



April 15, 2022

Maira Blanco  
Environmental Project Manager  
Planning Building and Code Enforcement  
200 E Santa Clara St.  
City of San Jose, California 95113

Sylvia Do  
Division Manager  
Planning Building and Code Enforcement  
200 E Santa Clara St.  
City of San Jose, California 95113

Additional comments re: Alviso Hotel Project (PD19-031)

Dear Ms. Blanco and Ms. Do,

The Santa Clara Valley Audubon Society (SCVAS) submits these supplemental comments responding to the City of San Jose's (City) IS/MND for the Alviso Hotel Project (Project). On March 24, 2022, the city issued its Response to Comments on the Project. Because we disagree with the City's responses to our IS/MND comment letter of November 10, 2021, SCVAS submits the following supplemental comments for your consideration.

**City Response H-1** contends that the development of the Alviso Hotel property was not foreseeable, and thus, impermissible segmentation of CEQA review has not occurred.

- We disagree. As mentioned in our prior letters, future development of the site was predictable, and reasonably foreseeable and should have been considered together with the Topgolf@Terra Project (PDC 16-013 and GPT16-001) on the approximately 36 acres that were analyzed in 2016<sup>1</sup>. The property is designated "Combined Industrial/Commercial" in the Alviso Master Plan<sup>2</sup> which was incorporated into the San Jose General Plan Envision 2040 with additional employment

---

<sup>1</sup> Topgolf @ Terra IS/MND September 2016  
<https://www.sanjoseca.gov/home/showpublisheddocument/27827/637145324863900000>

<sup>2</sup> See page 36, Alviso Master Plan y (1998)  
<https://www.sanjoseca.gov/home/showpublisheddocument/16053/636681597543870000>

growth capacity<sup>3</sup>. Amendments to the Alviso Master Plan and to Envision 2040 have not changed this designation. The fact this particular project was not planned yet when the City processed the Topgolf@Terra Project does not mean that a development project on this land was not foreseeable, and thus, this is a classic example of segmented CEQA review. At the very least, a programmatic EIR should have been prepared in 2016 to analyze a full scope of potential (and inevitable) development on the property, allowing future development to be added without segmenting CEQA review.

**City Response H-1** to our comment letter also states that the City’s Biological Resources Assessment assessed cumulative impacts of the Project, including impacts associated with the Topgolf@Terra project. However, this assertion is not supported by substantial evidence in the record as described below:

- Section 4.4 of the IS/MND, Biological Resources, does not mention Cumulative Impacts at all, and there is no discussion of the cumulative loss of habitat or of open space. Appendix B Biological Resources Report and Appendix G Phase I Environmental Assessment (2021) also do not include any discussions of potential cumulative impacts to biological resources.
- The Mandatory Findings of Significance (section 4.21) summarily concludes that the Project would not significantly contribute to cumulative impacts on biological resources (Impact MFS-2), however, there is no analysis in the IS/MND to support this finding.
- The Topgolf@Terra project claimed that of the 34.51 total acres available for that project’s development, 27.57 acres will be permanently disturbed and 6.94 will remain undeveloped. Accordingly, the Topgolf@Terra project found no significant impacts to open space. In the Topgolf@Terra IS/MND, the project is shown as “golf course/ urban park” and “annual grassland” (Figure 1), land uses that require payments to the Habitat Agency. The Topgolf@Terra project paid the Valley Habitat Plan fees for loss of habitat on 27.57 acres, but NOT for the undeveloped 6.94 acres of open space (See attached application to the Habitat Agency and associated attachments). Fees for impacts to burrowing owl habitat on the hotel project’s footprint, as well as impacts to tricolored blackbirds (Figure 2), were also not submitted to the Habitat Agency.

Figure 1 Topgolf@Terra Project site

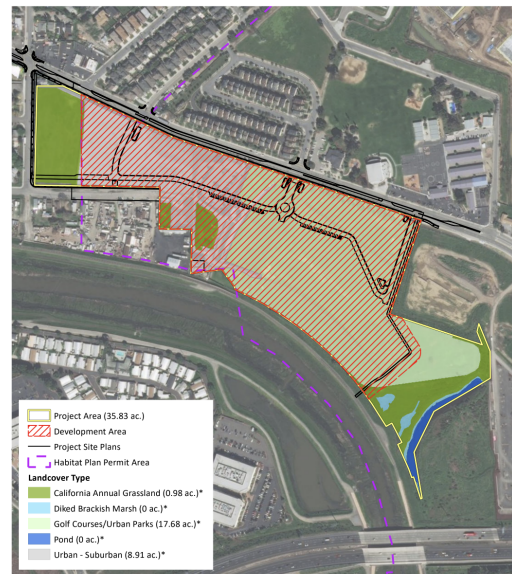


Figure 2. Site Plan Map

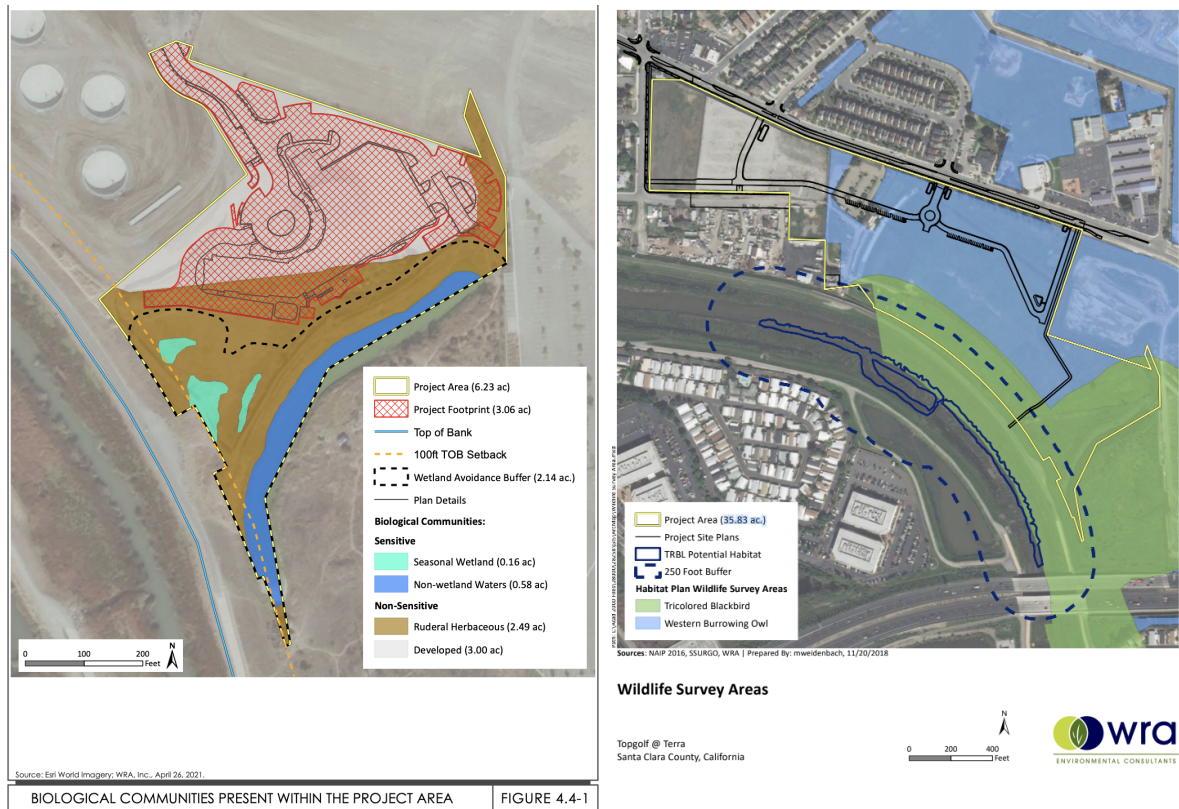
Topgolf @ Terra  
Santa Clara County, California



<sup>3</sup> <https://www.sanjoseca.gov/home/showpublisheddocument/22359/637841721973600000>

- The project proposes that 3 acres (48%) of the project site is “developed” because it has been graded in the past. As we have previously demonstrated (and other comments have corroborated), the graded land remains valuable habitat for raptors (including burrowing owls) and other bird species, as do most agricultural fields in the state. The fact that land has been graded should not change its definition to “developed”, and should not exempt the full site, including the 3 graded acres, from paying fees to the Habitat Agency. **The cumulative loss of open space has not been discussed or mitigated in the Alviso Hotel IS/MND.**

**Figure 2.** Burrowing owl and tricolored blackbird habitat, from attachments to Topgolf@Terra Habitat Agency Application (Right) and the Alviso Hotel Project site development map (Left)



In **City Response H-2**, the City dismisses impacts of loss of foraging habitat, narrowing the mitigation to pre-construction surveys for nesting birds. We maintain that the loss of habitat adjacent to the Guadalupe River and a wetland, in itself, is a significant impact. Not only is this a significant impact to the species that could be found on the site (including burrowing owls and tri-colored blackbirds), but also to the many species that fly over the site and along the Guadalupe River. The full scope of these impacts should be analyzed and mitigated.

