APPENDIX B- Biological Resources Study and Arborist Report for the INITIAL STUDY with PROPOSED MITIGATED NEGATIVE DECLARATION 1675 MONTEREY ROAD, SAN JOSE, CALIFORNIA

CP21-018

November 2021

NV5

This page is intentionally left blank

LIST OF APPENDICES

LIST OF ACRONYMS

°F	degrees Fahrenheit
µg/m^3	micrograms per cubic meter
AB	Assembly Bill
ADA	Americans with Disabilities Act
AEP	Association of Environmental Professionals
APN	Assessor's Parcel Number
AQMP	Air Quality Management Plan
AST	aboveground storage tank
AVL	Automatic Vehicle Location
BMP	Best Management Practice
CAAQS	California Ambient Air Quality Standards
CalGEM	California Geologic Energy Management Division
CARB	California Air Resources Board
CBC	California Building Code
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CERS	California Environmental Reporting System
CFR	Code of Federal Regulations
CGS	California Geological Survey
CH_4	methane
CHRIS	California Historical Resources Information System
City	City of San Jose
CMP	Congestion Management Program
CMU	concrete masonry units
CNEL	Community Noise Equivalent Level
CO	carbon monoxide
CO_2	carbon dioxide
CO_2e	carbon dioxide equivalent
CPUC	California Public Utilities Commission
CUPA	Certified Unified Program Agency
CWA	Clean Water Act
DOSD	California Division of Safety of Dams

DOT	Department of Transportation
DPM	diesel particulate matter
DTSC	Department of Toxic Substances Control
FHSZ	Fire Hazard Severity Zone
FHWA	Federal Highway Administration
ft	feet or foot
GHG	greenhouse gas
H_2S	hydrogen sulfide
HCM	Highway Capacity Manual
HCP	Habitat Conservation Plan
HI	Hazard Index
HMBP	Hazardous Materials Business Plan
hr	hour
HRA	Health Risk Assessment
Hz	Hertz
IGP	Industrial General Permit
In/sec	inches per second
IS	Initial Study
kWh	kilowatt-hours
lbs or lb	pounds
LID	Low Impact Development
LOS	Level of Service
LSTs	Localized Significance Thresholds
MEIR	Maximum Exposed Individual Resident
MEIW	Maximum Exposed Individual Worker
MIP	Monitoring Implementation Program
mmBtu	million British thermal units
MRZ	mineral resource zone
MT/yr	metric tonnes per year
N_2O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NEC	No Exposure Certification
NO_2	nitrogen dioxide
NOI	Notice of Intent
NONA	Notice of Non-Applicability
NOx	oxides of nitrogen
NPDES	National Pollutant Discharge Elimination System
PM_{10}	particulate matter with aerodynamic diameter of 10 microns or less
$PM_{2.5}$	particulate matter with aerodynamic diameter of 2.5 microns or less
POL	petroleum, oil, and lubricant
PPD	Precise Plan of Design
ppm	parts per million
PPV	peak particle velocity
PTC	Permit to Construct
PTO	Permit to Operate
QISP	Qualified Industrial Stormwater Practitioner
RCNM	Roadway Construction Noise Model
SJFD	San Jose Fire Department

RMS	root mean square
SFBAAB	San Francisco Bay Area Air Basin
SJMWS	San Jose Municipal Water System
SJPD	San Jose Police Department
SCAQMD	South Coast Air Quality Management District
SCE	Southern California Edison
SIC	Standard Industrial Classification
SMARA	Surface Mining and Reclamation Act of 1975
SMARTS	Stormwater Multiple Application and Report Tracking System
SO_2	sulfur dioxide
SOx	oxides of sulfur
SPCC	Spill Prevention, Control, and Countermeasure
SSC	species of special concern
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TACs	Toxic Air Contaminants
TIA	Traffic Impact Analysis
TMDL	Total Maximum Daily Load
tpd	tons per day
tpy	tons per year
UMWP	Urban Water Management Plan
US	United States
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
VMT	vehicle miles traveled
VOC	volatile organic compound
WQMP	Water Quality Management Plan

This page is intentionally left blank

Appendix B

Biological Resources Study and Arborist Report

BIOLOGICAL RESOURCES REPORT FOR 1675 MONTEREY ROAD, SAN JOSE, CALIFORNIA

March 2021

Prepared For:

Mr. Bradley Cardon

EXECUTIVE SUMMARY

This Biological Resources Study Report (Report) summarizes information gathered from a review of an associated Arborist report and results of a general biological survey conducted over approximately 6.4-acres in San Jose, Santa Clara County, California (CA) where the Applicant proposes to construct a campus parking lot.

The purpose for conducting the biological survey was to identify potential biological resource constraints prior to development of the parking lot, and utilize the findings to provide recommendations for additional surveys that may need to be conducted in the future based on the survey results. The biological survey was conducted in February 2021. An NV5 biologist recorded plant and animal observations and documented active and inactive bird nests. The potential for special-status plant and animal species to occur within the Project Site was also evaluated.

During the biological survey, one active Anna's hummingbird (*Calypte anna*) nest and two inactive stick nests were observed within a 0.1-acre depressed area of the Project Site that is presently fenced off in the northeast corner of the Project Site. One special-status plant, Northern California black walnut (*Juglans hindsii*) was observed in five locations along the perimeter fence in the southwest and northwest portions of the Project Site. No other special-status animals, birds, plants, or their habitat were present on the Project Site. Approximately 90-percent of the Project Site has a gravel or paved surface and no water resource areas occur within the Project Site.

Recommendations

Migratory Bird Treaty Act and California Fish and Game Code Section 3511 require preconstruction surveys be conducted by a qualified avian biologist within three days prior to any construction activities. Due to the presence of an active Anna's hummingbird nest in the northeast corner of the Project Site preconstruction nest surveys are recommended for this Project Site.

TABLE OF CONTENTS

LIST OF TABLES

APPENDICES

LIST OF ACRONYMS

CDFW	California Department of Fish and Wildlife
CESA	California Endangered Species Act
CEQA	California Environmental Quality Act
CFGC	California Fish and Game Code
CFR	Code of Federal Regulations
CNDDB	California Natural Diversity Database
CNPPA	California Native Plant Protection Act
CNPS	California Native Plant Society
CWA	Clean Water Act
EPA	U.S. Environmental Protection Agency
ESA	Federal Endangered Species Act
°F	Fahrenheit
HCP	Habitat Conservation Plan
IPAC	Information for Planning for Consultation
MBTA	Migratory Bird Treaty Act
NDPES	National Pollution Discharge Elimination System
NRCS	Natural Resource Conservation Service
NHD	National Hydrography Dataset
NWI	National Wetland Inventory
%	Percent
PBCE	Planning, Building and Code Enforcement
REPORT	Biological Resources Report
RWQCB	Regional Water Quality Control Board
SCVHCP	Santa Clara Valley Habitat Conservation Plan
SSC	Species of Special Concern
SWRCB	State Water Resource Control Board
SWPPP	Storm Water Pollution Prevention Plan
USACE	U.S. Army Corps of Engineers
USDA	U.S. Department of Agriculture
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey

1.0 INTRODUCTION

This Biological Resources Report (Report) documents existing conditions within a proposed Project Site located at 1675 Monterey Road, San Jose, Santa Clara County, California. The Report includes data compiled on plant and animal species, evaluates the potential for special-status biological resources to occur within or adjacent to the Project Site and determines if protocol-level surveys are recommended to address results gathered from the general biological survey. The Project Site is an approximately 6.4-acre lot. Permission to access lots adjacent to the Project Site was not obtained prior to the survey, therefore, no buffer area was surveyed.

1.1 Project Vicinity

The proposed Project Vicinity is located in San Jose, California, and is represented on the *San Jose West*, California and *San Jose East, California*, U.S. Geological Society (USGS) 7.5 Minute Quadrangles (Figure 1, Appendix A). The Project Site location is south of Interstate 280, west of Highway 101, east of Highway 87 and north of Highway 85 (Figures 1-4, Appendix A).

1.2 Project Location

The Project Site is in an area where warehouses and other businesses are present. The Project Site specifically lies between San Jose Avenue on the north side, Monterey Road on the east side, Phelan Avenue on the south side and Pamona Avenue on the west, in San Jose, California (Figure 5, Appendix A).

1.3 Existing Conditions

Approximately 90 percent (%) of the Project Site is currently paved or has a gravel surface. A fenced in depression is located behind a main building in the northeast corner of the Project site (Figure 5, Appendix A; Photographs 4-6, Appendix B). The fenced in depression covers approximately 0.1-acre of the 6.4-acre Project Site.

1.4 Project Description

The Applicant is planning to redevelop the property at 1675 Monterey Road in San Jose, California to create a campus parking lot. The proposed project would involve demolition of the existing vacant commercial building and sheds and grade the depression. The proposed parking lot would cover the entire property.

1.4.1 Location and Site Layout

Preliminary impacts from the proposed project were assessed using the San Jose Offsite Plan (Scheme 1, Sheet SSA-2) prepared by AO Architects from October 31, 2019. The plan depicts the layout of the proposed parking lot which will have 795 onsite and offsite parking spaces. The Project Site will be paved and entrances will be located on the west end on Pomona Avenue and on the east end on Monterey Road (Appendix C).

2.0 REGULATORY FRAMEWORK

Federal, state and local agencies have established regulations to protect and conserve natural resources. An overview of the agency regulations that may be applicable to this Project Site are provided below. The final determination as to what types of permits are required for the proposed project will be made by the regulating agencies.

2.1 Federal Regulations

2.1.1 Federal Endangered Species Act

The Federal Endangered Species Act (ESA) of 1973, as amended, provides for the listing of endangered and threatened species of plants and animals and the designation of critical habitat for these listed species. ESA regulates the "taking" of any endangered fish or wildlife species, per Section 9 of this regulation. As development is proposed, the responsible agency or individual landowner is required to consult with the U.S. Fish and Wildlife Service (USFWS) to assess potential impacts on federally-listed species or the critical habitat a listed species inhabits, pursuant to Sections 7 and 10 of the ESA. The USFWS is required to determine the extent a proposed project would potentially impact a particular species. If the USFWS determines that a project is likely to potentially impact a species, then measures that will avoid or reduce such impacts must be identified. Following consultation with the USFWS and the issuance of a Biological Opinion, the USFWS may issue an Incidental Take Statement which allows for the take of a species, if the task associated is incidental to another authorized activity and will not adversely affect the existence of the species. More specifically Section 7 of the ESA provides federally related permitting for projects. Section 10 of the ESA provides for issuance of Incidental Take Permits to non-federal parties in conjunction with the development of a Habitat Conservation Plan (HCP).

2.1.2 Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA; 16 U.S. Code 703 et seq.) is a federal statute that implements treaties with several countries on the conservation and protection of migratory birds. The species of birds covered by the MBTA is extensive and is listed in 50 CFR 10.13. The USFWS enforces the MBTA and prohibits *by any means or in any manner, to pursue, hunt, take, capture, [or] kill" any migratory bird, or attempt such actions, except as permitted by regulation.*

2.1.3 Rivers and Harbors Act of 1899

The Rivers and Harbors Act of 1899 prohibits the discharge of any material into navigable waters of the United States, or tributaries thereof, without a permit. The act also makes it a misdemeanor to excavate, fill, or alter the course, condition, or capacity of any port, harbor, or channel, or to dam navigable streams without a permit. Many activities originally covered by the Rivers and Harbors Act are now regulated under the Clean Water Act (CWA) of 1972. The 1899 Act retains relevance and created the structure under which the United States Army Corps of Engineers (USACE) oversees permitting under Section 404 of the CWA. The USACE is authorized to regulate any activity that would result in the discharge of dredged or fill material into Waters of the U.S., including wetlands and those waters listed in U.S Code 33 CFR 328.3. The USACE, with oversight from the U.S. Environmental Protection Agency (EPA), has the principal authority to issue CWA Section 404 permits. A water quality certification or waiver pursuant to Section 401 of the CWA is required for all Section 404 permitted actions.

2.1.4 The National Pollutant Discharge Elimination System General Construction Permit

The National Pollutant Discharge Elimination System (NPDES) General Construction Permit regulates discharge of pollutants into surface Waters of the U.S. under Section 402 of the CWA. This permit regulates storm water discharge caused from construction related activities such as clearing/grubbing, demolition and excavation and typically requires a Storm Water Pollution Prevention Plan (SWPPP).

2.2 State Regulations

2.2.1 California Environmental Quality Act Guidelines

The California Environmental Quality Act (CEQA) Guidelines [California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387) i*s a statute that requires state and local agencies to identify significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible. CEQA applies to certain activities of state and local public agencies. A public agency must comply with CEQA when it undertakes an activity defined by CEQA as a "project." A project is an activity undertaken by a public agency or a private activity which must receive some discretionary approval (meaning that the agency has the authority to deny the requested permit or approval) from a government agency which may cause either a direct physical change in the environment or a reasonably foreseeable indirect change in the environment.*

The CEQA Checklist is used to identify if the project would have the following effects on species:

- *A Substantial Adverse Effect, which would be cause directly or through habitat modifications on any species identified as candidate, sensitive, special status species listed in local or regional plans, policies, regulations, or by the CDFG or USFWS.*
- *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 CDFG or USFWS.*
- *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*
- *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?*
- *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance or*
- *Conflict with the provisions of an adopted HCP, Natural Community Conservation Plan* (NCCP), *or other approved local, regional, or state habitat conservation plan?*

For each of these potential effects the checklist requires that the project be reviewed to determine if there will be "no impact, a less than significant impact, a less than significant with mitigation incorporated, or a potentially significant impact" (South Environmental 2021).

2.2.2 California Endangered Species Act

The California Endangered Species Act (CESA) of 1984, in combination with the California Native Plant Protection Act (CNPPA) of 1977, regulates the listing and take of plant and animal species designated as endangered, threatened, or rare within the state. California also lists species of special concern based on limited distribution, declining populations, diminishing habitat, or unusual scientific, recreational, or educational value.

The CESA defines an endangered species as *a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, or disease*.

The CESA defines a threatened species as *a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required by this chapter.* Any animal determined by the commission as rare on or before January 1, 1985 is a threatened species.

CESA Candidate species are defined as *a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that the commission has formally noticed as being under review by the department for addition to either the list of endangered species or the list of threatened species, or a species for which the commission has published a notice of proposed regulation to add the species to either list*. Candidate species may be afforded temporary protection as if they were already listed as threatened or endangered at the discretion of the California Fish and Game Commission (CFGC).

Article 3, Sections 2080 through 2085 of the CESA address the taking of threatened, endangered, or candidate species by stating *no person shall import into this state, export out of this state, or take, possess, purchase, or sell within this state, any species, or any part or product thereof, that the commission determines to be an endangered species or a threatened species, or attempt any of those acts, except as otherwise provided*. Under the CESA, "take" is defined as to *hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.*

Exceptions authorized by the state to allow "take" require permits or memoranda of understanding and can be authorized for endangered species, threatened species, or candidate species for scientific, educational, or management purposes and for take incidental to otherwise lawful activities. Sections 1901 and 1913 of the CFGC provide that notification is required prior to disturbance. In California, fish, wildlife, and native plant resources are protected and managed by the California Department of Fish and Wildlife (CDFW). The CDFW is responsible for assessing development projects and their potential impacts on state listed species and their habitats.

2.2.3 California Fish and Game Code Sections 3503, 3511, 3513, 3800, 4700, 5050, 5515 and 1600-1603

The CFGC and/or CDFW are responsible for issuing permits for the take or possession of protected species. The following sections of the CFGC address protected species that may be impacted by this proposed project: Section 3511 (birds), Section 4700 (mammals), Section 5050 (reptiles and amphibians), and Section 5515 (fish). In addition, the protection of birds of prey is provided in Sections 3503, 3513, and 3800 of the CFGC. Section 1600-1603 addresses diversions, obstructions, changes in flows of channels and banks of any lake, river or stream in California that provides habitat for fish or wildlife, and riparian habitat where surface or subsurface water is present.

2.2.4 Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act (Water Code Section 13000 et seq.) provides for statewide coordination of water quality regulations through establishment of the State Water Resources Control Board (SWRCB), which serves as the statewide authority. The SWRCB is the primary agency responsible for protecting water quality in California. The SWRCB regulates discharges to surface waters under the CWA and is responsible for administering the Porter-Cologne Water Quality Control Act. Pursuant to the Porter-Cologne Water Quality Control Act, the state is given authority to regulate waters of the state, which are defined as *any surface water or groundwater, including saline water*s. As such, any person proposing to discharge waste into a water body must first file a Report of Waste Discharge, if the discharge could affect the water quality of the water body in question. In these instances Section 404 of the CWA is not applicable. Waste is partially defined as any substance associated with human habitation, including fill material discharged into water bodies.

2.2.5 Regional Regulations

In California, nine Regional Water Quality Control Boards (RWQCBs), divisions of the SWRCB, provide oversight of the CWA 401 permit process and water quality on a day-to-day basis. The RWQCBs are required to provide *certification that there is reasonable assurance that an activity that may result in the discharge to waters of the United States will not violate water quality standards*. Water Quality Certification must be based on the finding that a proposed discharge will comply with applicable water quality standards.

