire protection, it is appropriate to begin with a discussion of recognized standards for response to a fire, followed by a comparison of the capabilities of both of Saratoga's fire departments with these standards. Because, as it develops, one of our fire departments (Saratoga Fire) cannot meet these enumerated standards, it is therefore incumbent upon the evaluators to articulate the strategy employed to alleviate the insufficiency, and logically follow with an analysis of the effectiveness of this strategy. The evaluators would then be in a position to defend a conclusion regarding the adequacy of fire response.

Of course, there is more to 'adequacy' than just the raw quantity of men and materiel arrayed against a fire, just as there is more to firefighting than just 'putting out the fire.' Such additional and essential issues as the rescue of trapped victims, the minimization of damage caused by the firefighting process, the safety of the men and women involved in this high-risk occupation, and the *prevention* of fire disasters, are all parts of this complex picture. These factors should also have been part of the Safety Commission's report.

Section 1 below quotes from the draft of the National Fire Protection Association (N.F.P.A.) Standard 1710 and the California Occupational Safety and Health Administration (Cal-OSHA), and also lists the standard first-alarm response from local fire departments. The consensus from these sources is that a proper first-alarm response involves four pieces of fire apparatus, and 14 to 15 firefighters. Saratoga Fire owns only two fire engines, staffed by as few as six firefighters, depending on the shift.

Saratoga Fire recognizes this disparity, and the foundation of its strategy to meet its obligations is a reliance upon cooperative agreements with neighboring fire districts to supplement its resources. Section 2 below quotes from the Santa Clara County Local Fire Service and Rescue Mutual Aid Plan, and highlights the assumptions upon which the agreements are based. Section 3 below presents an analysis of both the appropriateness and effectiveness of mutual aid as it is employed within Saratoga. A determination of adequacy is possible even at this point.

Section 4 discusses some of the many uses of a ladder truck, a specialized piece of fire apparatus which Saratoga Fire does not own. The Board of Commissioners and the Fire Chief have dismissed the need for a ladder truck in their fire district, but the facts of the controversy should be part of a comprehensive evaluation of fire protection adequacy.

The Safety Commission's report highlighted a specific fire vulnerability in our midst, namely the extensive vegetation and tree canopy which graces our town. One of our fire departments (Saratoga Fire) offers no plan to prevent a fire catastrophe, but the other does. Either one department is wasting their time (and our money), or the other is imprudently risking the city. Section 5 discusses Brush Patrols, as implemented by County Fire.

Finally, two conclusions are drawn from the included material.

SECTION 1: FIRE RESPONSE STANDARDS

In 1999, the California Occupational Safety and Health Administration adopted by reference 29CFR 1910.134, which provides respiratory protection standards for employees entering "hazardous environments", thus applying a previously enacted federal standard to California. This has become known, generically, as the "Two-In/Two-Out Rule", for it requires a two person "rescue team" be available when anyone (in fact, any two, always) enter a hazardous environment. Note; this standard does not mandate a minimum staffing level on fire apparatus.

The National Fire Protection Association (N.F.P.A.) is proposing Standard 1710 - Fire and Emergency Service Organization and deployment for career fire departments. This standard establishes a minimum number of firefighters on fire apparatus. An effective response force is defined as the minimum amount of firefighters and equipment that must reach a specific emergency zone location within a maximum prescribed travel or driving time. An effective response force should be able to handle fires that are reported shortly after they start and are within the maximum prescribed travel time for the full assignment of fire companies according to the risk level of the fire.

Considering that the fire department cannot hold fire risk to zero, a response objective should be to find a balance between effectiveness, efficiency and reliability that will keep fire risk at a reasonable level, and at the same time yield the maximum savings of life and property at the least cost. The standard of response is determining a sufficient level of resources needed to set up the equipment and simultaneously handle the tasks of fire attack, search and rescue, ventilation (smoke removal), back-up fire attack hose line, pump operation, water supply (hydrant) and incident command (person in charge), all within a few minutes. If fewer firefighters and equipment are available, or if they have longer travel distances to cover, then the department WILL NOT be successful.

Listed below are standards of cover for moderate risk. Occupancy is based on likely tasks to be performed.

Fire attack line	2 firefighters	Search and Rescue	2 firefighters
Ventilation	2 firefighters	Back-up fire attack line	2 firefighters
Pump operator	1 firefighter	Water supply (hydrant)	1 firefighter
Utilities/support	1 firefighter	Person in Charge	1 Chief officer
Incident Safety Officer	1 firefighter		

A MINIMUM OF 13 FIREFIGHTERS ARE REQUIRED FOR A MODERATE RISK HOUSE FIRE. IN ESSENCE, THIS MEETS THE LEGAL REQUIREMENT FOR CAL-OSHA AND THE PROPOSED N.F.P.A. STANDARD 1710.

The Santa Clara County Fire Department deploys 14 firefighters to EVERY structure fire.

The San Jose Fire Department responds with 15 firefighters to EVERY structure fire.

Saratoga Fire responds with two engines and 6 to 8 firefighters, depending upon the shift.

SECTION 2. MUTUAL AID DEFINED

The Santa Clara County Local Fire Service and Rescue Mutual Aid Plan identifies the purpose of Mutual Aid: "To provide for rapid systematic mobilization, organization, and operation of necessary fire and rescue resources in mitigating the effects of extraordinary events". In addition, the county's mutual aid plan goes on to say "This Plan presupposes that all member departments provide the ability to handle normal incidents for their city or district".

The above language is clear and unambiguous, and requires no elaboration. The key words are *extraordinary events* and *normal incidents*.

SECTION 3. APPROPRIATENESS AND EFFECTIVENESS OF MUTUAL AID

Saratoga Fire invokes mutual aid on EVERY structure fire. This occurs as follows: Saratoga Fire receives a fire call pertaining to a structure fire within its district, and immediately dispatches all of its resources (both engines, and 6 to 8 firefighters) to the fire. When the fire captain (the fire officer in charge of the incident) arrives at the fire and determines that an actual fire is in progress (as opposed to false alarms, etc.), he immediately issues a second alarm. Saratoga Fire has no more resources to apply to the incident, and a second alarm amounts to an invocation of mutual aid. County Fire responds to the fire with two more engines and a ladder truck, and ten firefighters. This aggregate team proceeds to extinguish the fire, rescue any victims, etc.

It should be obvious that this scenario violates both the letter and spirit of the mutual aid plan, quoted in section 2 above. Saratoga Fire can NOT handle normal incidents within its district, and must, in effect, define every house fire as an 'extraordinary event'. Saratoga Fire is a freeloader in the mutual aid system, and is tolerated by County Fire out of altruism, rather than mutual benefit. Since mutual aid is a *voluntary* program, reliance upon charity for fire protection is more consistent with a finding of 'destitute' than 'adequate'.

It is perhaps less obvious that mutual aid causes a doubling of response time. First, Saratoga Fire consumes a full response time, merely to arrive at the scene and decide whether a fire exists. Then, the call is made to County Fire, and a second full response time elapses before the majority of the equipment and personnel arrive. In an industry where 5 minutes of response time is 'good', 6 minutes is 'average' and 7 minutes is regarded as 'needing improvement', what grade can be applied to 10 -12 minutes? One word which does NOT serve is: "adequate".