We also reiterate our deep concern that the further development of this area will significantly impact the only currently significant breeding populations of burrowing owls in Santa Clara County (**City Response H.3**). For the burrowing owls of Santa Clara Valley, time is critical. Until a viable population is established

south of San Jose, the population of the Alviso area remains a critical source population for this species survival in the County. At this time, the Habitat Plan is working to stabilize the burrowing owl population, and to establish a stable breeding population of burrowing owls elsewhere in Santa Clara County, but this goal has not been achieved yet. Despite various population stabilization efforts the population continues to decline<sup>4</sup> (Figure 3).

At this time, a breeding site south of San Jose has yet to be secured and prepared for breeding pairs of burrowing owls, and show breeding success. The breeding population of Alviso (at the Regional Wastewater Facility) is critical to the recovery efforts. If no breeding owls remain in Santa Clara County, fees will not possibly mitigate the impact. At the time this IS/MND is prepared, burrowing owls need more time, not money, to avoid extirpation from Santa Clara County. Furthermore, both foraging and breeding habitat is critically important in the Alviso area. We believe that payment of burrowing owl fees to the Habitat Plan is not adequate mitigation for the loss of foraging or breeding habitat for burrowing owls in the Alviso area. An EIR is needed to fully describe, evaluate and mitigate impacts to burrowing owls.



**Number of Burrowing Owl Adults and Young 2014 - 2021**

Location		2014	2015	2016	2017	2018	2019	2020	2021
San Jose International Airport	Number of Adults	35	18	12	8	10	4	9	4
	Number of Chicks	34	24	21	14	8	11	17	10
SJ/SC Regional Wastewater Facility	Number of Adults	16	22	25	34	18	12	6	12
	Number of Chicks	17	46	58	29	23	21	9	9
Shoreline	Number of Adults	8	6	4	5	4	2	16	11
	Number of Chicks	6	3	4	0	14	6	35	6
Don Edwards NWR – Warm Springs	Number of Adults	17	6	8	12	6	3*	0	0
	Number of Chicks	4	13	13	7	5-6	0	0	0
Moffett Airfield	Number of Adults	24	17	12	13	12	12	4	5
	Number of Chicks	20	11	12	13	30	8	5	7
Ohlone (Captive Breeding)	Number of Adults	-	-	-	-	-	-	-	4
	Number of Chicks	-	-	-	-	-	-	-	4
Other Locations	Number of Adults	16	5	--	2	--	0	0	0
	Number of Chicks	6	--	--	1	--	0	0	0
Total	Number of Adults	116	74	61	74	50	33	35	36
	Number of Chicks	87	97	108	64	80-81	46	66	36

Figure 3

<sup>4</sup> Burrowing Owl Breeding Season Survey Presentation to the Governing and Implementation Board of the Santa Clara Valley Habitat Agency, March 17, 2022  
<https://www.scv-habitatagency.org/DocumentCenter/View/1570/03>

For the reasons enumerated in this letter, in our November 10th letter and April 5th letter, and in concert with comments by other organizations, SCVAS maintains that there is a fair argument supported by substantial evidence that the Project will result in significant impacts to biological resources and that the IS/MND's conclusions and findings are not supported by substantial evidence and are flawed. SCVAS respectfully requests that the City prepare an EIR rather than an MND prior to consideration of the Project.

Sincerely,

Shani Kleinhaus, Ph.D.  
Environmental Advocate  
Santa Clara Valley Audubon Society  
22221 McClellan Rd, Cupertino, CA 95014

## **Attachment 1 PROJECT DESCRIPTION**

---

The proposed project (Project) is located on the south side of North First Street between Liberty Street and Highway 237 in the Alviso area of north San Jose. The Project includes impacts to two parcels in the Habitat Plan Area (015-39-020, -026).

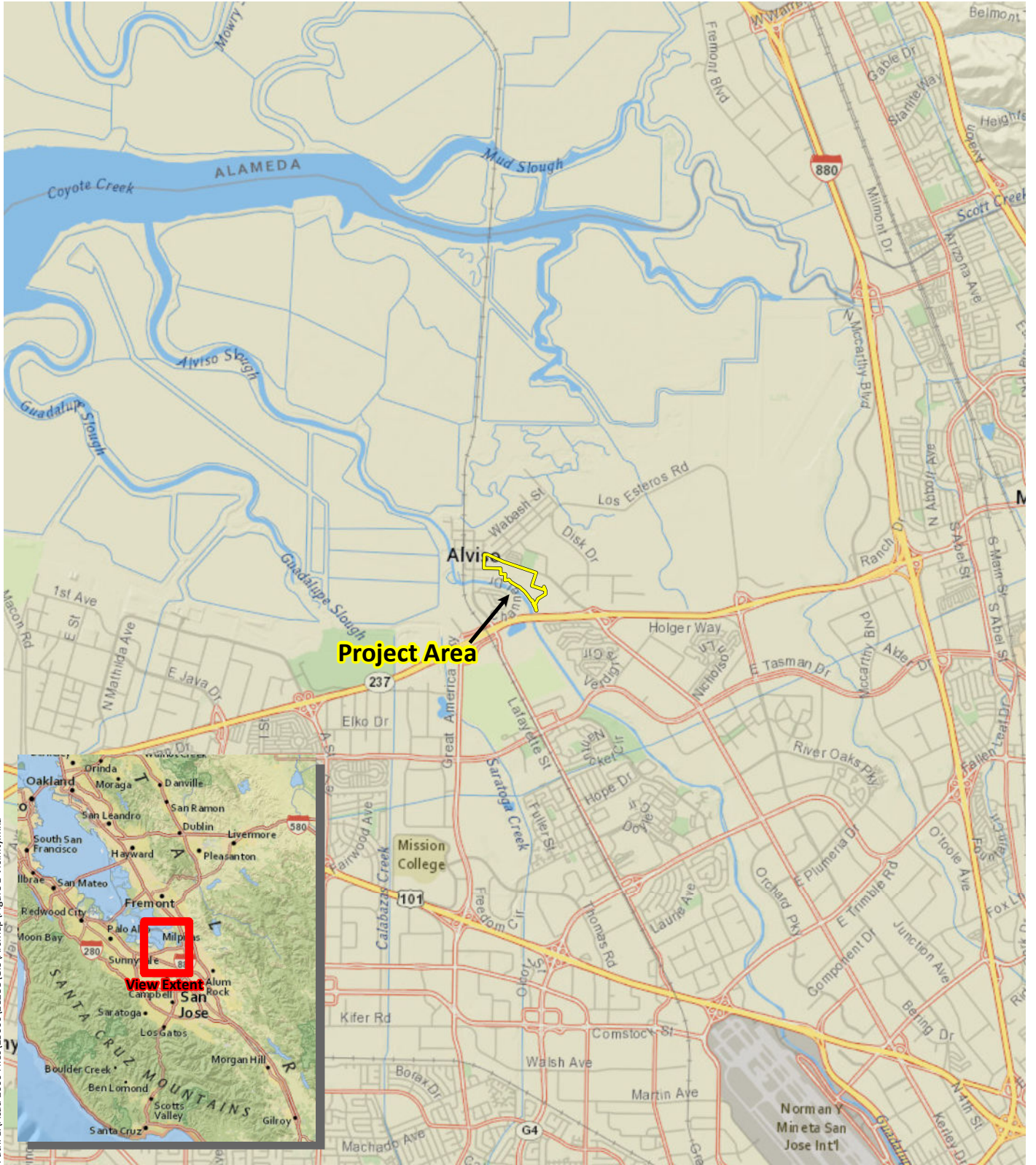
The Project is a Master Planned Development which includes the demolition of existing commercial structures, removal of six ordinance size trees, and the construction of an entertainment facility (Topgolf), hotel, and commercial/retail space. The approximately 72,000 square foot Topgolf entertainment facility includes a three-story indoor/outdoor recreation building with 120 hitting bays, a family entertainment area with amusement games, a full-service restaurant, bar, lounges, and a rooftop venue. The Project would include a 200-room hotel on the northeast corner of the project site adjacent to the Topgolf facility as well as one- to two-story commercial/retail buildings with up to 110,000 square feet of commercial/retail space. The Project would provide surface and at grade parking areas below raised structures and public gathering areas at the northwest corner of the development and along the street frontage of North First Street.