2.2.6 Local Regulatory Ordinances

2.2.6.1 SANTA CLARA COUNTY

The 2020 Santa Clara Valley Habitat Plan provides a long-term, coordinated program for habitat restoration and conservation. The Habitat Plan's goal is to enhance viability of threatened and endangered species throughout the Santa Clara Valley (Santa Clara County 2020). The Santa Clara Valley Habitat Agency implements the Habitat Plan and reports compliance to the wildlife agencies (Santa Clara County 2020).

2.2.6.2 CITY OF SAN JOSE

The City of San Jose Department of Planning, Building and Code Enforcement (PBCE) regulates tree removal on private property. For removal of tree(s) on private property the Municipal Code Section 13.32.105 defines a tree as a*ny perennial, woody plant species or cultivar that reaches a height exceeding six feet at maturity, whether planted singly or as a hedge, and having secondary branches supported on a main stem or stems* (City of San Jose 2013). The 2018 revised City of San Jose Ordinance Municipal Code Section 13.32.20.1 defines an ordinance sized tree as *having a main stem or trunk thirty-eight inches or more in circumference 12-inch diameter at a height measured fifty-four inches above natural grade slope* (City of San Jose 2018). Multi-trunk trees *shall be considered a single tree and measurement of that tree shall include the sum of the circumference of the trunks of that tree at a height of twenty-four inches above natural grade slope. "Tree" shall include the plural of that term*. For multi-stem trees, all stems must be measured at fifty-four inches above ground (City of San Jose 2013). The ordinance protects both native and non-native tree species. A tree removal permit is required from the PBCE (City of San Jose 2013). An applicant must include the Assessor's Parcel Number, Plot Plan, type, size, condition of trees to be removed, and reference other existing trees on the property along with the locations for replacement trees, photographs of the trees, evidence for why it is being removed and

include a Certified Arborist Report, if requested, and indicate if any nesting birds or animals are present at the location.

2.2.6.3 SANTA CLARA VALLEY HABITAT PLAN

The Santa Clara Valley Habitat Plan *provides a framework for promoting the protection and recovery of natural resources, including endangered species, while streamlining the permitting process for planned development, infrastructure and maintenance activities* (Santa Clara County 2013). The Santa Clara Valley Habitat Plan was adopted by the City of San Jose on January 29, 2013 (City of San Jose 2021).

3.0 ENVIRONMENTAL SETTING

3.1 Climate

Historic climate data was collected from 1893 to 2016 from the weather station (047821) in San Jose, California. The average annual maximum temperature is 70.8 degrees Fahrenheit (°F), the average minimum temperature is 48.9 °F and the average annual precipitation is 14.58 inches (Western Regional Climate Center 2021).

3.2 Elevation

The topography is relatively flat with the exception of the fenced in depression in the northeast corner of the Project Site. The elevation of the Project Site is approximately 100 feet above mean sea level.

3.3 Waterways and Wetlands

A review of the USFWS National Wetland Inventory (NWI) [2021a] and the National Hydrography Dataset (NHD) [2021] indicates there are no federal jurisdictional waterways or wetlands present in the Project Site (Figure 4, Appendix A). A fenced in depression within the Project Site is apparent on Google Earth; however, this depression is not listed on the NHD or NWI databases (USFWS 2021a and USGS 2021).

3.4 Soils

A Soils Report for the Project Site indicates that two soil types are present (Web Soil Survey NRCS, USDA 2021). Urban land-Still Complex, 0 to 2% slopes is found in 26.3% of the Project Site and Urbanland-Campbell Complex, 0 to 2% slopes, protected, is found in 73.7% of the Project Site. Parent material for Urban land-Still Complex soil is comprised of human and transported material and alluvium derived from metamorphic and sedimentary rock and/or alluvium derived from metavolcanics. This soil type is typically found on alluvial fans and floodplains, its profile is comprised of fine sandy loam, sandy loam, silt loam and loam and it is well drained. The soil's restrictive layer is more than 80-inches and it is not hydric (Web Soil Survey, NRCS 2021; Figure 3, Appendix A).

Parent material for Urbanland-Campbell Complex, 0 to 2% slopes, protected, is comprised of human and transported material and alluvium derived from metamorphic and sedimentary rock and/or alluvium derived from metavolcanics. This soil type is typically found on alluvial fans and basins, its profile is comprised of clay loam, silty clay and silty clay loam and is moderately well drained. The soil's restrictive layer is more than 80-inches and it is not hydric (Web Soil Survey NRCS 2021; Figure 3, Appendix A).

4.0 METHODOLOGY

To determine presence/absence of sensitive plants and animals and determine if habitat is present for federally-listed species in the Project Site the following methods were addresses for this project:

1) Conduct a Literature review to determine applicable federal, state and local regulations for the Project Site and review resources regarding biological resources that may have the potential to occur.
2) Conduct a general biological survey of the Project Site.
3) Determine potential for special status species to occur in the Project Site.
4) Review findings from the associated Arborists' Report for potential impacts to biological resources.

4.1 Literature Review

NV5 conducted a preliminary literature review prior to conducting the general biological survey. The following resources were reviewed for this project:

- California Native Plant Society (CNPS) Rare Plant Program Database (CNPS 2021)
- CDFW Database (2021)
- California Natural Diversity Database (CNDDB 2021)
- Google Earth aerial photographs of the Project Site
- NWI (USFWS 2021a)
- Information for Planning for Consultation (IPaC) Federal Species List (USWFS 2021b)
- NHD (USGS 2021)
- *Preliminary Arborist Report* (HortScience, Bartlett Consulting 2021)
- Soil Report (Web Soil Survey, NRCS, USDA 2021)

4.2 General Biological Survey

The Project Site was surveyed on foot with the use of binoculars to identify avian species. During the biological survey, the NV5 biologist recorded plant and animal observations, documented active and inactive bird nests, and evaluated the potential for the presence of special-status plant and animal species and their habitats on a mobile device, running Collector App software. Photographs were taken to document site conditions and biological resources (Appendix B). A list of plant and animal species observed in the Project Site is included in Appendix D. Plant identification and nomenclature follow standard reference texts (CalFlora 2021) and bird nomenclature follow standards from the Institute of Bird Populations (2021).

4.3 Potential for Special Status species to occur in the project site

To determine the potential for special status species to occur in the Project Site, NV5 reviewed the species lists compiled from the literature review described in Section 4.1 and the data compiled during the general biological survey. Review of this data helped determine if special-status protocol-level surveys would be recommended following the general biological survey.

4.4 Review the Associated Preliminary Arborist Report

NV5 reviewed the *Preliminary Arborist Report* prepared by HortScience, Bartlett Consulting (2021) to determine potential impacts to trees present in the Project Site and if any designated Heritage Trees listed by the City of San Jose were present.

5.0 RESULTS

5.1 Literature and Regulatory Review

During the general biological survey the NV5 biologist determined the potential for each special-status species compiled from the CDFW (2021), and CNDDB (2021) and CNPS (2021) databases to occur in the Project Site. Due to 90% of the Project Site being covered in asphalt and gravelvegetative communities were not reviewed prior to conducting the general biological survey.

5.2 General biological survey

An NV5 Biologist, with avian expertise conducted a general biological survey on February 12, 2021 from 0730 to 1045, to document the existing conditions and map biological resources present within the Project Site. Weather conditions are included in Table 1. The biologist used a mobile device that had Collector App software to document the presence of plants, animals and/or their sign observed and locations of any active or inactive nests.

Table 1. Onsite Weather Conditions during the Biological Survey

Date	Site Visit	Surveyors	Temperature (Start/End)	Precipitation	Cloud Cover	Wind (Start/End)
February 12, 2021	Survey	Alicia Arcidiacono	62.5 F 63.0 F	None	None	0 mph 0 mph

5.2.1 Wildlife

No evidence of animal activity (i.e., owl pellets, nests, bat activity) was observed on any of the buildings or related structures in the Project Site. Photographs of the Project Site are included in Appendix B. During the survey, noise from the surrounding roadways, construction activities outside the Project Site and other machinery was heard. Wildlife observations were generally minimal during the survey. Avian species observed during the survey included Anna's hummingbird (*Calypte anna*), black phoebe (*Sayornis nigricans*), California gull (*Larus californicus*), dark-eyed junco *(Junco hyemalis)*, house finch (*Haemorhous mexicanus*), northern mockingbird (*Mimus polyglottos*), rock pigeon (*Columba livia*), ruby-crowned kinglet (*Regulus calendula*) and a flock of yellow-rumped warblers *(Setophaga coronata*).

An active Anna's hummingbird nest was occupied in a Siberian elm (*Ulmus pumila*) at the southwest edge of the fenced in depression in the northeast corner of the Project Site (Figure 5, Appendix A). A female Anna's hummingbird was observed incubating one to two eggs in the nest (Photograph 7, Appendix B). Two small inactive squirrel middens were spotted at the tops of the trees within the depression (Figure 5, Appendix A). A blue gum (*Eucalyptus globulus*) south of the center of the Project Site contained an inactive raptor nest. For a list of all species observed in the Project Site see Appendix D.

5.2.2 Vegetation

The Project Site consisted primarily of leveled gravel and asphalt areas, edged with scattered plants around the perimeter such as common sow thistle (*Sonchus oleraceus*) fescue (*Fescue* sp.), miner's lettuce (*Claytonia perfoliata*) and yucca (*Yucca* sp.). Trees occur mainly along the perimeter fence include a California bay (*Umbellularia californica),* Siberian elm, tree of heaven (*Ailanthus altissima*), and two Northern California black walnut (*Juglans hindsii*). Three additional Northern California black walnuts had canopies that hung into the Project Site and branches from other trees in adjacent lots hang over the perimeter fence. Twenty-five of the 46 trees documented in the Preliminary Arborist Report are located within the fenced depression in the northeast corner of the Project Site (HortScience,

Bartlett Tree Company 2021). Species in the depression include arroyo willow (*Salix lasiolepis*) in poor condition (HortScience, Bartlett Tree Company 2021), Fremont cottonwoods (*Populus freemontii*) in poor to fair condition (HortScience, Bartlett Tree Company 2021), multi-stemmed shrub form glossy privets (*Ligustrum lucidum*) in poor condition (HortScience, Bartlett Tree Company 2021), Siberian elm and tree of heaven. There were no signs of animals, reptiles or amphibians during the general biological survey. No insects were encountered during the general biological survey.

5.2.3 Special-Status Species

Local, state and federal agencies regulate special-status species and may require an assessment of their presence or potential presence be conducted prior to the approval of proposed development on a property. Assessments for the potential occurrence of special-status species are based upon known ranges, habitat preferences, species occurrence records from the CNDDB (2021) and the presence of known occurrences in the vicinity of the Project Site. A CNNDB records search was performed for 1-mile surrounding the Project Site prior to conducting the general biological survey (Figure 4, Appendix A). The special status species were analyzed to determine if known species records exist and/or if their habitat occurs within or adjacent to the Project Site (Table 1, Appendix E).

For the purpose of this Report, special-status species are considered plants and animals currently listed, proposed for listing, or Candidates for listing as Threatened or Endangered by the USFWS under the ESA; those listed or candidates for listing as Rare, Threatened, Endangered under CESA or the Native Plant Protection Act; those identified as Fully Protected under Sections 3511, 4700, 5050, and 5515 of the CFGC; Special of Special Concern (SSC) identified by the CDFW; and plants occurring on Ranks 1 and 2 of the CNPS Rare Plant Rank system (CNPS 2021).

5.2.4 Special-Status Wildlife Species

No special-status wildlife species were observed during the survey.

5.2.5 Special-Status Plant Species

One special-status tree species, Northern California black walnut was observed during the general biological survey. Northern California black walnut has a CNPS Rank of 1B.1, which means it is considered a plant that is rare, threatened, or endangered in California and Elsewhere (CNPS 2021).

Plants with a California Rare Plant Rank of 1B are rare throughout their range with the majority of them endemic to the state. Most of the plants that are ranked 1B have declined significantly over the last century. California Rare Plant Rank 1B plants constitute the majority of taxa in the CNPS Inventory, with more than 1,000 plants assigned to this category of rarity (CNPS 2021).

All of the plants constituting California Rare Plant Rank 1B meet the definitions of the California Endangered Species Act of the California Department of Fish and Game Code, and are eligible for state listing. Impacts to these species or their habitat must be analyzed during preparation of environmental documents relating to CEQA, or those considered to be functionally equivalent to CEQA, as they meet the definition of Rare or Endangered under CEQA Guidelines §15125 (c) and/or §15380 (CNPS 2021).

This walnut species is typically found in riparian forests and woodlands. However, two individual California black walnut trees were observed in the southwest and southeast corners of the Project Site in the paved areas of the Project Site and three individuals were in adjacent properties with overhanging canopies into the Project Site. No other special-status plant species were detected during the general biological surveys.

5.3 ARBORIST SITE VISIT AND PRELIMINARY ARBORIST REPORT RESULTS

As observed during the general biological survey and stated in the *Preliminary Arborist Report* (HortScience, Bartlett Tree Company 2021) the Project Site contained 46 trees, representing 11 species that primarily occur around the perimeter of the Project Site (Table 2; Appendix F). The Arborists' survey included measuring all trees 6- feet or taller that may be affected by the proposed development. Off-site trees with canopies extending over the subject site were viewed form the subject property (Appendix F). The *Preliminary Arborist Report* rated trees in the Project Site as:

- 5 - A healthy, vigorous tree, reasonably free of signs and symptom of disease, with good structure and form typical of the species.
- 4 - Tree with slight decline in vigor, small amount of twig dieback, minor structural defects that could be corrected.
- 3 - Tree with moderate vigor moderate twig and small branch dieback, thinning of crown, poor leaf color, moderate structural defects that might be mitigated with regular care.
- 2 - Tree in decline, epicormic growth, extensive dieback of medium to large branches, significant structural defects that cannot be abated.
- 1 - Tree in severe decline, dieback of scaffold branches and/or trunk; most of foliage from epicormics; extensive structural defects that cannot be abated.

The *Preliminary Arborist Report* also including a rating for the suitability of each tree for preservation as "high", "moderate" or "low" (Table 2, Appendix F). Suitability for preservation considers the health, age and structural condition of the tree, and its potential to remain an asset to the site for years to come. Ratings were determined as:

- **High**: Trees with good health and structural stability that have the potential for longevity at the site.
- **Moderate**: Trees with somewhat declining health and/or structural defects that can be abated with treatment. The tree will require more intense management and monitoring, and may have a shorter life span than those in the "high" category.
- **Low**: Tree in poor health or with significant structural defects that cannot be mitigated. Tree is expected to continue to decline, regardless of treatment. The species or individual may have characteristics that are undesirable for landscapes and generally are unsuited for use areas.

Table 2. Trees Identified in the Project Site and their Ratings

Common Name	Scientific Name	Condition			Total
		Poor	Fair	Good	
Tree of Heaven	*Ailanthus altissima*	9	1	1	**11**
River Red Gum	*Eucalyptus camaldulensis*	NA	1	NA	**2**
Blue Gum	*Eucalyptus globulus*	1	1	NA	**2**
California Black Walnut	*Juglans hindsii*	5	N	NA	**5**

Common Name	Scientific Name	Condition			Total
		Poor	Fair	Good	
Glossy Privet	*Ligustrum lucidum*	2	1	NA	**3**
Mulberry	*Morus sp.*	1	2	NA	**3**
London Plane	*Plantanus x hispanica*	NA	4	NA	**4**
Fremont Cottonwood	*Populus fremontii*	5	1	NA	**6**
Arroyo Willow	*Salix lasiolepis*	8	NA	NA	**8**
Siberian Elm	*Ulmus pumila*	2	NA	NA	**2**
California Bay	*Umbellularia californica*	NA	1	NA	**1**
Total		**33**	**12**	**1**	**46**

The *Preliminary Arborist Report* (HortScience, Bartlett Consulting 2021) determined that impacts to trees on the project area would be severe and that there is little opportunity for on-site tree preservation (Appendix F).

6.0 SUMMARY

Based on the timing of year when the general biological survey was conducted some of the plants were unidentifiable and other biological resources may not have been present or obvious. One active Anna's hummingbird nest was observed in the Project Site at the southwest edge of a fenced off depression. One species, Northern California black walnut, a CNPS Rank of 1B.1 is present in the Project Site. No waterways or wetlands were identified in the NHD and NWI databases (USFWS 2021a and USGS 2021) or in the Project Site.

7.0 RECOMMENDATIONS

7.1 BIOLOGICAL RESOURCES REOMMENDATIONS FOR THE PROJECT SITE

- Due to the presence of one active Anna's hummingbird nest NV5 recommends that construction activities, including clearing, grubbing or any vegetation removal be performed outside the active breeding bird season from January 1 to August 31 for raptors and hummingbirds and February 15 to August 31 for all other avian species.