There is even a further disadvantage to mutual aid as implemented in the Saratoga Fire District. For an event which is truly 'extraordinary', i.e., a *big* fire, once County Fire has responded to the second alarm with its three apparatus and 10 firefighters, it is finished helping out. A third alarm is supported by mutual aid agreements with San Jose Fire or other distant fire departments, which entails even longer response times. However, within County Fire's coverage areas, it has already responded to its own *first* alarm response with 4 apparatus and 14 firefighters. The 'extraordinary' event which requires additional resources invokes a *second* alarm, to which it will respond with another 4 apparatus and 14 firefighters, drawn from within its own (local) arsenal.

Thus, it will be seen that mutual aid in the Saratoga Fire Protection District is a poor substitute for a comprehensive fire protection program, for both small and large fires. This situation applies to over half of Saratoga, and 'adequate' seems an inappropriate characterization for fire safety within the Saratoga Fire Protection District, and thus the city as a whole.

SECTION 4: THE USES OF LADDER TRUCKS

Saratoga Fire Chief Kraule and the three members of the Saratoga Fire Commission have steadfastly maintained that, since there are only 7 buildings in the district of three stories or more, and a moratorium exists for additional high-rise structures within Saratoga, a ladder truck is unnecessary for Saratoga Fire. All three fire captains within their department disagree.

The primary mission of a ladder truck is rescue: to reach people trapped in a burning building. A ladder truck is also used for ventilation (letting the smoke and heat out of the building through the roof), and for providing a water curtain to protect unburned structures from a threat. Truck companies also perform salvage operations: while a fire is being fought or held back by engine companies, the truck company performs the task of caring for the victim's personal belongings. They move the furniture to the center of the room and toss in the pictures off the walls and cover them with salvage tarps. This minimizes damage to the victim's belongings from ashes and water.

Trucks can carry additional staffing and important equipment to calls, including more ground ladders, than an engine company. The rescue of one person from a burning building requires at least 4 people: two at the top to help the victim out the window, one on the ladder assisting the victim down, and one in back of a ground ladder to foot it.

Thus, ladder trucks have more uses than just fighting fires in high-rise buildings. Fire captain Bill Morrison has compiled a list of locations where "truck service" might be required in the fire district:

- Fellowship Plaza (4 buildings)
- Saratoga Retirement Community (old IOOF buildings)
- Our Lady of Fatima
- Latter Day Saints Church
- St. Andrews Church
- Sacred Heart Church
- Saratoga Presbyterian Church
- Immanuel Lutheran Church
- Federated Church
- All Schools (Saratoga, Redwood, Argonaut, Foothill, Saratoga High and West Valley College).
- The Downtown Area
- The Inn at Saratoga
- Argonaut Shopping Center
- 2 and 3 story Condominiums/Townhouses
- Several 2 story houses with a steep pitched roof

SECTION 5: BRUSH PATROL

The Public Safety Commission's report asserted that "The most significant natural fire threat is the abundant vegetation and tree canopy found in and around the city." However, having identified the most significant threat, the subject was thereafter completely ignored. In any event, Saratoga Fire has no program to address the problem.

County Fire utilizes a type of vehicle called a patrol, which can perform functions that engine companies cannot. A patrol is a smaller fire engine; it has a smaller pump, a shorter wheel base, and four wheel drive for the back country. It carries approximately 500 gallons of water, wildland firefighting tools, portable pumps to set up in rivers and streams, rescue ropes for cliff rescues, and medical equipment. It is staffed with two people.

Brush Patrol Duty is implemented during High Fire Danger days, defined by temperature, humidity, winds, and fuel moisture content. The patrols are dispatched in the hills *in anticipation* of a fire call, and thus are already in the vicinity and can respond more quickly. When patrol duty is implemented, a patrol is also dispatched to a structure fire, and the city gains two more personnel (to a total of sixteen) unless the battalion chief cancels them out to remain in the hills.

CONCLUSIONS:

1. The above material is clearly essential to the issue of the adequacy of fire protection in that part of Saratoga served by Saratoga Fire, and the absence of this information from the Safety Commission's evaluation marks their report as incomplete at best.
2. Furthermore, each of these issues alone should cause the prudent observer to wonder whether the report's conclusion is correct. Taken together, these deficiencies overwhelmingly refute that conclusion. Fire protection in over half of Saratoga is decidedly short of adequate.

The Saratoga City Council should decline to accept the report of the Study Committee on Fire Protection Delivery.

SARATOGA FIRE DISTRICT

REQUEST FOR PROPOSAL

- ✓ **FIRE PROTECTION**
- ✓ **EMERGENCY MEDICAL &**
- ✓ **EMERGENCY COMMUNICATIONS SERVICES**

Prepared by Fire CEO

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I. **SCHEDULE**

The Saratoga Fire District, in their review of contracting with another agency, request a proposal for the provision of:

FIRE PROTECTION, EMERGENCY MEDICAL AND EMERGENCY COMMUNICATIONS SERVICES

Proposal Submittal Due Date:

Date: 4/16/2001

Time: By 5:00 p.m.

Deliver proposals to:

Saratoga Fire District

14380 Saratoga Avenue

Saratoga, CA 95070-5953

Pre-Proposal Conference:

Date: 3/26/2001

Time: 4:00 p.m.

Location:

Saratoga Fire Station

14380 Saratoga Avenue

Saratoga, CA 95070-5953

Contact Person: Mr. Robert Egan, Chairman of the Board, Saratoga Fire District

Phone: 408/867-9001

FAX: 408/867-1330

II. INFORMATION AND INSTRUCTIONS

A. General

1. Pre-Proposal Conference

A pre-proposal conference will be conducted for the purpose of answering questions about the RFP. Proposers are encouraged to attend with their questions. Opportunities to ask questions outside of this conference may be limited.

2. Proposal Submittal and Evaluation

- a. Ten (10) copies of the proposal shall be submitted by 5:00 p.m. on 4/16/2001 to the Saratoga Fire District, 14380 Saratoga Ave., Saratoga, CA 95070.
- b. No public opening of proposals will be made. Late proposals may be rejected.

c. Evaluation

- 1). Proposals will be evaluated on the basis of their response to all provisions of the RFP.
- 2). In case of discrepancy between words and figures when evaluating the proposals, the words will prevail provided the District reserves the right to construe any proposal according to its true intent where it contains an obvious mistake.
- 3). The District reserves the unconditional right to reject all proposals for any reason or for no reason, to re-create the RFP, or to cancel the RFP and elect to pursue another or no other fire protection delivery alternative(s).
- 4). The District may conduct interviews or any other process deemed necessary with finalists prior to selecting a candidate for further consideration.
- 5). The District may decide to pursue contracts independent of each other.

3. Issuance of Addenda

- a. During the RFP process there may be changes to the documents which would require an issuance of an Addenda.

- b. To assure that all respondents receive a copy of the change(s), an acknowledgement will be requested from each respondent.

4. Proposal Content

- a. Proposals shall be as brief as possible.
- b. When submitting information that is not requested in the RFP, the respondent should clearly indicate the purpose for providing the information preceded by the statement "Additional Information", e.g. Additional Information- The following information may be useful....

