

BIOLOGICAL RESOURCES ASSESSMENT

**GSCHWEND RESIDENCE
SANTA TERESA BOULEVARD
SAN JOSÉ, SANTA CLARA COUNTY, CALIFORNIA
(APN 708-21-004 AND 708-21-005)**



LSA

December 2020

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The logo for LSA (Landscape Services Associates) consists of the letters 'LSA' in a bold, blue, sans-serif font.

December 2020

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1.0 INTRODUCTION

This report presents the results of a biological resources survey of the Gschwend Residence project site (Assessor's Parcel Numbers 708-21-004 and 708-21-005, hereafter referred to jointly as the project site). This report was prepared to address the project's potential to impact sensitive biological resources.

1.1 PROJECT LOCATION

The project site consists of one legal lot made up of two parcels totaling approximately 17 acres. The northern parcel comprises 11.69 acres and is within the city of San José. The adjacent parcel to the south totals 5.18 acres and is unincorporated land under the jurisdiction of Santa Clara County. The project site is located south of, and in a hillside above, an existing residential neighborhood, west of Santa Teresa Boulevard. The Coyote-Alamitos Canal lies adjacent to the northern boundary. The project site is located within the Yerba Buena and Laguna Seca Land Grants on the 7.5-minute U.S. Geological Survey Santa Teresa Hills, California quadrangle and is centered at 37° 21' 59" North Latitude and 121° 45' 44" West Longitude. Figure 1 (Appendix A) depicts the vicinity of the site.

1.2 PROJECT DESCRIPTION

The proposed project consists of the construction of an approximately 4,464-square-foot single-family home that would be two stories in height and include an approximately 1,441-square-foot garage, as well as related improvements including installation of a water well and tanks, a septic system, and a leach field. The project plans are provided in Appendix B.

The proposed project would also include grading and construction of a new approximately 1,400-foot-long driveway from Santa Teresa Boulevard to the home site. The majority of the proposed driveway would generally utilize the alignment of the existing dirt maintenance road, but would deviate from the existing road alignment for the driveway along Santa Teresa Boulevard and an approximately 400-foot section east of the proposed residence. The driveway would be improved with gravel and asphalt sections, drainage gutters, low retaining walls where needed, and pullouts for passing vehicles.

1.3 METHODS

Prior to conducting fieldwork, LSA compiled a list of the special-status plant and animal species that could occur in the project area based on records in the California Natural Diversity Database (CNDDDB) and the California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants of California (8th edition) (CNPS 2020). LSA queried the CNDDDB again in 2020 to obtain updated occurrences (CDFW 2020). LSA also reviewed current and historical aerial imagery of the site.

LSA biologist Tim O'Donnell surveyed the project site on December 30, 2016, and LSA biologist John Kunna surveyed the site on June 5, 2020. The biologists walked the entire project site. Plants and animals observed within and adjacent to the project area were recorded in a field notebook; lists of species observed are provided in Appendix C.

2.0 REGULATORY CONTEXT

This section provides a summary of federal and State laws, and/or local regulations that apply to the biological resources that occur on the project site.

2.1 APPLICABLE FEDERAL LAWS AND REGULATIONS

2.1.1 Endangered Species Act

The U.S. Fish and Wildlife Service (USFWS) has jurisdiction over species that are formally listed as threatened or endangered under the federal Endangered Species Act (ESA). The ESA protects listed wildlife species from harm or “take.” The term “take” is broadly defined as to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct.” An activity is defined as a “take” even if it is unintentional or accidental. An endangered plant or wildlife species is one that is considered in danger of becoming extinct throughout all or a significant portion of its range. A threatened species is one that is likely to become endangered within the foreseeable future. In addition to endangered and threatened species, which are legally protected under the federal ESA, the USFWS has a list of species proposed for listing. Proposed species are those for which a proposed rule to list them as endangered or threatened has been published in the Federal Record. Proposed species are not afforded legal protection under the federal ESA. Project-related impacts to federally listed and proposed species or their habitats are considered “significant” under California Environmental Quality Act Guidelines (discussed below).

Critical habitat is defined under the ESA as specific geographic areas within a listed species range that contain features considered essential for the conservation of the listed species. Designated critical habitat for a given species may not necessarily be currently occupied by that species if it is within the historical range of the species and supports habitat deemed by the USFWS to be important for the recovery of the species. Critical habitat designation applies only to federal actions or actions funded or permitted by federal agencies. If a federal action or an action allowed by federal funding or a federal permit has the potential to adversely affect critical habitat for a listed species, the responsible federal agency is required to consult with the USFWS or National Marine Fisheries Service (NMFS).

2.1.2 Clean Water Act

The U.S. Army Corps of Engineers (Corps) is responsible under Section 404 of the Clean Water Act to regulate the discharge of fill material into waters of the United States. Waters of the United States and their lateral limits are defined in 33 Code of Federal Regulations (CFR) Part 328.3(a), and include streams that are tributaries to navigable waters and their adjacent wetlands. The lateral limits of jurisdiction for a non-tidal stream are measured at the line of the Ordinary High Water Mark (OHWM) (33 CFR Part 328.3(e)) or the limit of adjacent wetlands (33 CFR Part 328.3(b)). Any permanent extension of the limits of an existing water of the United States, whether natural or human-made, results in a similar extension of Corps jurisdiction (33 CFR Part 328.5).

Waters of the United States fall into two broad categories, wetlands and other waters. Wetlands include marshes, wet meadows, seep areas, floodplains, basins, and other areas experiencing

extended seasonal soil saturation. Seasonally or intermittently inundated features, such as seasonal pools, ephemeral streams, and tidal marshes, are categorized as wetlands if they have hydric soils and support wetland plant communities. For wetlands to be under the jurisdiction of the Clean Water Act they must have hydrophytic vegetation, hydric soils, and wetland hydrology.

Seasonally inundated water bodies or watercourses that do not exhibit wetland characteristics are classified as other waters of the United States. Other waters include un-vegetated water bodies and watercourses such as rivers, streams, lakes, springs, ponds, coastal waters, and estuaries.

Waters and wetlands that cannot trace a continuous hydrological connection to a navigable water of the United States are not tributary to waters of the United States. These are termed “isolated waters or wetlands.” Isolated wetlands or other waters are jurisdictional when their destruction or degradation can affect interstate or foreign commerce (33 CFR Part 328.3(a)). The Corps may or may not take jurisdiction over isolated wetlands depending on circumstances.

In general, a Corps permit must be obtained before placing fill or grading in jurisdictional wetlands or other waters of the United States. The Corps will be required to consult with the USFWS and/or NMFS under Section 7 of the ESA if the action subject to Clean Water Act permitting could result in take of federally listed species.

2.1.3 Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA, 16 United States Code 703) prohibits the intentional taking, hunting, killing, selling, purchasing, etc. of migratory birds, parts of migratory birds, or their eggs and nests. In addition, it contains a clause that prohibits baiting or poisoning of these birds. As used in the MBTA, the term “take” is defined as meaning, “to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to pursue, hunt, shoot, wound, kill, capture, or collect, or kill.” Most of the native bird species that occur in the region of the project site are covered by the MBTA. Take that is incidental to an otherwise lawful activity is not prohibited.

2.2 APPLICABLE STATE AND LOCAL LAWS AND REGULATIONS

2.2.1 California Endangered Species Act

The California Department of Fish and Wildlife (CDFW) has jurisdiction over State-listed threatened, rare (plants only), and endangered plant and animal species under the California Endangered Species Act (CESA). In addition, its provisions protect candidate species proposed for listing under the CESA.

2.2.2 California Fully Protected Species

California Fully Protected species may not be taken or possessed without a permit from the Fish and Game Commission and/or the CDFW. These permits do not allow “incidental take” and are more restrictive than the take allowed under Section 2081 of the CESA. Information on Fully Protected species can be found in the Fish and Game Code (birds at Section 3511, mammals at Section 4700, reptiles and amphibians at Section 5050, and fish at Section 5515).

2.2.3 California Environmental Quality Act

The California Environmental Quality Act (CEQA) applies to “projects” that are proposed to be undertaken or those requiring approval by State or local government agencies. Projects are defined as actions that have the potential to have physical impact on the environment. Under Section 15380 of CEQA, a species not included on any formal list “shall nevertheless be considered rare or endangered if the species can be shown by a local agency to meet the criteria” for listing. With sufficient documentation, a species could be shown to meet the definition of rare or endangered under CEQA and be considered a “de facto” endangered species. The CDFW maintains lists of Species of Special Concern, defined as species that appear to be vulnerable to extinction because of declining populations, limited ranges, and/or continuing threats. Species of Special Concern are not afforded legal protection under the CESA, but impacts to these species are typically considered significant under CEQA.

2.2.4 Section 401 Water Quality Certification

Pursuant to Section 401 of the federal Clean Water Act, projects that require a permit from the Corps under Section 404 must also obtain Water Quality Certification from the California Regional Water Quality Control Board (RWQCB). This regulatory program is administered by one of nine Regional Boards depending on project location. The RWQCB has adopted a policy requiring mitigation for any unavoidable loss of wetland, streambed, or other State jurisdictional waters.

2.2.5 California Fish and Game Code

Sections 3503, 3503.5, and 3513. The California Fish and Game Code (cited sections) protects the nests and eggs of most birds, including raptors (Falconiformes and Strigiformes) and the bird species protected under the MBTA. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered “take” by the CDFW, even if it is incidental to an otherwise lawful activity.

Section 1600. The CDFW also administers the issuance of Streambed Alteration Agreements under Fish and Game Code Section 1600. Streambed Alteration Agreements are required when project activities would substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake designated as such by the CDFW.

2.2.6 California Department of Fish and Wildlife

The CDFW maintains lists of “Species of Special Concern.” These species are broadly defined as plants and animals that are of concern to the CDFW because of population declines and restricted distributions, and/or they are associated with habitats that are declining in California. The CNPS, in conjunction with the CDFW, maintains lists of special-status plants for California. Lists of special-status animals are maintained by the CDFW (CDFW 2019) and are defined by the CDFW as “*a species, subspecies, or distinct population of an animal native to California that meet one or more of the following (not necessarily mutually exclusive) criteria:*

- *Is extirpated from the State or, in the case of birds, its primary seasonal or breeding role;*
- *Is listed as Federally-, but not State-, threatened or endangered; meets the State definition of threatened or endangered but has not formally been listed;*

- *Is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it as State threatened or endangered status;*
- *Has naturally small population exhibiting high susceptibility to risk from any factor(s) that, if realized, could lead to declines that would qualify it for State threatened or endangered status.*

The Species of Special Concern category is a CDFW administrative designation; it does not carry any legal status. However, project-related impacts to Species of Special Concern are considered “significant” under CEQA Guidelines and projects with unavoidable significant impacts to Species of Special Concern must provide mitigation.

2.2.7 California Native Plant Society

Special-status plants in California are assigned to one of five “California Rare Plant Ranks” by a collaborative group of over 300 botanists in government, academia, non-governmental organizations, and the private sector. This effort is jointly managed by the CDFW and the CNPS. The five Rare Plant Ranks (RPR) currently recognized by the CNDDDB are:

- RPR 1A – presumed extinct in California.
- RPR 1B – rare, threatened, or endangered in California and elsewhere.
- RPR 2 – rare, threatened, or endangered in California but more common elsewhere.
- RPR 3 – a review list of plants about which more information is needed.
- RPR 4 – a watch list of plants of limited distribution.

All of the plant species listed as RPR 1A, 1B, and 2 meet the requirements of Section 1901, Chapter 10 (Native Plant Protection Act) or Sections 2062 and 2067 (California Endangered Species Act) of the California Fish and Game Code, and are eligible for State listing. Therefore, plants appearing on Lists 1A, 1B, or 2 are considered to meet CEQA’s Section 15380 criteria and effects to these species are considered “significant” in this report.

Impacts to List 3 and 4 species are generally not considered significant under CEQA unless local jurisdictions (e.g., City of San Jose) request that they be addressed or specific information on their status and/or distribution supports their consideration for a given project.

2.2.8 Santa Clara Valley Habitat Plan

The Santa Clara Valley Habitat Agency leads the implementation of the Santa Clara Valley Habitat Plan (Habitat Plan). The Habitat Plan is a 50-year regional plan to protect endangered species and natural resources while allowing for future development in Santa Clara County. In 2013, the Habitat Plan was adopted by all local participating agencies and permits were issued from the USFWS and CDFW. It is both a habitat conservation plan and natural community conservation plan, or

HCP/NCCP. The Habitat Agency implements the Habitat Plan and reports compliance to the wildlife agencies.

2.2.9 City of San Jose

The City of San Jose requires an environmental review process for projects to consider the environmental consequences involving changes to the environment, prior to approving a discretionary permit such as a use permit, rezone, or land division pursuant to CEQA. An environmental review process is intended to identify methods to eliminate or reduce project significant environmental impacts, recommend possible appropriate mitigation measures, and ensure that all potential areas of environmental impact are identified (San Jose Municipal Code Title 21).

Ordinance-size trees, heritage trees, and street trees make up the urban forest and are protected under the City of San José Tree Ordinance. The City of San José Tree Removal Controls (San José City Code, Sections 13.31.010 to 13.32.100) protect all trees having a trunk that measures 38 inches or more in circumference (12.1 inches in diameter) at the height of 54 inches above the natural grade. The ordinance protects both native and non-native species. A tree removal permit is required from the City for the removal of ordinance-size trees. In addition, any tree found by the City Council to have special significance due to history, girth, height, species, or unique quality can be designated as a Heritage Tree, regardless of tree size or species. It is illegal to prune or remove a heritage tree without first consulting the City Arborist and obtaining a permit.

3.0 RESULTS AND ANALYSIS

3.1 SETTING

The project site is partially bound by the Santa Clara Valley Water District's (SCVWD) Alamos Canal (Coyote-Alamos Canal), as it traverses the northern edge of the project site within a 60-foot easement. Open space and residential uses are located to the north, Santa Teresa Boulevard is located to the east, and open space, including the Santa Teresa County Park, is to the west of the project site. The project site is primarily surrounded by residential and open space uses, with some recreational uses present to the northwest.

The project site is located on generally undeveloped land on a hillside above the residential subdivision to the north. An existing dirt road from Santa Teresa Boulevard runs along the northern boundary of the site at the base of the hill. A second dirt road connects to the proposed development site on the hillside to the south. Electrical transmission lines are located near the southeastern and northern boundaries of the project site.

The Coyote-Alamos Canal is lined with concrete. At the time of the site visits, no ponding or flows were observed in the canal and it appeared that there has been no flow for several years. Portions of the canal concrete are buckled or cracked, and it appeared small mammals such as California ground squirrels (*Otospermophilus beecheyi*) or Botta's pocket gophers (*Thomomys bottae*) used these areas as burrows. Significant amounts of litter including spray paint cans and car parts are in the canal. A dirt access road that runs along the north side of the canal appeared to have been mowed approximately 2 weeks prior to the June 2020 site visit. The canal is culverted under Santa Teresa Boulevard at the northeastern end of the site. No seasonal wetlands or drainage features other than the canal were observed anywhere on the site.

Elevations on the site range from approximately 260 feet (79 meters) above sea level (asl) at the Coyote-Alamos Canal to 390 feet (119 meters) asl on the southern parcel boundary.

The site is in the vicinity of what the Habitat Plan identifies as terrestrial landscape Linkage #8, between Santa Teresa Hills and Metcalf Canyon. The culvert under Santa Teresa Boulevard is approximately 3 feet high, which likely allows wildlife such as bobcat, raccoon, American badger and coyote to pass under it.

3.2 SOILS

Soils on the project site are mapped as Zeppelin-Alumrock complex (Web Soil Survey 2020). There is no evidence of serpentine soils, and the project site is not within one of the Habitat Plan's many Serpentine Fee Zones.

3.3 PLANT COMMUNITIES

Vegetation within the majority of the project site is non-native annual grassland. A valley oak woodland occurs in the southwest section of the project site. The Habitat Plan mapped a small amount of the extreme southwest corner of the site as Mixed Oak Woodland and Forest, but there

are no trees on the site in that area. The CNDDDB has occurrences for two sensitive natural communities — Serpentine Bunchgrass and Sycamore Alluvial Woodland — within 5 miles, but neither is present on the project site.