- If vegetation clearing and/or construction activities commence during the bird breeding season, from January 1 for raptors and hummingbirds and February 15 to August 31 for all other avian species, a preconstruction survey will be conducted for active nests by a qualified avian biologist within 36 hours prior to construction activities.

  The preconstruction nest survey will be conducted within all suitable habitat within the Project Site and within a 500-foot buffer where access is permitted. An active nest is defined by active nest building, incubating adults on a nest, or the presence of eggs and/or nestlings. If eggs are

present without adults, the qualified avian biologist will determine if the nest is active or has been abandoned after a pre-determined observation period has been conducted.

- If active bird nests are identified in the Project Site during the preconstruction nest survey, an Environmentally Sensitive Area (ESA) until it has been determined that the young have fledged or nesting activities have ceased. The qualified avian biologist, in consultation with CDFW, will determine the extent of the ESA, which is typically set at 500-feet for raptors and 100-feet for all other avian species. The extent of the ESA and the type of disturbance allowed in areas adjacent to the site will be determined based by the MBTA and CFGC.

  The ESA area will be clearly marked in the field with appropriated signage and fencing, if appropriate. Additional preconstruction nest surveys will be required if there is a lapse in construction activities for more than seven days during the nesting season.

7.2 Preliminary Arborist Report Recommendations

Based on the *Preliminary Arborist Report* there is little opportunity for on-site tree preservation (HortScience, Bartlett Consulting 2021). The California bay and the two California black walnuts located along the edge of the Project Site will require careful protection to avoid impacting the trees roots zones (HortScience, Bartlett Consulting 2021). To successfully retain these on-site trees the Preliminary Tree Preservation Guidelines on page 9 of the *Preliminary Arborist Report* will need be implemented (HortScience, Bartlett Consulting 2021).

8.0 REFERENCES

Baldwin, B. G., D. H. Goldman, D. J. Keil, R. Patterson, T. J. Rosatti, and D. H. Wilken. 2012. *The Jepson Manual: Vascular Plants of California*. Second Edition. Univ. of California Press, Berkeley.

Calflora. 2021. California Wild Plants Observation online database. Available at https://calflora.org//. Accessed February 2021.

California Department of Fish and Wildlife (CDFW). 2021a. California Natural Diversity Database (CNDDB) Rare Find 5 online mapping and database. Query of Survey Area and surrounding vicinity. Available by subscription at: https://wildlife.ca.gov/Data/CNDDB/Maps-and-Data. Accessed: February 2021.

_____. 2021b. CNDDB State and Federally Listed Endangered, Threatened, and Rare Plants of California. Accessed February 2021.

_____. 2021c. CNDDB Special Animals List. Accessed February 2021. Accessed February 2021.

California Native Plant Society (CNPS). 2021. Inventory of Rare and Endangered Plants of California online database. Available at http://rareplants.cnps.org/. Accessed February 2021.

City of San Jose. 2013. Tree Policy Manual & Recommended Best Practices. Available at: https://www.sanjoseca.gov/home/showdocument?id=2520. Accessed February 2021.

_____. 1999 (revised). Riparian Corridor Policy Study. Prepared by the Habitat Restoration Group and Jones and Stokes Associates, Inc. for the City of San Jose originally in 1994. Available at: https://www.sanjoseca.gov/home/showdocument?id=15579. Accessed February 2021.

HortScience, Bartlett Consulting. 2021. *Preliminary Arborist Report. Prepared for Bradley Cardon,* Prepared by HortScience, Bartlett Consulting, Pleasanton, CA. February 2021.

Institute for Bird Populations. 2021. Four-letter (English Name) and Six-letter (Scientific Name) Alpha Codes for 2158 Bird Species (and 108 Non-Species Taxa) in accordance with the 61 st AOU Supplement, sorted alphabetically by English name. Prepared by P. Pyle and D. F. DeSante. Available at: https://www.birdpop.org/docs/misc/Alpha_codes_eng.pdf. Accessed February 2021.

National Hydrography Dataset (NHD). 2021. Available at: https://www.usgs.gov/core-science-systems/ngp/national-hydrography.

Santa Clara County. *Santa Clara Valley Habitat Plan*. 2013. Santa Clara County, CA. Available at: https://www.scv-habitatagency.org.

Sawyer J. O. Sawyer, T. Keeler-Wolf, and J. M. Evens. 2009. *A Manual of California Vegetation*. Second Edition. Available at: http://vegetation.cnps.org/. Accessed February 2021.

Soil Survey Staff, Natural Resources Conservation Service (NRCS), United States Department of Agriculture (USDA). Web Soil Survey. Available at: http://websoilsurvey.sc.egov.usda.gov/. Accessed February 2021.

South Environmental. *The California Biologist's Handbook*. 2021. Available at: https://biologistshandbook.com/species.

United States Fish & Wildlife Service (USFWS). 2021b. Information and Planning for Consultation (IPaC) Federal Species Project List. Available at: https://secure.login.gov/?request_id=23066953-1301-425d-949f-fdddc348f2d7. Accessed February 2021.

_____. 2021a. National Wetlands Inventory (NWI), Available at: https://www.fws.gov/wetlands/data/Mapper.html. Accessed February 2021.

United States Geological Survey (USGS). 2021. National Hydrography database. Available at: https://www.usgs.gov/core-science-systems/ngp/national-hydrography. Accessed February 2021.

Western Regional Climate Center (WRCC). 2021. San Jose, California (Station #47821). Period of Record Monthly Climate Summary. Available at: https://wrcc.dri.edu/cgi-bin/cliMAIN.pl?ca3120. Accessed February 2021.

APPENDIX A.

FIGURE 1 THROUGH FIGURE 5

NV5

15092 Avenue of Science, Suite 200
San Diego, California 92128
PH: 858-927-3626 FX: 858-385-0400

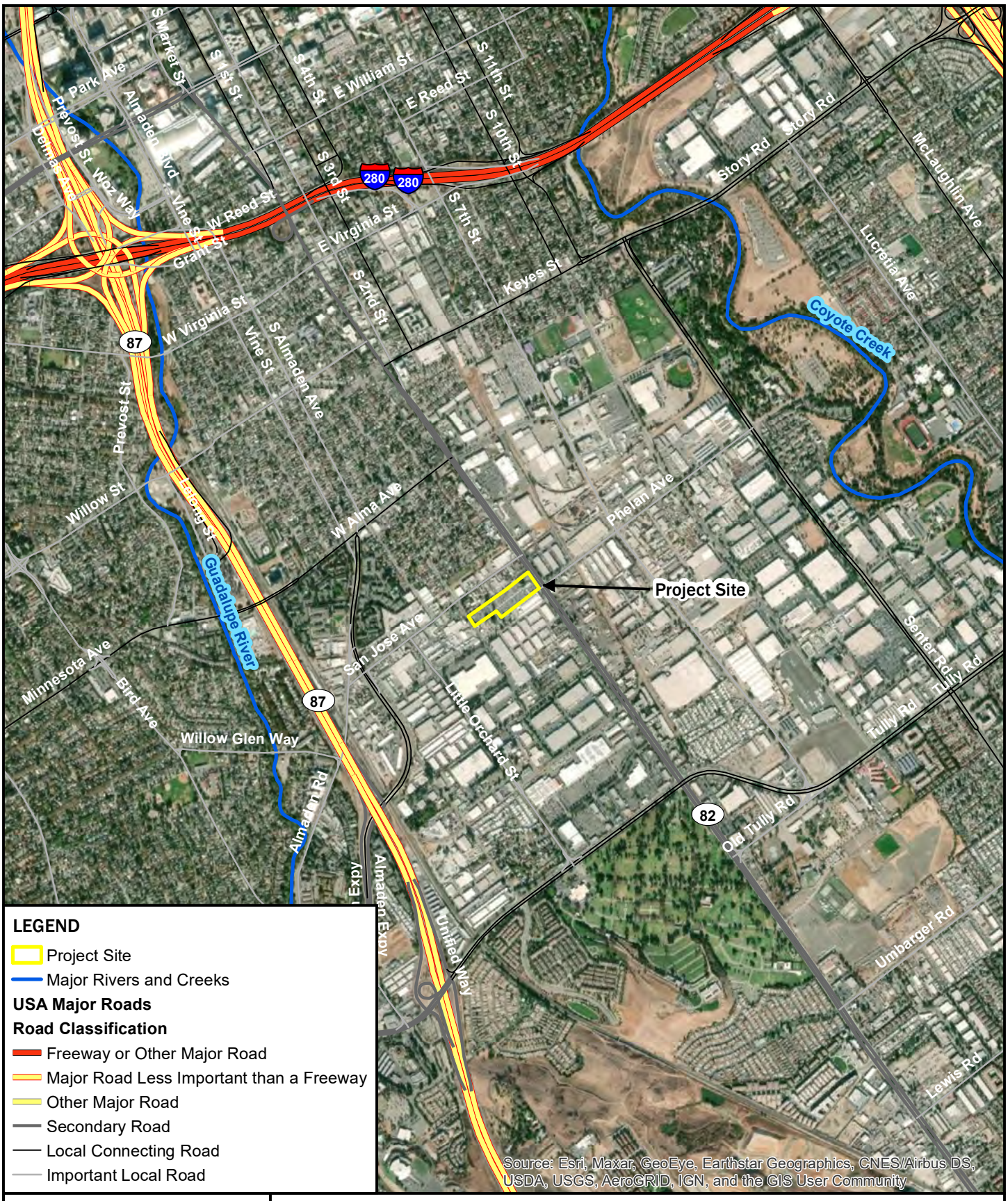
Figure 1. Project Vicinity

Biological Resources Report
1675 Monterey Road
San Jose, Sonoma County, California

San Jose East,/West, CA
USGS 7.5' Quadrangle

0 1.75 3.5 Miles

N



LEGEND

- Project Site
- Major Rivers and Creeks

USA Major Roads

Road Classification

- Freeway or Other Major Road
- Major Road Less Important than a Freeway
- Other Major Road
- Secondary Road
- Local Connecting Road
- Important Local Road

NV5

15092 Avenue of Science, Suite 200
San Diego, California 92128
PH: 858-927-3626 FX: 858-385-0400

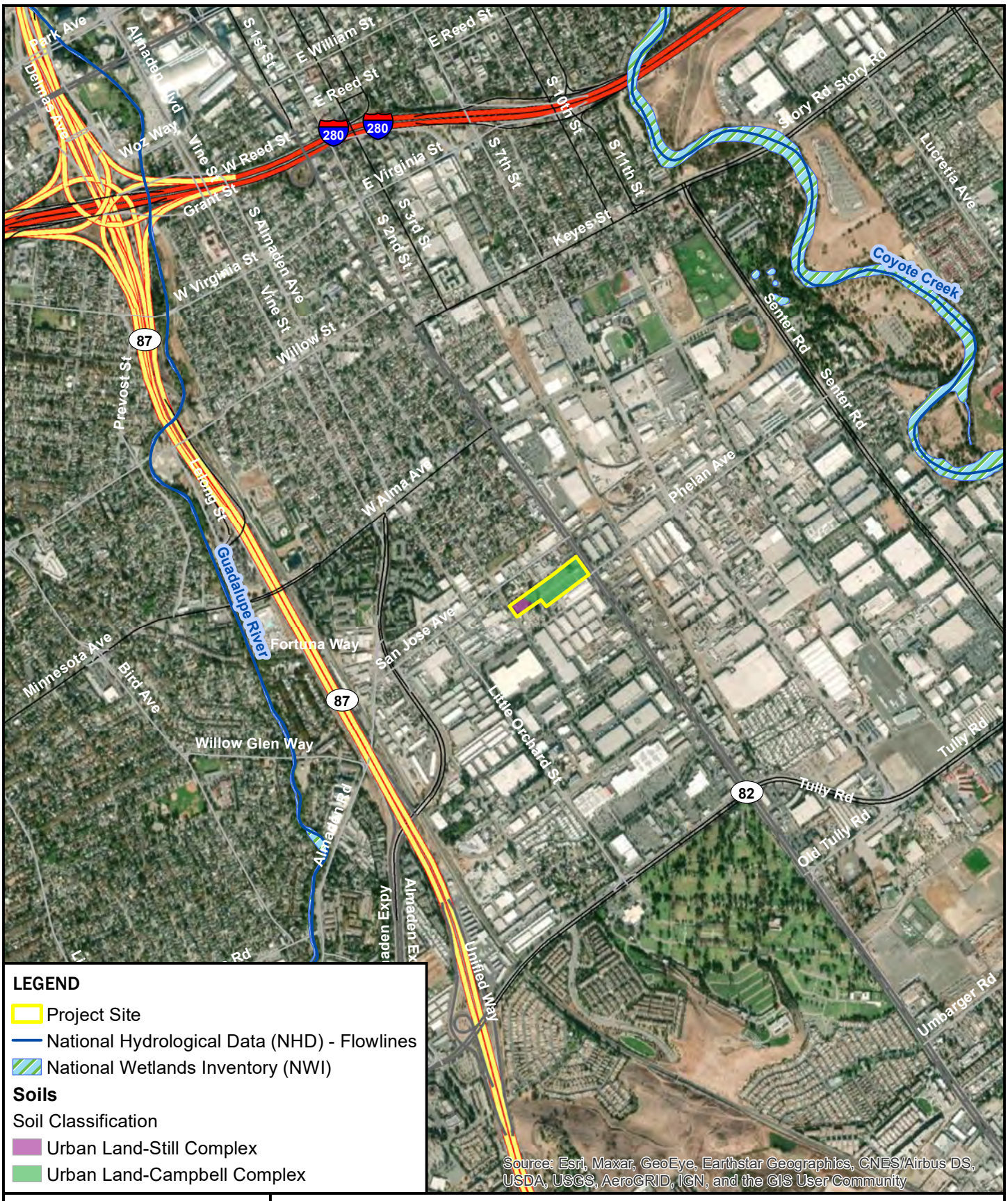
Figure 2. Project Location

Biological Resources Report
1675 Monterey Road
San Jose, Sonoma County, California

San Jose East/West, CA
USGS 7.5' Quadrangle

0 0.175 0.35 Miles

N



NV5
15092 Avenue of Science, Suite 200
San Diego, California 92128
PH: 858-927-3626 FX: 858-385-0400

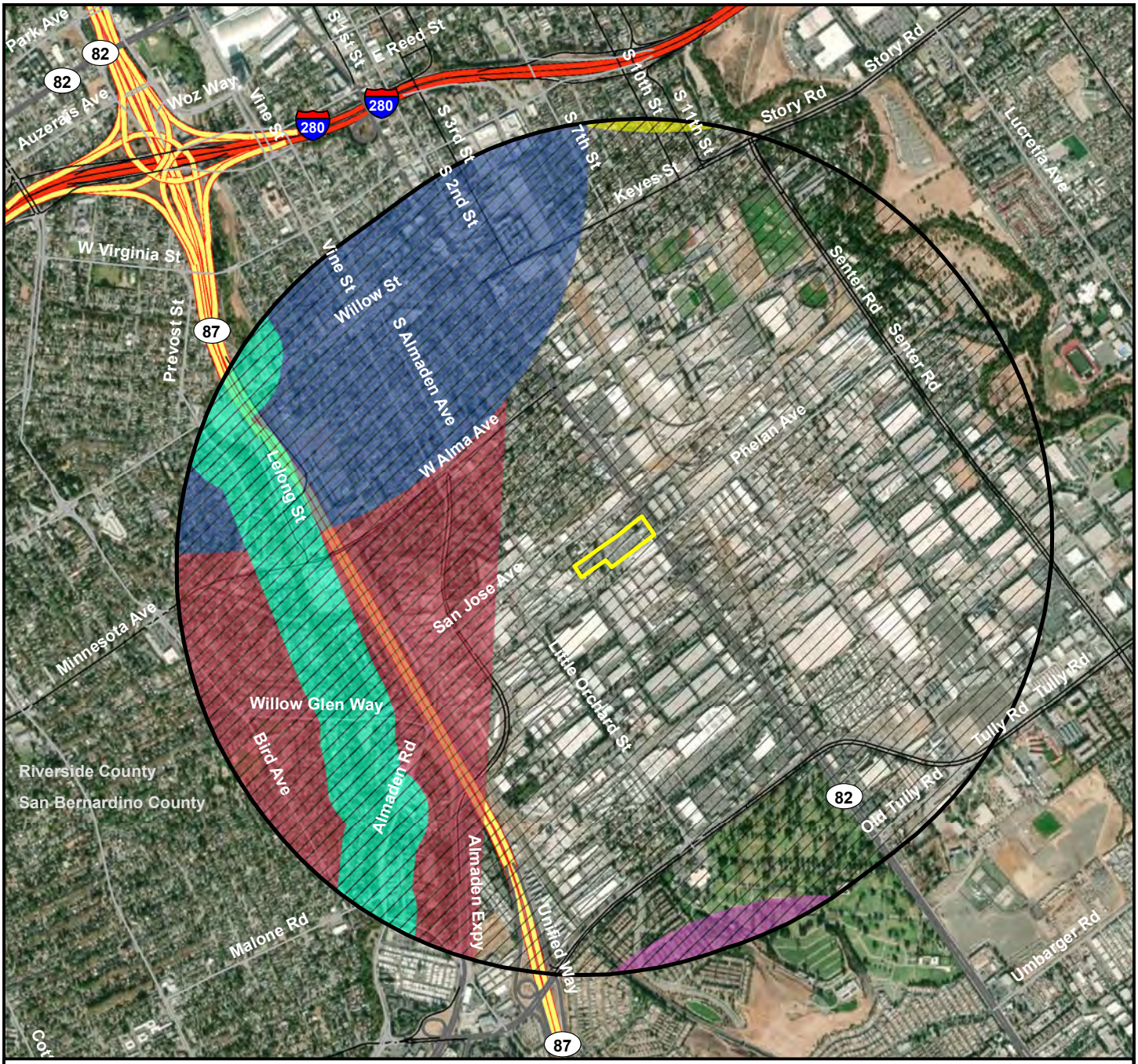
Figure 3. Waterways, Wetlands and Soils within or Adjacent to the Project Site