5. Proposal Format

Proposals shall have a "Table of Contents", and the proposal should be presented in the following order:

a. Executive Summary

An executive summary should include the key elements of the respondents proposal including the cost for providing the services requested in the RFP.

b. Letter of Endorsement

A letter of endorsement from the policy making body (i.e. from the County the Board of Supervisors, from a City the City Council,) confirming they concur with the proposed commitment of resources (indicated in the response to all elements of Part III) from their jurisdiction shall be provided with the RFP submittal.

c. Submittal Requirements

- 1). Proposers shall submit a response to every minimum requirement of Part III.
- 2). Responses shall be numbered to correspond with the specific request section number, as listed in Part III.

d. Cost Data

The proposer shall indicate the costs for fire protection, emergency medical and emergency communications services as well as alternative requests in Part IV.

e. Additional Data

The proposer is required to submit 10 copies of the following additional data along with their proposal:

- 1). Current Fire and Communications Departments budgets.
- 2). Fire and Communications Department Organizational Charts.
- 3). Memorandum of Understanding for all employee classifications assigned to the Fire and Communications departments.
- 4). Job descriptions for all employee classifications assigned to the Fire and Communications departments.
- 5). Pay classification plans for all employee classifications assigned to the Fire and Communications departments.
- 6). Personnel Rules and Regulations governing all employee classifications assigned to the Fire and Communications departments including general orders, employee handbooks, etc.
- 7). Detailed list of all benefits provided to all employee classifications assigned to the Fire and Communications departments.
- 8). Most recent ISO Commercial Risk Services, Inc., Grading sheet, including classification details and improvement statements relating to the Fire Suppression Rating Schedule.
- 9). Copy of Commission on Fire Accreditation International (CFAI) Accreditation document if applicable.
- 10). Contracts for providing fire and/or communications services to other agencies.
- 11). Public Employees Retirement System contract with rates for Fire and Communications departments.

- 12). Both Fire and Communications departments Mission Statements, Organizational Values Statements, Goals and Objectives, Performance Measures and most recent progress reports reflecting last two years.

6. Special Conditions

a. Exceptions

For each exception and/or suggested change to Part III, the respondent must include:

- 1). The item in the RFP, the suggested change or exception applies to.
- 2). Reason for submitting the proposed exception or change.
- 3). Any impact the change or exception may have on the cost, service or other consideration.

b. Security of Data

Respondents agree that any data provided by the District shall be kept in confidence and not disclosed to third parties without prior written consent of the District. Further it shall not be used in the production or design of any article or material, report or press release, without the District's prior written consent.

III. PROPOSAL CONTENT & REQUIREMENTS

A. Fire Station Staffing

There shall be the equivalent of two engine companies, including a certified paramedic in each company, with a combined total of eight (8) [seven (7) minimum constant staffing] firefighters assigned (and on-duty 24 hours per day, seven (7) days per week) to the Saratoga Fire Station at 14380 Saratoga Avenue. Additionally a 40 hour per week (8-5; M-F) receptionist shall be in the fire station.

REQUEST: III. A.1.

Indicate the type, year and model of firefighting vehicles and the number and classifications of employees assigned to the vehicles and the fire station.

REQUEST: III. A.2.

Alternative: If you so chose indicate an alternative for providing this service.

B. Initial Response

Listed below is the minimum number of personnel and equipment requested to respond initially to the following types of calls:

1. Fire Calls

a. Structure Fire

An appropriate number and types of firefighting vehicles with the necessary tools and equipment, staffed with a minimum of 13 firefighters (includes a chief officer). Responding fire engines must have a minimum pumping capability of 1500 gpm, a 500-gallon on-board water supply, 1000 feet of five (5) inch and 1000 feet of three (3) inch hose plus preconnected hoses for quick attack on all engines and be able to efficiently access all developed areas.

REQUEST: III.B.1.a.

Indicate the minimum number of personnel, including chief officer, and vehicles (include type and ability to meet stated minimum requirements) that will initially respond to a structure fire of unknown magnitude. Specifically identify the classifications of all personnel assigned to the responding vehicles, the stations they would respond from (assuming Quito Station's unit is unavailable and all other units are in their stations) and how the personnel will be deployed to combat the structure fire.

Provide the aforementioned information for a structure fire reported at 20021 Horseshoe Court and a separate (not simultaneous) structure fire reported at 13691 Howen Drive.

b. Vehicle Fire

A minimum of one (1) firefighting vehicle with a hydraulically operated rescue tool (e.g. Hurst Tool), and other appropriate tools, staffed with a minimum of four (4) firefighters.

REQUEST: III.B.1.b

Indicate the minimum number of personnel and vehicles (with hydraulic rescue tool) that will initially respond to a vehicle fire of unknown consequence. Identify specifically the classifications of all personnel assigned to each responding vehicle.

c. Vegetation Fire

A minimum of two (2) firefighting/vehicles with the necessary tools and equipment staffed with seven (7) firefighters.

REQUEST: III.B.1.c.

Indicate the minimum number of personnel and vehicles (include type) that will initially respond to a vegetation fire of unknown consequence in the month of August. Identify specifically the classifications of all responding personnel assigned to each vehicle and the stations they would be responding from (assume all units in station). Explain how the personnel would be deployed in combating the fire.

Provide this information for a vegetation fire reported at Bohlman Road and On Orbit Drive.

2. Hazardous Materials Incident

A minimum of three (3) firefighting vehicles and seven (7) personnel with appropriate tools, equipment and supplies. A Hazardous Materials Response Team (may be provided through a current mutual aid arrangement) available within 30 minutes.

REQUEST: III.B.2.

Indicate the number of personnel and vehicles (include type, purpose and specialized equipment) that will initially respond and from which stations (assume all in station). Identify specifically the classifications of all responding personnel. Further indicate how resources will be deployed.

Provide this information for: (1). A parked automobile reported leaking gasoline on to the street at Sixth Street & Big Basin Way; and

(2). A tanker truck, placarded #1203, involved in a vehicle accident and leaking a liquid, without fire, at the intersection of Saratoga Avenue & Highway 9.

3. Emergency Medical Incident

a. Paramedic

A minimum of one vehicle with one paramedic and two (2) EMT-D's (EMT-B) within a four (4) minute response time (mean response time).

REQUEST: III.B.3.a.

Indicate the type of vehicle(s) and the number and classifications of personnel responding for an incident at 14000 Fruitvale Avenue. Indicate from which station (assume all in station) unit(s) would respond.

4. Rescue Calls

a. Collapsed Building

An appropriate number and types of vehicles with the necessary tools, equipment and supplies, staffed with a minimum of seven (7) firefighters and a chief officer.

REQUEST: III.B.4.a.

Indicate the minimum number of vehicles and personnel, and the stations they would respond from (assuming all in station) to a collapsed structure, with people trapped at 14000 Fruitvale Avenue. Indicate the classifications and deployment of responding personnel. Indicate if any specialized equipment/vehicles would be responded.

b. Vehicle Accident

An appropriate number and types of firefighting vehicles with a minimum of seven (7) personnel and a hydraulically operated rescue tool.

REQUEST: III.B.4.b.

For a multi-vehicle accident at the intersection of Highway 9 & Pierce Road indicate the minimum number of personnel and vehicles [include firefighting capability and key tool(s)] that would initially respond to a vehicle accident with at least one person trapped. Indicate specifically the classifications of the responding firefighters and how they their vehicles and equipment would be deployed. Identify the station(s) they would respond from (assume all in station).