3.3.1 Non-Native Annual Grassland

Common wild oat (*Avena fatua*) is the dominant species in the grassland. At the time of the June 2020 survey, the oats were approximately 3 feet tall. A thick layer of thatch was at the base of the oats. Other species such as black mustard (*Brassica nigra*), spring vetch (*Vicia sativa*), stork's bill (*Erodium brachycarpum*), and woodland geranium (*Geranium molle*) combined cover less than 5 percent of the grassland. A complete list of plant species observed is included in Appendix C.

A small portion of the grasslands is disturbed regularly by the use and maintenance of the access roads and burrowing by small mammals. These disturbed areas supported plant species that could not persist in the dense tall grasses, such as English plantain (*Plantago lanceolata*) and California poppy (*Eschscholzia californica*).

3.3.2 Valley Oak Woodland

This vegetation type occurs in the hillsides in the southwest part of the project site and is dominated by valley oak. California buckeye (*Aesculus californica*) trees and saplings are also present. The woodland understory is dominated by milk thistle (*Silybum marianum*), wild radish (*Raphanus raphanistrum*), wild oat, black mustard, and spring vetch. Trees that are near the electrical transmission lines have been pruned for clearance from the lines. The logs and downed branches under the oak trees provide habitat for small wildlife species including invertebrates.

3.4 SPECIAL-STATUS SPECIES AND THEIR HABITATS

For the purposes of this assessment, special-status species are defined as follows:

- Species that are listed or formally proposed for listing as threatened or endangered under the federal ESA
- Species that are listed, or designated as candidates for listing, as rare, threatened, or endangered under the CESA
- Plant species with a California RPR status of 1A, 1B, and 2 as included in the CNPS Online Inventory of Rare and Endangered Plants of California (CNPS 2020).
- Animal species designated as Species of Special Concern or Fully Protected by the CDFW
- Species that meet the definition of rare, threatened, or endangered under Section 15380 of the CEQA guidelines

The potential for special-status plants and animals to occur on the site is discussed in Tables A and B, respectively.

3.4.1 Plants

The CNDDDB query resulted in occurrences for 14 special-status plant species (Table A). Most of these plants are considered rare because they only grow on serpentine soils. None of these 14 species are expected to occur on the project site due to the absence of suitable habitat (i.e., serpentine soils, rocky serpentine slopes, chaparral). The project site is not within a Habitat Plan Serpentine Fee Zone as mapped by the Habitat Plan. The northeastern end of the project site is mapped as being within a Plant Survey Area, but the area has only non-native annual grasses or ruderal vegetation where there is disturbance associated with maintenance and use of the access roads.

Table A: Special-Status Plant Species Evaluated for the Gschwend Residence, Santa Clara County, California

Species	Status* (Federal/State/CRPR)	Habitat/Blooming Period	Discussion
<i>Collinsia multicolor</i> San Francisco collinsia	--/--/1B	Closed-cone coniferous forest and coastal scrub. Elevation: 30-250 meters. Blooms: March-May.	No suitable habitat is present on site.
<i>Cirsium fontinale</i> var. <i>campylon</i> Mt. Hamilton thistle	--/--/1B	Serpentinite seeps in chaparral, cismontane woodland, valley and foothill grassland. Elevation: 100-890 meters. Blooms: April-October.	No suitable habitat is present on site.
<i>Castilleja affinis</i> var. <i>neglecta</i> Tiburon paintbrush	FE/CT/1B	Serpentinite in valley and foothill grassland. Elevation: 60-400 meters. Blooms: April-June.	No suitable habitat is present on site. There is one CNDDDB occurrence 4.9 miles from the site, where the plant is in a permanently protected mitigation site.
<i>Castilleja rubicundula</i> var. <i>rubicundula</i> Pink creamsacs	--/--/1B	Serpentinite in chaparral, cismontane woodland, meadows and seeps, valley and foothill grassland. Elevation: 20-910 meters. Blooms: April-June.	No suitable habitat is present on site. There is only one CNDDDB occurrence within 5 miles of the site, and it is based on a collection made in 1940 somewhere near Llagas Creek.
<i>Chlorogalum pomeridianum</i> var. <i>minus</i> Dwarf soaproot	--/--/1B	Serpentinite in chaparral. Elevation: 305-1,000 meters. Blooms: May-August.	No potential to occur due to lack of suitable habitat. There is only one CNDDDB occurrence within 5 miles of the site, and it is based on a collection made in 1896 somewhere near Coyote Creek.
<i>Dudleya abramsii</i> ssp. <i>setchellii</i> Santa Clara Valley dudleya	FE/--/1B	Serpentine grassland. Elevation: 50-890 meters. Blooms: April-October.	No suitable habitat is present on site. Nearest CNDDDB occurrence is approximately 0.2 mile east of the project site on Tulare Hill.
<i>Hoita strobilina</i> Loma Prieta hoita	--/--/1B	Found at bottoms of moist gullies with serpentine geology on flat, slightly sloped ground in filtered light. Elevation: 30-860 meters. Blooms: May-July.	No suitable habitat is present on site. Nearest CNDDDB occurrence (#6) is approximately 1.6 miles from the site in Santa Teresa County Park.

Species	Status* (Federal/State/CRPR)	Habitat/Blooming Period	Discussion
<i>Lessingia micradenia</i> var. <i>glabrat</i> Smooth lessingia	--/--/1B	Rocky serpentine slopes. Elevation: 100-820 meters. Blooms: July-November.	No suitable habitat is present on site. Nearest CNDDDB occurrence is approximately 0.2 mile northeast of the project site near the base of Tulare Hill.
<i>Malacothamnus hallii</i> Hall's bush-mallow	--/--/1B	Chaparral, associated with <i>Salvia mellifera</i> and <i>Artemisia californica</i> . Elevation: 70-430 meters. Blooms: May-September.	No suitable habitat is present on site. Nearest CNDDDB occurrence is approximately 0.8 mile west of the project site in Santa Teresa Park.
<i>Malacothamnus arcuatus</i> Arcuate bush-mallow	--/--/1B	Chaparral, cismontane woodland. Elevation: 15-355 meters. Blooms: April-September.	No suitable habitat is present on site. Nearest CNDDDB occurrence is based on three plants seen in 2006, approximately 2.5 miles from the project site.
<i>Monolopia gracilens</i> Woodland woollythreads	--/--/1B	Serpentine grassland. Elevation: 60-1,360 meters. Blooms: March-July.	No suitable habitat is present on site. Nearest CNDDDB occurrence is approximately 1 mile from the project site in Santa Teresa Park.
<i>Streptanthus albidus</i> ssp. <i>peramoenus</i> Most beautiful jewelflower	--/--/1B	Serpentine soils in chaparral, cismontane woodland, and grassland. Elevation: 95-1,000 meters. Blooms: April-September.	No suitable habitat is present on site. Nearest CNDDDB occurrence is approximately 1.2 miles from the project site.
<i>Fritillaria liliacea</i> Fragrant fritillary	--/--/1B	Often serpentine in cismontane woodland, coastal prairie and scrub and valley and foothill grassland. Elevation: 3-410 meters. Blooms: February-April.	Not expected to occur due to lack of serpentine soils. There are eight CNDDDB occurrences within 5 miles of the project site.
<i>Streptanthus albidus</i> ssp. <i>albidus</i> Metcalf Canyon jewelflower	FE/--/1B	Grassy meadows on serpentine soils and serpentine balds. Elevation: 45-800 meters. Blooms: April-July.	No suitable habitat is present on site. The nearest CNDDDB occurrence is approximately 0.2 mile east of the project site on Tulare Hill.

***Status:**

FE = federally listed as endangered; CT = State-listed as threatened;

1B = California Rare Plant Rank (CRPR) 1B: species considered rare, threatened, or endangered in California and elsewhere

3.4.2 Animals

As of May 2020, there are CNDDDB occurrences for 25 special-status animal species within 5 miles of the project site (Table B). Most of these species have no potential to occur on the site due to lack of suitable habitat. Six of the species—Bay checkerspot butterfly (*Euphydryas editha bayensis*), burrowing owl (*Athene cunicularia*), white-tailed kite (*Elanus leucurus*), loggerhead shrike (*Lanius ludovicianus*), grasshopper sparrow (*Ammodramus savannarum*), and American badger (*Taxidea taxus*)—have some potential to occur on the site. These six species are discussed in further detail below.

Bay Checkerspot Butterfly. The Bay checkerspot butterfly is federally listed as threatened. It is a Habitat Plan covered species; however, the project site is not within one of the Habitat Plan's Bay Checkerspot Butterfly Survey Areas.

Female Bay checkerspot butterflies lay 50-200 eggs on dwarf plantain (*Plantago erecta*) and purple owl's clover (*Castilleja exserta* and/or *Castilleja purpureascens*) usually in March or April. When the eggs hatch the larvae (caterpillars) feed on the plants. They spend the winter in a chrysalis, and then emerge as adult butterflies in the spring. Adult butterflies feed on the nectar of a wider variety of flowering plants, including tidy tips (*Layia platyglossa*), California goldfields (*Lasthenia californica*), sea muilla (*Muilla maritima*), scytheleaf onion (*Allium falcifolium*), false babystars (*Linanthus androsaceus*), and intermediate fiddleneck (*Amsinckia intermedia*) (USFWS 2008).

The site is within designated Critical Habitat Unit 7; however, the project site does not contain the primary essential habitat feature, which is shallow serpentine soils. Non-native annual grasses do not grow well on thin serpentine soils, so native plants are able to compete. Therefore, serpentine soils can support the larval host plants the caterpillars feed on, as well as a variety of native wildflowers whose nectar the adult butterflies feed on.

Although the site does not have serpentine soils, there are some native wildflowers on the site. Individual adult butterflies may fly onto the site and feed on the nectar of these wildflowers from known populations at Tulare Hill to the east, or the Santa Teresa Hills to the west. This would be a rare occurrence, because it has been estimated that less than 10 percent of adult butterflies ever leave serpentine habitat.

Burrowing Owl. The burrowing owl is a Species of Special Concern. It is a covered species under the Habitat Plan. The project site is not within one of the Habitat Plan's Burrowing Owl Survey Areas.

Burrowing owls have undergone substantial population declines throughout central and coastal California, primarily due to habitat loss.¹ This species occurs in open, well-drained grasslands with abundant small mammal burrows, particularly those of California ground squirrels. Burrowing owls also prefer areas with short vegetation so they can easily scan their surroundings and spot potential predators.

¹ DeSante, D.F., et al. 2007. A census of Burrowing Owls in central California in 1991. Pages 38-48. J.L. Lincer and K. Steenhof, editors. In *The Burrowing Owl, Its Biology and Management: Including the Proceedings of the First International Symposium*. Raptor Research Report No. 9.

The CNDDDB contains a burrowing owl occurrence within 0.1 mile of the site on the other side of Santa Teresa Boulevard on Tulare Hill. No owls or sign of their presence were observed during LSA's surveys. Although the site has few mammal burrows or open areas with short vegetation, there is still some potential for burrowing owls to forage on the site and they may occupy burrows on the site in the future.

White-Tailed Kite. The white-tailed kite is considered Fully Protected; therefore, the CDFW cannot issue a permit for take of the species. It is not a covered species under the Habitat Plan. The species could nest in the trees on or adjacent to the site. The white-tailed kite is commonly seen hovering over grasslands like those on the project site, where it hunts for small mammals and reptiles that form the bulk of its diet.

Loggerhead Shrike. The loggerhead shrike is a Species of Special Concern. It is not a covered species under the Habitat Plan. The species usually nests in dense, thorny brush approximately 3 feet above the ground. There is a low potential that the species would nest in the trees on the site.

Grasshopper Sparrow. The grasshopper sparrow is considered a Species of Special Concern. It is not a covered species under the Habitat Plan. The species builds concealed nests at ground level in grasslands. There is a moderate potential for the species to nest on the project site.

American Badger. The American badger is a Species of Special Concern. It is not a covered species under the Habitat Plan. Badgers prey mainly upon fossorial mammals by using their powerful claws to dig out their prey's burrows. Individual badgers have a large home range and may use several dens. Two badgers have been observed within 0.25 mile of the project site.² There is a moderate potential for the species to occur on the project site.

² Santa Clara Valley Open Space Authority and Conservation Biology Institute. 2017. Coyote Valley Landscape Linkage: A Vision for a Resilient, Multi-benefit Landscape. Santa Clara Valley Open Space Authority, San José, CA. 74p.

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Table B: Special-Status Animal Species Evaluated for the Gschwend Residence, Santa Clara County, California

Species	Status* Federal/ State	Habitat	Discussion
INVERTEBRATES			
<i>Euphydryas editha bayensis</i> Bay checkerspot butterfly	FT/--	Reproduces only in serpentine grasslands that support the high densities of the larval host plants, dwarf plantain (<i>Plantago erecta</i>) and purple owl's clover (<i>Castilleja exserta</i> and/or <i>Castilleja purpurescens</i>). In areas that do not have <i>P. erecta</i> , English plantain (<i>P. lanceolata</i>) is the primary host plant. ³ The caterpillars eat the leaves of the host plants, and adult butterflies feed on the nectar of the host plants and other flowering plants. The most important core habitats are on ridge tops.	Not expected to reproduce on the site due to the dominance of non-native annual grasses and the small numbers of English plantain plants. The site is located within Designated Critical Habitat. Adult butterflies may forage on the site in very limited numbers. The nearest ridge top is outside the project area and is occupied by PG&E transmission towers. There are 12 CNDDDB occurrences within 5 miles of the site. The nearest occurrences are immediately east of the project site on Tulare Hill.
<i>Bombus occidentalis</i> Western bumble bee	--/CE	Feeds upon nectar and pollen from a variety of plant species, but is most adapted to native plant species. Nests in abandoned rodent burrows and bird nests. The flight period in California is from early February to late November, peaking in late June and late September. The flight period for workers and males is from early April to early November. The species is currently restricted to high elevation sites in the Sierra Nevada and scattered coastal areas.	Not expected to occur. Several bumble bees that could not be identified to species were seen during the 2020 site visit. The site may support suitable habitat in the form of flowering plants and rodent burrows, but the species is likely extirpated from Santa Clara County. ⁴ There is only one CNDDDB occurrence within 5 miles of the site, and it is based on a collection made in 1954.
BIRDS			
<i>Agelaius tricolor</i> Tricolored blackbird	--/CT	Breeds in large colonies near freshwater, preferably emergent wetland such as cattails and tules, but also in thickets of willow and other shrubs. Requires nearby foraging areas with large numbers of insects.	No suitable nesting habitat is present on or adjacent to the site. Nearest CNDDDB occurrence is approximately 0.71 mile northeast of the project site. This species is covered by the Habitat Plan.

³ Bureau of Reclamation. 2018. Reintroduction of Bay Checkerspot Butterfly to San Bruno Mountain.

⁴ Williams, P.H., R.W. Thorp, L.L. Richardson, and S.R. Colla. 2014. The Bumble Bees of North America: An Identification Guide. Princeton University Press, Princeton.

Species	Status* Federal/ State	Habitat	Discussion
<i>Elanus leucurus</i> White-tailed kite	--/FP	Open grasslands, meadows, or marshes; requires dense-topped trees or shrubs for nesting and perching. Tolerates human activity and is known to nest in residential neighborhoods in the Bay Area.	Moderate potential to occur. There are six CNDDDB occurrences within 5 miles of the site. The trees on the site provide suitable nesting habitat.
<i>Athene cunicularia</i> Burrowing owl	--/SSC	Sparsely vegetated grasslands, deserts, and agricultural and ruderal areas throughout lowland California, often associated with ground squirrel colonies. Also makes use of atypical or artificial burrows. Can live in close proximity to humans, and is often seen at golf courses and airports.	Low potential to occur. There are 10 CNDDDB occurrences within 5 miles of the site. A few possible ground squirrel burrows were observed on the project site in 2016 but no large colonies were present on the site. Most of the site is covered in tall grass, which is not suitable habitat. Nearest CNDDDB occurrence (#321) is immediately east of the project site on Tulare Hill. This species is covered by the Habitat Plan.
<i>Cypseloides niger</i> Black swift	--/SSC	Builds a nest out of mud and mosses in canyons, usually on cliffs behind waterfalls.	No potential to occur. There is one CNDDDB occurrence approximately 3.2 miles southwest of the site. The project site lacks suitable nesting areas.
<i>Lanius ludovicianus</i> Loggerhead shrike	--/SSC	Often seen perched on fences or utility lines in open areas with shrubs. Usually nests in dense, thorny brush about 3 feet above the ground.	Low potential to occur. There is one CNDDDB occurrence approximately 2.4 miles south of the site, based on observations made in 2011 and 2012. The tall grasses and large trees on the project site do not provide the preferred nesting substrate.
<i>Buteo swainsoni</i> Swainson's hawk	--/CT	Nests in riparian areas. Forages in open areas, including agricultural fields.	Unlikely to nest on the site, but may forage on the site. There is one CNDDDB occurrence within 5 miles of the site, based on recent observations of nesting in the Coyote Creek riparian corridor.
<i>Aquila chrysaetos</i> Golden eagle	--/FP	Hunts over rolling foothills and mountain areas. Usually nests in trees but will also use cliffs and electrical transmission towers in open areas.	Unlikely to nest on the site, but may forage on the site. There are five CNDDDB occurrences within 5 miles of the site. No stick nests were observed in any of the large trees or transmission towers on or near the site. This species is covered by the Habitat Plan.