Vehicles would access the Project site from three driveways on North First Street. Internal roadways would link the entrances to parking lots and garages on site. Any improvements for sanitary sewer connection would occur on site in the permanent impact area. Stormwater runoff within the development area will be collected and treated on-site.

The Project will permanently impact 27.57 acres within the Plan Area, including 8.91 acres of previously developed land. A 6.94 acre area in the southeast corner of the Project Area would not be developed. There will be no temporary impacts from the Project. Project activities including equipment staging will occur within the permanent impact area. All permanent development will be located outside of setbacks associated with the adjacent protected wetlands.

## Figures

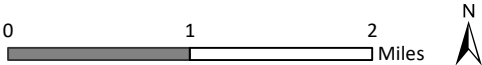
---



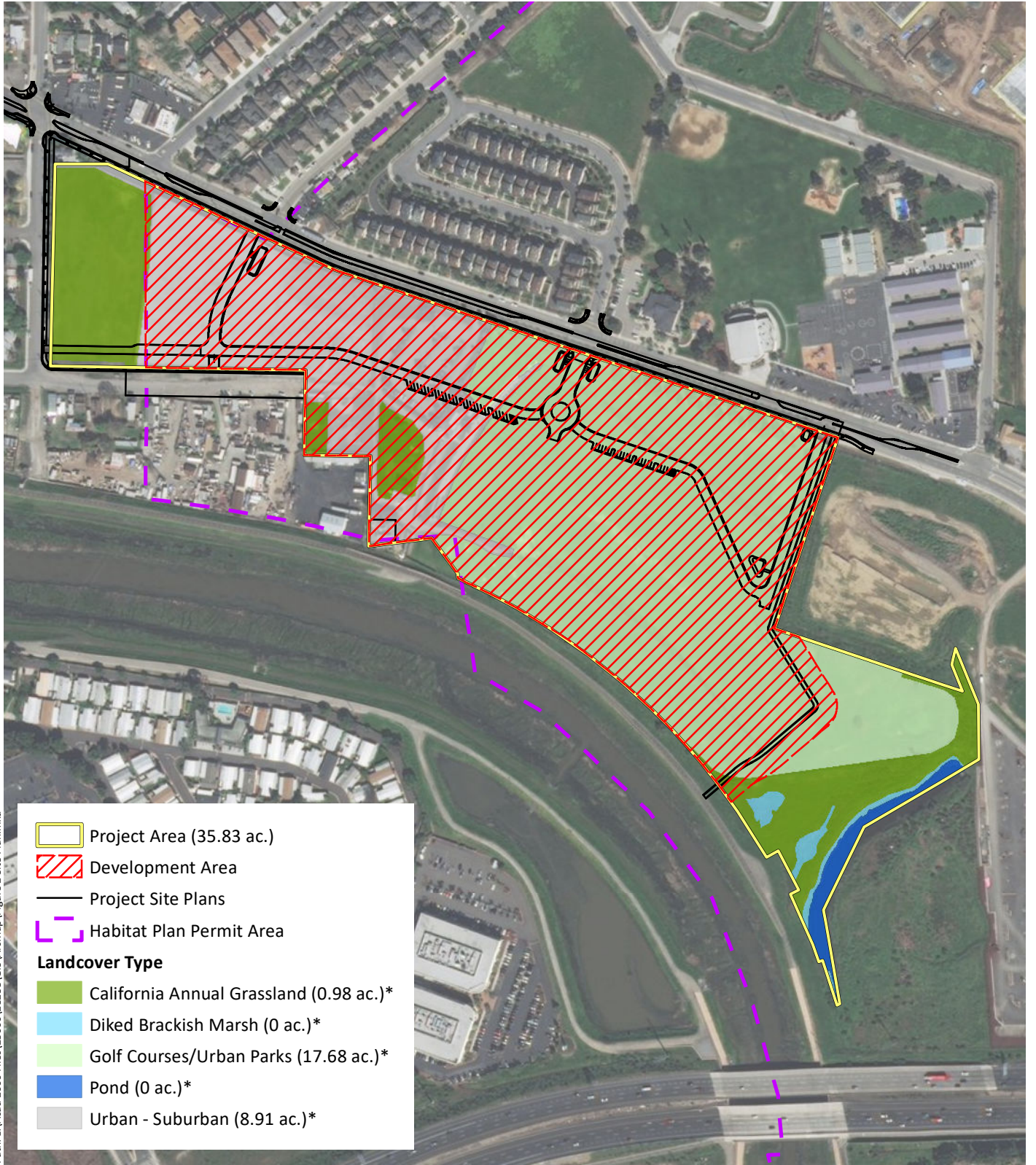
Sources: National Geographic, WRA | Prepared By: mweidenbach, 11/16/2018

**Figure 1. Vicinity Map**

Topgolf @ Terra  
 Santa Clara County, California







Sources: NAIP 2016, SSURGO, WRA | Prepared By: mweidenbach, 11/20/2018

\*The acreage provided represents only the area within the Development Area.

**Figure 2. Site Plan Map**

Topgolf @ Terra  
 Santa Clara County, California



## **Attachment 2    CONDITION COMPLIANCE DOCUMENTATION**

---

### **Condition 1: Avoid Direct Impacts on Legally Protected Plant and Wildlife Species**

The Project will avoid direct impacts to legally protected plant and wildlife species. Prior to initial ground disturbance, pre-construction burrowing owl surveys will occur as described below under Condition 17 compliance. No nesting or foraging habitat is present for tricolored blackbird (*Agelaius tricolor*, TRBL) within the Project Area; however, tall dense vegetation is present over 100 feet south in the Guadalupe River. A levee separates the Project Area from the Guadalupe River. Although no nesting habitat is present within the proposed Project Area or surrounding 100 feet, pre-construction nest surveys will also be conducted for TRBL if activities are to occur within 250 feet of potential nesting habitat during the nesting season as described below under Condition 17 compliance.

The Project Area is outside of the Plant Survey Area mapped in the Santa Clara Valley Habitat Plan (Plan). In the Project's Initial Study<sup>1</sup>, the Project Area was determined to have potential to support Congdon's tarplant. A qualified biologist conducted a focused Congdon's tarplant survey on October 24, 2018, which coincided with the blooming period of the species. No Congdon's tarplant species were observed as detailed in the attached survey report.

Non-special-status bird species may nest within the Project Area. To avoid impacts to nesting birds protected under California Fish and Game Code (CFGF) and in accordance with Migratory Bird Treaty Act (MBTA) recommendations, a qualified biologist will conduct a pre-construction nesting bird survey within 14 days of initial ground disturbance if project activities are to begin during the nesting season (February 1-August 31). If active nests of native or CFGF protected bird species are observed within areas of direct or indirect impacts, a qualified biologist will establish a no-disturbance buffer until the nest has become inactive. The size of the buffer will be dependent upon species, nest location, and existing disturbance barriers.

### **Condition 3: Maintain Hydrologic Conditions and Protect Water Quality**

The Project will not impact water quality or change hydrologic conditions of an existing stream, wetland, or riparian area. The proposed Project will comply with the City of San Jose's Post-Construction Urban Runoff Policy 6-29 and the Regional Water Quality Control Board (RWQCB) Municipal Regional National Pollution Discharge Elimination System (NPDES) permit through the Project design. Stormwater runoff within the development area will be collected and treated on-site. All personnel working within the stream setback were trained by a qualified biologist on November 7, 2018 (training log attached). Training materials included avoidance and minimization measures to reduce construction impacts to streams and wetlands. The Project design includes general Best Management Practices including erosion control and stormwater measures.

---

<sup>1</sup> Initial Study Topgolf @ Terra Project. City of San Jose. September 2016.