5. Other Requests for Service

a. Smoke and/or Gas Investigation

The appropriate number and types of vehicles and firefighters based on circumstances (inside or outside).

REQUEST: III.B.5.a.

(1). For a report of a gas odor inside the structure at West Valley College. Indicate the number(s) of vehicles, personnel and from which station(s) they would respond (assume all in station). Indicate the classifications of all responding personnel and how they would be deployed; and

(2). For a report of a gas odor outside at Redwood School on Fruitvale Avenue. Indicate the number(s) of vehicles, personnel and from which station(s) they would respond. Indicate the classifications of all responding personnel and how they would be deployed.

b. Vehicle Lock-in

Minimum of one vehicle with three personnel and the appropriate tools.

REQUEST: III.B.5.b.

Indicate your response to the report of a child locked in a vehicle at the Safeway Market on Saratoga/Sunnyvale Road. Indicate number and classification of all responding personnel. Indicate number of responding vehicles and their station(s) location (assume all in station).

c. Flooding

Appropriate number and types of vehicles and tools with a minimum of three firefighters.

REQUEST: III.B.5.c.

For a report of a flooded basement on Park Place, indicate the number(s) of vehicles, special equipment and personnel that would respond and from which stations (assume all in stations).

d. Wires Down

Minimum of one (1) firefighting vehicle with the necessary tools and equipment and three (3) personnel assigned.

REQUEST: III.B.5.d.

For a report of electrical wires down at Pierce and Mount Eden, indicate the minimum number of personnel and vehicles responding and from which stations (assume all in station).

C. Simultaneous Calls

1. Move-ups

In addition to the initial response to a structure fire at least one (1) firefighting vehicle with a minimum of three (3) personnel assigned shall be located at Saratoga Fire District Station within ten (10) minutes of the first call to be available for simultaneous calls.

REQUEST: III.C.1.

Provide a move-up firefighting company with a minimum of three (3) personnel, to provide coverage for a potential simultaneous emergency call at the Saratoga Fire District Station within ten (10) minutes of the structure fire dispatch. Indicate from where this firefighting company would come assuming the simultaneous call is a structure fire at Redwood School on Fruitvale Avenue and all companies are responding from their stations.

D. Code Development, Enforcement and Fire Investigation

1. Code and Ordinance Development

a. Assistance is provided to both the City of Saratoga and the balance of the Saratoga Fire District.

REQUEST: III.D.1.

Indicate how this service would be provided.

2. Code and Ordinance Enforcement

- a. Codes and ordinances, including the City of Saratoga's Early Warning Fire Alarm System Ordinance (also known as Emergency Warning Alarm Systems or EWAS), are enforced through the District.
- b. Annual Fire Code compliance inspections are performed by the the engine companies.

REQUEST: III.D.2.a & b.

Indicate how these services would be provided.

3. Fire Investigation

- a. Fire investigation is handled initially by a fire suppression officer. When circumstances point toward arson a task force approach, with the County Sheriff, the District Attorney and if necessary mutual aid fire investigators is used.

REQUEST: III.D.3.a.

Indicate how this service would be provided.

4. Annual Weed Abatement Program

- a. Weed abatement is handled through the District.

REQUEST: III.D.4.a.

Indicate how this program would be continued.

5. General Plan

- a. The City of Saratoga requests and receives, from the District, assistance with design criteria and specific requirements for adoption into the General Plan.

REQUEST: III.D.5.a.

Indicate how this service would be continued.

6. Site Plan and Architectural Review (SPAR)

- a. Attendance is required at periodic SPAR meetings to provide input into the development process.

REQUEST: III.d.6.a.

Indicate how this service would be continued.

7. Training and Consultation

- a. A District representative periodically provides training to Saratoga City staff on District requirements and periodically meets with developers and contractors for pre-plan-submittal consultations.

REQUEST: III.D.7.a.

Indicate how this service would be performed.

8. Building and Fire Code Permits

- a. Plan review, inspection and performance testing are performed for all construction within the District.

REQUEST: III.D.8.a.

Indicate how this service would be performed.

9. Enforcement of State Building Standards

- a. Enforcement of the California Building Code section 101.17.14 SFM-Office of the State Fire Marshal is carried out by the District.

REQUEST: III.D.9.a.

Indicate how this service would be continued.

E. Communications

1. Full Fire and Emergency Medical Dispatch Services

REQUEST: III.E.1.

Indicate how these services will be provided. Proposal shall provide detail on dispatch center facilities, equipment, number of personnel staffing the center, the

minimum number of people assigned to fire and EMD dispatching and their training and experience levels.

2. Early Warning Emergency System (EWAS)

- a. The District currently provides 24 hours per day by seven (7) days per week monitoring of 600 household and business EWAS's.

REQUEST: III.E.2.a.

Indicate how this service will be continued.

3. Fire Station Hardware and Software Installation and Licensing.

REQUEST: III.E.3.

Identify fire station hardware and software installation, maintenance and licensing that would be required to connect and maintain Saratoga Fire District Station to the Communications Center.

4. Records Management Systems

- a. Reasonable records are kept of various District activities including but not limited to daily emergency and non-emergency activity, maintenance and training, inventories, special services and personnel records.

REQUEST: III.E.4.a.

Provide a description of the records management system used by the proposer. Propose content and frequency of reporting to District. Proposed records management system must meet ISO grading standards.

F. **CONTRACT**

1. Term

REQUEST: III.F.1.

Indicate the term of the contract and renewal option desired by the proposer.

2. Administrative Overhead Charges

REQUEST: III.F.2.

Indicate the proposer's administrative overhead cost.

3. Contract Adjustments

REQUEST: III.F.3.

Identify the criteria and parameters to be used by the proposer to adjust contract cost during the term of the contract.

4. Compliance Reviews

a. Contract Compliance Review.

REQUEST: III.F.4.a.

Identify how the proposer, and the District would conduct a contract compliance review and the frequency of the review.

5. Billing

The District is to be billed directly.

REQUEST: III.F.5.

Indicate how and when billings will be submitted, e.g. annually, quarterly, up front fees, adjustment, etc.

G. FIRE HYDRANTS

The District provides annual flushing and lubrication of appropriately 400 public and private fire hydrants.

1. Maintenance Program and Record Keeping

REQUEST: III.G.1.

Indicate how the proposer will provide this service.

H. FIRE STATION, FURNISHINGS & EQUIPMENT (excludes vehicles)

1. Computers

The Saratoga Fire District provides (eleven) 11 personal computers (PCs), a server and ancillary equipment for administrative duties of fire suppression and administrative staff. The District will retain ownership of its computers (should they decide to terminate this contract).

REQUEST: III.H.1.

Indicate any hardware, software installation and licensing requirements to make the Saratoga Fire Station compatible with the proposer's system. Indicate minimum three (3) year replacement schedule.

2. Furnishings & Equipment

The District will retain ownership (should they decide to terminate the contract) of all station furnishings and equipment. The proposer will provide maintenance, repair and replacement of furnishings and equipment.

REQUEST: III.H.2.

Indicate how the proposer will provide the maintenance, repair and replacement.

3. Facilities Maintenance, Replacement and Repair

The District will retain ownership (should they decide to terminate the contract) of the fire station. The proposer will provide regular maintenance and repairs up to \$25,000 per year. The District will be responsible for repairs exceeding this amount.