Species	Status* Federal/ State	Habitat	Discussion
<i>Icteria virens</i> Yellow-breasted chat	--/SSC	Nests in low, dense vegetation such as blackberry brambles, often in shrubby habitat along streams.	No potential to occur due to lack of suitable nesting habitat. The one CNDDDB occurrence within 5 miles of the site is based on a male bird singing in thick patches of willows along Coyote Creek.
<i>Ammodramus savannarum</i> Grasshopper sparrow	--/SSC	Found in grasslands, prairies, and pastures. Builds nests on the ground, often concealed at the base of a clump of grass.	Moderate potential to occur. There is one CNDDDB occurrence approximately 2 miles east of the site.
FISH			
<i>Oncorhynchus mykiss irideus</i> Steelhead - Central California Coast Distinct Population Segment	FT/--	Found in coastal streams in central California, including the drainages of San Francisco, San Pablo, and Suisun Bays. Individuals mature in the ocean, and return to freshwater streams to spawn. Requires cool, swift moving streams with clean, unsilted gravel beds for spawning and egg deposition.	No potential to occur. There are no streams on the project site.
<i>Lavinia symmetricus subditus</i> Monterey roach	--/SSC	Usually found in small streams with pools. Able to tolerate a wide range of temperatures and dissolved oxygen levels.	No potential to occur. There are no streams on the project site.
AMPHIBIANS			
<i>Ambystoma californiense</i> California tiger salamander	FT/ST	Adults spend most of their life in underground burrows. Breeds in vernal pools and ponds, including cattle stock ponds. Breeds after the first rains in late fall and early winter, when the wet season allows the salamander to migrate to the nearest pond. Lays eggs in small clusters or singly, which hatch after 14 to 21 days. The USFWS considers uplands within 1.24 miles of breeding sites to be potential habitat, but 95% of adults stay within 0.39 mile of their breeding pond.	Unlikely to occur. No suitable breeding habitat in the vicinity of the project site. Nearest CNDDDB occurrence is approximately 0.9 mile west of the site, at a pond in Santa Teresa Park. The site has few burrows, and it is unlikely any salamanders would migrate into the site.

Species	Status* Federal/ State	Habitat	Discussion
<i>Rana draytonii</i> California red-legged frog	FT/SSC	Inhabits permanent and temporary pools, streams, freshwater seeps, and marshes in lowlands and foothills. Uses adjacent upland habitat for foraging and refuge. Breeds during the wet season from December through March in slow parts of streams, lakes, reservoirs, ponds, and other waters with emergent vegetation. Lays 300 to 4,000 eggs in a large cluster, which is attached to plants near the water surface. Requires water for 4 to 7 months for tadpoles to complete metamorphosis.	Unlikely to occur. No suitable breeding habitat in the vicinity of the project site. Nearest CNDDDB occurrence is approximately 0.6 mile west of the site, at a pond in Santa Teresa Park.
<i>Rana boylei</i> Foothill yellow-legged frog	--/CT	Rarely leaves riparian corridors. Breeds and deposits eggs shortly after streams reach peak flow in the spring after the winter rains end. Egg masses are typically attached to the downstream side of boulders or cobble, in a sunny, shallow section of low-gradient stream. Breeding rarely occurs in well-shaded (>90 percent closed canopy) sites.	No potential to occur. There are five presumed extant CNDDDB occurrences within 5 miles of the project site that are all separated from the project area by roads and other developments. There is no suitable habitat on the site.
<i>Dicamptodon ensatus</i> California giant salamander	--/SSC	Breeds in clear, cold, permanent and semi-permanent streams in wet coastal forests.	No potential to occur due to lack of suitable habitat. There is one CNDDDB occurrence approximately 4.9 miles southwest of the site, which is based on a collection made in 1957.
<i>Aneides niger</i> Santa Cruz black salamander	--/SSC	Found in damp areas under logs and rocks in coniferous and deciduous forests and coastal grasslands. Eggs are laid underground and the fully formed hatchlings appear aboveground at the start of the rainy season. Mainly restricted to riparian corridors in arid areas.	Not expected to occur. There is one CNDDDB occurrence 4.9 miles southwest of the site, which is based on collections made in the 1950s. The project site contains a few logs which could provide cover, but is not near any riparian corridors or dense woodlands.
REPTILES			
<i>Emys marmorata</i> Western pond turtle	--/SSC	Aquatic habitat; needs basking sites and suitable upland habitat up to 0.5 km from water for egg-laying.	Not expected to occur. No suitable habitat is present on site. Nearest CNDDDB occurrence is approximately 0.6 mile northeast of the project site.

Species	Status* Federal/ State	Habitat	Discussion
<i>Phrynosoma blainvillii</i> Coast horned lizard	--/SSC	Found in a variety of vegetation communities including short grasslands, woodlands, and chaparral that has openings with sandy or gravelly areas. Feeds primarily on ants but eats other small insects as well.	Not expected to occur. The dense, tall grasses on the site are not suitable habitat. There is only one CNDDDB occurrence approximately 2 miles south of the site.
MAMMALS			
<i>Antrozous pallidus</i> Pallid bat	--/SSC	Roosts in caves, tunnels, buildings, under bridges, and in tree hollows; forages over a variety of habitats. Most common in open, dry habitats with rocky areas for roosting. Roosting sites sensitive to human disturbance.	Unlikely to occur on the project site due to it being next to an adjacent suburban setting of residential subdivision. Dispersing or migrating individuals may occasionally fly or forage over the site for brief periods, but extended use and roosting are not expected. The nearest CNDDDB occurrence is mapped to 0.1 mile east of the site, but the occurrence is based on a collection made in 1945, and the exact location is unknown.
<i>Corynorhinus townsendii</i> Townsend's big-eared bat	--/SSC	This species' distribution is limited by suitable roosting sites, which include caves, mines, tunnels, buildings, and other human-made structures. Feeds primarily upon moths.	No potential to occur due to lack of suitable roosting sites. The three CNDDDB occurrences within 5 miles of the site were based on observations made at since-dismantled industrial buildings and bunkers approximately 4.5 miles east of the site.
<i>Taxidea taxus</i> American badger	--/SSC	Badgers occur in a wide variety of open, arid habitats but are most commonly associated with grasslands, savannas, mountain meadows, and open areas of desert scrub; the principal habitat requirements for the species appear to be sufficient food (burrowing rodents), friable soils, and relatively open, uncultivated ground.	Moderate potential to occur. No large burrows indicative of badger activity were seen during the site visits, but a few smaller mammal burrows were detected. Suitable habitat is present, and there are 14 CNDDDB occurrences within 5 miles of the project site.
<i>Vulpes macrotis mutica</i> San Joaquin kit fox	FE/ST	Occurs in grasslands, scrublands, and oak woodlands in the San Joaquin Valley and adjacent foothills, usually in sparsely vegetated flat areas.	Not expected to occur. There is only one CNDDDB record within 5 miles of the project site, based on an observation made in 1975. The dense, tall grasses and steep hills on the project site are not suitable habitat. No burrows large enough to be kit fox dens were seen during the site visits.

Species	Status* Federal/ State	Habitat	Discussion
<i>Neotoma fuscipes annectens</i> San Francisco dusky-footed woodrat	--/SSC	Primarily found along riparian areas within chaparral and woodlands. Feeds mainly on woody plants but also eats acorns, grasses, and fungi. Builds conspicuous stick houses in trees and on the ground.	No potential to occur due to lack of shrubby vegetation and distance from any riparian corridors. No woodrat houses were seen during the site visits. There are 12 CNDDDB occurrences within 5 miles of the project site, most of which are based on observations in the Coyote Creek riparian corridor.

*Status: FE = Federally listed as Endangered; FT = Federally listed as Threatened; ST = State listed as Threatened; CE = State Candidate Endangered; CT = State Candidate Threatened; SSC = State Species of Special Concern; FP = State Fully Protected

4.0 POTENTIAL IMPACTS TO BIOLOGICAL RESOURCES AND RECOMMENDED MITIGATION MEASURES

This section provides a discussion of the potential impacts to biological resources in regard to CEQA that could result from the proposed project and a discussion of the recommended mitigation measures to reduce impacts to a less-than-significant level.

4.1 BIOLOGICAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Not Applicable
Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- a) *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

Less Than Significant with Mitigation. As previously discussed, no special-status plant species are likely to occur on the project site due to the absence of suitable habitat (i.e., lack of serpentine soils and rocky serpentine slopes) (Table A). Therefore, the project will not impact special-status plants.

Development of the site may result in impacts to the American badger and special-status birds including burrowing owl, white-tailed kite, loggerhead shrike, and grasshopper sparrow.

Impact Bio-1: Initial grading and ground disturbance of the site could injure or kill American badgers in dens, in the event any are present on the site at the time of the disturbance. To prevent this potential impact, the applicant proposes the following mitigation measure:

MM BIO-1: Preconstruction Surveys for the American Badger.

- a. Preconstruction surveys shall be conducted for the American badger no more than 14 days prior to the initiation of ground-disturbing activities. Surveys shall be conducted by a qualified wildlife biologist with experience and knowledge in identifying badger burrows and include walking parallel transects looking for badger burrows and sign. Any badger burrows identified shall be flagged and mapped.
- b. In the event active badger dens are identified, a no-work buffer of 200 feet shall be established around the den and associated occupied areas. If avoidance is not feasible, a biologist shall determine if the burrow is being used as an active maternity den through utilization of remote cameras. If young are determined to be present, the burrow shall be avoided until the young have vacated the burrow as determined by a qualified biologist. If the burrow is determined not to be an active maternity den and young are not present, in coordination with the CDFW, a one-way eviction door shall be installed between September 1 and January 1 to passively relocate the badger and to avoid impacts during the breeding season. If the badger digs back into the burrow, CDFW staff may allow the use of live traps to relocate badgers to suitable habitat from the area of project impact.

Impact Bio-2: Proposed construction activities will result in the removal of vegetation and possibly burrows that could be used by special-status birds. If conducted during the nesting season (February 1 to August 31), such activities could directly impact nesting birds. Construction-related disturbance (e.g., noise, vehicle traffic, personnel working adjacent to occupied nesting habitat) could also indirectly impact nesting birds by causing adults to abandon nests in nearby trees or other vegetation, resulting in nest failure and reduced reproductive potential. Implementation of the following measures would reduce potential impacts to nesting birds to a less-than-significant level by ensuring the project will not have a substantial adverse effect on these protected birds.

The applicant proposes the following conservation measures to avoid impacts to nesting special-status birds:

MM BIO-2 **Avoidance.** To avoid disturbance of nesting and special-status birds, the project applicant shall schedule activities related to the project, including, but not limited to, vegetation removal, ground disturbance, construction, and demolition, to occur outside of the bird nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay Area, extends from February 1 through August 31 (inclusive).

MM BIO-3 **Preconstruction Surveys.** If vegetation removal and initial ground-disturbing activities cannot be scheduled to occur between September 1 and January 31 (inclusive), preconstruction surveys for nesting birds shall be completed by a qualified biologist or ornithologist to ensure that no nests will be disturbed during project implementation. The biologist shall be familiar with the identification of avian species known to occur in the area. The nesting bird preconstruction survey shall be conducted within the project boundary, plus a 2500-foot buffer (500-foot buffer for raptors), where accessible and deemed appropriate by the biologist. The preconstruction survey shall be completed no more than 7 days prior to the initiation of construction activities during the early part of the breeding season (February 1 through April 30, inclusive) and no more than 14 days prior to the initiation of these activities during the late part of the breeding season (May 1 through August 31, inclusive). The surveys may be done concurrently with the American badger surveys described in MM BIO-1.

If active nests are found, the qualified biologist shall determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet, to ensure that active bird nests will not be disturbed during project construction. The size of the buffer will vary depending upon the species, the proposed work activity, and existing disturbances associated with land uses on and near the site. The buffer zone shall be demarcated by the qualified biologist or ornithologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction personnel shall be notified as to the existence of the buffer zone and shall be instructed to avoid entering the buffer zone during the nesting season. No construction activities shall occur within this buffer until the qualified biologist or ornithologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist.

The project site is located within the Santa Clara Valley Habitat Plan Study Area and Permit Area. A Habitat Plan Application Package shall be submitted to the City of San Jose to address the project's potential impacts to special-status species, their habitats, and natural resources. Compliance with the Habitat Plan's requirements, including payment of impact fees, would reduce potential impacts to covered special-status species to Less Than Significant.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

No Impact. No riparian habitat or other sensitive natural communities occur on the project site. The Coyote-Alamitos Canal, a stormwater conveyance facility, traverses the northern edge of the project site, but is entirely artificial and does not have any riparian vegetation associated with it. Furthermore, the project does not propose any work or disturbance that would have any effect to the canal. The proposed project will not adversely affect riparian habitat or sensitive natural communities.

c) Have a substantial adverse effect on federally or State-protected wetlands as defined by Section 404 of the Clean Water Act or the Porter-Cologne Water Quality Control Act through direct removal, filling, hydrological interruption, or other means?

No Impact. The proposed project will not impact federally or State-protected wetlands, which are absent from the site.

d) 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?

Less Than Significant with Mitigation. The Habitat Plan defines Landscape Linkages as “areas that allow for the movement of species from one area of suitable habitat to another. A linkage can vary from a narrow strip of habitat that only functions as a conduit for movement (i.e., a corridor) or a large area of intact habitat that is used for movement, dispersal, and other life functions such as foraging and breeding” (Habitat Plan, p. 5-18). The project site is in the vicinity of Linkage #8, Santa Teresa Hills to Metcalf Canyon. Its general linkage purpose is described as the “most northerly and narrowest connection between Diablo Range and the Santa Cruz Mountains. It provides important linkages for a variety of mammals and invertebrates.” According to the Habitat Plan, covered and other native species likely to use the linkage include “Bay checkerspot butterfly, Mt. Hamilton thistle, American badger, bobcat.” In addition, common native species such as raccoon, opossum, coyote, and skunk would likely use the linkage.

The primary barrier to terrestrial wildlife movement between open areas west of the project site and Tulare Hill to the east is the heavily trafficked Santa Teresa Boulevard. The Coyote-Alamitos Canal is culverted under Santa Teresa Boulevard and may provide a way for some wildlife species to move between the areas safely. The proposed project will not impact the Coyote-Alamitos Canal or result in any permanent barriers to local wildlife movement. The improvements proposed with the project (driveway improvements, new home and garage) amount to relatively minor changes to the 17-acre property, and most new human activity on the site would occur within or adjacent to the proposed home. Barbed wire currently exists around three sides of the property, and no new fencing is proposed. The limited changes to the property as a result of the project would not present a total barrier to local wildlife movement through the site, and would therefore not significantly impact the use of the property by wildlife as a landscape linkage between the Santa Teresa Hills to

Metcalf Canyon. The project would not preclude future changes to the culvert to improve its suitability for wildlife passage.