### **Condition 11: Stream and Riparian Setbacks**

The HCP determined a 100-foot riparian setback from the Guadalupe River (a category 1 stream). The Project will not have permanent or temporary impacts within the 100-foot riparian setback, as shown in Figure 2.

### **Condition 15: Western Burrowing Owl**

This condition requires preconstruction surveys and other measures for projects within the burrowing owl Wildlife Survey Area (Habitat Plan 6-62). No burrowing owl have been documented in the Project Area in the California Natural Diversity Database<sup>2</sup> (CNDDDB). Preconstruction surveys were conducted on October 25, 2018 and October 31, 2018. A qualified biologist traversed the Project Area and inspected for evidence of burrowing owl including feathers, whitewash, pellets, and prey remains. Few suitable burrows were present in the survey area. No burrowing owl or evidence of burrowing owl was observed during the surveys. See the attached burrowing owl preconstruction survey report for details.

### **Condition 17: Tricolored Blackbird**

This condition requires avoidance of direct impacts to nesting TRBL colonies (Habitat Plan 6-69). A small portion of the Project is within 250 feet of Guadalupe River and within the tricolored blackbird Wildlife Survey Area identified on the Habitat Plan Geobrowser. A habitat assessment was conducted on November 14, 2018 by a qualified biologist for potentially suitable nesting substrate within 250 feet of proposed activities. Any potential nesting habitat within 250 feet of the Project Area was investigated for evidence of nesting over the past year (i.e., late pre-fledged juveniles and/or closely set nest structures indicative of use by a colony).

Prior to the site visit, a literature search was conducted to investigate any previous nesting occurrences in the area. Sources included the CNDDDB and the Santa Clara County Breeding Bird Atlas<sup>3</sup>. The nearest recorded occurrence within the CNDDDB<sup>1</sup> of TRBL nesting is approximately 0.75 mile north of the Project Area in association with 2 acres of freshwater marsh. The recorded occurrence is from 1993; Nesting was not observed at this site in subsequent years.

The Project Area does not contain suitable nesting habitat as there are no wetlands with emergent vegetation or other dense vegetation to support nesting. The Guadalupe River is south of the Project Area and contains patches of vegetation with suitable density and composition on the south side of the river. Potentially suitable habitat consisted of mature tules (*Schoenoplectus* sp) and cattails (*Typha* sp)(see Wildlife Survey Area figure attached below). No signs of nesting including remnant nest structures or late pre-fledged juveniles were observed during the survey. No TRBL were observed during the November 14, 2018 site visit or during previous site visits conducted by WRA or HT Harvey<sup>4</sup>. The Guadalupe River is tidally influenced, brackish habitat

---

<sup>2</sup>CDFW 2018. California Natural Diversity Database, Biogeographic Data Branch. Sacramento, California.

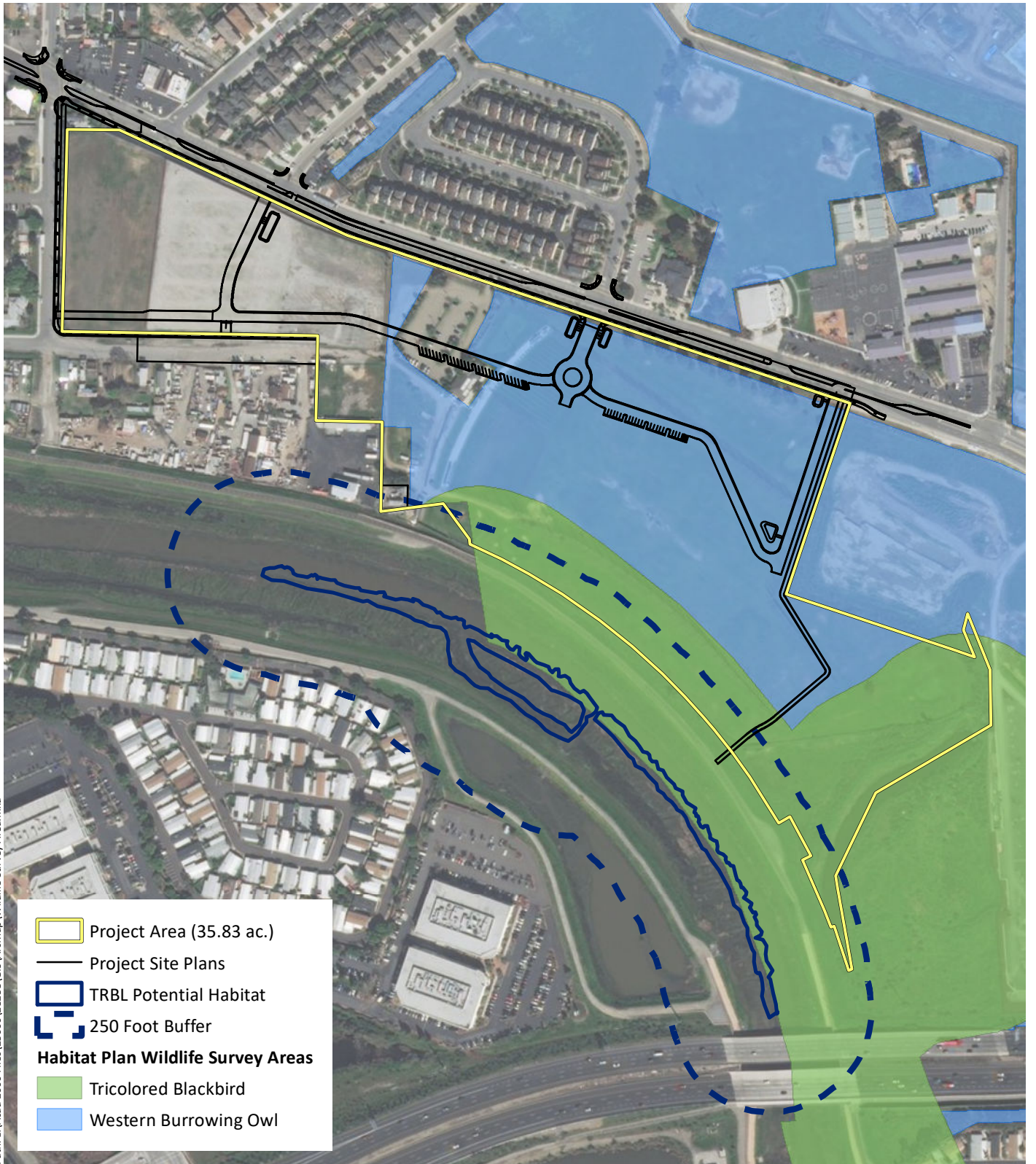
<sup>3</sup>Bousman, WG. 2007. Breeding Bird Atlas of Santa Clara County, California. Santa Clara Valley Audubon Society. Cupertino, CA.

<sup>4</sup>Initial Study Topgolf @ Terra Project. City of San Jose. September 2016.

and may not provide freshwater habitat for TRBL. In addition, the Project Area is separated from this habitat by a levee which provides a visual barrier between the potential habitat and the Project Area.

No evidence of previous tricolored blackbird nesting within 250 feet of the proposed Project was observed during the November 14, 2018 habitat survey, and no nesting has been previously documented within 250 feet of the Project Area. In compliance with Condition 17 and with no documented TRBL nesting within the previous 5 years, the following condition is required by the Habitat Plan:

- Project activities initiated during the tricolored blackbird nesting season (March 15 through July 31) and within 250 feet of suitable nesting habitat as depicted in the attached map will require a pre-construction survey. The pre-construction survey will be scheduled within 48 hours prior to initiation of project activities to determine if a colony is present and actively nesting.
  - If an active nest is observed, the 250-foot no disturbance buffer will be established surrounding the edge of suitable nesting habitat occupied by the colony. The 250-foot buffer will remain until the nesting season ends or the colony abandons the site.
  - A qualified biologist will monitor the status of the colony to ensure Project activities outside of the 250-foot buffer are not affecting the nesting colony. If the biologist determines Project activities are resulting in disturbance to the colony, the no-disturbance buffer may be expanded.
- No pre-construction surveys are necessary if Project activities are initiated outside of the nesting season.