REQUEST: III.H.3.

Indicate how the proposer will provide the maintenance and repairs.

4. Facility ownership (retained by the District)

REQUEST: III.H.4.

Indicate proposer lease agreement.

5. General Liability & Property Insurance

REQUEST: III-H-5.

Indicate the type of insurance to be provided by proposer and what and whom it will cover.

6. Station Name

The District reserves the right to name the station and control the content and design of all fire station signs. The intent is to retain local identity.

REQUEST: III.H.6.

Indicate how the proposer will meet this expectation.

7. Exercise Equipment.

The District would like its employees to have controlled use of exercise equipment provided in the Fire Station.

REQUEST: III.H.7.

Indicate how controlled use of exercise equipment by employees would be provided.

I. PERSONNEL

1. Accruals

Accruals for vacation, perfect attendance, sick leave, etc. need to be addressed for all Saratoga Fire District employees.

REQUEST: III.I.1.

Indicate how the proposer will address accruals.

2. Wage and Benefit Increases

REQUEST: III.I.2.

Identify what criteria or parameters the proposer will use regarding future wage and benefit increases.

3. Insurance

REQUEST: III.I.3.

Indicate the type of insurance to be provided by proposer and what and whom it will cover.

4. Transfer of Employees

All (28) employees of the Saratoga Fire District will be transferred; reduction of personnel (exceeding allocated positions) shall be through attrition. The current number of positions for a given classification is parenthesized in the list below.

The following classification of employees will be transferred:

Administrative Assistant (1)
Apprentice Firefighter/Paramedic (2)
Apprentice Firefighters (4)
Captains (3)
Deputy Fire Chief (1)
Dispatcher (1)
Engineer/Paramedic (1)
Engineers (8)
Fire Chief (1)
Firefighter/Paramedic (4)
Firefighters (2)

REQUEST: III.1.4.

Indicate how each classification will be processed into the proposer's organization identifying any classifications that exceed allocated positions. Identify the pay level, benefit package, seniority, duties, and hiring standards for each classification.

5. Safety Equipment

a. Self Contained Breathing Apparatus (SCBA)

Appendix 4 lists the existing inventory of SCBAs.

REQUEST: III.1.5.a.

Indicate if the equipment is compatible and identify how the proposer will provide, service and maintain this equipment.

a. Personal Protective Equipment (PPE)

Safety equipment provided by the department includes: structural turnouts and wild land turnouts including: jacket, pants, boots, helmet and gloves. In addition the following ancillary equipment is provided:

- 1) Suspenders, hose strap, doorstop, flashlight, and Nomex hood.
- 2) Fire shelters, belt, and canteens.

REQUEST: III.1.5.b.

Indicate proposer's plan for the above PPE including replacement and maintenance.

6. Uniform

- a. The station (non-dress) uniform provided by the department includes: jacket, shirts, pants, sweat shirts, T-shirts and work boots.

REQUEST: III.I.6.a.

Indicate proposer's plan for station (non-dress) uniforms.

7. Workers Compensation

REQUEST: III.I.7.

Indicate how the proposer will address past, present and future open and closed claims and their future liability.

8. Retirement System (PERS)

REQUEST: III.I.8.

Indicate how the proposer will assume full financial liability for the retirement system premiums related to past, present and future employees serving the Saratoga Fire District.

J. SERVICES

1. Emergency Operation Center

a. Activation of Emergency Operation Center

Saratoga Fire District provides a fire officer in the City of Saratoga EOC as requested.

REQUEST: III.J.1.a.

Address need to provide a chief officer in the City of Saratoga Emergency Operations Center.

b. Emergency Operation Center Training

Saratoga Fire District cooperates in training and drills for disaster preparedness with the City of Saratoga.

REQUEST: III.J.1.b.

Indicate how the proposer will participate in Emergency Operation Center training and drills for City of Saratoga staff.

2. Meetings.

REQUEST: III.J.2.

That the Fire Chief attends the monthly Saratoga Fire District Board meeting.

3. Notification.

a. Building Official

REQUEST: III.J.3.a.

Indicate how the proposer will notify the Building Official of the City of Saratoga of any fires causing structural damage.

b. City Manager

REQUEST: III.J.3.b.

Indicate how the proposer will notify the City Manager of the City of Saratoga of any significant events (i.e. large fire, building collapse, etc.).

c. Fire Commissioners

REQUEST: III.J.3.c.

Indicate how the proposed will notify the Fire Commissioners of the Saratoga Fire District of any significant events (i.e. large fire, building collapse, etc.).

4. Public Education/Information

The following programs are provided by Saratoga Fire District:

- a. Fire Safety Contest--This program is conducted during Fire Prevention Week for three public and two private elementary schools grades K-5. It is managed by on-duty engine company personnel. Prizes are provided to students.

REQUEST: III.J.4.a.

Indicate how the proposer will provide this service.

- b. Baby Sitter Class—This is a fire and life safety class of one (1) hour duration. The class is taught at one elementary school to grades 5 & 6. Instruction is provided by on-duty Engine Company personnel.

REQUEST: III.J.4.b.

Indicate how the proposer will provide this service.

- c. Fire Prevention Week (open house)-- The station holds an open house in conjunction with the volunteer's Annual Pancake Breakfast for the public on the Saturday afternoon during Fire Prevention Week. Static displays of home safety, firefighter protective equipment, specialized equipment and a "smoke room" or fire safety house are provided.

REQUEST: III.J.4.c.

Indicate how the proposer will provide this service.

- d. Fire Station Tours--Tours of the Fire Station are provided to all school age and pre-school age children. Tours are provided for large groups on an appointment basis. Small groups drop-in and are accommodated when personnel are available.

REQUEST: III.J.4.d.

Indicate how the proposer will provide this service.

- e. Juvenile Fire Setter Program--Requests for this service have come from parents and schools. Over the past two years, five (5) children ages five (5) to fourteen (14) participated. Each child does three (3)-one (1) hour sessions with the on-duty firefighter/counselor.

REQUEST: III.J.4.e.

Indicate how the proposer will provide this service.

- f. High School Career Day--Once during each school year one member of the Fire Department participates in the Saratoga High School Career Day. Time commitment is approximately one half-hour.

REQUEST: III.J.4.f.

Indicate how the proposer will provide this service.

- g. Nursery School Fire Safety Talks—An on-duty engine company visits three nursery schools and does a 30-minute safety talk and tour of the fire engine.

REQUEST: III.J.4.g.

Indicate how the proposer will provide this service.

h. "Every 15 Minutes"

This program is aimed at deterring graduating high school students from drinking and driving. The program has been done at Saratoga High School once. The plan is to do this program every three years.

REQUEST: III.J.4.h.

Indicate how the proposer will provide this service.

- i. General Requests—General Requests for Fire Safety and Emergency Preparedness Talks to home owners associations, senior center and Cub and Boy Scouts amount to approximately seven-30 minute talks per year. This is done by on-duty engine companies.

REQUEST: III.J.4.i.

Indicate how the proposer will provide this service.

5. Volunteer Firefighter Program--The Volunteer Firefighter Program is composed of up to 25 volunteer firefighters, pump operators and drivers. The volunteers receive a stipend for response to emergencies. Full sets of PPE, training and shirts and work boots (after one year of service) are provided. A training program fully meeting local, state, Federal and nationally recognized standards is provided. In addition, a Christmas Dinner, prepared by the volunteers, and intended for all District employees, is funded by the District.