Areas where native birds can nest are generally considered native wildlife nursery sites. Several species of native birds likely nest in the trees and grasslands on the site. Implementation of MM-BIO-2 and MM BIO-3 will prevent impacts to nesting birds.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less Than Significant. The project will impact protected trees by removal and grading within the dripline. The project will comply with Chapter 13.32 of the City’s Municipal Code, which regulates the care and removal of trees on public property. In addition, the City has adopted the Guidelines for Inventorying, Evaluating, and Mitigating Impacts to Landscaping Trees in the City of San José (May 2006), which outlines tree survey requirements and applicable mitigation for projects that could impact trees within the City.

The proposed project could impact trees that are protected by the City of San Jose ordinance. Prior to construction, a certified arborist will conduct a tree inventory of the site, and the applicant will obtain a tree removal permit as necessary. Impacted trees will be replaced in accordance with the City’s tree placement ratios (refer to the Standard Permit Conditions below).

With implementation of the following Standard Permit Conditions, potentially significant impacts related to tree removal would be less than significant. No mitigation would be required.

Standard Permit Conditions:

- Trees to be removed as part of the project would be replaced according to tree replacement ratios required by the City, as provided in Table C below, as amended.

Table C: Tree Replacement Ratios

Circumference of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
38 inches or more	5:1	4:1	3:1	15-gallon
19 up to 38 inches	3:1	2:1	none	15-gallon
Less than 19 inches	1:1	1:1	none	15-gallon

Source: City of San José

x:x = tree replacement to tree loss ratio

Note: Trees having a greater than or equal to 38-inch circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For Multi-Family Residential, Commercial, and Industrial properties, a permit is required for removal of trees of any size.

A 38-inch tree equals 12.1 inches in diameter.

A 24-inch box tree = two 15-gallon trees.

Single-family and two-dwelling properties may be mitigated at a 1:1 ratio.

- In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement, at the development permit stage.
 - The size of a 15-gallon replacement tree may be increased to a 24-inch box and may count as two replacement trees to be planted on the project site, at the development permit stage.
 - Off-site tree replacement fee(s) may be paid to the City, prior to the issuance of Public Works grading permit(s), in accordance with the City Council-approved Fee Resolution. The City will use the off-site tree replacement fee(s) to plant trees at alternative sites.
- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?*

No Impact. The project site is located within the Santa Clara Valley Habitat Plan Study Area and Permit Area and is eligible for coverage under the Habitat Plan. A Habitat Plan Application Package shall be submitted to the City of San Jose. The application involves the submittal of a Coverage Screening Form to determine if the proposed development is eligible for coverage under the Habitat Plan.

A site plan that shows land cover types as defined by the Habitat Plan and the proposed development area is attached as Figure 2 (Appendix A). Since the property is located in a rural area, the development area is defined as all permanent improvements plus a 50-foot buffer and temporary improvements plus a 10-foot buffer. Therefore, the proposed construction of a residence, water tanks, well, and driveway to the Santa Teresa Boulevard area and 50-foot buffer will impact 3.94 acres of California annual grassland habitat and 0.99 acre of valley oak woodland habitat (Figure 2). Additionally, 0.34 acre of annual grassland will be temporarily disturbed by the construction of a septic leach field. The project will not impact the extreme southwest corner of the site, which the Habitat Plan maps as Mixed Oak Woodland and Forest. The project is within Land Cover Fee Zone A: Ranchlands and Natural Lands. The applicant will identify potential Habitat Plan fees and conditions for the proposed project in the Habitat Plan Application Package. The final determination of Habitat Plan fees and conditions will occur during the City of San Jose's development review and permit issuance process. Because the project will be required to comply with the Habitat Plan requirements, including payment of the required mitigation fees, the project would not conflict with the plan.

5.0 REFERENCES

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APPENDIX A

FIGURES

Figure 1: Project Vicinity

Figure 2: Stream Setback and Development Areas




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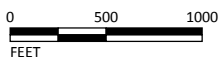


FIGURE 1

LSA

LEGEND

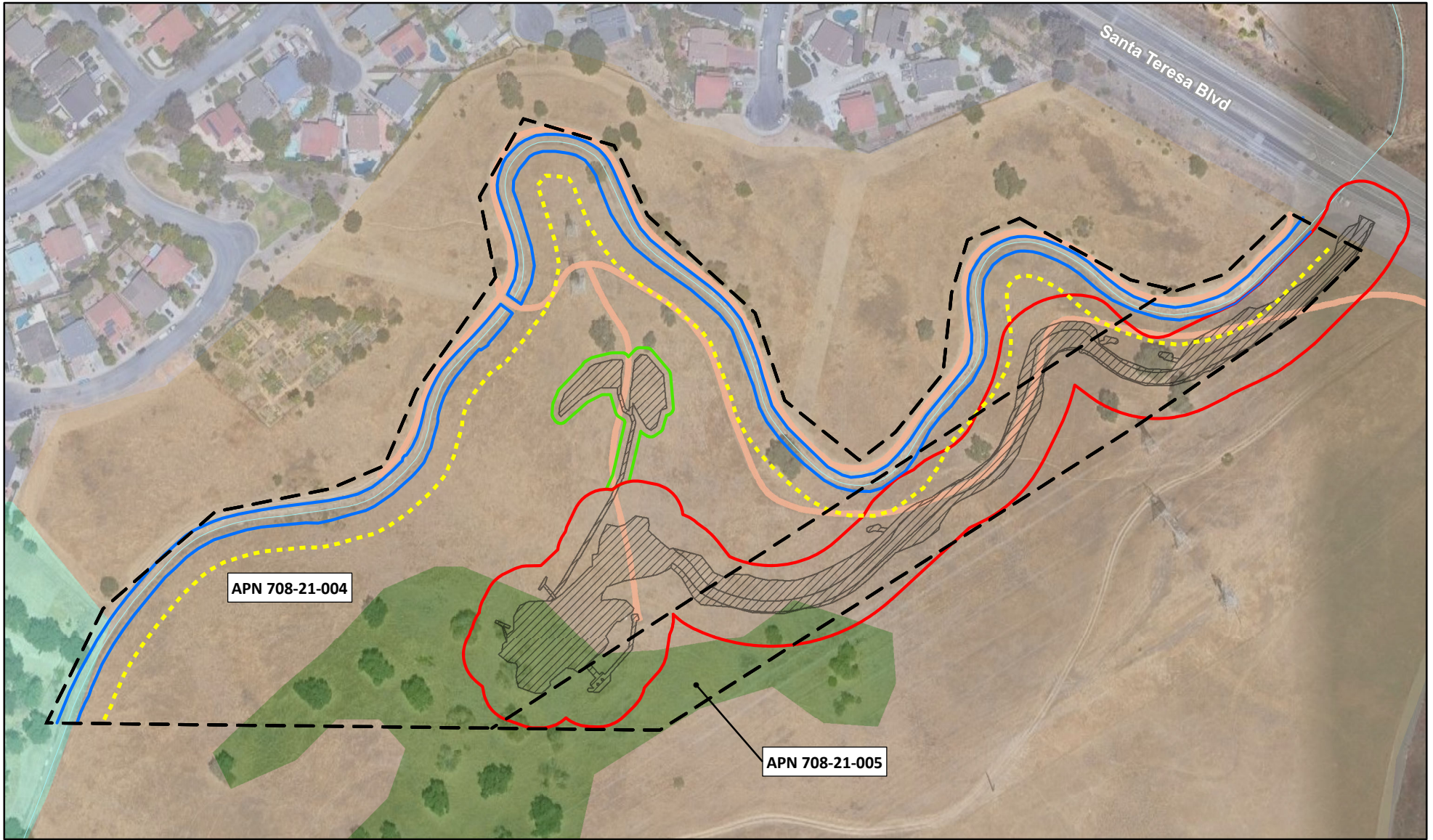
-  Gschwend Property (2 Parcels)
-  Biological Study Area
-  Coyote-Alamitos Canal



SOURCE: RI Eng. (04/2019); USDA NAIP Imagery.

I:\GSC1901\GIS\Maps\Bio Report\Figure 1_Project Vicinity.mxd (5/1/2019)

Gschwend Residence
San Jose, Santa Clara County, California
 Project Vicinity



LSA



Gschwend Property (2 Parcels)

Grading Limit

Impacts

Permanent Development Area
(Permanent Impacts plus 50' buffer)

Temporary Development Area
(Temporary Impacts plus 10' buffer)

Impacted Land Cover Types

California Annual Grassland

Valley Oak Woodland

Other Land Cover Types

Existing Unpaved Road

Mixed Oak Woodland and Forest

Urban - Suburban

Coyote-Alamitos Canal

Top-of-Bank

35-foot Stream Setback

FIGURE 2

Gschwend Residence
Santa Clara Valley Habitat Plan
San Jose, Santa Clara County, California
Stream Setback and Development Areas

SOURCE: RI Eng (08/2020); Google (2020).

I:\GSC1901\GIS\Maps\Bio Memo 2020-09\Figure 2_Stream Setback and Development Areas.mxd (9/18/2020)

APPENDIX B

PROJECT SITE PLANS

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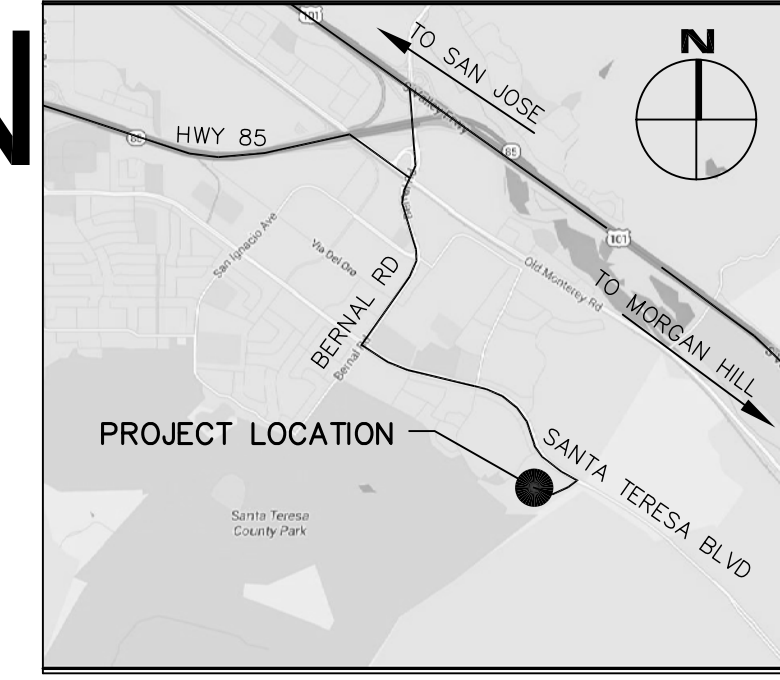
APPENDIX C