Sources: NAIP 2016, SSURGO, WRA | Prepared By: mweidenbach, 11/20/2018

## Wildlife Survey Areas

Topgolf @ Terra  
 Santa Clara County, California





October 31, 2018

Trang Tu-Nguyen  
The Shops @ Terra  
461 South Milpitas  
Milpitas, CA 95035

**Re: Burrowing Owl Preconstruction Survey Results for the Topgolf @ Terra Project, San Jose, CA**

Dear Ms. Tu-Nguyen,

This letter is to report the findings of the burrowing owl (*Athene cunicularia*) surveys conducted within the Topgolf @ Terra Project (Project) in San Jose, California (Project Area). The approximately 38-acre Project Area is located north of Highway 237 between Liberty Street and North 1<sup>st</sup> Street. Burrowing owl has been documented in the Project Area and vicinity in the California Natural Diversity Database<sup>1</sup>. These surveys were conducted in compliance with the Project's Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. MM BIO-2.1 requires two preconstruction surveys with one no more than 14 days prior to ground disturbing activities and one within 48 hours of ground disturbance.

### **Project Area Description**

The Project Area is located in the Milpitas United States Geologic Survey (USGS) 7.5-minute Quadrangle Map. The Project Area is located approximately 0.1 mile north of Highway 237 and is surrounded to the north and west by development, to the south by Guadalupe River and Guadalupe River Trail, and to the east by a parcel currently under construction for a separate and unrelated project. The Project Area consists primarily of an abandoned golf course/ urban park, annual grassland, and development with a fence around the perimeter.

### **Methods**

A WRA wildlife biologist with training and experience in performing burrowing owl and wildlife surveys in accordance with California Department of Fish and Wildlife (CDFW) protocols surveyed the Project Area. Surveys were conducted in accordance with the Staff Report on Burrowing Owl Mitigation (Staff Report).<sup>2</sup> The first survey was conducted during the morning of October 25, 2018. The biologist traversed the entire 38-acre Project Area on foot using binoculars and the naked eye to search for burrowing owl presence. Burrows were inspected for evidence of burrowing owl occupancy (feathers, whitewash, pellets, prey remains). The

---

<sup>1</sup> California Department of Fish and Wildlife. 2018. California Natural Diversity Database (CNDDDB). California Department of Fish and Wildlife. Biogeographic Data Branch, Vegetation Classification and Mapping Program, Sacramento, CA. Accessed: October 2018.

<sup>2</sup> California Department of Fish and Game. 2012. Staff Report on Burrowing Owl Mitigation. State of California Natural Resources Agency, Department of Fish and Game.

second survey was conducted during the morning of October 31, 2018 and covered areas east of the parking lot within the Project Area. Significant survey effort was placed in the open areas with mammalian burrow presence. Conditions during each survey were suitable for detection of burrowing owl.

## **Results**

No burrowing owl or evidence of burrowing owl occupation was observed within the Project Area during the survey efforts. The ground was paved or compact in large portions of the Project Area, thus limiting the suitability of the Project Area for burrowing owl. Suitable burrows and debris piles in the remainder of the Project Area did not show evidence of burrowing owl occupancy. Survey results indicate that proposed work within the Project Area will not adversely impact burrowing owl as none were observed during the surveys.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "BClarke".

Bianca Clarke  
Associate Regulatory Permitting Specialist

November 2, 2018

Trang Tu-Nguyen  
The Shops @ Terra  
461 South Milpitas  
Milpitas, CA 95035

**Re: Congdon's Tarplant Surveys for TopGolf @ Terra Project, San Jose, Santa Clara County, California; IS/MND Mitigation Measure MM BIO 1-1.**

Dear Ms. Tu-Nguyen:

This letter reports the findings of a focused, pre-construction survey for Congdon's tarplant (*Centromadia parryi ssp. congdonii*) at the TopGolf @ Terra Project located in San Jose, Santa Clara County, California (Study Area; Figure 1, Attachment A). The survey was performed in compliance with Mitigation Measure BIO 1-1 of the Initial Study/Mitigated Negative Declaration (IS/MND) issued for the project by the City of San Jose Department of Planning, Building and Code Enforcement. Mitigation Measure BIO 1-1 requires a focused survey for Congdon's tarplant be conducted prior to the initiation of any construction and the results be submitted to the City's Supervising Environmental Planner for review and approval.

Suitable habitat for Congdon's tarplant was identified at the site by H.T. Harvey and Associates in 2015 based on land cover types, observed species, and nearby documented occurrences (H.T. Harvey 2016). WRA biologists conducted a focused survey for Congdon's tarplant within the Study Area on October 24, 2018, which coincided with the blooming period of the species. The methods and results of the survey are described below.

### Site Description

The Study Area is located within the 38.28-acre Project Site located on the south side of North First Street, between Highway 237 and Gold Street, in the Alviso area of San Jose (Figure 2, Attachment A). The Study Area includes several land cover types, including urban-suburban, golf course/urban park, California annual grassland, coastal and valley freshwater marsh, diked brackish marsh, and a pond (H.T. Harvey and Associates 2016). At some point between the 2015 survey and the 2018 survey, the golf course was closed. The absence of land management due to closure of the golf course has allowed for ruderal plants to dominant portions of the urban-suburban land cover type, and ruderal species encroachment into the golf course/urban park portions of the Study Area. Dominant ruderal species observed encroaching into this area included stinkwork (*Dittrichia graveolens*), smilo grass (*Stipa miliacea*), fennel (*Foeniculum vulgare*), and yellow star thistle (*Centaurea solstitialis*). California annual grasslands were dominated by wild oats (*Avena* sp.), ripgut brome (*Bromus diandrus*), perennial pepperweed (*Lepidium latifolium*), and Italian thistle (*Carduus pycnocephalus*). The diked brackish marsh land cover types were dominated by pickleweed (*Salicornia pacifica*), salt grass (*Distichlis spicata*), and alkali heath (*Frankenia salina*).

The Study Area experiences a coastal-influenced, Mediterranean climate with fog common throughout the summer months. Precipitation in the region falls predominantly as rainfall during the winter and spring, with an annual average of 14.31 inches recorded at the National Climate



Data Center weather station in Newark (#046144), located approximately 9 miles northeast of the Study Area (WRCC 2018).

Soils in the northern portion of the Study Area, including the parking lots, are mapped as urban land complexes, either *Urban Land-Xerorthents*, *Anthropogenic Fill Complex* or *Urban Land-Clear Lake Complex* (NRCS 2018). The former golf course areas and central portion of the Study Area are mapped as *Drained Clear Lake Silty Clay* and *Campbell Silt Loam*; while the southern portion of the site is mapped as water (NRCS 2018).

## **Methods**

### *Literature Review*

Prior to the site visit, a search of the California Natural Diversity Database (CNDDDB) (CDFW 2018), California Consortium of Herbaria (CCH 2018), and California Native Plant (CNPS) Rare Plant Inventory (CNPS 2018) was conducted to determine whether any new occurrences of Congdon's tarplant had been documented within the vicinity of the Study Area subsequent to H.T. Harvey's 2015 assessment.

### *Field Survey Method*

A focused rare plant survey was conducted on October 24, 2018 by WRA biologists, Rhiannon Korhummel and Rei Scampavi. The survey covered the entire Project Site, including the Permanent Impacts area (Figure 2, Attachment A), with particular focus on the California annual grassland habitat along Liberty Street and the diked brackish marsh in the southern portion of the Study Area, areas that were identified in the H.T. Harvey biological resources report as having the most potential to support the species. The Study Area was traversed on foot to determine whether the species was present. Plants were identified using the *Jepson Manual, 2<sup>nd</sup> Edition* (Bladwin et. al. 2012) and the *Jepson eFlora* (Jepson Flora Project 2018); plant nomenclature follows the *Jepson eFlora*.

## **Results**

A total of 65 plant species were observed, including nine native species and 56 non-native species (Attachment B). No individuals of Congdon's tarplant were observed, despite surveys occurring during the blooming period of the species.

## **Conclusion**

The October 22, 2018 focused Congdon's tarplant survey was conducted in compliance with IS/MND Mitigation Measure BIO 1-1, which required that a survey be completed during the appropriate blooming period, between May and November, to determine presence of Congdon's tarplant. No Congdon's tarplant was observed within the Study Area, and therefore no impacts to special-status plants would occur as a result of the project.

Trang Tu-Nguyen  
November 2, 2018  
Page 3

Should you have any questions or concerns, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "BClarke". The signature is fluid and cursive, with the first name "Bianca" and last name "Clarke" written in a single continuous line.