REQUEST: III.J.5.

Indicate how the proposer will address the volunteer program.

6. Public Information Officer/Press Releases

REQUEST: III.J.6.

Indicate how the proposer will coordinate press releases with the Fire Commissioners of the District and the City Manager of Saratoga.

7. Coordination with Law Enforcement

REQUEST: III.J.7.

Explain how the proposer will coordinate with local law enforcement to ensure emergency scene security and safety.

8. Non-Closure of Adjacent Fire Stations

The City of Saratoga and the Saratoga Fire District derive a reciprocal benefit from adjacent Santa Clara County Fire Department, City of San Jose Fire Department and California Department of Forestry and Fire Protection fire stations and firefighting companies.

REQUEST: III.J.8.

The proposer must guarantee it will not close adjacent fire stations within three (3) miles of the District's borders so long as the proposer has such authority.

K. SERVICE FEE

1. Saratoga Fire District

The Saratoga Fire District is empowered by the City of Saratoga's EWAS Ordinance to collect fees associated with the permitting and monitoring of the required EWAS.

Following are the fees that are charged for the service:

- a. Early Warning Alarm System Monitoring: Residential \$20.00 per month; Commercial: \$25.00 per month.

REQUEST: III.K.1.a.

Indicate how the proposer will provide this service.

L. TRAINING

1. Facilities

The Saratoga Fire District has available a training (classroom) building located behind the station.

REQUEST: III.L.1.

Identify the training facilities provided by the proposer. The Saratoga Fire District Training Building is available to lease as a training facility.

2. Programs

Training shall meet all local, state and federal requirements and nationally recognized standards and be of high quality.

REQUEST: III.L.2.

Describe the proposer's training program.

3. Staffing

REQUEST: III.L.3.

Indicate the classification of personnel assigned training responsibility. If personnel have other duties, indicate those duties and the percent of time allocated to the training program.

M. TELEPHONE SYSTEM

1. The current system is to be replaced next year in the new station.

REQUEST: III.M.1.

Proposer shall coordinate with the District to ensure compatibility of new phone system and cover all maintenance, service and replacement costs.

N. UTILITIES

Utilities include telephones, computer lines, cable television, gas, water, electricity and garbage.

REQUEST: III.N.

Indicate how the proposer will handle utilities.

O. VEHICLES

1. Insurance

REQUEST: III.O.1.

Indicate the type of insurance to be provided by proposer and what and whom it will cover.

2. Decals and Lettering

The District wishes to retain local identity.

REQUEST: III.O.2.

Identify how the proposer will retain the local identity for vehicles assigned to District Fire Station.

3. Ownership of Vehicles

Appendix 6 provides a list of vehicles.

The District retains title to all vehicles and requires the proposer to provide replacements on a seven (7) year cycle for both front line and reserve vehicles. All maintenance is to be provided by the service provider.

REQUEST: III.O.3.

Indicate the proposer's terms and conditions for this requirement.

4. Vehicle Maintenance

REQUEST: III.O.4

Identify the proposer's maintenance facilities, scope of work done in the facilities, fire apparatus maintenance experience of personnel assigned to the facility, the number and type of vehicles serviced by the facility, the repair "turn-around" time and all respective costs.

5. Computers On-Board the Fire Vehicles

Three (3) on-board lap top computers are used for the company inspection program, hydrant inventory/maintenance, fire incident reporting, management reporting and navigation (GPS). Two (2) are located on engines and one (1) in the command vehicle.

REQUEST: III.O.5.

Indicate how proposer intends to use and maintain on-board lap top computers.

IV. COST DATA

Complete Part IV indicating the cost of providing the services covered in Part III of the Request for Proposal for a 12-month period. Costs should be based on an assumption that the contract year would begin on 6/1/2001.

A. Cost for Part III-Proposal Content & Requirements excluding Section III.E. Communications.

\$ _____

B. Cost for Section III.E. Communications.

\$ _____

C. Cost for all of Part III (A & B above). Proposal Content & Requirements.

\$ _____

V. APPENDICIES

1. City of Saratoga Early Warning Fire Alarm System (EWAS)
2. Major Equipment List
3. Radio Equipment Inventory
4. List of Vehicles

Article 16-55**Repealed.****Article 16-60****EARLY WARNING FIRE ALARM SYSTEM****Sections:**

16-60.010	Application of Article.
16-60.020	Required components.
16-60.030	Plan check by Fire District.
16-60.040	Qualifications and responsibilities of installer.
16-60.050	Inspections by Fire District.
16-60.060	Voluntary installation.

16-60.010 Application of Article.

Where installation of an early warning fire alarm system is required under the safety element of the General Plan or any provision of this Code, including Section 14-25.110 of the Subdivision Ordinance or Section 15-80.090 of the Zoning Ordinance, such early warning fire alarm system shall be installed and maintained in accordance with the provisions of this Article.

16-60.020 Required components.

Each early warning fire alarm system installed pursuant to this Article shall include, contain, and incorporate the following components connected in such a manner as to be capable of automatically transmitting by standard telephone lines or such other means as may be designated and required from time to time by the Board of Fire Commissioners of the Saratoga Fire District, designated alarm signals from any such installation to the Saratoga Fire District digital alarm communicator receiver:

(a) **Digital alarm communicator transmitter.** A California State Fire Marshal listed and approved solid state electronic digital alarm communicator transmitter and control panel (either combined with the transmitter or separately connected thereto) shall be installed with provision for connection of supervised integrating zone circuits. Such transmitter and control panel shall meet the requirements of National Fire Protection Association Document 72X or 7A in the case of residential structures, or Chapter 5 of NFPA Document 71 in the case of commercial structures, or equivalent method as approved by the Chief of the Saratoga Fire District. If a separate fire alarm control panel is used, the connection between the fire alarm control panel and the digital alarm communicator transmitter shall be through dry relay contacts on the

fire alarm control panel, or other California State Fire Marshal listed configuration for the digital alarm communicator transmitter can be used. In addition, the digital alarm communicator transmitter and/or fire alarm control panel used shall incorporate the following features:

(1) The digital alarm communicator transmitter shall be capable of transmitting to the Saratoga Fire District one or more multiple numbers, as may be assigned by the Saratoga Fire District, via commercial telephone lines or such other means as may be designated and required, from time to time, by the Board of Commissioners of the Saratoga Fire District, and shall communicate information in such a manner and of such content as to be compatible with such specifications as may be made and published by the Chief of the Saratoga Fire District.

(2) The digital alarm communicator transmitter shall have a capacity of not less than eight separate zones and shall be capable of transmitting a separate and distinct code for each of the following conditions:

Zone 1: Smoke detection zone in alarm

Zone 2: Heat detection zone in alarm

Zone 3: Manual station zone in alarm

Zone 4: Sprinkler zone in alarm

Zone 5: Medical emergency in alarm

Zones 6,7,8: As determined by the Saratoga Fire District

The functions designated for Zones 6, 7 and 8 above may be placed in that configuration or in an alternative configuration or format compatible with the Saratoga Fire District digital alarm communicator receiver. If the digital alarm communicator transmitter and/or the fire alarm control panel incorporate Class "A" initiating zones, they shall be dedicated to fire alarm zones 1 through 4 above.