PLANT AND ANIMAL SPECIES LISTS

CITY STANDARD GRADING & DRAINAGE NOTES

- 1. ALL GRADING IS SUBJECT TO OBSERVATION BY THE CITY. PERMITEE OR REPRESENTATIVE SHALL NOTIFY THE CITY OF SAN JOSE DEPARTMENT OF PUBLIC WORKS PROJECT INSPECTOR AT LEAST 48 HOURS BEFORE START OF ANY GRADING. THE PROJECT INSPECTOR IS GABRIEL SILVA, VOICEMAIL NO. (408) 535-3532
2. APPROVAL OF THIS PLAN APPLIES ONLY TO (A) THE EXCAVATION, PLACEMENT, AND COMPACTION OF NATURAL EARTH MATERIALS, (B) THE INSTALLATION OF ON-SITE (I.E. PRIVATE PROPERTY) STORM WATER CONVEYANCE AND TREATMENT FACILITIES THAT ARE OUTSIDE OF THE 5-FOOT BUILDING ENVELOPE, AND (C) THE INSTALLATION OF RETAINING STRUCTURES. THIS APPROVAL DOES NOT CONFER ANY RIGHTS OF ENTRY TO EITHER PUBLIC PROPERTY OR THE PRIVATE PROPERTY OF OTHERS. APPROVAL OF THIS PLAN ALSO DOES NOT CONSTITUTE APPROVAL OF ANY IMPROVEMENTS WITH THE EXCEPTION OF THOSE LISTED ABOVE. PROPOSED IMPROVEMENTS, WITH THE EXCEPTION OF THOSE LISTED ABOVE, ARE SUBJECT TO REVIEW AND APPROVAL BY THE RESPONSIBLE AUTHORITIES AND ALL OTHER REQUIRED PERMITS SHALL BE OBTAINED.
3. UNLESS OTHERWISE NOTED ON THE PLAN, ANY DEPICTION OF A RETAINING STRUCTURE ON THIS PLAN SHALL NOT CONSTITUTE APPROVAL FOR CONSTRUCTION OF THE RETAINING STRUCTURE UNLESS A SEPARATE STRUCTURAL REVIEW, BY THE DEPARTMENT OF PUBLIC WORKS IS COMPLETED AND APPROVED
4. IT SHALL BE THE RESPONSIBILITY OF THE PERMITEE OR AGENT TO IDENTIFY, LOCATE AND PROTECT ALL UNDERGROUND FACILITIES.
5. THE PERMITEE OR AGENT SHALL MAINTAIN THE STREETS, SIDEWALKS AND ALL OTHER PUBLIC RIGHTS-OF-WAY IN A CLEAN, SAFE AND USABLE CONDITION. ALL SPILLS OF SOIL, ROCK OR CONSTRUCTION DEBRIS SHALL BE REMOVED FROM THE PUBLICLY OWNED PROPERTY DURING CONSTRUCTION AND UPON COMPLETION OF THE PROJECT. ALL ADJACENT PROPERTY, PRIVATE OR PUBLIC SHALL BE MAINTAINED IN A CLEAN, SAFE AND USABLE CONDITION.
6. ALL GRADING SHALL BE PERFORMED IN SUCH A MANNER AS TO COMPLY WITH THE STANDARDS ESTABLISHED BY THE AIR QUALITY MANAGEMENT DISTRICT FOR AIRBORNE PARTICULATES.
7. THIS PROJECT HAS BEEN DESIGNED TO COMPLY WITH THE FLOOD HAZARD AREA REGULATIONS AS STATED IN CHAPTER 17.08 OF THE SAN JOSE MUNICIPAL CODE.
8. ALL KNOWN WELL LOCATIONS ON THE SITE HAVE BEEN INCLUDED AND SUCH WELLS SHALL BE MAINTAINED OR ABANDONED ACCORDING TO CURRENT REGULATIONS ADMINISTERED BY THE SANTA CLARA VALLEY WATER DISTRICT. CALL (408) 265-2600 EXTENSION 2660 TO ARRANGE FOR DISTRICT OBSERVATION OF ALL WELL ABANDONMENTS.
9. IN THE EVENT THAT HUMAN REMAINS AND/OR CULTURAL MATERIALS ARE FOUND, ALL PROJECT-RELATED CONSTRUCTION SHOULD CEASE WITHIN A 100-FOOT RADIUS. THE CONTRACTOR SHALL, PURSUANT TO SECTION 7050.5 OF THE HEALTH AND SAFETY CODE, AND SECTION 5097.94 OF THE PUBLIC RESOURCES CODE OF THE STATE OF CALIFORNIA, NOTIFY THE SANTA CLARA COUNTY CORONER IMMEDIATELY.
10. THIS PLAN DOES NOT APPROVE THE REMOVAL OF TREES. APPROPRIATE TREE REMOVAL PERMITS AND METHODS OF TREE PRESERVATION SHOULD BE OBTAINED FROM THE CITY'S PLANNING DEPARTMENT AND THE CITY ARBORIST.
11. FOR NON-RESIDENTIAL PROJECTS, ANY NON-HAZARDOUS EXPORT RESULTING FROM PROJECT RELATED EXCAVATION OR LAND CLEARING SHALL BE 100% REUSED AND RECYCLED PER CALIFORNIA GREEN BUILDING STANDARDS CODE SECTION 5.408.
12. CIVIL ENGINEER INFORMATION AND STATEMENTS:
A. THE CIVIL ENGINEER FOR THIS PROJECT IS: RI ENGINEERING 303 POTRERO STREET, SUITE 42-202, SANTA CRUZ, CALIFORNIA 95060
B. THIS ROUGH GRADING PLAN HAS BEEN PREPARED UNDER THE DIRECTION OF A LICENCED ENGINEER AND DESIGNED BASED ON THE RECOMMENDATIONS OF THE REFERENCED PROJECT GEOTECHNICAL REPORT.
C. THE STORMWATER CONVEYANCE SYSTEM HAS BEEN DESIGNED IN ACCORDANCE WITH THE APPROPRIATE BUILDING AND PLUMBING CODES OR HAS BEEN PROVEN TO BE DESIGNED WITH ADEQUATE CAPACITY THROUGH SIGNED AND SEALED HYDRAULIC CALCULATIONS.
13. SOILS ENGINEER INFORMATION AND REQUIREMENTS:
A. THE SOIL ENGINEER FOR THIS PROJECT IS: UPP GEOTECHNOLOGY 750 CAMDEN AVE. #A, CAMPBELL, CALIFORNIA 95008
B. THE GEOTECHNICAL REPORT FOR THIS PROJECT IS: UPDATED GEOLOGIC AND GEOTECHNICAL STUDY: PROPOSED RESIDENTIAL DEVELOPMENT, DOCUMENT ID 15077C-01R1 DATED 8 JANUARY 2016
C. ALL GRADING WORK SHALL CONFORM TO THE RECOMMENDATIONS OF THE PROJECT GEOTECHNICAL REPORT AND/OR THE PROJECT SOIL ENGINEER.
D. ALL GRADING WORK SHALL BE OBSERVED AND APPROVED BY THE SOIL ENGINEER. THE SOIL ENGINEER SHALL BE NOTIFIED AT LEAST 48 HOURS BEFORE BEGINNING ANY GRADING. UNOBSERVED AND/OR UNAPPROVED GRADING WORK SHALL BE REMOVED AND REPLACED UNDER OBSERVATION.
14. A POST CONSTRUCTION "FINAL" REPORT IS REQUIRED BY THE DIRECTOR OF PUBLIC WORKS FROM A CIVIL ENGINEER RETAINED BY THE OWNER TO OBSERVE THE CONSTRUCTION STATING:
A. "THAT THE CONSTRUCTION CONFORMS TO THE LINES AND GRADES ON THE APPROVED PLANS;" OR
B. "THAT ALL SIGNIFICANT CHANGES WERE REVIEWED AND APPROVED IN ADVANCE BY THE DEPARTMENT OF PUBLIC WORKS" AND THE CIVIL ENGINEER SHALL SUBMIT A "RECORD DRAWING" PLAN.
15. A POST CONSTRUCTION "FINAL" REPORT IS REQUIRED BY THE DIRECTOR OF PUBLIC WORKS FROM A SOIL ENGINEER, AND ALSO FROM AN ENGINEERING GEOLOGIST IF THE PROJECT IS IN A GEOLOGIC HAZARD ZONE, STATING:
A. "THAT THE ANTICIPATED CONDITIONS AND MATERIALS AND ACTUAL SITE CONDITIONS AND MATERIALS WERE COMPATIBLE," AND SUPPLY SUPPORTING DATA; OR
B. "THAT THE DESIGN WAS MODIFIED TO MEET THE NEW CONDITIONS AND WAS REVIEWED AND APPROVED IN ADVANCE BY THE DEPARTMENT OF PUBLIC WORKS;" AND PROVIDE SUPPORTING DATA FOR THESE STATEMENTS.
16. ACCORDING TO THE CITY'S WASTE WATER ORDINANCE, THE USE OF POTABLE (PIPED OR HYDRANT) WATER FOR BUILDING OR CONSTRUCTION PURPOSES INCLUDING CONSOLIDATION OF BACKFILL OR DUST CONTROL IS PROHIBITED.
17. RECLAIMED WATER IS AVAILABLE (ON A COST RECOVERY BASIS) FROM THE CITY'S ENVIRONMENTAL SERVICES DEPARTMENT, WATER POLLUTION CONTROL DIVISION LOCATED AT 700 LOS ESTEROS ROAD. FOR MORE INFORMATION, PLEASE CALL DAVID TUCKER AT (408) 795-1865.
18. AN APPLICATION FOR AN EXCEPTION PERMIT TO APPROVE USE OF HYDRANT WATER CAN BE CONSIDERED IN THE PW DEVELOPMENT SERVICES OFFICE. FAX-BACK SERVICE IS PROVIDED FOR THIS PERMIT APPLICATION --- CONTACT (408) 535-7802.
19. A HAUL ROUTE PERMIT IS REQUIRED FOR ALL PROJECTS MOVING MORE THAN 10,000 C.Y. OF EARTH. THIS GRADING PERMIT IS INVALID WITHOUT THE HAUL ROUTE PERMIT. HAUL ROUTE PERMITS SHOULD BE OBTAINED FROM THE CITY'S TRANSPORTATION DEPARTMENT.
20. GRADING WILL NOT BE ALLOWED BETWEEN OCTOBER 1ST AND APRIL 30TH OF ANY YEAR WITHOUT EROSION CONTROL PLANS AND MEASURES APPROVED BY THE DIRECTOR OF PUBLIC WORKS. STORMWATER POLLUTION PREVENTION MEASURES IN ACCORDANCE WITH CITY SPECIFICATIONS AND WITH THE DOCUMENT "CLEAN BAY BLUEPRINT" SHALL BE IMPLEMENTED THROUGHOUT THE YEAR TO THE SATISFACTION OF THE DIRECTOR OF PUBLIC WORKS.
21. A POST CONSTRUCTION "AS-BUILT" PLAN IS REQUIRED BY THE DIRECTOR OF PUBLIC WORKS FROM A CIVIL OR SOILS ENGINEER RETAINED BY THE OWNER TO PROVIDE THE FINAL HORIZONTAL AND VERTICAL LOCATIONS OF THE IMPROVEMENTS APPROVED WITH THIS PLAN SUCH AS SUBDRAINS, ON-SITE STORM WATER CONVEYANCE AND TREATMENT SYSTEMS, AND ON-SITE RETAINING STRUCTURES.
22. NO TREES ARE TO BE REMOVED AS A RESULT OF THIS PROJECT.

GRADING, DRAINAGE AND SITE PLAN
SINGLE FAMILY RESIDENCE
FOR MARC GSCHWEND
SANTA TERESA BOULEVARD
SAN JOSE, CA



VICINITY MAP

PROJECT DATA TABLE

- I. PROJECT DESCRIPTION: CONSTRUCTION OF A NEW TWO STORY SINGLE FAMILY RESIDENCE, THREE CAR GARAGE, ASPHALT AND BASEROCK DRIVEWAY (1,400 FEET LONG), RETAINING WALLS WITH 8' MAXIMUM HEIGHT, TURNAROUND.
II. ZONING: A AGRICULTURAL
III. GENERAL PLAN: OPEN HILLSIDE
IV. LOT SIZE: APN: 708-21-004 = 12.852 ACRES APN: 708-21-005 = 3.850 ACRES
V. HOUSE SIZE: FIRST FLOOR = 1,871 SF SECOND FLOOR = 2,593 SF TOTAL = 4,464 SF
VI. FAR: 0.005
VII. GARAGE SIZE: 1,441 SF (3 CAR GARAGE)
VIII. SETBACK REQUIREMENT TABLE:

Table with 3 columns: ITEM, REQUIREMENT, PROVIDED. Rows include Abutting Streets and Highways (50', 1000'), Abutting Residential Properties (300', 840'), and Abutting Properties Non-Residential (50', 260').

- IX. RETAINING WALL DIMENSIONS: LENGTH = 38 FT MAX HEIGHT = 8.5'
X. GEOLOGIC HAZARD CLEARANCE DATE: 11/12/2019
XI. TOTAL LENGTH OF DRIVEWAY = 1400 FEET

PERVIOUS CONCRETE REQUIREMENTS
CONTRACTOR OR PERMITEE SHALL:
- PROVIDE CERTIFICATION FROM THE CONCRETE MANUFACTURER THAT THE CONCRETE MEETS THE REQUIREMENTS OF THE C3 STORMWATER HANDBOOK FOR PERVIOUS PAVERS. THIS INCLUDES, BUT IS NOT LIMITED TO, HAVING A MINIMUM SURFACE INFILTRATION RATE OF 100"/HR WHEN TESTED IN ACCORDANCE WITH ASTM C1701.
- ONLY CONTRACTORS HOLDING CERTIFICATION OF COMPLETION FROM THE NATIONAL READY MIX CONCRETE ASSOCIATION (NRMA) SHALL INSTALL THE CONCRETE AND AT LEAST ONE FOREMAN WITH THIS CERTIFICATION MUST BE ON THE JOB SITE AT ALL TIMES DURING CONCRETE INSTALLATION.
- PROTECT THE EXCAVATED AREA FROM EXCESSIVE COMPACTION DUE TO CONSTRUCTION TRAFFIC AND PROTECT THE FINISHED PAVEMENT FROM CONSTRUCTION TRAFFIC.

PERVIOUS PAVER REQUIREMENTS
CONTRACTOR OR PERMITEE SHALL:
- PROVIDE CERTIFICATION FROM THE PAVER MANUFACTURER THAT THE PAVERS MEET THE REQUIREMENTS OF THE C3 STORMWATER HANDBOOK FOR PERVIOUS PAVERS. THIS INCLUDES, BUT IS NOT LIMITED TO, HAVING A MINIMUM SURFACE INFILTRATION RATE OF 100"/HR WHEN TESTED IN ACCORDANCE WITH ASTM C1701.
- ONLY CONTRACTORS HOLDING CERTIFICATION OF COMPLETION IN THE INTERLOCKING CONCRETE PAVEMENT INSTITUTES (ICPI) INSTALLER TECHNICIAN COURSE SHALL BE USED TO INSTALL THE PAVERS AND AT LEAST ONE FOREMAN WITH THIS CERTIFICATION MUST BE ON THE JOBSITE AT ALL TIMES DURING CONCRETE PAVER INSTALLATION.
- PROTECT THE EXCAVATED AREA FOR PERVIOUS PAVERS FROM EXCESSIVE COMPACTION DUE TO CONSTRUCTION TRAFFIC AND PROTECT THE FINISHED PAVEMENT FROM CONSTRUCTION TRAFFIC.

POUROUS ASPHALT REQUIREMENTS
CONTRACTOR OR PERMITEE SHALL:
- PROVIDE CERTIFICATION FROM THE ASPHALT MANUFACTURER THAT THE ASPHALT MEETS THE REQUIREMENTS OF THE C3 STORMWATER HANDBOOK FOR POUROUS ASPHALT. THIS INCLUDES, BUT IS NOT LIMITED TO, HAVING A MINIMUM SURFACE INFILTRATION RATE OF 100"/HR WHEN TESTED IN ACCORDANCE WITH ASTM C1701.
- PROTECT THE EXCAVATED AREA FROM EXCESSIVE COMPACTION DUE TO CONSTRUCTION TRAFFIC AND PROTECT THE FINISHED PAVEMENT FROM CONSTRUCTION TRAFFIC.

EARTH WORK QUANTITIES
CUT: 1,782 CY (RETAINED ON-SITE)
FILL: 482 CY
EXPORT: 0 CY
IMPORT: 0 CY
NOTE: EARTHWORK QUANTITIES SHOWN ARE APPROXIMATE. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO INDEPENDENTLY ESTIMATE QUANTITIES FOR HIS/HER OWN USE.

APPROVED FOR GRADING AND DRAINAGE ONLY
DEPARTMENT OF PUBLIC WORKS
CITY OF SAN JOSE, CALIFORNIA
Project Engineer: _____ Date: _____
Permit Number: _____ Expiration Date: _____

GEOTECHNICAL ENGINEER OF RECORD
THIS PLAN HAS BEEN REVIEWED AND FOUND TO BE IN GENERAL CONFORMANCE WITH THE INTENT AND PURPOSE OF THE GEOTECHNICAL REPORT.
UPP GEOTECHNOLOGY 8 JANUARY, 2016
PREPARED BY (COMPANY NAME) DATE OF REPORT
BY G.E. # _____

ENGINEERING GEOLOGIST AND GEOTECHNICAL ENGINEER OF RECORD
THIS PLAN HAS BEEN REVIEWED AND FOUND TO BE IN GENERAL CONFORMANCE WITH THE INTENT AND PURPOSE OF THE GEOTECHNICAL AND GEOLOGIC REPORT.
PREPARED BY (COMPANY NAME) DATE OF REPORT
BY C.E.G. # _____ BY G.E. # _____

SHEET INDEX
TITLE SHEET A1
SITE PLAN A2
GRADING AND DRAINAGE PLAN A3
DETAILS/CROSS SECTIONS A4
EROSION CONTROL PLAN A5

STORM PUMP ELECTRICAL
ELECTRICAL CONNECTION(S) TO STORM PUMP(S) IS/ARE NOT INCLUDED WITH PUBLIC WORKS REVIEW OR INSPECTION. DEVELOPER/CONTRACTOR SHALL OBTAIN A SEPARATE APPROVAL & INSPECTION FOR THE ELECTRICAL CONNECTION THROUGH THE BUILDING DIVISION.

RETAINING WALL INSPECTION
CONTRACTOR OR PERMITEE SHALL NOTIFY THE CITY STRUCTURAL INSPECTOR AT LEAST 48 HOURS PRIOR TO CONSTRUCTION OF THE RETAINING WALLS. THE STRUCTURAL INSPECTOR IS LES PAGE. VOICE MAIL NO. (408) 858-4940.

STORM PUMP INSPECTION
CONTRACTOR OR PERMITEE SHALL NOTIFY THE CITY STORM PUMP INSPECTOR AT LEAST 48 HOURS PRIOR TO THE INSTALLATION OF THE STORM PUMP(S). CONTACT LES PAGE AT VOICE MAIL NO. (408) 858-4940.

BIOTREATMENT SOIL REQUIREMENTS
PRIOR TO ORDERING THE BIOTREATMENT SOIL MIX OR DELIVERY TO THE PROJECT SITE, CONTRACTOR SHALL PROVIDE A BIOTREATMENT SOIL MIX SPECIFICATION CHECKLIST, COMPLETED BY THE SOIL MIX SUPPLIER AND CERTIFIED TESTING LAB.

SHORING INSPECTION
CONTRACTOR OR PERMITEE SHALL NOTIFY THE CITY STRUCTURAL INSPECTOR AT LEAST 48 HOURS PRIOR TO CONSTRUCTION OF ANY TEMPORARY SHORING. THE STRUCTURAL INSPECTOR IS LES PAGE. VOICE MAIL NO. (408) 858-4940.

TOPOGRAPHIC SURVEY

THE TOPOGRAPHIC SURVEY AND BOUNDARY INFORMATION PROVIDED HEREON WAS COMPLETED BY CARNES & ASSOCIATES. RI ENGINEERING INC. MAKES NO GUARANTEE AS TO THE ACCURACY OF BOTH. THE CONTRACTOR SHALL VERIFY THE BOUNDARY LOCATION AND TOPOGRAPHIC INFORMATION PRIOR TO COMMENCING WORK.