Bianca Clarke  
Associate Regulatory Permitting Specialist

Attachment A: Figures  
Attachment B: Plant Species Observed within the Project Area

*Literature Cited*

- Baldwin, BG, DH Goldman, DJ Keil, R Patterson, TJ Rosatti, and DH Wilken (eds.). 2012. The Jepson Manual: Vascular Plants of California, second edition. University of California Press, Berkeley, CA.
- [CDFW] California Department of Fish and Wildlife. 2018. California Natural Diversity Database, Wildlife and Habitat Data Analysis Branch, Sacramento, CA. Accessed: October 2018.
- [CNPS] California Native Plant Society. 2018. Inventory of Rare and Endangered Plants of California. California Native Plant Society, Sacramento, CA. Online at: <http://www.cnps.org/inventory>. Accessed: October 2018.
- City of San Jose Department of Planning, Building and Code Enforcement. 2016. Mitigated Negative Declaration for TopGolf @ Terra Project. Project File Number PDC16-013, BPT16-001.
- [CCH] Consortium of California Herbaria. 2018. Data provided by the participants of the Consortium of California Herbaria. Online at: <http://ucjeps.berkeley.edu/consortium>. Accessed: October 2018.
- H.T. Harvey and Associates. 2016. *TopGolf Biological Resources Report*. July 19.
- Jepson Flora Project (eds.). 2018. Jepson eFlora. Online at: <http://ucjeps.berkeley.edu/IJM.html>. Accessed: October 2018.
- [NRCS] National Resources Conservation Service. 2018. Web Soil Survey. United States Department of Agriculture. Online at: <https://websoilsurvey.sc.egov.usda.gov>. Accessed: October 2018.
- [WRCC] Western Regional Climate Center. Regional Climate Summaries. NOAA Cooperative Station, Newark, California (#046144) Record of Monthly Climate Summary from 4/24/1906-5/31/2016. Online at: <https://wrcc.dri.edu/cgi-bin/cliMAIN.pl?ca6144>. Accessed October 2018.



ENVIRONMENTAL CONSULTANTS

### Sign In Sheet for Sensitive Habitat/Species Training WRA Project #28258

Date	Print Name	Sign Name	Company
11/7/18	Daniel Ramos	<i>[Signature]</i>	D+V
11/7/18	Joshua Merrill	<i>[Signature]</i>	D+V
11/7/18	Edgar Garcia	<i>[Signature]</i>	B&B
11-7-18	Jose Ramires	Jose Ramires	B&B
11/7/18	Enrique Camacho	<i>[Signature]</i>	D&V
11/7/18	Andrew Correa	<i>[Signature]</i>	D&V
11/7/18	Ben Johnson	<i>[Signature]</i>	D+V
11/7/18	LEOBARDO OUTIVIEROS J.R	<i>[Signature]</i>	B&B D+V
11/7/18	Alex Olivas	<i>[Signature]</i>	D+V
11-7-18	Rogelio Rodriguez	<i>[Signature]</i>	D+V
11-7-18	Alberto Cadena	<i>[Signature]</i>	D&V
11-7-18	Bob Lapasa	<i>[Signature]</i>	LAPASA-ASSOC

## **Exhibit 2. Permanent Impact Fee Calculator**

---

## Exhibit 2: SCVHP PERMANENT FEE CALCULATOR WORKSHEET

Rev.Draft 7/1/2018, FY1819

### PROJECT APPLICANT INFO:

Project Applicant: Shops @ Terra  
 Project Name: Shops @ Terra  
 APN (s): 015-39-026, 015-39-020  
 Project Number: \_\_\_\_\_ *to be provided by local jurisdiction*  
 Date: November 20, 2018 Jurisdiction/Agency: \_\_\_\_\_

**Square Feet to Acres calculator** \_\_\_\_\_ square feet is \_\_\_\_\_ 0.00 Acres  
*Note: There are 43,560 square feet in 1 acre*

**DEVELOPMENT FEE** (see Habitat Agency Geobrowser Land Cover Fee Zones and Habitat Plan Figure 6-1 to determine land cover fees)

Habitat Plan Fee Type	Land to be permanently disturbed (acres) <sup>1</sup>	x	Fee per Acre	=	Fee Type Total
<b>Land Cover Fee</b>	Fee Zone A (Ranchlands and Natural Lands)	27.57	x	\$21,239.00	= \$585,559.23
	Fee Zone B (Agricultural and Valley Floor Lands)		x	\$14,725.00	= \$0.00
	Fee Zone C (Small Vacant Sites Under 10 Acres)		x	\$5,380.00	= \$0.00
<b>A. Land Cover Fee Total</b>					<b>= \$585,559.23</b>
<b>Serpentine Fee</b>			x	\$69,114.00	= \$0.00
<b>B. Serpentine Fee Total</b>					<b>= \$0.00</b>
<b>Burrowing Owl Fee</b>		1.96	x	\$57,862.00	= \$113,409.52
<b>C. Burrowing Owl Fee Total</b>					<b>= \$113,409.52</b>
<b>Wetland Fee</b>	Willow Riparian Forest		x	\$160,273.00	= \$0.00
	Mixed Riparian		x	\$160,273.00	= \$0.00
	Central California Sycamore Woodland		x	\$292,745.00	= \$0.00
	Freshwater Marsh		x	\$196,541.00	= \$0.00
	Seasonal Wetlands		x	\$430,019.00	= \$0.00
	Pond		x	\$175,890.00	= \$0.00
	Streams (linear feet)		x	\$675.00	= \$0.00
<b>D. Wetland Total Fee</b>					<b>= \$0.00</b>
<b>E. Total (= A+B+C+D)</b>					<b>= \$698,968.75</b>
<b>Nitrogen Deposition Fee</b>				<b>Fee per New Daily Vehicle Trip</b>	
	1. Number of New Daily Vehicle Trips	6691	x	\$4.96	= \$33,187.36
	<i>and/or</i>				
	2. Number of New Residential Units		x	\$48.33	= \$0.00
<b>F. Nitrogen Deposition Fee Total (1 and/or 2)</b>					<b>= \$33,187.36</b>
<b>TOTAL HABITAT PLAN FEES (E+F)</b>					<b>\$732,156.11</b>

Internal Use only	Total Fees
	Perm \$732,156.11
	Temp \$0.00
	<b>Total \$732,156.11</b>

Notes:

<sup>1</sup> Stream fees are calculated based on linear feet.

**Disclaimer:** The fee calculator is available for your convenience. You may enter data to calculate an unofficial projection of the fees that will be required to be paid for your project. This is not an official SCVHA estimate. You assume the risk associated with using this calculator. The calculator approximates fees for your project and the reliability of the calculations produced depends on the accuracy of the information you provide. The calculations created by the fee calculator are not intended to be used as a final statement of fees for your project. Please contact the Planning Office of the SCVHA member agency where you have an active land use permit application to determine fees the specific fees and amount of fees that will be required for your project. CALCULATIONS CREATED BY THIS TOOL ARE NOT OFFICIAL SCVHA ESTIMATES.

## **Attachment 3 Qualified Biologist Resumes**

---



## **BIANCA CLARKE, MS**

Associate  
Regulatory Permitting  
Specialist

[clarke@wra-ca.com](mailto:clarke@wra-ca.com)

o: 415.454.8868 x1470

c: 415.342.9907

**Years of Experience:** 9

### **Education**

MS Ecology & Systematic Biology  
San Francisco State University, 2013

BS Biology (Emphasis Ecology)  
San Francisco State University, 2007

### **Specialized Training**

Project Management Bootcamp,  
PSMJ Resources, 2014

California Rapid Assessment Method  
(CRAM): Riverine and Estuarine  
Module, Moss Landing Marine Labs,  
May 2012

Clean Water Act Section 404:  
Nationwide and Other Specialized  
Permits Workshop, UC Davis  
Extension, 2012

CRAM specific for the Sunrise  
Powerlink Project, 2010, SCCWRP

Wetland Plant Indicator Workshop,  
Romberg Tiburon Center, SFSU, 2009

Basic Wetland Delineation, Romberg  
Tiburon Center, SFSU, 2007

Restoration Ecology, Romberg  
Tiburon Center, SFSU, 2007

Bianca Clarke is a regulatory permitting specialist who specializes in natural resource regulatory agency permitting and biological compliance requirements. She has managed and been a part of a larger team effort for a diverse range of projects, led field efforts, and has authored and co-authored several California Environmental Quality Act (CEQA) and non-CEQA level reports that have been accepted by various agencies. She is trained in project management from PSMJ Resources, wetland delineation through the Romberg Tiburon Center for Environmental Studies and the California Rapid Assessment Method (CRAM) through Moss Landing Marine Labs and Southern California Coastal Water Research Project for the Sunrise Powerlink project specific module. Prior to WRA, Ms. Clarke researched the effects of global climate change on tidal marshes in the San Francisco Bay.