(3) The digital alarm communicator transmitter shall be capable of communicating an entire alarm signal transmission within thirty seconds of the time at which the connection of the call is completed.

(4) The digital alarm communicator transmitter, and fire alarm control panel if used, shall contain an internal continuously charging battery, capable of powering the system for a period of at least twenty-four hours in the standby mode, and five minutes under alarm conditions.

(5) Electrical supervision of the heat detection zone, manual station zone, and the smoke detection zone (and power to the smoke detectors) shall be provided by the

digital alarm communicator transmitter or the fire alarm control panel. A single open or ground fault condition in one of these zones in the digital alarm communicator transmitter, or the fire alarm control panel, shall be indicated by a distinctive, audible trouble signal in the structure in which the system is installed. The digital alarm communicator transmitter shall also be capable of transmitting a trouble signal to the Saratoga Fire District digital alarm communicator receiver in the event of a single open or ground fault condition in one of the aforementioned zones in the digital alarm communicator transmitter or the fire alarm control panel.

(6) The digital alarm communicator transmitter employed in the structure for transmitting signals shall be capable of assuming line seizure priority over any other digital alarm communicator transmitter employed for other purposes in the same structure. The fire alarm communicator transmitter connections to telephone lines shall be made ahead of those employed for burglar alarm or other purposes, and shall electrically disconnect other digital alarm communicator transmitters while transmitting signals.

(7) All digital alarm communicator transmitters shall be capable of being programmed to send signals, over telephone lines and over radio frequency transmitter, that are compatible with the Saratoga Fire District digital alarm communicator receiver, which shall be deemed a remote receiving station as referenced in National Fire Protection Association Document 72C.

(8) The digital alarm communicator transmitter and the fire alarm control panel shall receive their primary power from the external electrical supply provided to the structure and shall be powered by a separate circuit that shall have its own circuit breaker switch.

(b) **Smoke detectors.** California State Fire Marshal and Underwriter's Laboratory, Inc. approved and listed automatic detectors, capable of responding to visible products of combustion, arranged to communicate with the digital alarm communicator transmitter or the fire alarm control panel, shall be installed in accordance with the standards contained in National Fire Protection Association Document 72E-1982, or as otherwise directed by the Fire Chief. Where any portion of the structure is used for sleeping purposes, such detectors shall be installed in the following areas at points approved by the Fire Chief:

(1) On the ceiling or wall at a point located in the corridors or areas giving access to rooms used for sleeping purposes.

(2) In each bedroom, located on the ceiling or wall of the room.

(3) On the ceiling or wall near the base of any stairway where sleeping rooms are on an upper level.

(c) **Heat detectors.** California State Fire Marshal and Underwriter's Laboratory, Inc. approved and listed automatic detectors, of the combination fixed-temperature rate-of-rise type, arranged to communicate with the digital alarm communicator transmitter or the fire alarm control panel, shall be installed in accordance with the standards contained in National Fire Protection Association Document 72E-1982, or as otherwise directed by the Fire Chief. Where any portion of the structure is used for sleeping purposes, such detectors shall be installed in the following areas at points approved by the Fire Chief:

(1) All rooms in the dwelling, including furnace rooms, excepting those areas specified in Paragraph (b) of this Section, and bathrooms.

(2) Attics.

(3) Garages.

Exceptions to these standards may be permitted by the Fire Chief.

(d) **Actuating devices.** Manual pull stations shall be installed on each floor of the premises in a visible accessible position, and shall be located in exit ways adjacent exit doors and doors leading to exit stairs, as determined by the Fire Chief. Each device shall be securely mounted with the bottom of the device not less than four and one-half feet nor more than six feet above the floor level.

(e) **Medical emergency push buttons.** Medical emergency push buttons shall be installed in the kitchen area near the telephone and either in or near the master bedroom. Additional buttons may be required, as determined by the Fire Chief.

(f) **Warning devices.** In the case of any structures used for sleeping purposes, California State Fire Marshal and Underwriter's Laboratory, Inc. approved and listed audible warning devices of sufficient number and adequately located, pursuant to National Fire Protection Association Document 74-1984, shall be installed within the sleeping area of the structure so as to cause a level of audibility of not less than fifteen decibels above ambient noise levels measured four feet above the floor with bedroom doors closed.

(g) **Alternative requirements where sprinkler system installed.** Where an automatic sprinkler system is installed equipped with water flow switches that have a built-in retard assembly which will send an alarm signal when activated to the digital alarm communicator transmitter or the fire alarm control panel, no heat detectors as described in Paragraph (c) of this Section shall be required and smoke detectors as described in Paragraph (b) of this Section shall be required only in those areas specified in Subparagraphs (b)(1) and (b)(2) of this Section.

16-60.030 Plan check by Fire District.

All documentation relative to the proposed installation shall be submitted to the Fire District for approval. Where property is located within the jurisdiction of the Central Fire District, one copy of such documentation shall be furnished to the Chief of such District and one copy of such documentation shall also be furnished to the Chief of the Saratoga Fire District who shall determine whether the proposed installation will be compatible with the Saratoga Fire District digital alarm communicator receiver and will otherwise comply with the requirements of this Article. This documentation shall include the following:

(a) A complete list of all fire alarm equipment and devices to be installed, including:

- (1) Manufacturer's make and model numbers;
- (2) Quantities of each type;
- (3) California State Fire Marshal listing numbers;
- (4) Underwriters' Laboratory, Inc., spacing specifications for heat detectors;
- (5) Evidence of control panel compatibility with connected smoke detectors.

(b) Point to point wiring diagram or electrical sequence list for each zone in a form acceptable to the Saratoga Fire District. Details shall include:

- (1) Wiring sequence of each initiating zone, including wire size and the number of conductors;
 - (2) Wiring sequence of each audible circuit, including wire size and the number of conductors;
 - (3) Identification of the types of initiating devices used;
 - (4) Temperature ratings indicated, when applicable;
 - (5) Locations of Class "B" circuit end of line devices;
 - (6) Locations of junction boxes, when installed.
- (c) If requested, copies of California State Fire Marshal listing data sheets, and any other documents deemed pertinent by the Fire Chief.

(d) The Fire Districts may establish a fee for the plan checking services rendered pursuant to this Section.

16-60.040 Qualifications and responsibilities of installer.

All early warning fire alarm systems shall be installed by a person holding a valid fire protection engineering license, C-16 classification, issued by the California Department of Consumer Affairs, or a valid electrical license, C-10 classification, or a valid specialty license, C-61 classification, issued by the California Contractors State License Board. All such systems shall be installed in a workmanlike manner and in accordance with the specifications and standards approved by the Fire District. Upon completion of the installation, the licensed installer shall instruct the property owner, or his designated repre-

sentative, in the use of the system and shall provide applicable manufacturer's operating manuals.

16-60.050 Inspections by Fire District.

The Fire District having jurisdiction over the property shall be responsible for conducting inspections and approving or disapproving any system installed in a structure pursuant to this Article. The Fire Districts may establish a fee for the inspection services rendered pursuant to this Section. The licensed installer shall provide the Fire District having jurisdiction with a set of as built plans for the system.

16-60.060 Voluntary installation.