Biological Resources Report
1675 Monterey Road
San Jose, Sonoma County, California

San Jose East,/West , CA
USGS 7.5' Quadrangle

0 0.15 0.3 Miles

N



LEGEND

- Project Site
- CNDDB 1-Mile Search Area

California Natural Diversity Database (CNDDB)

Common Name

- American peregrine falcon
- California tiger salamander
- Congdon's tarplant
- Crotch bumble bee
- Northern California legless lizard
- chaparral ragwort
- foothill yellow-legged frog
- hoary bat
- obscure bumble bee
- robust spineflower
- steelhead - central California coast DPS
- western bumble bee
- western ridged mussel
- yellow rail

USA Major Roads

Road Classification

- Freeway or Other Major Road
- Major Road Less Important than a Freeway
- Other Major Road
- Secondary Road
- Local Connecting Road
- Important Local Road

NV5

15092 Avenue of Science, Suite 200
San Diego, California 92128
PH: 858-927-3626 FX: 858-385-0400

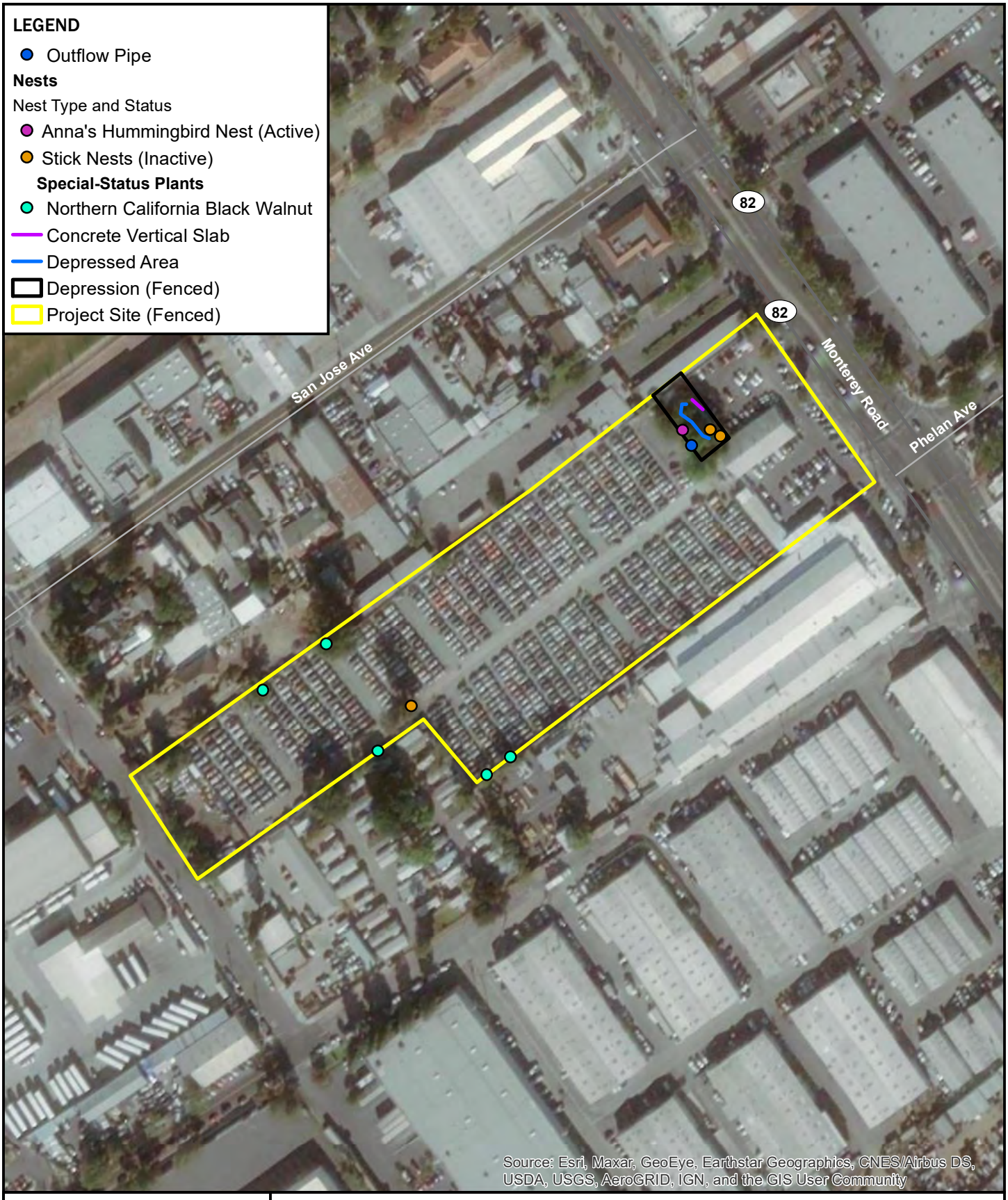
Figure 4. Special-status Species Search Results within 1-mile of the Project Site

Biological Resources Report
1675 Monterey Road
San Jose, Sonoma County, California

San Jose East,/West, CA
USGS 7.5' Quadrangle

0 0.175 0.35 Miles

N



15092 Avenue of Science, Suite 200
San Diego, California 92128
PH: 858-927-3626 FX: 858-385-0400

Figure 5 - Biological Survey Results within the Project Site

Biological Resources Report
1675 Monterey Road
San Jose, Sonoma County, California

San Jose East/West, CA
USGS 7.5' Quadrangles

0 0.0175 0.035
Miles

N

APPENDIX B.

PHOTOGRAPHS OF THE PROJECT SITE

APPENDIX C. PHOTOGRAPHS FROM THE 1675 MONTEREY ROAD, SAN JOSE, CALIFORNIA PROJECT SITE

Photograph 1. Facing north in the center of the Project Site. Note Cover Photograph taken from the center of the Project Site facing south.

Photograph 2. Facing west in the center of the Project Site.

Photograph 3. Facing east in the center of the Project Site.

Photograph 4. Facing west from a concrete slab on the west end of the drainage basin in the northwest corner of the Project Site where riparian woodland habitat is present.

Photograph 5. Facing north in drainage basin located in the northwest corner of the Project Site where riparian woodland habitat is present.

Photograph 6. Drainage pipe that comes from outside the Project Site and drains water into the drainage basin in the northwest corner of the property.

Photograph 7. A female Anna's hummingbird was observed sitting on an active nest in in the riparian woodland habitat during the general biological survey.

Photograph 8. Facing south in the northeast corner of the property where it appears an individual or possibly more than one person may have previously resided in the Project Site.

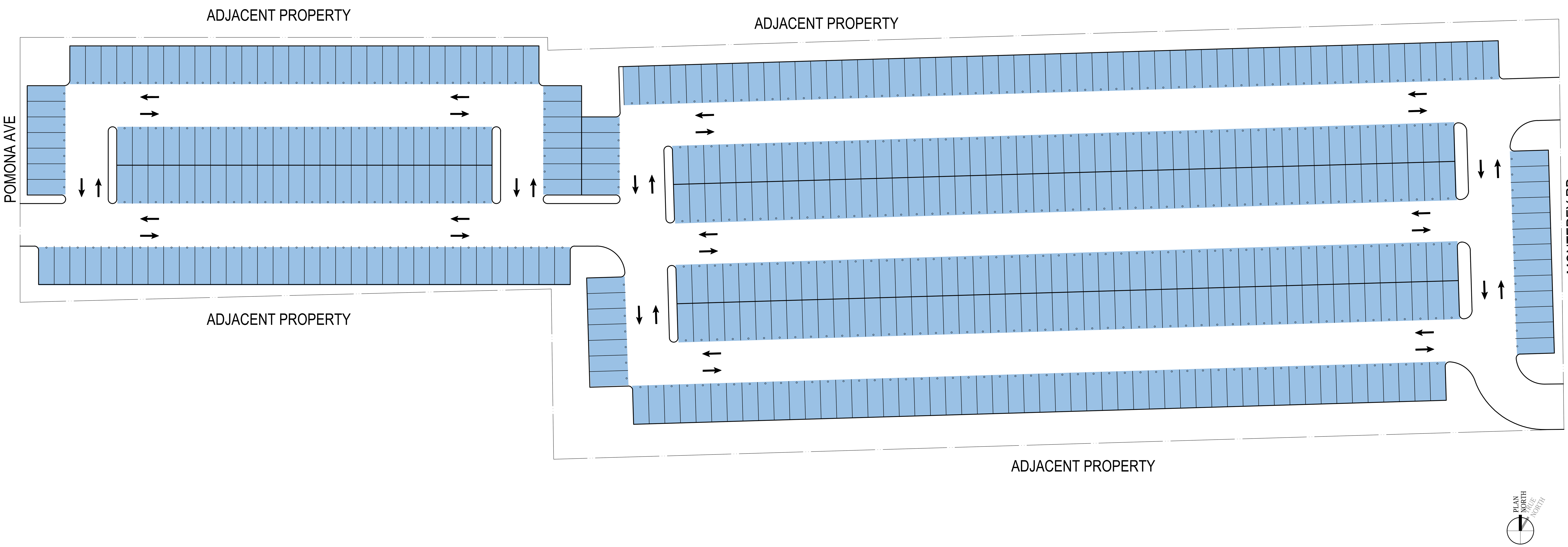
Photograph 9. Facing south in the northeast corner of the Project Site.

Photograph 10. Facing east from the northeast corner of the Project Site.

Photograph 11. Branches from trees in adjacent properties hang over the Project Site fencing.

Photograph 12. Many trees, such as this River red gum can provide habitat for nesting birds in the Project Site.

APPENDIX C.
PROJECT SITE PLANS



SAN JOSE

SCALE: 1" = 30"-0"

This conceptual design is based upon a preliminary review of entitlement requirements and on unverified and possibly incomplete site and/or building information, and is intended merely to assist in exploring how the project might be developed.

AO
Architecture.
Design.
Relationships.

Seal

Consultant

SAN JOSE OFFSITE

1675 MONTEREY ROAD

Project Number: 201x-xxx
Plan Check Number: xxxx

SHEET

SSA-2

APPENDIX D.

PLANT AND ANIMAL SPECIES OBSERVED

DURING THE GENERAL BIOLOGICAL SURVEY

Appendix E. Plant Species Observations from the General Biological Survey Conducted at 1675 Monterey Road, San Jose, California

CLASS	COMMON NAME	SCIENTIFIC NAME
PLANTS		
ASPARAGACEAE (ASPARAGUS FAMILY)		
	Yucca sp.	*Yucca* sp.
ASTERACEAE (ASTER FAMILY)		
	Common sow thistle	*Sonchus oleraceus*
JUGLANDACEAE (WALNUT FAMILY)		
	California Black Walnut	*Juglans hindsii*
LAURACEAE (LAUREL FAMILY)		
	California Bay	*Umbellularia californica*
OLEACEAE (OLIVE FAMILY)		
	Glossy Privet	*Ligustrum lucidum*
MORACEAE (MULBERRY/FIG FAMILY)		
	Mulberry sp.	*Morus* sp.
MYRTACEAE (EUCALYPTUS FAMILY)		
	Blue Gum	*Eucalyptus globulus*
	River Red Gum	*Eucalyptus camaldulensis*
POACEAE (GRASS FAMILY)		
	Fescue sp.	*Fescue* sp.
PLATANACEAE (PLANE TREE FAMILY)		
	London Plane	*Plantanus x hispanica*
SALICACEAE (WILLOW FAMILY)		
	Arroyo Willow	*Salix lasiolepis*
	Freemont Cottonwood	*Populus fremontii*
SIMAROUBACEAE (SAPINDALE FAMILY)		
	Tree of Heaven	*Ailanthus altissima*
ULMACEAE (ELM FAMILY)		
	Siberian Elm	*Ulmus pumila*
URTICACEAE (NETTLE FAMILY)		
	Florida Pellitory	*Parietaria floridana*
MONTIACEAE (MINER'S LETTUCE FAMILY)		
	Miner's Lettuce	*Claytonia perfoliata*
ANIMALS		
AMPHIBIANS		
None were observed		
BIRDS		
	Anna's Hummingbird	*Calypte anna*
	Black Phoebe	*Sayornis nigrican*
	California gull	*Larus californicus*
	Dark-eyed junco	*Junco hyemalis*
	House finch	*Haemorhous mexicanus*
	Northern mockingbird	*Mimus polyglottos*

CLASS	COMMON NAME	SCIENTIFIC NAME
	Rock pigeon	*Columba livia*
	Ruby-crowned kinglet	*Regulus calendula*
	Yellow rumped warbler	*Setophaga coronate*
INVERTEBRATES		
None were observed		
MAMMALS		
	Unknown squirrel (midden)	Unknown sp.
REPTILES		
None were observed		

APPENDIX E.

TABLE 1.

POTENTIAL FOR SPECIAL-STATUS SPECIES

TO OCCUR IN THE PROJECT SITE

Scientific Name	Common Name	Federal Status	State Status	CDFW Status (FP: Fully Protected, SSC: Species of Special Concern, WL: Watch List)	CA Rare Plant Rank	Family	Potential to Occur
AMPHIBIANS							
California red-legged frog	*Rana draytonii*	Threatened	None	SSC	-	Ranidae	Absent: no suitable habitat, wetland/riparian species.
California tiger salamander	*Ambystoma californiense*	Threatened	Threatened	WL	-	Ambystomatidae	Absent: no suitable habitat, species thought to be extirpated.
Foothill yellow-legged frog	*Rana boylii*	None	Endangered	SSC	-	Ranidae	habitat in the Project Site. This secies inhabits wetland areas. Extirpated.
BIRDS							
American peregrine falcon	*Falco peregrinus anatum*	Delisted	Delisted	FP	-	Falconidae	Low potential: Foraging only.
Burrowing owl	*Athene cunicularia*	None	None	SSC	-	Strigidae	Absent: no suitable habitat, no burrows on-site.
Cooper's hawk	*Accipiter cooperii*	None	None	WL	-	Accipitridae	Potential Foraging habitat only.
Swainson's hawk	*Buteo swainsoni*	None	Threatened	-	-	Accipitridae	Potential Foraging habitat only.
Tricolored blackbird	*Agelaius tricolor*	None	Threatened	SSC	-	Icteridae	Absent: no suitable habitat, prefers wetland and grassland habitats.
Yellow rail	*Coturnicops noveboracensis*	None	None	SSC	-	Rallidae	Absent: no suitable habitat, wetland species.
FISH							
Steelhead - central California coast DPS	*Oncorhynchus mykiss irideus pop. 8*	Threatened	None	-	-	Salmonidae	Absent: no suitable habitat, aquatic species.
INSECTS							
Bay checkerspot butterfly	*Euphydryas editha bayensis*	Threatened	None	-	-	Nymphalidae	Absent: no suitable habitat.
Crotch bumble bee	*Bombus crotchii*	None	Candidate Endangered	-	-	Apidae	Low Potential: no suitable habitat such as grasslands or scrub areas.
Western bumble bee	*Bombus occidentalis*	None	Candidate Endangered	-	-	Apidae	Low Potential: no suitable habitat.
MAMMALS							
Pallid bat	*Antrozous pallidus*	None	None	SSC	-	Vespertilionidae	Absent: habitat not suitable
Townsend's big-eared bat	*Corynorhinus townsendii*	None	None	SSC	-	Vespertilionidae	Absent: habitat not suitable
REPTILES							
northern California legless lizard	*Anniella pulchra*	None	None	SSC	-	Anniellidae	Absent: no suitable habitat.
Western pond turtle	*Emys marmorata*	None	None	SSC	-	Emydidae	Absent: no suitable habitat, Requires intermittent or greater ponds/waterways nearby.
PLANTS							
Big-scale balsamroot	*Balsamorhiza macrolepis*	None	None	-	1B.2	Asteraceae	Absent: no suitable habitat, prefers dry open, mountainous habitat, presumed extant.
chaparral ragwort	*Senecio aphanactis*	None	None	-	2B.2	Asteraceae	Absent: no suitable habitat; no dry coastal areas.
Congdon's tarplant	*Centromadia parryi ssp. congdonii*	None	None	-	1B.1	Asteraceae	Absent: no suitable habitat, prefers seasonal wetlands or alkaline soil grasslands.
Contra Costa goldfields	*Lasthenia conjugens*	Endangered	None	-	1B.1	Asteraceae	Absent: no suitable habitat; Extirpated

Fragrant fritillary	*Fritillaria liliacea*	None	None	-	1B.2	Liliaceae	Absent: no suitable habitat, prefers open hilly grasslands.
Hall's bush-mallow	*Malacothamnus hallii*	None	None	-	1B.2	Malvaceae	Possibly extirpated. No suitable habitat, prefers coastal scrub.
Hairless popcornflower	*Plagiobothrys glaber*	None	None	-	1A	Boraginaceae	Possibly extirpated. No suitable habitat.
Metcalf Canyon jewelflower	*Streptanthus albidus ssp. albidus*	Endangered	None	-	1B.1	Brassica	Absent: no suitable habitat, prefers rocky barren grassland openings, presumed extant.
Mt. Hamilton thistle	*Cirsium fontinale var. campylon*	None	None	-	1B.2	Asteraceae	Absent: no suitable habitat. Presumed extant.
Saline clover	*Trifolium hydrophilum*	None	None	-	1B.2	Fabaceae	Absent: no suitable habitat, Extirpated
San Francisco collinsia	*Collinsia multicolor*	None	None	-	1B.2	Plantaginaceae	Absent: no confierous forest or coastal shrub, no suitable habitat.
Santa Clara red ribbons	*Clarkia concinna ssp. automixa*	None	None	-	4.3	Onagraceae	Presumed extant. No suitable habitat.
Santa Clara Valley dudleya	*Dudleya abramsii ssp. setchellii*	Endangered	None	-	1B.1	Crassulaeae	Presumed extant. No suitable habitat, prefers rocky outcrops , woodlands, and foothill grasslands.
Robust spineflower	*Chorizanthe robusta* var. *robusta*	Endangered	None	-	1B.1	Themidaceae	Absent: no suitable habiat.