Ms. Clarke has extensive experience managing large scale projects that require coordination across several disciplines and various local, state, and federal regulatory agencies. She also has several years' experience managing and conducting wetland delineations, biological resource assessments, and many aspects of regulatory permitting and mitigation requirements. She has conducted formal wetland delineations for the U.S. Army Corps of Engineers and wetland mitigation monitoring in local habitats as well as in Southern California. She has also prepared permit applications for a variety of projects including nationwide and individual permits for the U.S. Army Corps of Engineers (USACE), U.S. Fish & Wildlife Service (USFWS), California Department of Fish & Wildlife (CDFW), and the State and Regional Water Quality Control Board (SWRQCB, RWQCB). Her experience in wetland ecology and environmental permitting has given her the knowledge and insight to assess the clients' needs and requirements.

### **Representative Projects**

#### ***Tejon Ranchcorp- Grapevine Specific Plan Project Permitting and Biological Consultation, Kern County, California 2017 - Present***

As project manager, Ms. Clarke is responsible for managing the overall project contract along with overseeing the regulatory permitting process and providing strategy and consultation services for the client and for their Grapevine Specific Plan project. The Grapevine Specific Plan project is a large-scale residential and mixed-use development project that requires consultation with the CDFW for disturbance to sensitive resources. Ms. Clarke is working directly with the client and the natural resource agencies to ensure an agreement suitable to all parties is reached and adequately protects the sensitive resources. She provides regular client updates and represents the client at agency meetings. Permit application materials are anticipated for submittal in early 2018 and Ms. Clarke will continue to negotiate with the regulatory agencies until permits are issued and terms and conditions are accepted by the client.



---

**BIANCA CLARKE****Page 2*****Caltrans / City of Pleasanton- 5 Bridges Maintenance Project NES-MI and Section 7 BA, Alameda County, California 2017 – Present***

Caltrans identified five bridges within the City of Pleasanton requiring maintenance. Due to the presences of sensitive resources at each bridge location, consultation and authorization is required from the natural resource regulatory agencies. As Project Manager, Ms. Clarke is responsible for advising the client on the permitting pathway and obtaining all biological resources data for each location. Upon completion of all biological studies, Ms. Clarke will oversee the preparation of the regulatory permit applications and will then coordinate with each agency until final permits are obtained. Biological studies are complete and permit application preparation is anticipated to begin in first quarter 2018 and agency permits finalized by summer 2018.

***Denman Reach- Phase 3 Project, Project Management, Biological Services, and Regulatory Permitting, Sonoma County, California 2015 – 2017***

Ms. Clarke was the project manager for the regulatory permitting required for the Denman Reach Phase 3 Project. In an effort to alleviate flooding, this project proposes to grade an area adjacent to the Petaluma River to create a floodplain terrace. Minor impacts to jurisdictional wetland were proposed along with minor project work within the Petaluma River thus requiring authorization from the USACE, RWQCB, and the CDFW. Ms. Clarke managed and coordinated all biological surveys necessary to support the regulatory permit applications. In addition, Ms. Clarke worked directly with the City of Petaluma and provided guidance on the best permitting strategy to ensure project timelines were met along with details regarding project-specific informational needs for the permit applications. Project permits were obtained in 2016 and project construction was complete in 2017.

***Refinery Project- Permitting and Biological Compliance, Martinez, Contra Costa County, California 2011 – Present***

The Refinery required services for permitting for wetlands and special-status species issues arising from regulatory closure of waste management units. Ms. Clarke is instrumental in assisting with and coordinating investigations and permitting across five remediation projects and a combined mitigation project. She assisted in the final preparation of the Individual Permit application package for the USACE, BCDC, and RWQCB and will remain in contact with all agencies until all permits are secured. She is responsible for overseeing and coordinating a large portion of the permitting efforts and is working closely with the USFWS for the project's Section 7 consultation. Upon receipt of regulatory agency permits, Ms. Clarke will assist in negotiating the terms and conditions of each permit with the agency and the project proponent. Ms. Clarke is also expected to be heavily involved in most biological compliance-related tasks for all waste management unit closures. The project is expected to continue for approximately the next 5+ years.

***Blu Harbor Shoreline Improvements and Project Permitting Services, Redwood City, San Mateo County, California 2014 - 2015***

The Blu Harbor is a residential development project that requires the demolition of existing abandoned buildings and associated pier removal, grade altering activities, and marina reconfiguration. Authorizations and negotiations with the U.S. Army Corps of Engineers, the Regional Water Quality Control Board, and the U.S. Fish and Wildlife Service are required for the project. Ms. Clarke is the project manager for this project and will be overseeing the preparation of all permit applications and client/agency communications. As the project manager, Ms. Clarke is also responsible for navigating the client through the regulatory permitting process and developing strategies to meet all measures outlined in the project-issued Environmental Impact Report and obtain the necessary agency authorizations.



**PATRICIA VALCARCEL, MS**  
Associate Wildlife Biologist

[valcarcel@wra-ca.com](mailto:valcarcel@wra-ca.com)

o: 415.524.7542

*Years of Experience:* 10

**Education**

MS, Wildlife Sciences, Oregon State University, 2011

BA, Environmental Sciences, Northwestern University, 2003

**Professional Affiliations/  
Certifications**

USFWS Recovery Permit for giant gartersnake and San Francisco gartersnake (TE-64146A-1)

California Department of Fish and Wildlife Scientific Collecting Permit

The Wildlife Society

**Specialized Training**

- California Vernal Pool Crustacean Identification Class with Mary Belk, December 2015
- Biology and Management of the Alameda Striped Racer, Alameda County Conservation Partnership, May 2014
- San Joaquin Kit Fox Ecology, Conservation, and Survey Techniques, Central Coast Chapter of The Wildlife Society, Summer 2013
- Swainson's Hawks in California's Central Valley, Sacramento-Shasta Chapter of The Wildlife Society, Spring 2012
- Workshop on the Biology and Conservation of the California Tiger Salamander, Alameda County Conservation Partnership, June 2012

Patricia Valcarcel earned a MS in Wildlife Sciences while conducting research on the spatial ecology of the threatened giant gartersnake. She has worked on a variety of field research projects ranging from animal movements to behavior and reproduction. She has presented her work at conferences and published in peer-reviewed journals. She has also been trained on collection of samples for environmental DNA (eDNA) analysis and implemented this method for detection of giant gartersnake. The results are used in combination with other methods to help inform on presence of the cryptic species.

Patricia has extensive experience working with and permitting for special-status species in California. Her focus is reptiles and amphibian species, but has broad experience with wildlife species in California's Central Valley. Patricia has also led a large trapping and relocation effort for Pacific pond turtle, conducted protocol-level surveys for Swainson's hawk, burrowing owl, assists with sampling for California tiger salamander and vernal pool crustaceans, and performed assessments for San Joaquin kit fox and blunt-nosed leopard lizard.

Her primary responsibilities are to conduct surveys, habitat assessments, prepare associated technical reports, prepare permit applications, and consult with wildlife agencies on special-status wildlife species during the permitting process. She consults with both federal and state wildlife agencies and has prepared federal Section 7 Biological Assessments, federal Section 10 Habitat Conservation Plans, and California Incidental Take Permits. In addition, Patricia is involved in environmental permitting, permit compliance, and mitigation and monitoring efforts associated with these permits.

**Representative Projects**

***Sherman Island Whale's Mouth Wetland Restoration Project, Sacramento County, California (2013 – 2015)***

As part of continued collaboration with Ducks Unlimited, Inc. and the California Department of Water Resources (DWR), WRA assisted with the permitting process for a habitat restoration project on Sherman Island. Sherman Island is located in the extreme western Delta near the confluence of the Sacramento and San Joaquin Rivers. The project restored approximately 600 acres of palustrine wetlands on lands owned by DWR which are currently managed for flood-irrigated pasture lands. WRA performed rare plant surveys and consulted with USFWS for listed species including giant gartersnake and Delta smelt. Patricia conducted the habitat assessment for wildlife species; provided analyses and measures to avoid and minimize impacts for giant gartersnake, Delta smelt, and longfin smelt; and wrote technical documents used in the consultation process. She wrote and implemented the Pacific pond turtle Trapping and Relocation Plan and submitted the plan to California Department of Fish and Wildlife (CDFW) for approval. Patricia coordinated and led the pre-construction trapping and relocation and capture and salvage efforts during construction. A total of 222 individual turtles were successfully relocated during trapping and construction salvage efforts.