BASIS OF BEARINGS

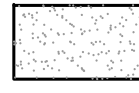
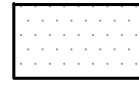

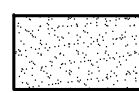

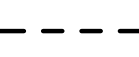
THE BEARINGS SHOWN ON THIS MAP ARE BASED ON THE SANTA TERESA RANCH LINE BETWEEN L510 AND THE IP REFERENCING L59 AS FOUND MONUMENTED AND RECORDED AS N 31°38'05" E IN BOOK 252 OF MAPS, AT PAGE 10, SANTA CLARA COUNTY RECORDS

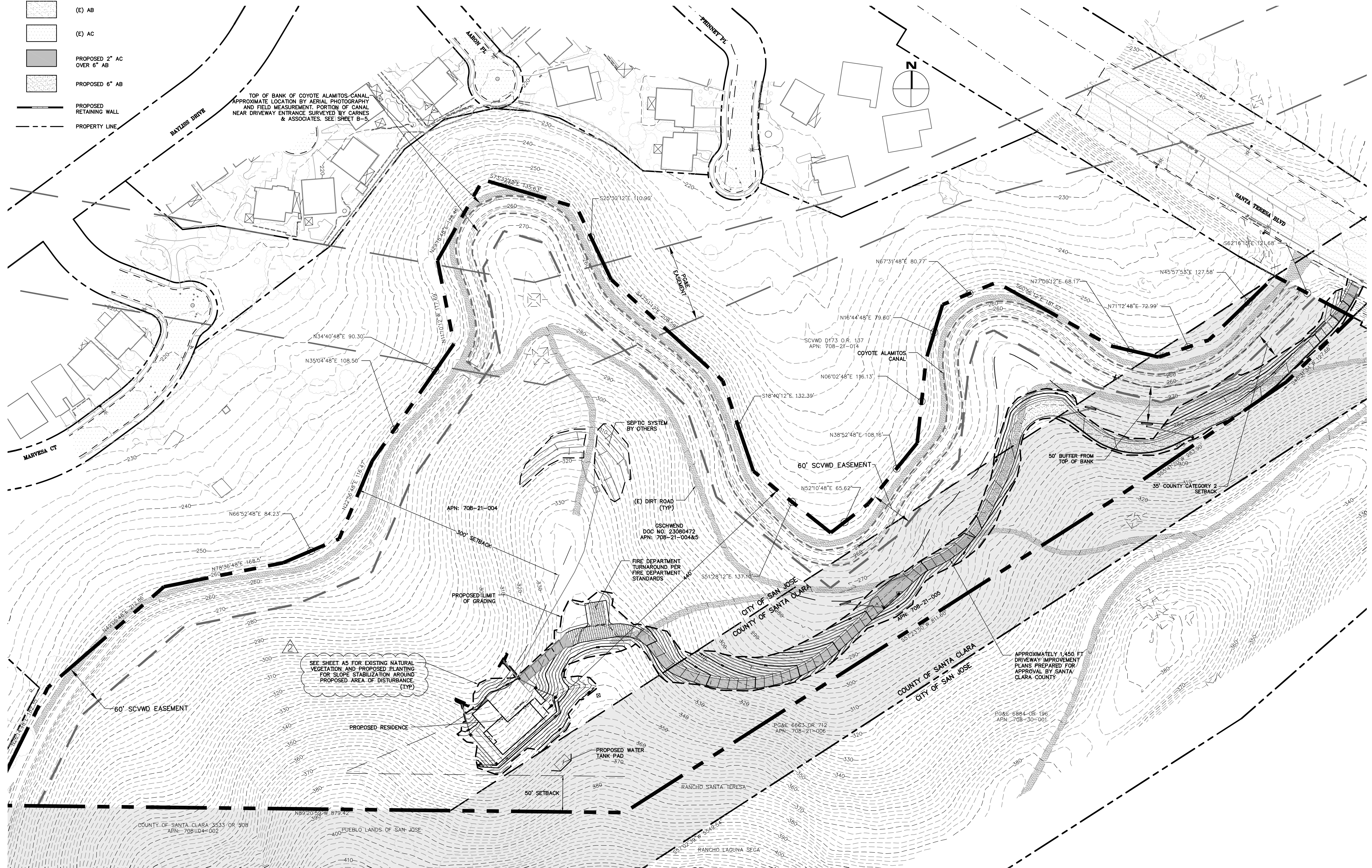
BASIS OF ELEVATION

THE ELEVATIONS SHOWN ON THIS MAP ARE BASED ON THE CITY OF SAN JOSE BENCHMARK 769-E ELEVATION 214.95 (NGVD29)

Vertical strip containing: RESPONSE TO CITY (MAY 2017), RESPONSE TO CITY (MARCH 2020), REVISIONS, CSJ, DATE, RPH, PK, BY, PROFESSIONAL ENGINEER (RICHARD J. IRISH, No. 45920, Exp. 12-31-20, CIVIL), RI Engineering, Inc. (303 Potrero St., Suite 42-202, Santa Cruz, CA 95060), CALIFORNIA, SHEET A1 Of 5 SHEETS, PW PROJECT # CP-17-010

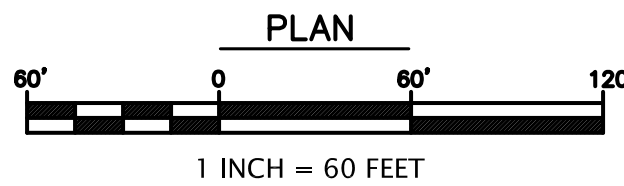
LEGEND

-  (E) AB
-  (E) AC
-  PROPOSED 2" AC OVER 6" AB
-  PROPOSED 6" AB
-  PROPOSED RETAINING WALL
-  PROPERTY LINE

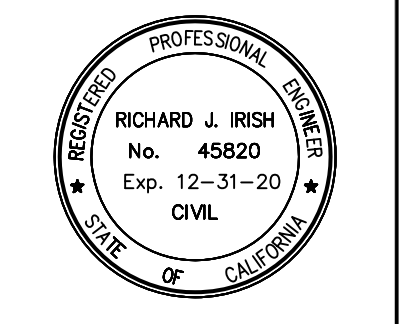


TOP OF BANK OF COYOTE ALAMITOS CANAL, APPROXIMATE LOCATION BY AERIAL PHOTOGRAPHY AND FIELD MEASUREMENT. PORTION OF CANAL NEAR DRIVEWAY ENTRANCE SURVEYED BY CARNES & ASSOCIATES. SEE SHEET B-5.

SEE SHEET A5 FOR EXISTING NATURAL VEGETATION AND PROPOSED PLANTING FOR SLOPE STABILIZATION AROUND PROPOSED AREA OF DISTURBANCE (TYP)



REVISIONS	DATE	BY	CSJ
05/17	RESPONSE TO CITY, MAY 2017		
04/20	RESPONSE TO CITY, MARCH 2020		



NEW SINGLE FAMILY RESIDENCE
 FOR
 MARC GSCHWEND
 SANTA TERESA BLVD
 SAN JOSE, CALIFORNIA
 APN 708-21-004

RI Engineering, Inc. (RI)
 303 Potrero St., Suite 42-202, Santa Cruz, CA 95060
 831-425-3901 www.riengineering.com

SITE PLAN
 SAN JOSE, CALIFORNIA
 Project No. 15-047-1 | Designed: RIE | Checked: RIE | Date: APRIL 2020

SHEET
A2
 Of 5 SHEETS
 PW PROJECT #
 CP-17-010

4/18/2020 9:04:09 AM

REV. DATE APRIL 2020

APPROXIMATE EARTHWORK QUANTITIES WITHIN CITY JURISDICTION

SITE EXCAVATION	1,210	CUBIC YARDS
FOUNDATION EXCAVATION	628	CUBIC YARDS
SITE FILL	1,896	CUBIC YARDS
SITE NET	58	CUBIC YARDS FILL

- NOTES:**
- EARTHWORK QUANTITIES ARE APPROXIMATE AND SHALL BE INDEPENDENTLY VERIFIED BY THE CONTRACTOR FOR BIDDING PURPOSES.
 - EARTHWORK VOLUMES INCLUDE EXCAVATION TO ROUGH GRADE FOR CONSTRUCTION OF THE PROPOSED RESIDENCE. EARTHWORK VOLUMES REQUIRED TO CONSTRUCT THE FOUNDATIONS HAVE NOT BEEN INCLUDED.
 - EXCESS SOIL SHALL BE HAULED OR PLACED IN A CITY APPROVED LOCATION.



EARTHWORK AND GRADING

- WORK SHALL CONSIST OF ALL CLEARING, GRUBBING, STRIPPING, PREPARATION OF LAND TO BE FILLED, EXCAVATION, SPREADING, COMPACTION AND CONTROL OF FILL, AND ALL SUBSIDIARY WORK NECESSARY TO COMPLETE THE GRADING TO CONFORM TO THE LINES, GRADES, AND SLOPES, AS SHOWN ON THE APPROVED PLANS.
- ALL GRADING OPERATIONS SHALL CONFORM TO SECTION 19 OF THE CALTRANS STANDARD SPECIFICATIONS, AND SHALL ALSO BE DONE IN CONFORMANCE WITH THE REQUIREMENTS OF THE CITY OF SAN JOSE. THE MOST STRINGENT GUIDELINE SHALL PREVAIL.
- THE CONTRACTOR SHALL GRADE TO THE LINE AND ELEVATIONS SHOWN ON THE PLAN AND SHALL SECURE THE SERVICES OF A LICENSED LAND SURVEYOR OR REGISTERED CIVIL ENGINEER TO PROVIDE STAKES FOR LINE AND GRADE.
- THE UPPER 18" OF NATIVE SUBGRADE IN AREAS TO RECEIVE CONCRETE SLABS AND/OR PAVEMENTS SHOULD BE OVEREXCAVATED AND EXPOSED SURFACE SHOULD BE SCARIFIED, MOISTURE CONDITIONED TO PRODUCE A MOISTURE CONTENT WITHIN 4% TO 5% ABOVE THE LABORATORY OPTIMUM VALUE, AND UNIFORMLY COMPACTED TO AT LEAST 90% RELATIVE COMPACTION BASED ON ASTM TEST D1557. THE UPPER 6" OF CONCRETE SLAB, AND PAVEMENT SUBGRADE AND BASE SHOULD BE COMPACTED TO AT LEAST 93% RELATIVE COMPACTION UNLESS OTHERWISE RECOMMENDED BY THE GEOTECHNICAL ENGINEER.
- ENGINEERED FILL SHOULD BE PLACED IN THIN LIFTS NOT EXCEEDING 8" IN LOOSE THICKNESS, MOISTURE CONDITIONED, AND COMPACTED TO AT LEAST 90% RELATIVE COMPACTION.
- IMPORTED FILL MATERIAL USED AS ENGINEERED FILL FOR THE PROJECT SHALL MEET THE FOLLOWING REQUIREMENTS:
 Less than 3% organics, free of debris and gravel material, contain no rocks or clods greater than 2.5" diameter, with no more than 15 percent by weight of rocks larger than 2 1/2".
 Be granular and have a plasticity index of less than 15, and should have sufficient binder to allow excavations to stand without caving.
- BARE GROUND WITHIN 10' OF FOUNDATIONS SHALL BE SLOPED AWAY @ 5% MINIMUM OR 2% MINIMUM FOR PAVED SURFACES.

BIOLOGICAL RESOURCES NOTES

- IF LAND-CLEARING ACTIVITIES CAN BE PERFORMED OUTSIDE OF THE NESTING SEASON, THAT IS, BETWEEN AUGUST 16 AND JANUARY 31, NO SURVEYS FOR GROUND-NESTING AND/OR TREE-NESTING PASSERINES ARE WARRANTED. THE SURVEY AREA SHOULD INCLUDE ALL TREES AND SCRUB WITHIN 200 FEET OF THE LIMITS OF WORK. THE PURPOSE OF PRE-CONSTRUCTION CONSTRUCTION SURVEYS IS TO DETERMINE IF OCCUPIED NESTS ARE PRESENT WITHIN THE ZONE OF INFLUENCE OF THE PROJECT.
- IF LAND-CLEARING ACTIVITIES ARE TO COMMENCE BETWEEN FEBRUARY 1 AND AUGUST 15, A PRE-CONSTRUCTION SURVEY FOR GROUND-NESTING AND/OR TREE-NESTING PASSERINES MUST BE CONDUCTED PRIOR TO THE INITIATION OF WORK. THE SURVEY AREA SHOULD INCLUDE ALL TREES, BUSHES, GRASSLAND AND STRUCTURES WITHIN 100 FEET OF THE LIMITS OF WORK. THE PURPOSE OF PRE-CONSTRUCTION SURVEYS IS TO DETERMINE IF OCCUPIED NESTS ARE PRESENT WITHIN THE ZONE OF INFLUENCE OF THE PROJECT.
- DEPENDING ON THE TIME OF YEAR AND DEPENDING ON THE RESULTS OF THE PRE-CONSTRUCTION SURVEYS, IT MIGHT BE NECESSARY THAT CONSTRUCTION ACTIVITIES COMMENCE WITHIN ONE WEEK OF THE SURVEY EARLY IN THE BREEDING SEASON TO AS LONG AS 30 DAYS LATE IN THE BREEDING SEASON, AS RECOMMENDED BY THE WILDLIFE BIOLOGIST. IF CONSTRUCTION IS NOT INITIATED WITHIN THESE WINDOWS, IT MIGHT BE NECESSARY TO REPEAT THE PRE-CONSTRUCTION SURVEYS.
- IF ANY OCCUPIED GROUND-NESTING AND/OR TREE-NESTING PASSERINE NESTS ARE FOUND WITHIN THE ZONE OF INFLUENCE, GRADING AND CONSTRUCTION SHALL BE PROHIBITED WITHIN AN APPROPRIATE SETBACK (IN GENERAL, 75-100 FEET, DEPENDING ON LINES OF SIGHT AND THE SPECIES IN QUESTION), AS APPROVED BY A QUALIFIED BIOLOGIST. WORK WITHIN THE SETBACK MUST BE DELAYED UNTIL AFTER THE YOUNG HAVE FLEDGED, AS DETERMINED DURING SURVEYS BY A QUALIFIED BIOLOGIST, OR UNTIL AFTER AUGUST 15.

STORM DRAINAGE NOTES

- CULVERTS SHALL BE REINFORCED CONCRETE PIPE (RCP), POLYVINYL CHLORIDE (PVC), OR HIGH DENSITY POLYETHYLENE (HDPE) AND SHALL HAVE A SMOOTH INTERIOR CONFORMING TO SANTA CLARA COUNTY DRAINAGE MANUAL.
- INLETS SHALL BE CHRISTY V64 CONCRETE PRODUCTS OR APPROVED EQUAL.
- PERIMETER DRAINS SHALL BE SMOOTH WALLED SOLID PLASTIC PIPE

STORM DRAIN SYSTEM MAINTENANCE

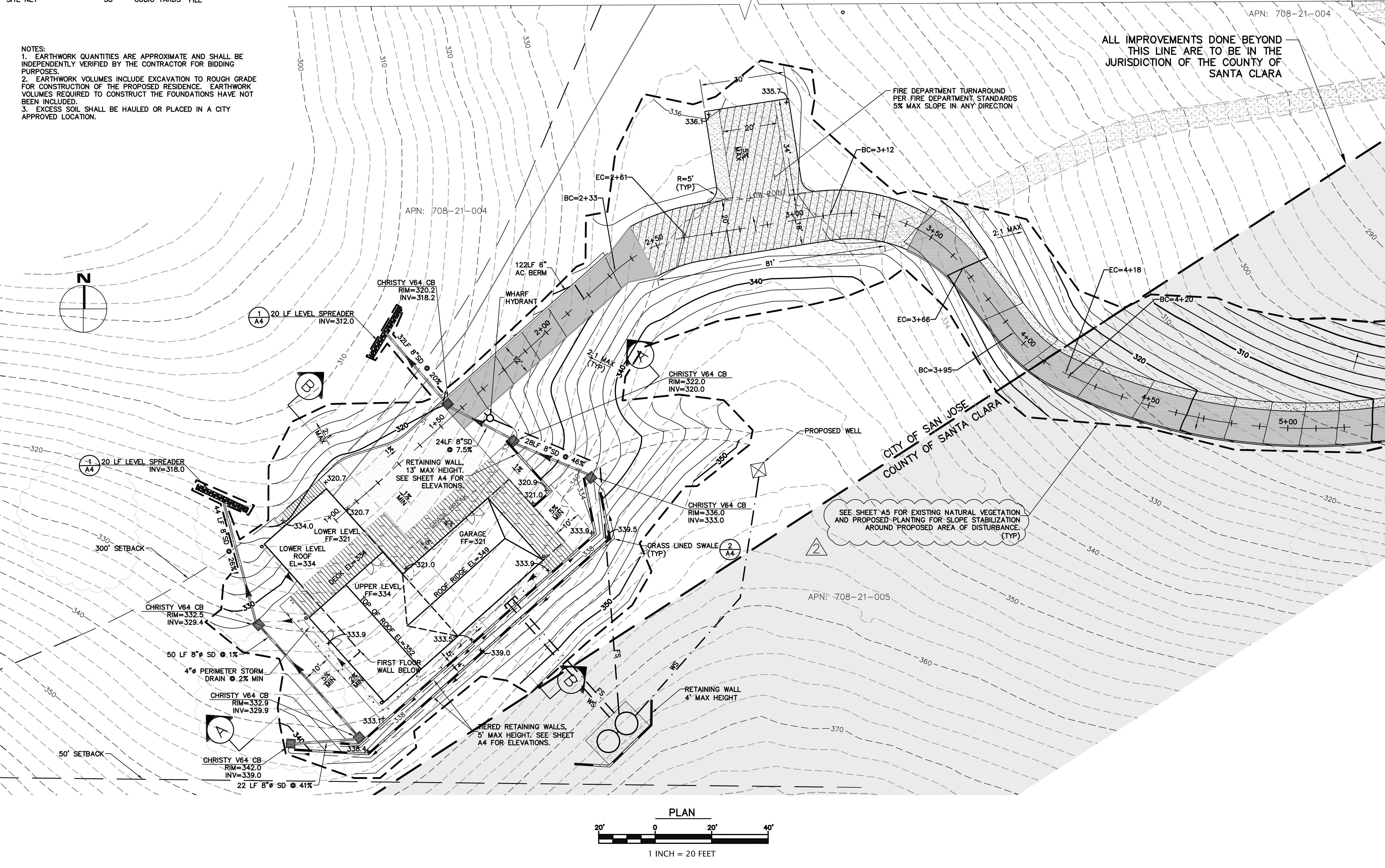
THE HOME OWNER IS RESPONSIBLE FOR MAINTAINING THE STORM DRAINAGE SYSTEM AND ALL COMPONENTS. EVERY YEAR, PRIOR TO THE WET WEATHER SEASON (OCTOBER 15TH) ALL THE CATCH BASINS AND STORM DRAIN CLEANOUTS SHALL BE INSPECTED AND CLEANED OF ANY DEBRIS, SILT, TRASH AND SEDIMENT.