KEY:

California Rare Plant Rank:

Plants presumed extirpated in California and either rare or extinct elsewhere (CRPR 1A)	California Rare Plant Rank of 1A are presumed extirpated or extinct because they have not been seen or collected in the wild in California for many years. A plant is extinct if it no longer occurs anywhere. A plant that is extirpated from California has been eliminated from California, but may still occur elsewhere in its range.
Plants rare, threatened, or endangered in California and elsewhere (CRPR 1B)	California Rare Plant Rank of 1B are rare throughout their range with the majority of them endemic to California. Most of the plants that are ranked 1B have declined significantly over the last century.
Plants presumed extirpated in California but common elsewhere (CRPR 2A)	California Rare Plant Rank of 2A are presumed extirpated because they have not been observed or documented in California for many years. This list only includes plants that are presumed extirpated in California, but more common elsewhere in their range.
Plants rare, threatened, or endangered in California but more common elsewhere (CRPR 2B)	Except for being common beyond the boundaries of California, plants with a California Rare Plant Rank of 2B would have been ranked 1B. From the federal perspective, plants common in other states or countries are not eligible for consideration under the provisions of the Federal Endangered Species Act.
Review List: Plants about which more information is needed (CRPR 3)	Plants with a California Rare Plant Rank of 3 are united by one common theme – we lack the necessary information to assign them to one of the other ranks or to reject them. Nearly all of the plants constituting California Rare Plant Rank 3 are taxonomically problematic.
Watch List: Plants of limited distribution (CRPR 4)	Plants with a California Rare Plant Rank of 4 are of limited distribution or infrequent throughout a broader area in California, and their status should be monitored regularly.

Threat Ranks

Ranks at each level also include a threat rank (e.g., ,CRPB 4.3) and are determined as follows:

0.1-Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)

0.2-Moderately threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat)

0.3-Not very threatened in California (less than 20% of occurrences threatened / low degree and immediacy of threat or no current threats known)

APPENDIX F.

ARBORIST REPORT

Preliminary Arborist Report

1675 Monterey Road
San Jose, CA

PREPARED FOR:
Bradley Cardon

PREPARED BY:
HortScience | Bartlett Consulting
325 Ray St.
Pleasanton, CA 94566

February 22, 2021

HORT SCIENCE
BARTLETT CONSULTING
Divisions of The F.A. Bartlett Tree Expert Company

Preliminary Arborist Report
1675 Monterey Road
San Jose, CA

Table of Contents

List of Tables

Exhibits

Tree Assessment Plan
Tree Assessment

Preliminary Arborist Report
1675 Monterey Road
San Jose, CA

Introduction and Overview
The Applicant is planning to re-develop the property at 1675 Monterey Road in San Jose, CA. HortScience | Bartlett Consulting, Divisions of The F. A. Bartlett Tree Expert Company, was asked to prepare a **Preliminary Arborist Report** for the trees within the project area as required by the City of San Jose.

This report provides the following information:

1. Assessment of the health and structural condition of the trees within the proposed project area based on a visual inspection from the ground.
2. Evaluation of the impacts to trees based on preliminary development plans.
3. Guidelines for tree preservation during the design, construction and maintenance phases of development.

Tree Assessment Methods
Trees were assessed on February 12, 2021. The survey included trees six feet or taller that may be affected by the proposed development, as required by the City of San Jose. Tree tag numbers started at #120.

Off-site trees with canopies extending over the subject site were viewed from the subject property. Access to some trees was limited due to locked gates and/or fences. Trees that could not be accessed were assigned a tree number; in most cases, a metal tag was attached to an adjacent fence. Such trees are noted in the ***Tree Assessment Form***.

All trees were visually inspected from the ground; the assessment procedure consisted of the following steps:

1. Identifying the tree species.
2. Tagging each tree with an identifying number and recording its location on a map.
3. Measuring the trunk diameter at a point 54” above grade; for off-site trees diameters were estimated.
4. Evaluating the health and structural condition using a scale of 0 – 5 based on a visual inspection from the ground:
   - ***5*** - A healthy, vigorous tree, reasonably free of signs and symptom of disease, with good structure and form typical of the species.
   - ***4*** - Tree with slight decline in vigor, small amount of twig dieback, minor structural defects that could be corrected.
   - ***3*** - Tree with moderate vigor, moderate twig and small branch dieback, thinning of crown, poor leaf color, moderate structural defects that might be mitigated with regular care.
   - ***2*** - Tree in decline, epicormic growth, extensive dieback of medium to large branches, significant structural defects that cannot be abated.
   - ***1*** - Tree in severe decline, dieback of scaffold branches and/or trunk; most of foliage from epicormics; extensive structural defects that cannot be abated.

5. Rating the suitability for preservation as "high", "moderate" or "low". Suitability for preservation considers the health, age and structural condition of the tree, and its potential to remain an asset to the site for years to come:

   High: Trees with good health and structural stability that have the potential for longevity at the site.

   Moderate: Trees with somewhat declining health and/or structural defects that can be abated with treatment. The tree will require more intense management and monitoring, and may have a shorter life span than those in the "high" category.

   Low: Tree in poor health or with significant structural defects that cannot be mitigated. Tree is expected to continue to decline, regardless of treatment. The species or individual may have characteristics that are undesirable for landscapes and generally are unsuited for use areas.

Description of Trees

Forty-six (46) trees representing 11 species were evaluated (Table 1). For all species combined, the majority of the trees (33) were in poor condition (about 72% of the population), 12 trees were in fair condition (about 26% of the population), and one tree was in good condition. Descriptions of each tree are found in the ***Tree Assessment***, and approximate locations are plotted on the ***Tree Assessment Map*** (see Exhibits).

Table 1. Condition ratings and frequency of occurrence of trees 1675 Monterey Road, San Jose

Common Name	Scientific Name	Condition			Total
		Poor (1-2)	Fair (3)	Good (4-5)	
Tree of heaven	*Ailanthus altissima*	9	1	1	**11**
River red gum	*Eucalyptus camaldulensis*	-	1	-	**1**
Blue gum	*Eucalyptus globulus*	1	1	-	**2**
California black walnut	*Juglans hindsii*	5	-	-	**5**
Glossy privet	*Ligustrum lucidum*	2	1	-	**3**
Mulberry	*Morus* sp.	1	2	-	**3**
London plane	*Platanus* x *hispanica*	-	4	-	**4**
Fremont cottonwood	*Populus fremontii*	5	1	-	**6**
Arroyo willow	*Salix lasiolepis*	8	-	-	**8**
Siberian elm	*Ulmus pumila*	2	-	-	**2**
California bay	*Umbellularia californica*	-	1	-	**1**
Total		**33**	**12**	**1**	**46**

The site is located in a flat, mostly vacant lot in an industrial area of San Jose. The site contains a few structures but the majority of the site was paved with asphalt or gravel. The species represented a mix of trees ranging from California natives, some typical of creek habitats, to adapted selections that commonly occur in the San Francisco Bay Area. More than half of the trees on the site (25 trees) were growing in a sunken, dry detention basin enclosed by a solid steel fence.

Tree of heaven was the most common species assessed, with 11 trees, or about 24% of the population (Photo 1). Trunk diameters ranged from 4 to 31 inches, but most were smaller trees, with an average diameter of 11 inches. The majority of these trees were in poor condition (9 trees). One tree was in fair condition and one tree (#152, near the Pomona Street sidewalk), was in good condition. All but two of the trees were growing in the sunken detention pond area (Photo 2).

Photo 1 (left). Tree of heaven #145 was growing on the adjacent property to the north.

Photo 2 (below right). Trees #120-144 were growing in a sunken detention pond area enclosed by a steel fence. The largest tree here was Fremont cottonwood #136 (yellow arrow).

The second most frequently occurring species was Arroyo willow, with 8 trees, approximately 17% of the population. All of the willows were in poor condition, and were contained within the sunken drainage basin, which at its low point was about 10 feet below the grade of the lot (Photo 2). The willows ranged from small single-stemmed trees to large multi-stemmed shrubs, with stems or small trunks ranging from 4 to 7 inches in diameter.

Six Fremont cottonwoods were assessed, about 13% of the population (Photo 2). All of these trees were also growing within the drainage basin. Five trees were in poor condition, and one tree, #120, was in fair condition. The cottonwoods ranged in size from small young trees (7 inches diameter) to mature specimens. The largest cottonwood (#136) had three stems, the largest one measuring 28 inches.

Five California black walnuts were evaluated, all growing at the northwest or southeast edges of the lot. Three of the

walnuts were growing on the adjacent properties with canopies overhanging the subject property. All of the walnuts were in poor condition, with poor structure resulting from codominant or multiple attachments at one point on the trunk. Several showed a history of limb failure or had twisting, irregular crowns. All were semi-mature to mature trees, with diameters ranging from 17 to 24 inches.

Four semi-mature London planes were present. These were street trees growing in 3 foot by 6 foot wells in the Monterey Road sidewalk. All four were in fair condition, with diameters ranging from 7 to 16 inches. Their crowns had narrow, upright forms and they appeared vigorous.

None of the remaining species were represented by more than three trees. Included in this group were:

- Three mulberries (#153-155) growing along the sidewalk on Pomona Street, at the back of the lot. Trunk diameters ranged from 15 to 21 inches. Trees #153 and #154 were in fair condition, and #155 was in poor condition.

- Three glossy privets were present. Tree #141 was a multi-stemmed shrub form, growing within the drainage basin. The largest stem was 5 inches, and the tree was in poor condition. The other two privets were off site to the north, with diameters from 9 to 20 inches, respectively. Tree #149 was in fair condition, and #150 was in poor condition. Both canopies extended over the subject property approximately 6 feet.

Photo 3 (above). California black walnut #147 and blue gum #146 were growing off site behind the fence at left. Blue gum #158 at right was growing in gravel paving.

- Two large mature blue gums were evaluated. Tree #146 was off site to the northwest, with a diameter of about 48 inches. Tree #146 appeared to be in fair condition. Tree #158 had a diameter of 63 inches and was in very poor condition; it was growing in a gravel area near where the lot narrowed in width at the southeast end. A fungal growth was present at its base, and approximately one-third of its crown was dead. (Photo 3).

- Two Siberian elms trees were assessed. Tree #140, within the drainage basin, was very small and had multiple stems, the largest of which was 4 inches in diameter. This elm had exposed roots on a steep slope and was in poor condition. Tree #151 was growing off site at the back end of the lot near Pomona Avenue. It had a diameter of about 28 inches and was also in poor condition. Elm #151 was leaning south and had numerous failed branches. The top end of the fence was embedded in the tree's trunk.

- California bay #156 was a large, mature specimen straddling the property line at the southern edge of the lot (Photo 4). The bay's approximately 50-inch trunk was embedded in the fence, and was in fair condition overall, with a correcting lean west. The bay appeared vigorous, despite some thinning in the upper crown.

- River red gum #159 was located off site. The river red gum had a diameter of about 24 inches and was in fair condition. The gum had codominant stems and the canopy extended about 5 feet over the subject property.

Photo 4. California bay #156 was growing on both sides of the property line fence at the southeast edge of the lot.

The City of San Jose defines an Ordinance Sized Tree as "*any live or dead woody perennial plant…having a main stem or trunk 38 inches or more in circumference (12 inches diameter) at a height measured 54 inches above natural grade slope"* (SJMC 13.32.20.I. Updated February 2018). For multi-stem trees, all stems must be measured at 54 inches above the ground; the sum of all these measurements equals the diameter of the tree for ordinance and mitigation purposes. Thirty-one (31) trees met this criterion. Ordinance Sized Trees are identified on the ***Tree Assessment Form.***

The City of San Jose also has a list of designated Heritage Trees. No Heritage trees were present at this site.

Suitability for Preservation

Before evaluating the impacts that will occur during development, it is important to consider the quality of the tree resource itself, and the potential for individual trees to function well over an extended length of time. Trees that are preserved on development sites must be carefully selected to make sure that they may survive development impacts, adapt to a new environment and perform well in the landscape.

Our goal is to identify trees that have the potential for long-term health, structural stability and longevity. For trees growing in open fields, away from areas where people and property are present, structural defects and/or poor health present a low risk of damage or injury if they fail. However, we must be concerned about safety in use areas. Therefore, where development encroaches into existing plantings, we must consider their structural stability as well as their potential to grow and thrive in a new environment. Where development will not occur, the normal life cycles of decline, structural failure and death should be allowed to continue.

Evaluation of suitability for preservation considers several factors:

- **Tree health**
  Healthy, vigorous trees are better able to tolerate impacts such as root injury, demolition of existing structures, changes in soil grade and moisture, and soil compaction than are non-vigorous trees. For example, Blue gum #158 was in poor condition with crown die-back and evidence of internal rot at its base. The tree would not respond as well to construction impacts as would a younger, healthier tree.

- **Structural integrity**
  Trees with significant amounts of wood decay and other structural defects that cannot be corrected are likely to fail. Such trees should not be preserved in areas where damage to people or property is likely. California black walnuts #160 and 161 are examples of trees with a lack of structural integrity. Both had poor branch structure and unbalanced crowns, which can contribute to failure in trees.

- **Species response**
  There is a wide variation in the response of individual species to construction impacts and changes in the environment. For instance, Fremont cottonwoods are much less tolerant of root pruning than are tree of heaven.

- **Tree age and longevity**
  Mature trees, while having significant emotional and aesthetic appeal, have limited physiological capacity to adjust to an altered environment. Young trees are better able to generate new tissue and respond to change.

- **Species invasiveness**
  Species that spread across a site and displace desired vegetation are not always appropriate for retention. This is particularly true when indigenous species are displaced. The California Invasive Plant Inventory Database http://www.cal-ipc.org/plants/inventory/ lists species identified as being invasive. San Jose is part of the Central West Floristic Province. Blue gum, river red gum and glossy privet are listed as being invasive on a limited basis; tree of heaven is moderately invasive.

Each tree was rated for suitability for preservation based upon its age, health, structural condition and ability to safely coexist within a development environment (see ***Tree Assessment*** in Exhibits, and Table 2). We consider trees with “high” suitability for preservation to be the best candidates for preservation. We do not recommend retention of trees with “low” suitability for

preservation in areas where people or property will be present. Retention of trees with "moderate" suitability for preservation depends upon the intensity of proposed site changes.

Table 2. Tree suitability for preservation 1675 Monterey Road, San Jose

High	These are trees with good health and structural stability that have the potential for longevity at the site. None of the trees had "high" suitability for preservation. None of the trees assessed had "high" suitability.
Moderate	Trees in this category have fair health and/or structural defects that may be abated with treatment. These trees require more intense management and monitoring, and may have shorter life-spans than those in the "high" category. Thirteen (13) trees had "moderate" suitability for preservation.
Low	Trees in this category are in poor health or have significant defects in structure that cannot be abated with treatment. These trees can be expected to decline regardless of management. The species or individual tree may possess either characteristics that are undesirable in landscape settings or be unsuited for use areas. Thirty-three (33 trees) had "low" suitability for preservation.