Nothing contained in this Article shall prohibit any person from voluntarily installing and maintaining an early warning fire alarm system as described in this Article in any type of building or structure within the City, subject only to appropriate arrangement for such installation and maintenance being made between the owner and the Chief of the Saratoga Fire District.

Article 16-65**GROUND MOVEMENT POTENTIAL MAPS****Sections:**

16-65.010	Purposes of Article.
16-65.020	Adoption of Ground Movement Potential Maps.
16-65.030	Md and Mrf Area prohibitions.
16-65.040	Sls, Sun, Sff, Sex, Pfs, Pmw, Ps, Pd, Pdf and Ms Area restrictions.
16-65.050	Psf Area restriction.

16-65.010 Purposes of Article.

In order to protect the public health, safety and welfare, it is essential to prohibit building in areas of existing earth movement or areas having extreme potential for earth movement, and not to permit building in those areas which are marginally stable and have either moderate or high potential for earth movement unless and until adequate precautionary measures are taken and further professional opinion is obtained certifying that a site is safely developable. The purpose of this Article is to adopt certain ground movement potential maps relating to various areas of the City having actual or potential earth movement, and to establish restrictions and requirements for development in these areas based upon the designations of slope stability as shown on such maps.

Appendix 2

Major Equipment

Self Contained Breathing Apparatus

<u>Brand</u>	<u>Unit</u>	<u>Number</u>
Survivair	Complete Backpack, Bottle & Mask	21
Survivair	Bottles	37

Rescue Tools

<u>Brand</u>	<u>Unit</u>	<u>Number</u>
Hurst	Hydraulic Rescue Tool	3

Appendix 3

Radio Equipment (Includes mobile lap tops)

Mobile Radios

<u>Brand</u>	<u>Unit</u>	<u>Number</u>
Motorola	Spectra 9000 Single Head	2
Motorola	Spectra 9000 Dual Head	5

Portable Radios

<u>Brand</u>	<u>Unit</u>	<u>Number</u>
Motorola	MIS 2000	3
Motorola	HT 1000	14
Motorola	MT 1000	3

Lap Top Computers

<u>Brand</u>	<u>Unit</u>	<u>Number</u>
Rocky II Puus	Mobile Lap Top Computer	3

Appendix 4

Vehicle Inventory

<u>Year</u>	<u>Make/Model</u>	<u>SFD Designator</u>	<u>Characteristics</u>
2000	Ford/Expedition	Command 30	Fully Outfitted
1994	Ford/Crown Victoria	Fire Chief	
1990	Chevrolet/Suburban	Utility 30	V1500
1979	Ford/C800	Rescue 30	260 Gals/100 gpm 2 stage Hale Pump/Hurst Tool/ Water Vacuum/Salvage Tarps/Misc. Equipment
1993	Spartan/Hi-Tech	Engine 30	500 Gals/1500 gpm 2+1 stage Hale Pump/Hurst Tool/Salvage Tarps/Misc. Equipment
1990	FMC/Duplex	Engine 31	500 Gals/1500 gpm 2+1 stage Hale Pump/Hurst Tool/Salvage Tarps/Misc. Equipment
1976	Seagrave	Engine 32	500 gals/1500 gpm single stage Waterous Pump/ Salvage Tarps/Misc. Equipment

A PRETEXT FOR REJECTION

ITEM FROM the SARATOGA FIRE DEPARTMENT'S RFQ:

The explanatory material for Request III.O.3 of the RFQ, (Ownership of Vehicles), includes the following statement: "The District retains title to all vehicles and requires the proposer to provide replacements on a seven (7) year cycle for both front line and reserve vehicles."

BACKGROUND:

In the course of one fire department assuming fire protection responsibilities from another fire department, the standard approaches to handling the ownership of the fire engines are:

1. The *new* fire company owns and routinely replaces the fire engines, or
2. The *old* fire district owns and routinely replaces the fire engines.

In either case, the new fire company performs the maintenance on the engines.

ASSESSMENT:

This RFP requires that the *new* fire company buys replacement engines, but the *old* fire district owns them. This obviously unpalatable provision will almost certainly be declined by the responding fire companies, and constitutes a built-in pretext to reject all the proposals for being non-responsive.

MORE BACKGROUND:

In addition, the required 7-year replacement cycle should be contrasted with the age of Saratoga Fire's current equipment:

- Engine #30 is 7 years old,
- Engine #31 is 10 years old, and
- Reserve Engine #32 is 25 years old.

ASSESSMENT:

Responding fire companies are being held to a much higher standard than the incumbent. The correspondingly higher cost constitutes another built-in pretext for rejection.

Comparison of Fire Services Provided Within the City of Saratoga

<u>Service Provided</u>	<u>Saratoga Fire Response</u>	<u>Santa Clara County Fire Department Response</u>
Fire Suppression Response		
Structure Fire-1st Alarm	6-8 Firefighters 2 Engines	14 Firefighters 2 Engines, 1 Truck, 1 Rescue 1 Battalion Chief
-2nd Alarm	Relies on Mutual Aid	Duplicates First Alarm (14)
Wildland Fire	3-8 Firefighters max. 1 Engine Flatland (3) 2 Engines Hillside (6-8)	3-18 Firefighters depending on predicted fire weather. <u>Low Hazard</u> -1 Engine (3) <u>Med Hazard</u> -2 Engines, 1 Patrol, 1 Chief (9) <u>High Hazard</u> -4 Engines, 2 Patrols, 2 Chiefs (18)
Hazardous Material Incidents		
Minor incident	1 Engine Trained to "First Responder" Level (3)	1 Engine Trained to "Specialist" Level (3) 1 Haz Mat Unit Trained to "Specialist" Level (3)
Major Incident	Relies on Mutual Aid	Add First Alarm Structure Response (14)
Rescue/Extrication	2 Engines (6-8)	1 Truck or Rescue, 1 Engine 1 Battalion Chief (8)
Emergency Medical	1 Engine with Paramedic	1 Truck or Engine with Paramedic Medical Priority Dispatch System
Miscellaneous Services	Saratoga Fire Staffing	Santa Clara County Fire Department Staffing
Communications Center	1 Dedicated	Full Time Staff of 10-15
Training Division	Non-Dedicated	Full Time Staff of 5
Public Education	Non-Dedicated	Full Time Staff of 2
Fire Prevention	Non-Dedicated	Full Time Staff of 19
Fire Investigation	Non-Dedicated	Full Time Staff of 1
Support Services	Non-Dedicated	Full Time Staff of 10



SARATOGA FIRE DISTRICT

SERVICE SINCE 1923

June 13, 2001

Donald F. Gage, Chairperson
Santa Clara County L.A.F.C.O.
11th Floor, East Wing
70 West Hedding Street
San Jose, CA 95110

SUBJECT: Saratoga Fire Protection District

Dear Commissioner Gage:

To assure your information concerning the Saratoga Fire Protection District is current, let me advise you that yesterday, June 12, the District Commissioners agreed to establish a joint 'boundary drop' program with Santa Clara County Fire. The arrangement, which will encompass the entire City of Saratoga, is targeted for implementation on August 1, 2001.

We would be pleased to provide further details should they be useful.

Sincerely,

Hugh D. Hexamer, Commissioner

- cc: Blanca Alvarado
- Suzanne Jackson
- Linda LeZotte
- Susan Vicklund Wilson
- Neelima Palacherla