LEGEND

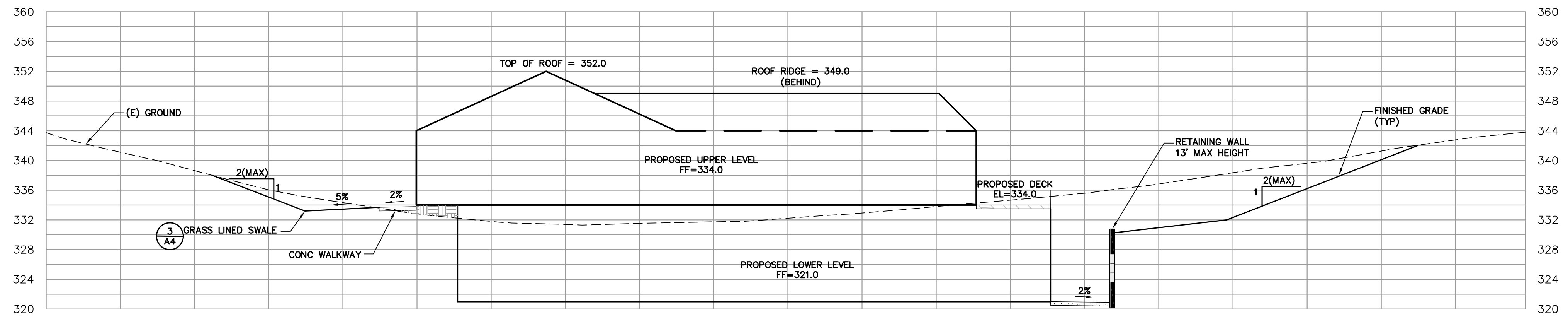
- (E) AB
- PROPOSED 2" AC OVER 6" AB
- PROPOSED 6" AB
- PROPOSED RETAINING WALL
- PROPERTY LINE
- PROPOSED LIMIT OF GRADING
- PROPOSED SWALE
- PROPOSED SD
- PROPOSED 4" SANITARY SEWER
- PROPOSED 2" WATER SERVICE
- JOINT TRENCH FOR ELECTRICAL, TELEPHONE, AND CABLE SERVICES
- PROPOSED SSSCO
- PROPOSED CB
- PROPOSED SDCO
- PROPOSED 4" PERIMETER STORM DRAIN

ABBREVIATIONS

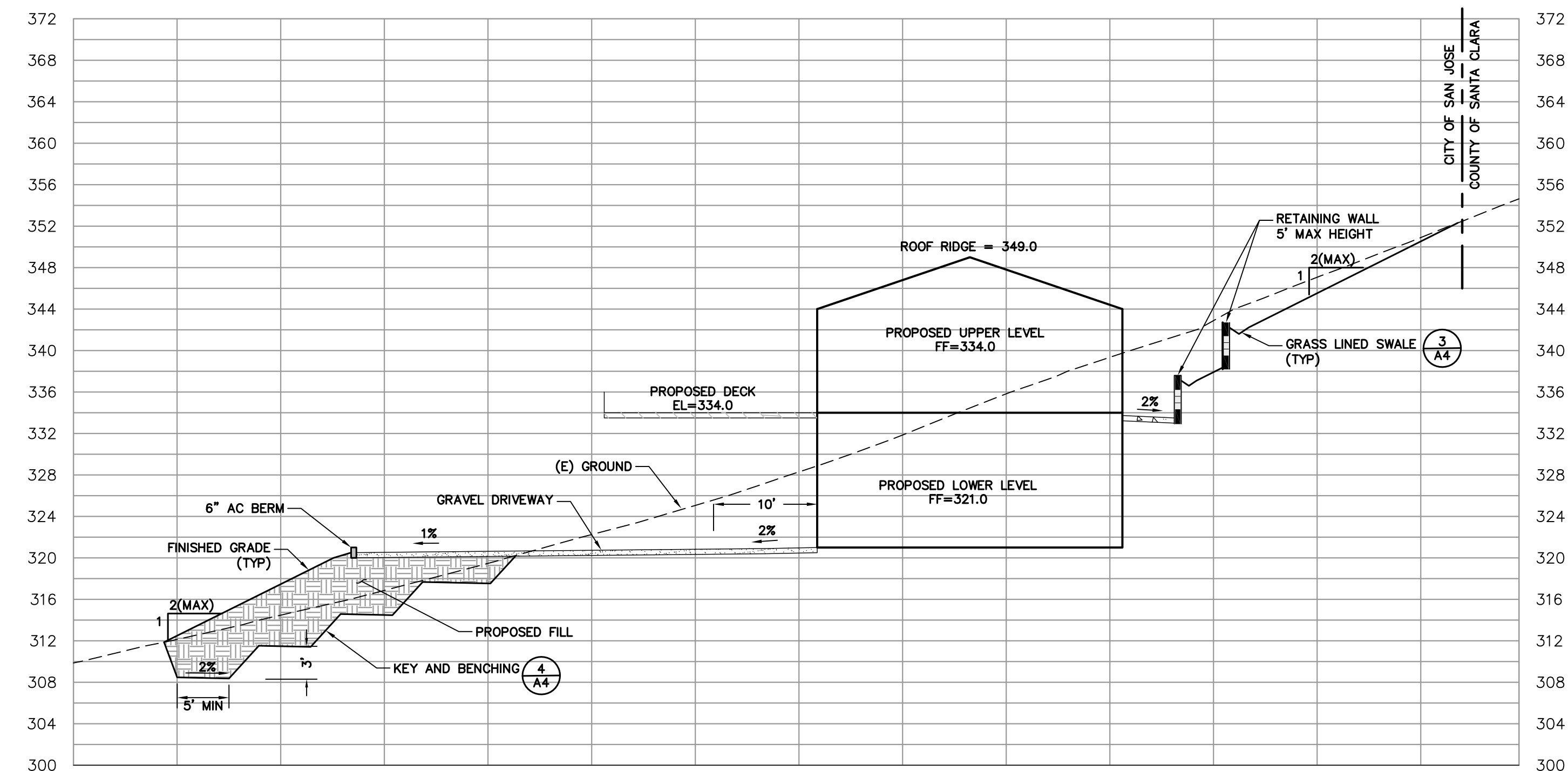
- BW BOTTOM OF WALL
- CB CATCH BASIN
- DA, # DIAMETER
- DS DOWNSPOUT
- DTL DETAIL
- DWY DRIVEWAY
- (E) EXISTING
- EL ELEVATION
- FF FINISH FLOOR
- FS FIRE SERVICE
- HP HIGH POINT
- INV INVERT
- LF LINEAR FEET
- MAX MAXIMUM
- N.T.S. NOT TO SCALE
- RIM RIM ELEVATION
- S SLOPE
- SSCO SANITARY SEWER CLEANOUT
- TYP TYPICAL
- TW TOP OF WALL
- WS WATER SERVICE



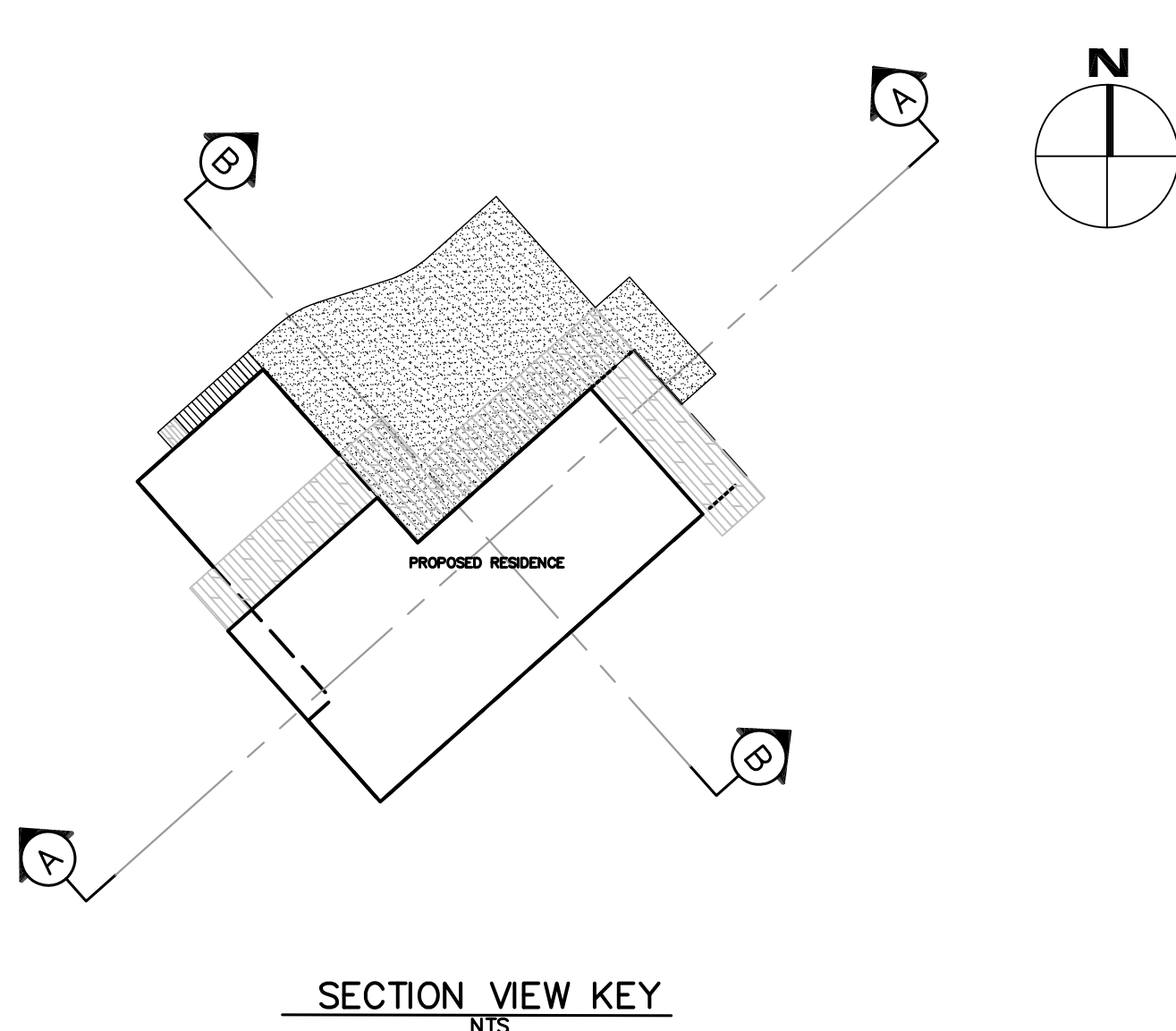
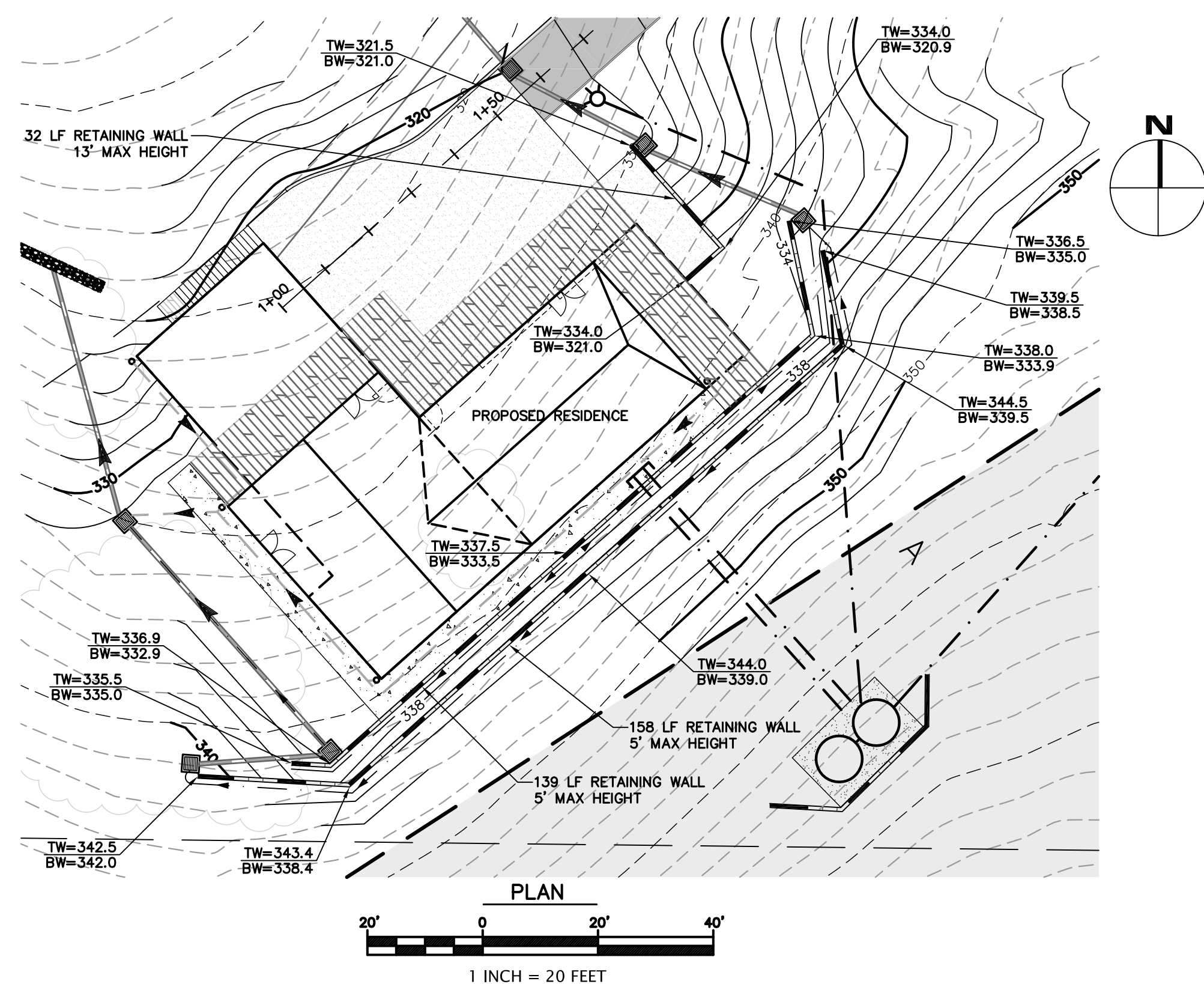
	RESPONSE TO CITY, MAY 2017	RESPONSE TO CITY, MARCH 2020			REVISIONS
RP	PK			DATE	
Δ	Δ	Δ	Δ	CSJ	BY
GRADING & DRAINAGE PLAN SHEET A3 Of 5 SHEETS PW PROJECT # CP-17-010					