Preliminary Evaluation of Impacts and Recommendations

Appropriate tree retention develops a practical match between the location and intensity of construction activities and the quality and health of trees. The individual tree assessments were the reference points for tree condition and quality. Preliminary impacts from the proposed project were assessed using the San Jose Offsite plan (Scheme 1, Sheet SSA-2, prepared by AO Architects (dated 10-31-2019). The plan depicted the layout of a new parking lot. This report is preliminary because site demolition, grading, planting, or utility plans were not reviewed.

The proposed project would involve demolition of the existing commercial building and sheds, as well as grading the sunken drainage basin. The parking lot proposes to cover the entire property and appears to use existing vehicular entrances on Monterey Road as well as Pomona Avenue.

Given the intensity of proposed development, impacts to trees on-site will be severe. As such, there is little opportunity for on-site tree preservation. Overall, based on my evaluation of the plans and the tree assessment:

- Twenty-six (26) trees within the lot will be removed for demolition and construction (12 Protected): #120-144, and 158.
- Seven trees along the edges of the lot can potentially be preserved (all seven are protected): #152-155, 156, and 160-161.
- Thirteen (13) off-site trees can potentially be preserved, including 4 street trees on Monterey Avenue (12 Protected): #145-151, 157, 159 and #162-165.

For the 13 off-site trees planned for preservation, I expect construction impacts to be minimal. Trunk protection and some crown pruning may be needed in some cases. The on-site edge trees, particularly California bay #156 and California black walnuts #160 and 161, may experience moderate to significant impacts, and careful protection will be needed to avoid impacts to their root zones.

Successful retention of the trees to be preserved will depend on the care with which work is performed around the trees and all parties committing to implementation of the **Preliminary Tree Preservation Guidelines** (see Page 9).

Tree Mitigation

The City of San Jose requires mitigation for trees removed on development sites. The species and exact number of trees to be planted on the site will be determined in consultation with the City Arborist and the Department of Planning, Building, and Code Enforcement.

All trees that are to be removed shall be replaced at the following ratios:

Diameter of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
12-inches or greater	5:1	4:1	3:1	15-gallon container
6 – 11-inches	3:1	2:1	none	15-gallon container
less than 6-inches	1:1	1:1	none	15-gallon container

x:x = tree replacement to tree loss ratio

Note: Trees with a circumference of greater than or equal to 38" (=12.1" diameter) shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.

One 24-inch box tree = two 15-gallon container trees.

Alternative Mitigation Measures

In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures may be implemented, to the satisfaction of the City's Environmental Principal Planner, at the development permit stage:

- The size of a 15-gallon replacement tree can be increased to 24-inch box and count as two replacement trees.
- An alternative site(s) will be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening
- A donation of $300 per mitigation tree to Our City Forest or San Jose Beautiful for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting will be provided to the Planning Project Manager prior to issuance of a development permit.

Twenty-six (26) on-site trees are to be removed within the project limits. These trees were categorized by type (native or non-native; no orchard trees were present) and diameter (Table 3).

Table 3. Estimated tree mitigation. 1675 Monterey Road, San Jose CA.

Diameter Class (in.)	Type			Total
	Native	Non-native	Orchard	
≥12	9 x 5	3 x 4	--	
6 to <12	2 x 3	6 x 2	--	
<6	3 x 1	3 x 1	--	
Site totals	**54**	**27**	**0**	**81**

Preliminary Tree Preservation Guidelines

The goal of tree preservation is not merely tree survival during development but maintenance of tree health and beauty for many years. Trees retained on sites that are either subject to extensive injury during construction or are inadequately maintained become a liability rather than an asset. The response of individual trees will depend on the amount of excavation and grading, the care with which demolition is undertaken, and the construction methods. Coordinating any construction activity inside the **TREE PROTECTION ZONE** can minimize these impacts.

The following recommendations will help reduce impacts to trees from development and maintain and improve their health and vitality through the clearing, grading and construction phases.

Design recommendations

1. Establish the limit of work as the property line. Locate the property line in the field. The property line and the project security fence will define the **TREE PROTECTION ZONE** for off-site trees to be preserved.

2. Locate the vertical and horizontal elevation of on-site trees to be preserved (#152-155, 156, and 160-161.). Include tree locations and tag numbers on all plans.

3. Plot accurate locations of all trees to be preserved on all project plans. Identify the **TREE PROTECTION ZONE** for each tree. For design purposes, the **TREE PROTECTION ZONE** shall be defined as the tree dripline. The limits of the **TREE PROTECTION ZONE** will be adjusted following review of grading and construction plans, and are to be verified in the field with the Project Arborist prior to the start of construction.

4. Allow the Project Arborist to review all future project submittals including grading, utility, drainage, irrigation, and landscape plans.

5. Route underground services including utilities, sub-drains, water or sewer around the **TREE PROTECTION ZONE**. Where encroachment cannot be avoided, special construction techniques such as hand digging or tunneling under roots shall be employed where necessary to minimize root injury.

6. Use only herbicides safe for use around trees and labeled for that use, even below pavement.

7. Design irrigation systems so that no trenching will occur within the **TREE PROTECTION ZONE**.

Pre-demolition and pre-construction treatments and recommendations

1. The demolition and construction superintendents shall meet with the Project Arborist before beginning work to review all work procedures, access routes, storage areas, and tree protection measures.
2. Raise tree canopies as needed for construction activities.
    a. All pruning shall be done by a State of CA Licensed Tree Contractor (C61/D49). All pruning shall be done by Certified Arborist or Certified Tree Worker in accordance with the Best Management Practices for Pruning (International Society of Arboriculture, 2002) and adhere to the most recent editions of the American National Standard for Tree Care Operations (Z133.1) and Pruning (A300).
    b. While in the tree the arborist shall perform an aerial inspection to identify any defects, weak branch and trunk attachments, and decay not visible from the ground. Any additional work needed to mitigate defects shall be reported to the property owner.
3. All tree work shall comply with the Migratory Bird Treaty Act as well as CA Fish and Wildlife code 3503-3513 to not disturb nesting birds. To the extent feasible tree pruning and removal should be scheduled outside of the breeding season. Breeding bird surveys should be conducted prior to tree work. Qualified biologists should be involved in establishing work buffers for active nests.

Recommendations for tree protection during construction

1. Any approved grading, construction, demolition or other work within the **TREE PROTECTION ZONE** should be monitored by the Project Arborist.
2. All contractors shall conduct operations in a manner that will prevent damage to trees to be preserved.
3. Tree protection devices are to remain until all site work has been completed within the work area. Fences or other protection devices may not be relocated or removed without permission of the Consulting Arborist.
4. Construction trailers, traffic and storage areas must remain outside **TREE PROTECTION ZONE** at all times.
5. Any root pruning required for construction purposes shall receive the prior approval of and be supervised by the Project Arborist. Roots should be cut with a saw to provide a flat and smooth cut. Removal of roots larger than 2 inches in diameter should be avoided.
6. If roots 2 inches and greater in diameter are encountered during site work and must be cut to complete the construction, the Project Arborist must be consulted to evaluate effects on the health and stability of the tree and recommend treatment.
7. Prior to grading or trenching, trees may require root pruning outside the **TREE PROTECTION ZONE.** Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by, the Project Arborist.
8. Spoil from trench, footing, utility or other excavation shall not be placed within the **TREE PROTECTION ZONE**, neither temporarily nor permanently.
9. All grading within the dripline of trees shall be done using the smallest equipment possible. The equipment shall operate perpendicular to the tree and operate from outside the **TREE**

PROTECTION ZONE. Any modifications must be approved and monitored by the Project Arborist.

10. If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Project Arborist so that appropriate treatments can be applied.
11. No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the **TREE PROTECTION ZONE**.
12. Any additional tree pruning needed for clearance during construction must be performed by a Certified Arborist and not by construction personnel.

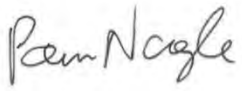
Maintenance of impacted trees
Our procedures included assessing trees for observable defects in structure. This is not to say that trees without significant defects will not fail. Failure of apparently defect-free trees does occur, especially during storm events. Wind forces, for example, can exceed the strength of defect-free wood causing branches and trunks to break. Wind forces coupled with rain can saturate soils, reducing their ability to hold roots, and blow over defect-free trees. Although we cannot predict all failures, identifying those trees with observable defects is a critical component of enhancing public safety.

Furthermore, trees change over time. Our inspections represent the condition of the tree at the time of inspection. As trees age, the likelihood of failure of branches or entire trees increases. Annual tree inspections are recommended to identify changes to tree health and structure. In addition, trees should be inspected after storms of unusual severity to evaluate damage and structural changes. Initiating these inspections is the responsibility of the client and/or tree owner.

Preserved trees will experience a physical environment different from that pre-development. As a result, tree health and structural stability should be monitored. Occasional pruning, fertilization, mulch, pest management, replanting and irrigation may be required. In addition, provisions for monitoring both tree health and structural stability following construction must be made a priority.

If you have any questions about my observations or recommendations, please contact me.

HortScience | Bartlett Consulting



Pam Nagle
Consulting Arborist and Urban Forester
Certified Arborist #WE-9617A
ISA Tree Risk Assessment Qualified

Exhibits

Tree Assessment Plan

Tree Assessment

Tree Assessment Map

1675 Monterey Road
San Jose, CA

Prepared for:
Bradley Cardon

February 2021

No Scale

Notes

- Base map provided by:
  Google Earth
- Numbered tree locations are approximate.

HORT SCIENCE
BARTLETT CONSULTING
Divisions of The F.A. Bartlett Tree Expert Company

325 Ray Street
Pleasanton, California 94566
Phone 925.484.0211
Fax 925.484.0596

Tree Assessment

1675 Monterey Road
San Jose, CA
February 2021

Tree No.	Species	Trunk Diameter (in.)	Protected Tree?	Condition 1=poor 5=excellent	Suitability for Preservation	Comments
120	Fremont cottonwood	19	Yes	3	Moderate	Base behind edge concrete retaining wall; multiple attachments arise from 5 ft.; heavy lateral to N; irregular form.
121	Tree of heaven	4	No	2	Low	Growing out of asphalt pavement; narrow upright form.
122	Tree of heaven	7	No	2	Low	Base sweeps out from below edge of paving; codominant at 3.5 ft.; narrow upright form.
123	Tree of heaven	8	No	2	Low	Base sweeps out from below edge of paving; codominant at 5 ft.; narrow upright form.
124	Tree of heaven	16	Yes	2	Low	Base on slope; multiple attachments arise from 4 + 8 ft.; crowded by nearby trees/shrubs.
125	Tree of heaven	5	No	2	Low	Growing out of asphalt pavement; narrow upright form.
126	Tree of heaven	8	No	2	Low	Base on slope; corrected bow to W; codominant at 5 ft.; narrow upright form.
127	Tree of heaven	11	No	2	Low	Growing out of asphalt pavement; vase-shaped crown.
128	Tree of heaven	11	No	2	Low	Growing at edge of pavement; narrow upright form.
129	Tree of heaven	5	No	1	Low	On slope; partially failed at base; leaning W.
130	Fremont cottonwood	8,8,6,5,4,3,3	Yes	1	Low	On slope; some exposed roots; multiple attachments arise from base.
131	Fremont cottonwood	8,7,6,4,1,1	Yes	1	Low	On slope; some exposed roots; multiple attachments arise from base.
132	Fremont cottonwood	24	Yes	2	Low	Trunk sweeps W, correcting; suppressed; high crown.
133	Fremont cottonwood	7	No	1	Low	Multiple attachments arise from base; suppressed by #132.
134	Arroyo willow	5,4,4	Yes	1	Low	Multiple attachments arise from base w/ exposed roots on slope; leans W.
135	Arroyo willow	8,3,2	Yes	1	Low	Multiple attachments arise from base w/ exposed roots on slope; slight lean W.
136	Fremont cottonwood	28, 25,13	Yes	1	Low	Multiple attachments arise from base; failed at base to W side; W stem has correcting bow.

Tree Assessment

1675 Monterey Road
San Jose, CA
February 2021

Tree No.	Species	Trunk Diameter (in.)	Protected Tree?	Condition 1=poor 5=excellent	Suitability for Preservation	Comments
137	Arroyo willow	4	No	1	Low	Trunk bends over fence to W; high sparse crown.
138	Arroyo willow	7	No	1	Low	Bow at base; codominant at 6 ft.; leans NW.
139	Arroyo willow	3,2	No	1	Low	Multiple attachments arise from 1 ft.; exposed root area on slope.
140	Siberian elm	4,2	No	1	Low	Multiple attachments arise from 1 ft.; exposed root area on slope.
141	Glossy privet	5,5,4	Yes	1	Low	Multiple attachments arise from base, suppressed at E side by #142.
142	Arroyo willow	16,13,12,12,12,12,12,11,7,6,6	Yes	2	Low	Multiple attachments arise from base; wide spreading crown.
143	Arroyo willow	8,7,5,5,5,4,4,2,2	Yes	1	Low	Multiple attachments arise from base; suppressed by #142; failing to N; stems decayed.
144	Arroyo willow	5	No	1	Low	Failing; sparse tree; leaning to N.
145	Tree of heaven	~13,~12	Yes	3	Moderate	Off site, tag on fence, can't access. At fence line; codominant trunks; 10 ft. overhang on property.
146	Blue gum	~48	Yes	3	Moderate	Off site, tag on fence, can't access. Multiple attachments arise from trunk; 30 ft. overhang on property.
147	California black walnut	~20,~20	Yes	2	Low	Off site, tag on fence, can't access. Codominant stems; wide crown; 22 ft. overhang on property.
148	California black walnut	~36	Yes	2	Low	Off site, tag on fence, can't access. Multiple attachments arise from trunk; wide crown; 22 foot overhang on property.
149	Glossy privet	~9	No	3	Moderate	Off site, tag on low branch, can't access. Close to fence; 6 ft. overhang on property.
150	Glossy privet	~20	Yes	2	Low	Off site, tag on fence, can't access. Codominant stems; trunk approx. 6-8 ft. from fence; 6 ft. overhang on property.

Tree Assessment

1675 Monterey Road
San Jose, CA
February 2021

HORT SCIENCE
BARTLETT CONSULTING

Tree No.	Species	Trunk Diameter (in.)	Protected Tree?	Condition 1=poor 5=excellent	Suitability for Preservation	Comments
151	Siberian elm	~28	Yes	1	Low	Off site, tag on fence, can't access. Leans S, growing into top of fence; multiple attachments arise from 10 ft.; history of branch failures; vigorous; 33 ft. overhang on property.
152	Tree of heaven	31	Yes	4	Moderate	On Pomona Street. Multiple attachments arise from 6 ft.; large tree w/ wide vigorous crown.
153	Mulberry	15	Yes	3	Moderate	On Pomona Street. Large decayed surface root W side; multiple attachments arise from 6 ft.; lateral failure E side; slight lean W; many branches have been hacked back.
154	Mulberry	20	Yes	3	Moderate	On Pomona Street. Corrected lean W; codominant at 4.5 ft.; wide crown; many branches have been hacked back.
155	Mulberry	21	Yes	2	Low	On Pomona Street. Enlarged base; leans W; codominant at 4 ft.; wide vase-shaped crown; many branches have been hacked back.
156	California bay	~50	Yes	3	Moderate	Straddles fence, embedded in fence, can't access; correcting lean W; multiple attachments arise from 12 ft.; some thinning in upper crown; large mature tree.
157	California black walnut	~18	Yes	2	Low	Off site, tag on fence, can't access. Multiple attachments arise from 7 ft.; wide crown w/ history of limb failures.
158	Blue gum	63	Yes	1	Low	In gravel paving; fruiting fungal body at base N side; multiple attachments arise from 10 ft.; top of crown dying back: 1/3 dead.
159	River red gum	~24	Yes	3	Moderate	Off site, tag on fence, can't access. Codominant stems; 5 ft. overhang on property.
160	California black walnut	17	Yes	2	Low	At fence; codominant at 6 ft.; irregular crown.
161	California black walnut	24	Yes	2	Low	At fence; correcting lean N; wide, spreading crown w/ history of limb failures.
162	London plane	11	Yes	3	Moderate	Street tree in 3x6 ft. planter; trunk divides at 6,7+8 ft.; correcting lean S; vigorous.

Tree Assessment

1675 Monterey Road
San Jose, CA
February 2021

Tree No.	Species	Trunk Diameter (in.)	Protected Tree?	Condition 1=poor 5=excellent	Suitability for Preservation	Comments
163	London plane	7	Yes	3	Moderate	Street tree in 3x6 ft. planter; codominant at 6 ft.; correcting lean S; narrow upright crown; vigorous.
164	London plane	11	Yes	3	Moderate	Street tree in 3x6 ft. planter; correcting lean W; codominant at 10 ft.; vigorous.
165	London plane	16	Yes	3	Moderate	Street tree in 3x6 ft. planter; codominant at 7 ft. w/ removed limbs at attachment; vigorous tree; approx. 8 ft. from utility pole, crown entwined in lines.

Final Arborist Report

1675 Monterey Road
San Jose, CA

PREPARED FOR:
Bradley Cardon

PREPARED BY:
HortScience | Bartlett Consulting
325 Ray St.
Pleasanton, CA 94566

February 22, 2021
Rev. March 10, 2021

HORT SCIENCE
BARTLETT CONSULTING
Divisions of The F.A. Bartlett Tree Expert Company

Arborist Report
1675 Monterey Road
San Jose, CA

Table of Contents

List of Tables

Exhibits

Tree Assessment Plan
Tree Assessment

Arborist Report
1675 Monterey Road
San Jose, CA

Introduction and Overview
The Applicant is planning to re-develop the property at 1675 Monterey Road in San Jose, CA. HortScience | Bartlett Consulting, Divisions of The F. A. Bartlett Tree Expert Company, was asked to prepare an **Arborist Report** for the trees within the project area as required by the City of San Jose.

This report provides the following information:

1. Assessment of the health and structural condition of the trees within the proposed project area based on a visual inspection from the ground.
2. Evaluation of the impacts to trees based on preliminary development plans.
3. Guidelines for tree preservation during the design, construction and maintenance phases of development.

Tree Assessment Methods
Trees were assessed on February 12, 2021. The survey included trees six feet or taller that may be affected by the proposed development, as required by the City of San Jose. Tree tag numbers started at #120.

Off-site trees with canopies extending over the subject site were viewed from the subject property. Access to some trees was limited due to locked gates and/or fences. Trees that could not be accessed were assigned a tree number; in most cases, a metal tag was attached to an adjacent fence. Such trees are noted in the ***Tree Assessment Form***.

All trees were visually inspected from the ground; the assessment procedure consisted of the following steps:

1. Identifying the tree species.
2. Tagging each tree with an identifying number and recording its location on a map.
3. Measuring the trunk diameter at a point 54” above grade; for off-site trees diameters were estimated.
4. Evaluating the health and structural condition using a scale of 0 – 5 based on a visual inspection from the ground:
   - ***5*** - A healthy, vigorous tree, reasonably free of signs and symptom of disease, with good structure and form typical of the species.
   - ***4*** - Tree with slight decline in vigor, small amount of twig dieback, minor structural defects that could be corrected.
   - ***3*** - Tree with moderate vigor, moderate twig and small branch dieback, thinning of crown, poor leaf color, moderate structural defects that might be mitigated with regular care.
   - ***2*** - Tree in decline, epicormic growth, extensive dieback of medium to large branches, significant structural defects that cannot be abated.
   - ***1*** - Tree in severe decline, dieback of scaffold branches and/or trunk; most of foliage from epicormics; extensive structural defects that cannot be abated.

5. Rating the suitability for preservation as “high”, “moderate” or “low”. Suitability for preservation considers the health, age and structural condition of the tree, and its potential to remain an asset to the site for years to come:

   High: Trees with good health and structural stability that have the potential for longevity at the site.

   Moderate: Trees with somewhat declining health and/or structural defects that can be abated with treatment. The tree will require more intense management and monitoring, and may have a shorter life span than those in the “high” category.

   Low: Tree in poor health or with significant structural defects that cannot be mitigated. Tree is expected to continue to decline, regardless of treatment. The species or individual may have characteristics that are undesirable for landscapes and generally are unsuited for use areas.

Description of Trees

Forty-six (46) trees representing 11 species were evaluated (Table 1). For all species combined, the majority of the trees (33) were in poor condition (about 72% of the population), 12 trees were in fair condition (about 26% of the population), and one tree was in good condition. Descriptions of each tree are found in the ***Tree Assessment***, and approximate locations are plotted on the ***Tree Assessment Map*** (see Exhibits).

Table 1. Condition ratings and frequency of occurrence of trees 1675 Monterey Road, San Jose

Common Name	Scientific Name	Condition			Total
		Poor (1-2)	Fair (3)	Good (4-5)	
Tree of heaven	*Ailanthus altissima*	9	1	1	**11**
River red gum	*Eucalyptus camaldulensis*	-	1	-	**1**
Blue gum	*Eucalyptus globulus*	1	1	-	**2**
California black walnut	*Juglans hindsii*	5	-	-	**5**
Glossy privet	*Ligustrum lucidum*	2	1	-	**3**
Mulberry	*Morus* sp.	1	2	-	**3**
London plane	*Platanus* x *hispanica*	-	4	-	**4**
Fremont cottonwood	*Populus fremontii*	5	1	-	**6**
Arroyo willow	*Salix lasiolepis*	8	-	-	**8**
Siberian elm	*Ulmus pumila*	2	-	-	**2**
California bay	*Umbellularia californica*	-	1	-	**1**
Total		**33**	**12**	**1**	**46**

The site is located in a flat, mostly vacant lot in an industrial area of San Jose. The site contains a few structures, but the majority of the site was paved with asphalt or gravel. The species represented a mix of trees ranging from California natives, some typical of creek habitats, to adapted selections that commonly occur in the San Francisco Bay Area. More than half of the trees on the site (25 trees) were growing in a sunken, dry detention basin enclosed by a solid steel fence.

Tree of heaven was the most common species assessed, with 11 trees, or about 24% of the population (Photo 1). Trunk diameters ranged from 4 to 31 inches, but most were smaller trees, with an average diameter of 11 inches. The majority of these trees were in poor condition (9 trees). One tree was in fair condition and one tree (#152, near the Pomona Street sidewalk), was in good condition. All but two of the trees were growing in the sunken detention pond area (Photo 2).

Photo 1 (left). Tree of heaven #145 was growing on the adjacent property to the north.

Photo 2 (below right). Trees #120-144 were growing in a sunken detention pond area enclosed by a steel fence. The largest tree here was Fremont cottonwood #136 (yellow arrow).

The second most frequently occurring species was Arroyo willow, with 8 trees, approximately 17% of the population. All of the willows were in poor condition, and were contained within the sunken drainage basin, which at its low point was about 10 feet below the grade of the lot (Photo 2). The willows ranged from small single-stemmed trees to large multi-stemmed shrubs, with stems or small trunks ranging from 4 to 7 inches in diameter.

Six Fremont cottonwoods were assessed, about 13% of the population (Photo 2). All of these trees were also growing within the drainage basin. Five trees were in poor condition, and one tree, #120, was in fair condition. The cottonwoods ranged in size from small young trees (7 inches diameter) to mature specimens. The largest cottonwood (#136) had three stems, the largest one measuring 28 inches.

Five California black walnuts were evaluated, all growing at the northwest or southeast edges of the lot. Three of the

walnuts were growing on the adjacent properties with canopies overhanging the subject property. All of the walnuts were in poor condition, with poor structure resulting from codominant or multiple attachments at one point on the trunk. Several showed a history of limb failure or had twisting, irregular crowns. All were semi-mature to mature trees, with diameters ranging from 17 to 24 inches.

Four semi-mature London planes were present. These were street trees growing in 3 foot by 6 foot wells in the Monterey Road sidewalk. All four were in fair condition, with diameters ranging from 7 to 16 inches. Their crowns had narrow, upright forms and they appeared vigorous.

None of the remaining species were represented by more than three trees. Included in this group were:

- Three mulberries (#153-155) growing along the sidewalk on Pomona Street, at the back of the lot. Trunk diameters ranged from 15 to 21 inches. Trees #153 and #154 were in fair condition, and #155 was in poor condition.

- Three glossy privets were present. Tree #141 was a multi-stemmed shrub form, growing within the drainage basin. The largest stem was 5 inches, and the tree was in poor condition. The other two privets were off site to the north, with diameters from 9 to 20 inches, respectively. Tree #149 was in fair condition, and #150 was in poor condition. Both canopies extended over the subject property approximately 6 feet.

Photo 3 (above). California black walnut #147 and blue gum #146 were growing off site behind the fence at left. Blue gum #158 at right was growing in gravel paving.

- Two large mature blue gums were evaluated. Tree #146 was off site to the northwest, with a diameter of about 48 inches. Tree #146 appeared to be in fair condition. Tree #158 had a diameter of 63 inches and was in very poor condition; it was growing in a gravel area near where the lot narrowed in width at the southeast end. A fungal growth was present at its base, and approximately one-third of its crown was dead. (Photo 3).

- Two Siberian elms trees were assessed. Tree #140, within the drainage basin, was very small and had multiple stems, the largest of which was 4 inches in diameter. This elm had exposed roots on a steep slope and was in poor condition. Tree #151 was growing off site at the back end of the lot near Pomona Avenue. It had a diameter of about 28 inches and was also in poor condition. Elm #151 was leaning south and had numerous failed branches. The top end of the fence was embedded in the tree's trunk.

- California bay #156 was a large, mature specimen straddling the property line at the southern edge of the lot (Photo 4). The bay's approximately 50-inch trunk was embedded in the fence, and was in fair condition overall, with a correcting lean west. The bay appeared vigorous, despite some thinning in the upper crown.

- River red gum #159 was located off site. The river red gum had a diameter of about 24 inches and was in fair condition. The gum had codominant stems and the canopy extended about 5 feet over the subject property.

Photo 4. California bay #156 was growing on both sides of the property line fence at the southeast edge of the lot.

The City of San Jose defines an Ordinance Sized Tree as "*any live or dead woody perennial plant…having a main stem or trunk 38 inches or more in circumference (12 inches diameter) at a height measured 54 inches above natural grade slope"* (SJMC 13.32.20.I. Updated February 2018). For multi-stem trees, all stems must be measured at 54 inches above the ground; the sum of all these measurements equals the diameter of the tree for ordinance and mitigation purposes. Thirty-one (31) trees met this criterion. Ordinance Sized Trees are identified on the ***Tree Assessment Form.***

The City of San Jose also has a list of designated Heritage Trees. No Heritage trees were present at this site.

Suitability for Preservation

Before evaluating the impacts that will occur during development, it is important to consider the quality of the tree resource itself, and the potential for individual trees to function well over an extended length of time. Trees that are preserved on development sites must be carefully selected to make sure that they may survive development impacts, adapt to a new environment and perform well in the landscape.

Our goal is to identify trees that have the potential for long-term health, structural stability and longevity. For trees growing in open fields, away from areas where people and property are present, structural defects and/or poor health present a low risk of damage or injury if they fail. However, we must be concerned about safety in use areas. Therefore, where development encroaches into existing plantings, we must consider their structural stability as well as their potential to grow and thrive in a new environment. Where development will not occur, the normal life cycles of decline, structural failure and death should be allowed to continue.

Evaluation of suitability for preservation considers several factors:

- **Tree health**
  Healthy, vigorous trees are better able to tolerate impacts such as root injury, demolition of existing structures, changes in soil grade and moisture, and soil compaction than are non-vigorous trees. For example, Blue gum #158 was in poor condition with crown die-back and evidence of internal rot at its base. The tree would not respond as well to construction impacts as would a younger, healthier tree.

- **Structural integrity**
  Trees with significant amounts of wood decay and other structural defects that cannot be corrected are likely to fail. Such trees should not be preserved in areas where damage to people or property is likely. California black walnuts #160 and 161 are examples of trees with a lack of structural integrity. Both had poor branch structure and unbalanced crowns, which can contribute to failure in trees.

- **Species response**
  There is a wide variation in the response of individual species to construction impacts and changes in the environment. For instance, Fremont cottonwoods are much less tolerant of root pruning than are tree of heaven.

- **Tree age and longevity**
  Mature trees, while having significant emotional and aesthetic appeal, have limited physiological capacity to adjust to an altered environment. Young trees are better able to generate new tissue and respond to change.

- **Species invasiveness**
  Species that spread across a site and displace desired vegetation are not always appropriate for retention. This is particularly true when indigenous species are displaced. The California Invasive Plant Inventory Database http://www.cal-ipc.org/plants/inventory/ lists species identified as being invasive. San Jose is part of the Central West Floristic Province. Blue gum, river red gum and glossy privet are listed as being invasive on a limited basis; tree of heaven is moderately invasive.

Each tree was rated for suitability for preservation based upon its age, health, structural condition and ability to safely coexist within a development environment (see ***Tree Assessment*** in Exhibits, and Table 2). We consider trees with “high” suitability for preservation to be the best candidates for preservation. We do not recommend retention of trees with “low” suitability for

preservation in areas where people or property will be present. Retention of trees with "moderate" suitability for preservation depends upon the intensity of proposed site changes.

Table 2. Tree suitability for preservation 1675 Monterey Road, San Jose

High	These are trees with good health and structural stability that have the potential for longevity at the site. None of the trees had "high" suitability for preservation. None of the trees assessed had "high" suitability.
Moderate	Trees in this category have fair health and/or structural defects that may be abated with treatment. These trees require more intense management and monitoring, and may have shorter life-spans than those in the "high" category. Thirteen (13) trees had "moderate" suitability for preservation.
Low	Trees in this category are in poor health or have significant defects in structure that cannot be abated with treatment. These trees can be expected to decline regardless of management. The species or individual tree may possess either characteristics that are undesirable in landscape settings or be unsuited for use areas. Thirty-three (33 trees) had "low" suitability for preservation.

Preliminary Evaluation of Impacts and Recommendations

Appropriate tree retention develops a practical match between the location and intensity of construction activities and the quality and health of trees. The individual tree assessments were the reference points for tree condition and quality. Preliminary impacts from the proposed project were assessed using the San Jose Offsite plan (Scheme 1, Sheet SSA-2, prepared by AO Architects (dated 10-31-2019). The plan depicted the layout of a new parking lot. This report is preliminary because site demolition, grading, planting, or utility plans were not reviewed.

The proposed project would involve demolition of the existing commercial building and sheds, as well as grading the sunken drainage basin. The parking lot proposes to cover the entire property and appears to use existing vehicular entrances on Monterey Road as well as Pomona Avenue.

Given the intensity of proposed development, impacts to trees on-site will be severe. As such, there is little opportunity for on-site tree preservation. Overall, based on my evaluation of the plans and the tree assessment:

- Twenty-six (26) trees within the lot will be removed for demolition and construction (12 Protected): #120-144, and 158.
- Seven trees along the edges of the lot can potentially be preserved (all seven are protected): #152-155, 156, and 160-161.
- Thirteen (13) off-site trees can potentially be preserved, including 4 street trees on Monterey Avenue (12 Protected): #145-151, 157, 159 and #162-165.

For the 13 off-site trees planned for preservation, I expect construction impacts to be minimal. Trunk protection and some crown pruning may be needed in some cases. The on-site edge trees, particularly California bay #156 and California black walnuts #160 and 161, may experience moderate to significant impacts, and careful protection will be needed to avoid impacts to their root zones.

Successful retention of the trees to be preserved will depend on the care with which work is performed around the trees and all parties committing to implementation of the **Preliminary Tree Preservation Guidelines** (see Page 9).

Tree Mitigation

The City of San Jose requires mitigation for trees removed on development sites. The species and exact number of trees to be planted on the site will be determined in consultation with the City Arborist and the Department of Planning, Building, and Code Enforcement.

All trees that are to be removed shall be replaced at the following ratios:

Diameter of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
12-inches or greater	5:1	4:1	3:1	15-gallon container
6 – 11-inches	3:1	2:1	none	15-gallon container
less than 6-inches	1:1	1:1	none	15-gallon container

x:x = tree replacement to tree loss ratio

Note: Trees with a circumference of greater than or equal to 38" (=12.1" diameter) shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.

One 24-inch box tree = two 15-gallon container trees.

Alternative Mitigation Measures

In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures may be implemented, to the satisfaction of the City's Environmental Principal Planner, at the development permit stage:

- The size of a 15-gallon replacement tree can be increased to 24-inch box and count as two replacement trees.
- An alternative site(s) will be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening
- A donation of $300 per mitigation tree to Our City Forest or San Jose Beautiful for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting will be provided to the Planning Project Manager prior to issuance of a development permit.

Twenty-six (26) on-site trees are to be removed within the project limits. These trees were categorized by type (native or non-native; no orchard trees were present) and diameter (Table 3).

Table 3. Estimated tree mitigation. 1675 Monterey Road, San Jose CA.

Diameter Class (in.)	Type			Total
	Native	Non-native	Orchard	
≥12	9 x 5	3 x 4	--	
6 to <12	2 x 3	6 x 2	--	
<6	3 x 1	3 x 1	--	
Site totals	**54**	**27**	**0**	**81**

Preliminary Tree Preservation Guidelines

The goal of tree preservation is not merely tree survival during development but maintenance of tree health and beauty for many years. Trees retained on sites that are either subject to extensive injury during construction or are inadequately maintained become a liability rather than an asset. The response of individual trees will depend on the amount of excavation and grading, the care with which demolition is undertaken, and the construction methods. Coordinating any construction activity inside the **TREE PROTECTION ZONE** can minimize these impacts.

The following recommendations will help reduce impacts to trees from development and maintain and improve their health and vitality through the clearing, grading and construction phases.

Design recommendations

1. Establish the limit of work as the property line. Locate the property line in the field. The property line and the project security fence will define the **TREE PROTECTION ZONE** for off-site trees to be preserved.