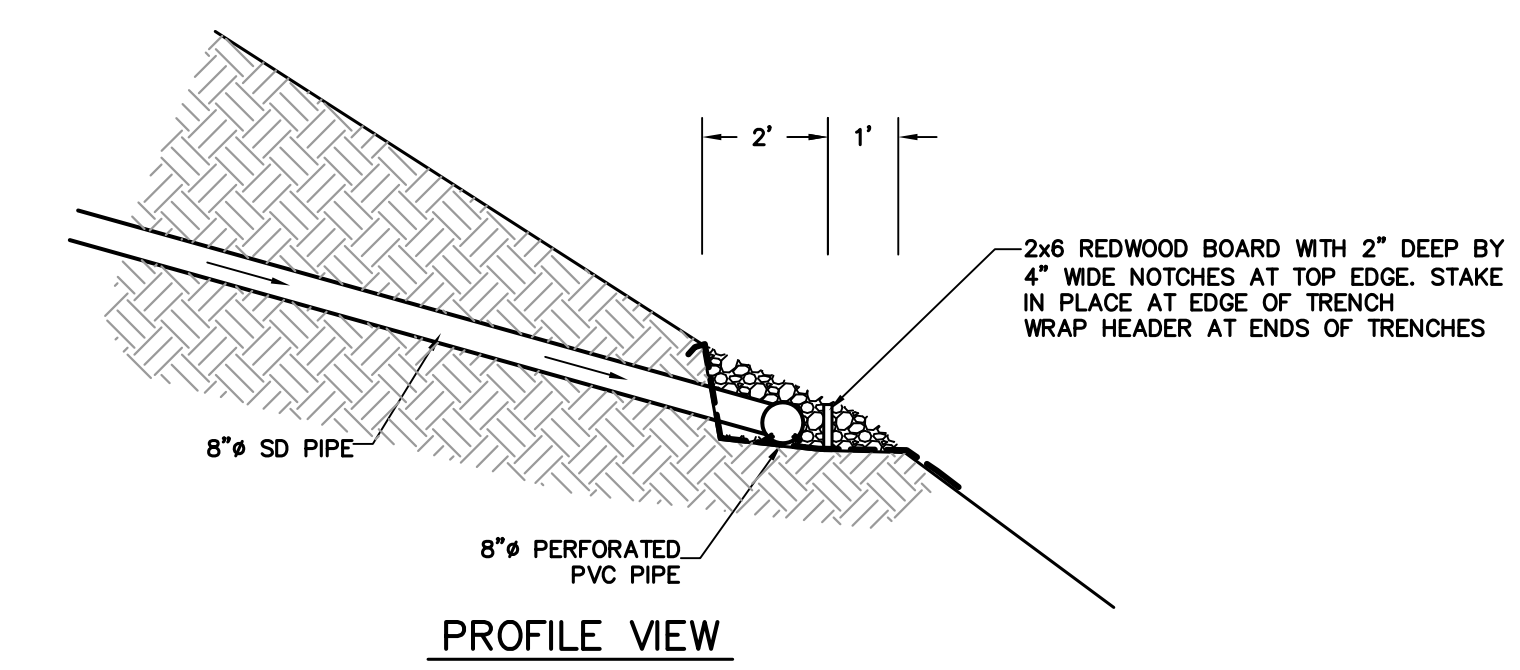
SECTION A-A
NORTHWEST VIEW
SCALE: 1"=10' HORIZONTAL, VERTICAL



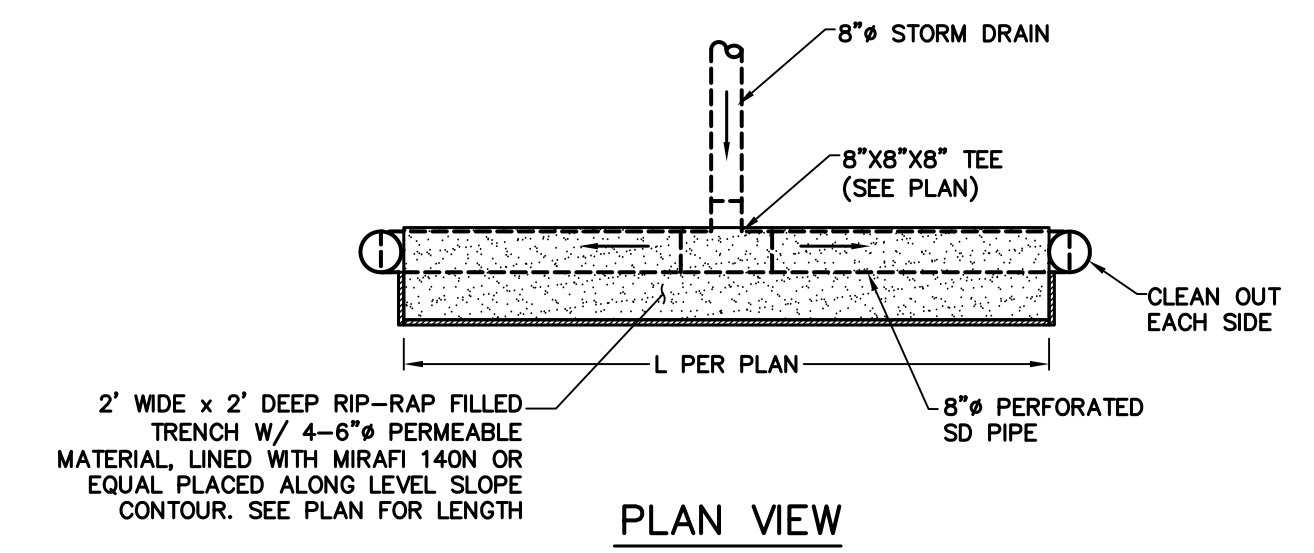
SECTION B-B
NORTHEAST VIEW
SCALE: 1"=10' HORIZONTAL, VERTICAL



SECTION VIEW KEY
NTS

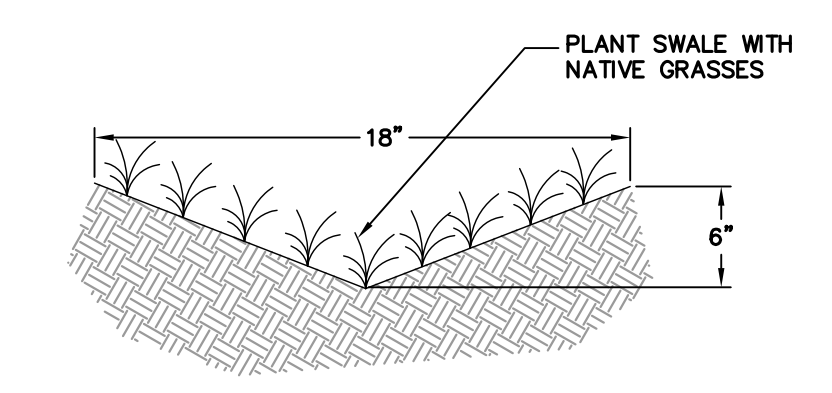


PROFILE VIEW

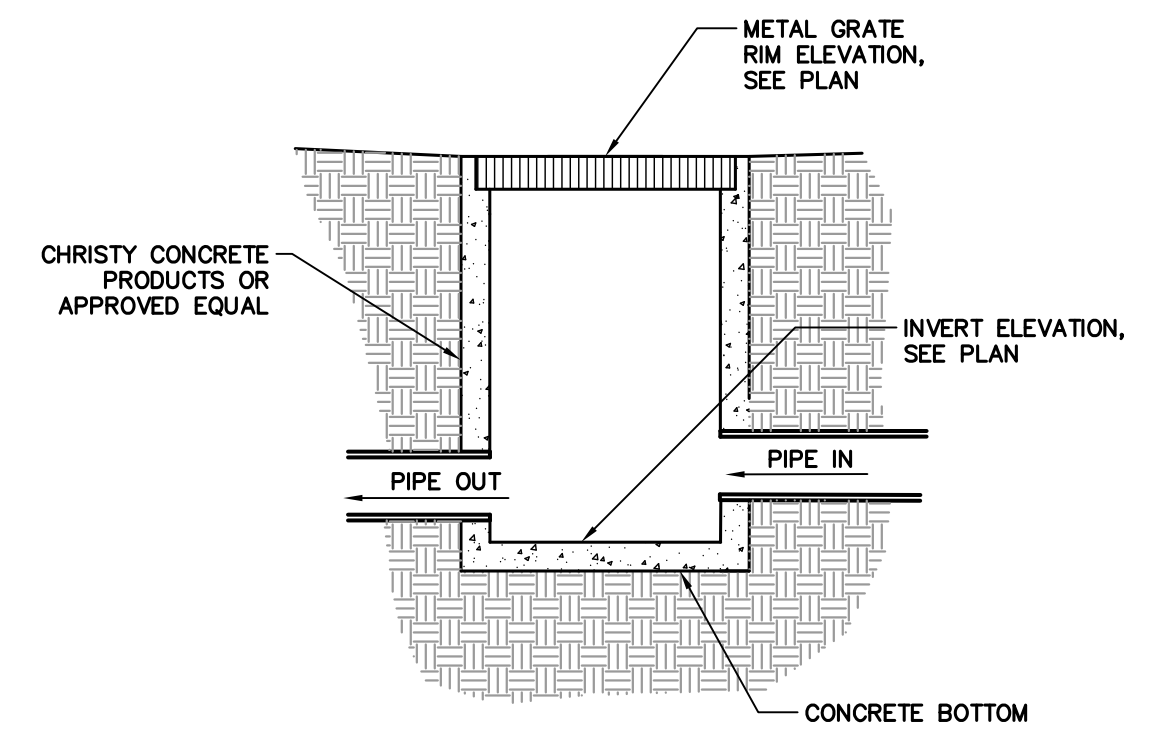


PLAN VIEW

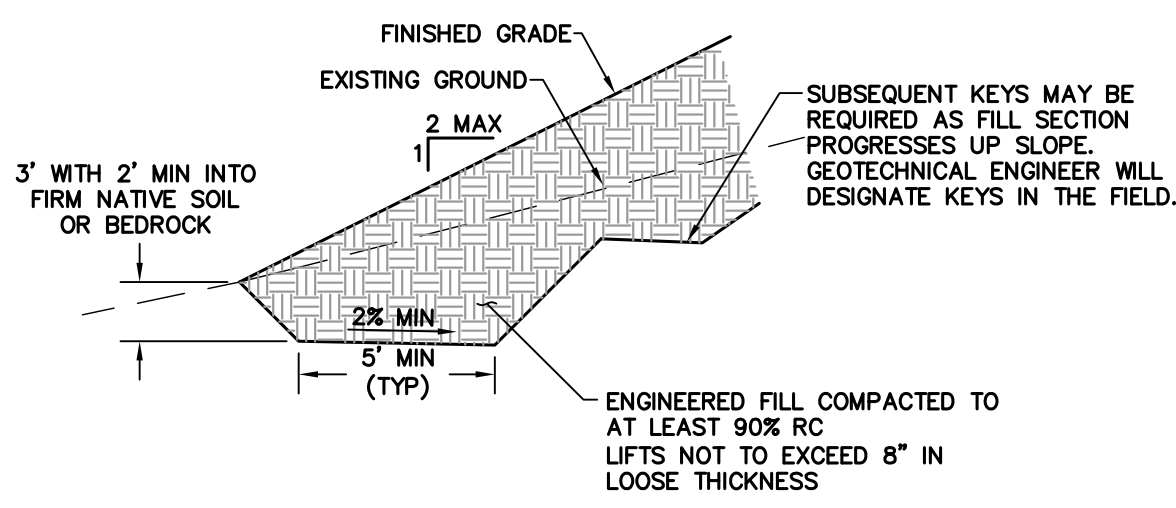
LEVEL SPREADER DETAIL
NTS



GRASS LINED SWALE DETAIL
NTS

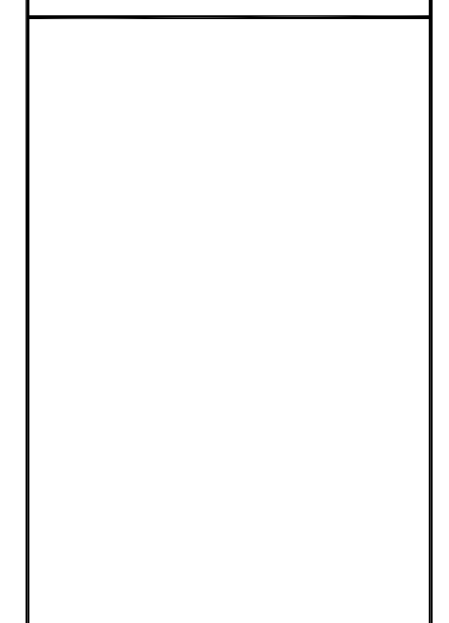


TYPICAL CATCH BASIN DETAIL
NTS



FILL KEYWAY DETAIL
NTS

RESPONSE TO CITY, MAY 2017	RESPONSE TO CITY, MARCH 2020	DATE	REVISIONS
05/17	04/20		
RPH	PK		
BY	CSJ		



NEW SINGLE FAMILY RESIDENCE
FOR
MARC GSCHWEND
SANTA TERESA BLVD
SAN JOSE, CALIFORNIA
APN 708-21-004
SAN JOSE, CALIFORNIA
Project No. 15-047-1 | Designed: RIE | Checked: RIE | Date: APRIL 2020

DETAILS/CROSS SECTIONS
SHEET
A4
Of 5 SHEETS
PW PROJECT #
CP-17-010

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**Plant Species Observed at the Gschwend Residence Project Site, San Jose,
Santa Clara County, California**

Scientific Name	Common Name	Native/Alien Species
<i>Avena fatua</i>	Common wild oat	Alien
<i>Baccharis pilularis</i>	Coyote brush	Native
<i>Brassica nigra</i>	Black mustard	Alien
<i>Chlorogalum pomeridianum</i>	Soap plant	Native
<i>Claytonia parviflora</i>	Miner's lettuce	Native
<i>Erodium brachycarpum</i>	Stork's bill	Alien
<i>Eschscholzia californica</i>	California poppy	Native
<i>Galium californicum</i>	California bedstraw	Native
<i>Geranium molle</i>	Woodland geranium	Alien
<i>Helminthotheca echioides</i>	Bristly ox-tongue	Alien
<i>Lepidium nitidum</i>	Shining peppergrass	Native
<i>Plantago lanceolata</i>	English plantain	Alien
<i>Quercus lobata</i>	Valley oak	Native
<i>Raphanus raphanistrum</i>	Wild radish	Alien
<i>Rumex acetosella</i>	Sheep sorrel	Alien
<i>Silybum marianum</i>	Milk thistle	Alien
<i>Toxicodendron diversilobum</i>	Poison oak	Native
<i>Vicia sativa</i>	Spring vetch	Alien

Source: LSA 2020 (December 30, 2016 and June 5, 2020 site visits).

**Animal Species Observed at the Gschwend Residence Project Site, San Jose,
Santa Clara County, California**

LSA biologists observed or detected the sign (e.g., tracks, scat, nests, burrows) of the following vertebrate wildlife species on the project site.

Common Name	Scientific Name	Presumed Seasonal Occurrence/Nesting Codes
Birds		
Mourning dove	<i>Zenaida macroura</i>	R
Killdeer	<i>Charadrius vociferus</i>	R
Red-tailed hawk	<i>Buteo jamaicensis</i>	R
American kestrel	<i>Falco sparverius</i>	R
American crow	<i>Corvus brachyrhynchos</i>	R
House finch	<i>Carpodacus mexicanus</i>	R
Turkey vulture	<i>Cathartes aura</i>	R
Mammals		
Coyote	<i>Canis latrans</i>	R
California ground squirrel	<i>Otospermophilus beecheyi</i>	R
Botta's pocket gopher	<i>Thomomys bottae</i>	R
Reptiles		
Garter snake	<i>Thamnophis sp.</i>	R
Western fence lizard	<i>Sceloporus occidentalis</i>	R

Source: LSA 2020 (December 30, 2016 and June 5, 2020 site visits).

M = Migrant: Occurs in the project area for brief periods during migration.

R = Year-round resident: Resident/expected to nest/breed in the project area or in the vicinity.

S = Spring/summer resident: May nest in the project area or in the vicinity.

T = Transient: May occur in the project area sporadically, but unlikely to nest or occur regularly.

W = Winter visitor: Regularly present during winter; does not nest locally.

F = Fly over.

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