2. Locate the vertical and horizontal elevation of on-site trees to be preserved (#152-155, 156, and 160-161.). Include tree locations and tag numbers on all plans.

3. Plot accurate locations of all trees to be preserved on all project plans. Identify the **TREE PROTECTION ZONE** for each tree. For design purposes, the **TREE PROTECTION ZONE** shall be defined as the tree dripline. The limits of the **TREE PROTECTION ZONE** will be adjusted following review of grading and construction plans, and are to be verified in the field with the Project Arborist prior to the start of construction.

4. Allow the Project Arborist to review all future project submittals including grading, utility, drainage, irrigation, and landscape plans.

5. Route underground services including utilities, sub-drains, water or sewer around the **TREE PROTECTION ZONE**. Where encroachment cannot be avoided, special construction techniques such as hand digging or tunneling under roots shall be employed where necessary to minimize root injury.

6. Use only herbicides safe for use around trees and labeled for that use, even below pavement.

7. Design irrigation systems so that no trenching will occur within the **TREE PROTECTION ZONE**.

Pre-demolition and pre-construction treatments and recommendations

1. The demolition and construction superintendents shall meet with the Project Arborist before beginning work to review all work procedures, access routes, storage areas, and tree protection measures.
2. Raise tree canopies as needed for construction activities.
    a. All pruning shall be done by a State of CA Licensed Tree Contractor (C61/D49). All pruning shall be done by Certified Arborist or Certified Tree Worker in accordance with the Best Management Practices for Pruning (International Society of Arboriculture, 2002) and adhere to the most recent editions of the American National Standard for Tree Care Operations (Z133.1) and Pruning (A300).
    b. While in the tree the arborist shall perform an aerial inspection to identify any defects, weak branch and trunk attachments, and decay not visible from the ground. Any additional work needed to mitigate defects shall be reported to the property owner.
3. All tree work shall comply with the Migratory Bird Treaty Act as well as CA Fish and Wildlife code 3503-3513 to not disturb nesting birds. To the extent feasible tree pruning and removal should be scheduled outside of the breeding season. Breeding bird surveys should be conducted prior to tree work. Qualified biologists should be involved in establishing work buffers for active nests.

Recommendations for tree protection during construction

1. Any approved grading, construction, demolition or other work within the **TREE PROTECTION ZONE** should be monitored by the Project Arborist.
2. All contractors shall conduct operations in a manner that will prevent damage to trees to be preserved.
3. Tree protection devices are to remain until all site work has been completed within the work area. Fences or other protection devices may not be relocated or removed without permission of the Consulting Arborist.
4. Construction trailers, traffic and storage areas must remain outside **TREE PROTECTION ZONE** at all times.
5. Any root pruning required for construction purposes shall receive the prior approval of and be supervised by the Project Arborist. Roots should be cut with a saw to provide a flat and smooth cut. Removal of roots larger than 2 inches in diameter should be avoided.
6. If roots 2 inches and greater in diameter are encountered during site work and must be cut to complete the construction, the Project Arborist must be consulted to evaluate effects on the health and stability of the tree and recommend treatment.
7. Prior to grading or trenching, trees may require root pruning outside the **TREE PROTECTION ZONE.** Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by, the Project Arborist.
8. Spoil from trench, footing, utility or other excavation shall not be placed within the **TREE PROTECTION ZONE**, neither temporarily nor permanently.
9. All grading within the dripline of trees shall be done using the smallest equipment possible. The equipment shall operate perpendicular to the tree and operate from outside the **TREE**

PROTECTION ZONE. Any modifications must be approved and monitored by the Project Arborist.

10. If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Project Arborist so that appropriate treatments can be applied.
11. No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the **TREE PROTECTION ZONE**.
12. Any additional tree pruning needed for clearance during construction must be performed by a Certified Arborist and not by construction personnel.

Maintenance of impacted trees

Our procedures included assessing trees for observable defects in structure. This is not to say that trees without significant defects will not fail. Failure of apparently defect-free trees does occur, especially during storm events. Wind forces, for example, can exceed the strength of defect-free wood causing branches and trunks to break. Wind forces coupled with rain can saturate soils, reducing their ability to hold roots, and blow over defect-free trees. Although we cannot predict all failures, identifying those trees with observable defects is a critical component of enhancing public safety.

Furthermore, trees change over time. Our inspections represent the condition of the tree at the time of inspection. As trees age, the likelihood of failure of branches or entire trees increases. Annual tree inspections are recommended to identify changes to tree health and structure. In addition, trees should be inspected after storms of unusual severity to evaluate damage and structural changes. Initiating these inspections is the responsibility of the client and/or tree owner.

Preserved trees will experience a physical environment different from that pre-development. As a result, tree health and structural stability should be monitored. Occasional pruning, fertilization, mulch, pest management, replanting and irrigation may be required. In addition, provisions for monitoring both tree health and structural stability following construction must be made a priority.

If you have any questions about my observations or recommendations, please contact me.

HortScience | Bartlett Consulting

Pam Nagle

Pam Nagle
Consulting Arborist and Urban Forester
Certified Arborist #WE-9617A
ISA Tree Risk Assessment Qualified

Exhibits

Tree Assessment Plan

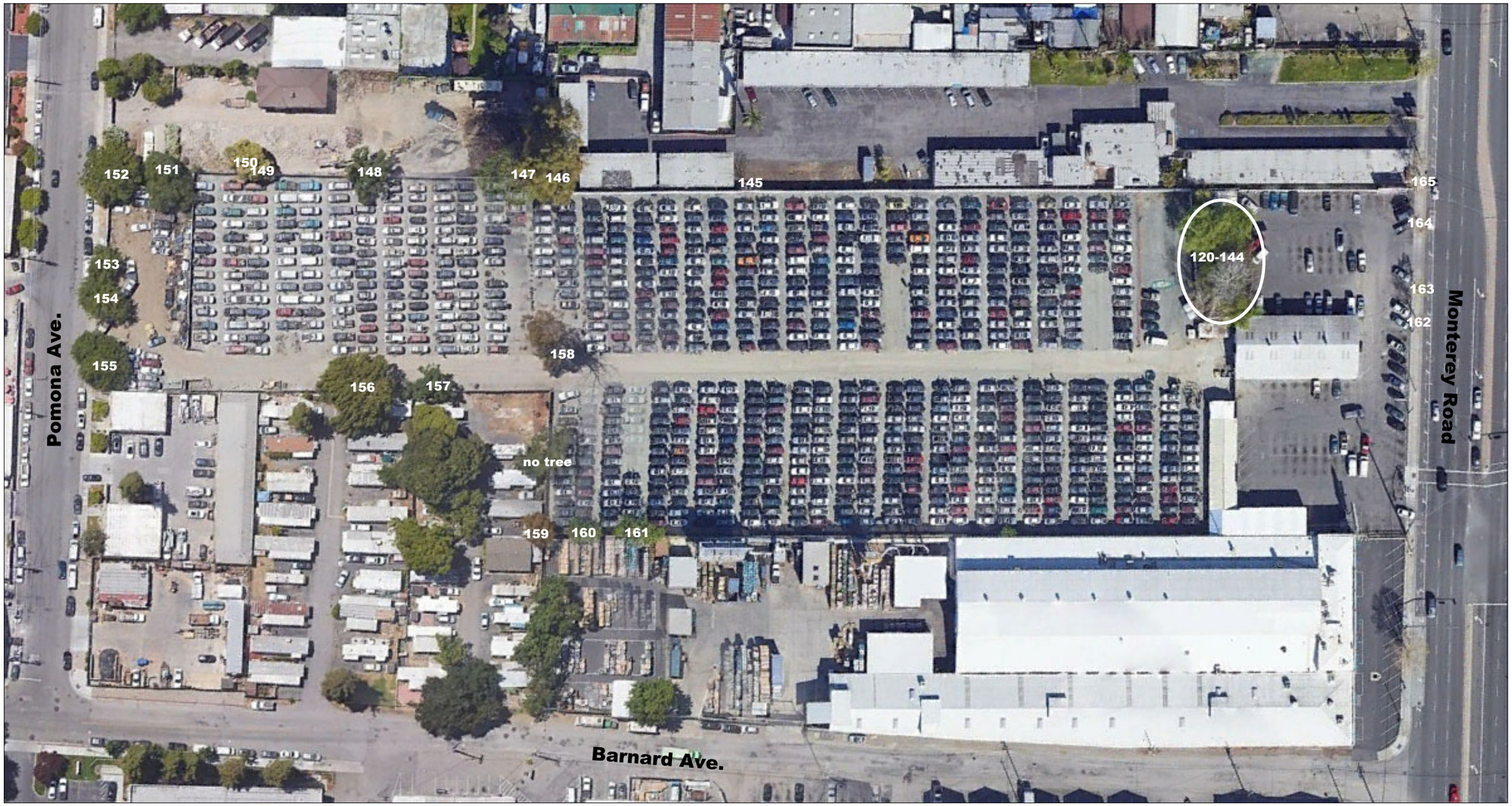
Tree Assessment

Tree Assessment Map

1675 Monterey Road
San Jose, CA

Prepared for:
Bradley Cardon

February 2021



No Scale

Notes

- Base map provided by:
  Google Earth
- Numbered tree locations are approximate.

HORT SCIENCE
BARTLETT CONSULTING
Divisions of The F.A. Bartlett Tree Expert Company

325 Ray Street
Pleasanton, California 94566
Phone 925.484.0211
Fax 925.484.0596

Tree Assessment

1675 Monterey Road
San Jose, CA
February 2021

HORT SCIENCE
BARTLETT CONSULTING

Tree No.	Species	Trunk Diameter (in.)	Protected Tree?	Condition 1=poor 5=excellent	Suitability for Preservation	Comments
120	Fremont cottonwood	19	Yes	3	Moderate	Base behind edge concrete retaining wall; multiple attachments arise from 5 ft.; heavy lateral to N; irregular form.
121	Tree of heaven	4	No	2	Low	Growing out of asphalt pavement; narrow upright form.
122	Tree of heaven	7	No	2	Low	Base sweeps out from below edge of paving; codominant at 3.5 ft.; narrow upright form.
123	Tree of heaven	8	No	2	Low	Base sweeps out from below edge of paving; codominant at 5 ft.; narrow upright form.
124	Tree of heaven	16	Yes	2	Low	Base on slope; multiple attachments arise from 4 + 8 ft.; crowded by nearby trees/shrubs.
125	Tree of heaven	5	No	2	Low	Growing out of asphalt pavement; narrow upright form.
126	Tree of heaven	8	No	2	Low	Base on slope; corrected bow to W; codominant at 5 ft.; narrow upright form.
127	Tree of heaven	11	No	2	Low	Growing out of asphalt pavement; vase-shaped crown.
128	Tree of heaven	11	No	2	Low	Growing at edge of pavement; narrow upright form.
129	Tree of heaven	5	No	1	Low	On slope; partially failed at base; leaning W.
130	Fremont cottonwood	8,8,6,5,4,3,3	Yes	1	Low	On slope; some exposed roots; multiple attachments arise from base.
131	Fremont cottonwood	8,7,6,4,1,1	Yes	1	Low	On slope; some exposed roots; multiple attachments arise from base.
132	Fremont cottonwood	24	Yes	2	Low	Trunk sweeps W, correcting; suppressed; high crown.
133	Fremont cottonwood	7	No	1	Low	Multiple attachments arise from base; suppressed by #132.
134	Arroyo willow	5,4,4	Yes	1	Low	Multiple attachments arise from base w/ exposed roots on slope; leans W.
135	Arroyo willow	8,3,2	Yes	1	Low	Multiple attachments arise from base w/ exposed roots on slope; slight lean W.
136	Fremont cottonwood	28, 25,13	Yes	1	Low	Multiple attachments arise from base; failed at base to W side; W stem has correcting bow.

Tree Assessment

1675 Monterey Road
San Jose, CA
February 2021

HORT SCIENCE
BARTLETT CONSULTING

Tree No.	Species	Trunk Diameter (in.)	Protected Tree?	Condition 1=poor 5=excellent	Suitability for Preservation	Comments
137	Arroyo willow	4	No	1	Low	Trunk bends over fence to W; high sparse crown.
138	Arroyo willow	7	No	1	Low	Bow at base; codominant at 6 ft.; leans NW.
139	Arroyo willow	3,2	No	1	Low	Multiple attachments arise from 1 ft.; exposed root area on slope.
140	Siberian elm	4,2	No	1	Low	Multiple attachments arise from 1 ft.; exposed root area on slope.
141	Glossy privet	5,5,4	Yes	1	Low	Multiple attachments arise from base, suppressed at E side by #142.
142	Arroyo willow	16,13,12,12,12,12,12,11,7,6,6	Yes	2	Low	Multiple attachments arise from base; wide spreading crown.
143	Arroyo willow	8,7,5,5,5,4,4,2,2	Yes	1	Low	Multiple attachments arise from base; suppressed by #142; failing to N; stems decayed.
144	Arroyo willow	5	No	1	Low	Failing; sparse tree; leaning to N.
145	Tree of heaven	~13,~12	Yes	3	Moderate	Off site, tag on fence, can't access. At fence line; codominant trunks; 10 ft. overhang on property.
146	Blue gum	~48	Yes	3	Moderate	Off site, tag on fence, can't access. Multiple attachments arise from trunk; 30 ft. overhang on property.
147	California black walnut	~20,~20	Yes	2	Low	Off site, tag on fence, can't access. Codominant stems; wide crown; 22 ft. overhang on property.
148	California black walnut	~36	Yes	2	Low	Off site, tag on fence, can't access. Multiple attachments arise from trunk; wide crown; 22 foot overhang on property.
149	Glossy privet	~9	No	3	Moderate	Off site, tag on low branch, can't access. Close to fence; 6 ft. overhang on property.
150	Glossy privet	~20	Yes	2	Low	Off site, tag on fence, can't access. Codominant stems; trunk approx. 6-8 ft. from fence; 6 ft. overhang on property.

Tree Assessment

1675 Monterey Road
San Jose, CA
February 2021

HORT SCIENCE
BARTLETT CONSULTING

Tree No.	Species	Trunk Diameter (in.)	Protected Tree?	Condition 1=poor 5=excellent	Suitability for Preservation	Comments
151	Siberian elm	~28	Yes	1	Low	Off site, tag on fence, can't access. Leans S, growing into top of fence; multiple attachments arise from 10 ft.; history of branch failures; vigorous; 33 ft. overhang on property.
152	Tree of heaven	31	Yes	4	Moderate	On Pomona Street. Multiple attachments arise from 6 ft.; large tree w/ wide vigorous crown.
153	Mulberry	15	Yes	3	Moderate	On Pomona Street. Large decayed surface root W side; multiple attachments arise from 6 ft.; lateral failure E side; slight lean W; many branches have been hacked back.
154	Mulberry	20	Yes	3	Moderate	On Pomona Street. Corrected lean W; codominant at 4.5 ft.; wide crown; many branches have been hacked back.
155	Mulberry	21	Yes	2	Low	On Pomona Street. Enlarged base; leans W; codominant at 4 ft.; wide vase-shaped crown; many branches have been hacked back.
156	California bay	~50	Yes	3	Moderate	Straddles fence, embedded in fence, can't access; correcting lean W; multiple attachments arise from 12 ft.; some thinning in upper crown; large mature tree.
157	California black walnut	~18	Yes	2	Low	Off site, tag on fence, can't access. Multiple attachments arise from 7 ft.; wide crown w/ history of limb failures.
158	Blue gum	63	Yes	1	Low	In gravel paving; fruiting fungal body at base N side; multiple attachments arise from 10 ft.; top of crown dying back: 1/3 dead.
159	River red gum	~24	Yes	3	Moderate	Off site, tag on fence, can't access. Codominant stems; 5 ft. overhang on property.
160	California black walnut	17	Yes	2	Low	At fence; codominant at 6 ft.; irregular crown.
161	California black walnut	24	Yes	2	Low	At fence; correcting lean N; wide, spreading crown w/ history of limb failures.
162	London plane	11	Yes	3	Moderate	Street tree in 3x6 ft. planter; trunk divides at 6,7+8 ft.; correcting lean S; vigorous.

Tree Assessment

1675 Monterey Road
San Jose, CA
February 2021

HORT SCIENCE
BARTLETT CONSULTING

Tree No.	Species	Trunk Diameter (in.)	Protected Tree?	Condition 1=poor 5=excellent	Suitability for Preservation	Comments
163	London plane	7	Yes	3	Moderate	Street tree in 3x6 ft. planter; codominant at 6 ft.; correcting lean S; narrow upright crown; vigorous.
164	London plane	11	Yes	3	Moderate	Street tree in 3x6 ft. planter; correcting lean W; codominant at 10 ft.; vigorous.
165	London plane	16	Yes	3	Moderate	Street tree in 3x6 ft. planter; codominant at 7 ft. w/ removed limbs at attachment; vigorous tree; approx. 8 ft. from utility pole, crown entwined in lines.

NV5

Delivering Solutions
Improving Lives