***San Joaquin County Multi-Species Habitat Conservation and Open Space Plan On-Call (2012 – Present)***

WRA is contracted for on-call services related to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). In addition to conducting surveys, Patricia oversees pre-construction surveys and recommendations for avoidance and minimization to ensure participants are in compliance with the SJMSCP. Wildlife species and habitats Patricia has encountered as part of this work include burrowing owl, giant gartersnake, California tiger salamander, Swainson's hawk, and San Joaquin kit fox. As part of this project, Patricia has prepared and consulted with the California Department of Fish and Wildlife on burrowing owl exclusion plans, and implemented the exclusion and monitoring plans.

***Ridge Top Ranch Wildlife Conservation Bank, Solano County, California (2012 – present)***

WRA and Ridge Top Ranch, LLC (RTR) are in the process of developing over 280 acres of high quality California red-legged frog and callippe silverspot butterfly mitigation habitat located within Solano County, California. WRA, in consultation with the USFWS and under 10(a)(1)(A) Recovery Permit TE-212445-0, successfully translocated California red-legged frogs to created habitat within the RTR Wildlife Conservation Bank. WRA has been involved throughout the process, from selecting donor sites and planning habitat creation, to translocation of egg masses and monitoring the frogs to ensure that establishment at the receiving site was successful. Through the monitoring phase, Patricia assisted permit-holder Rob Schell in survey efforts, which included egg mass surveys at the donor site, visual counts at the receiving ponds, as well as the capture and handling of juvenile red-legged frogs to measure and install PIT tags. She also conducts Callippe silverspot butterfly surveys as part of annual monitoring efforts. Monitoring at this site is ongoing. The mitigation bank was approved in 2015.

***Burrowing Owl Surveys and Passive Exclusion, Legacy on 101, San Jose, California (2014)***

The Legacy on 101 project is a 16.35-acre property in Santa Clara, California that is to be developed into two 6-story industrial park/office/R&D buildings. The area is known to support burrowing owl, and a series of take avoidance surveys was conducted from 2008 to 2014. Patricia observed one burrowing owl occupying the property in 2014. Patricia developed the exclusion and monitoring plan submitted to CDFW. During the non-nesting season, she passively excluded the owl and excavated all potential burrows at the site. Patricia conducted monitoring at the site every other week until construction activities were initiated and performed a pre-construction survey immediately prior to grading, per the exclusion plan.

***East Bay Regional Park District, Breuner Marsh Restoration and Public Access Project, Richmond, California (2012-2016)***

WRA teamed with Questa Engineering Corporation and several other firms on this San Francisco Bay Trail and habitat restoration project for the East Bay Regional Park District (EBRPD). WRA led the biological technical studies, including mapping of sensitive biological resources and completing the wetland delineation for the project. The site included many acres of tidal marsh wetlands and associated federally endangered species such as the salt-marsh harvest mouse and California Ridgway's rail. WRA prepared the biological resources section of the project EIR and participated in several public outreach and CEQA scoping meetings during the project planning phase. WRA also developed the restoration design for approximately 30 acres of tidal marsh and seasonal wetland habitat. Patricia has aided with protocol-level Ridgway's (clapper) rail surveys and positively identified individuals during 2014 and 2015 season surveys. California black rail were also identified during these surveys, and construction activity areas were adjusted accordingly during both the 2014 and 2015 work seasons. Patricia is also a USFWS-approved biologist to conduct pre-construction surveys and monitoring for salt-marsh harvest mouse and California Ridgway's rail required during the many phases of the Breuner Marsh clean-up and restoration project. Major construction was completed during 2014, and boardwalk and trail construction is continued through 2016.



**Molly Brewer**  
Wildlife Biologist

brewer@wra-ca.com  
o: 415.454.8868 x 2100  
c: 916.591.3053

**Years of Experience:** 5

**Education**

BS Biology, University of California  
Santa Cruz, 2012

**Professional Affiliations/  
Certifications**

CPR, AED, and First Aid for Adults,  
2016

**Specialized Training**

Marbled murrelet surveyor  
certification, Hamer  
Environmental/Pacific Seabird  
Group, 2017

Molly Brewer received her Bachelor's degree in Biology from the University of California, Santa Cruz and has over five years of experience in wildlife and natural resources. This includes field work across the San Francisco Bay area, Sierra Nevada, Great Basin sage-steppe, Amazon rainforest, Cascade Mountains and Oregon coast. She has experience with nesting birds, amphibians and reptiles, mammals, and invertebrates. Her diverse background in fieldwork has given her hands on experience with hundreds of species in a variety of ecosystems.

With WRA, Molly performs biological assessments, focused wildlife surveys, project support and construction monitoring. Prior to arriving at WRA, Molly worked with the USFS, University of Nevada Reno, the CREES Foundation, Oregon Parks and Recreation Department, and the California Tahoe Conservancy. She has conducted surveys on greater sage-grouse and state listed birds including marbled murrelet and northern spotted owl. In addition, she has performed camera trapping, small-mammal trapping, lek-counts, point counts, mist-netting, pitfall traps, visual encounter surveys, and butterfly surveys.

**Representative Projects**

***Elsie Gridley Mitigation Bank, Solano County, California (2018)***

The Elsie Gridley Mitigation Bank is the largest mitigation bank in California at more than 1,800 acres, and is a central component of the largest contiguous vernal pool preserve in the United States. The bank is approved by five different agencies and covers two different Army Corps Districts. In addition, the bank sells both numerous species credits such as California tiger salamander, vernal pool crustaceans, Swainson's hawk, and burrowing owl, as well as wetland credits to offset impacts under the Clean Water Act. Molly has performed surveys for special-status species including Swainson's hawk and burrowing owl and assisted with annual reporting as part of the ongoing annual monitoring requirement.

***Biological Assessment and Focused Wildlife Surveys for Confidential Client, Lake County, California***

A confidential client contracted WRA to conduct a biological resources assessment of a recently purchased property in Lake County in order to determine the full extent of wildlife that occupied the property. Molly was part of the wildlife team that was tasked with surveying for and identifying special-status species throughout the property including golden and bald eagle and special-status amphibians. In total, five eagle nests were located over two months of surveys. Other special-status species including foothill yellow-legged frog, western pond turtle, tricolored blackbird, white-tailed kite and yellow-headed blackbird were also identified on site.

***Zeiss Graphite Development Project, Dublin, Alameda County, California (2018)***

Carl Zeiss, Inc. is planning a new Zeiss Innovation Center in Dublin, which will consist of research and development space, offices, parking, and associated infrastructure. WRA is the project biological consultant, responsible for CEQA biological surveys, environmental permitting, and mitigation planning for the project. Molly has provided biological support for the project including breeding season and non-breeding season burrowing owl surveys.

***Burrowing Owl, Breeding Bird, and Amphibian Surveys for Confidential Client, San Benito County, California (2018)***

As part of a larger wildlife survey effort, Molly performed a comprehensive avian inventory of breeding birds with particular focus for Least Bell's Vireo along the Pajaro River riparian corridor. Molly was able to identify a variety of avian species utilizing the riparian corridor during the breeding season including: cliff swallow, tree swallow, European starling, mourning dove, American crow, red-tailed hawk, white-tailed kite, song sparrow, bewick's wren, Anna's hummingbird, American robin, house wren, chestnut-backed chickadee, barn swallow, house finch, black phoebe, yellow warbler, bushtit, red-shouldered hawk, American kestrel, western bluebird, Nuttall's woodpecker, loggerhead shrike, and Wilson's warbler. Molly also mapped potential burrowing owl habitat and conducted nighttime visual encounter surveys for amphibians.

***California Ridgway's Rail Surveys, Silicon Valley Clean Water, Pump and Gravity Main Replacement, Redwood City, California (2018)***

In conjunction with other Capital Improvement projects along the San Carlos-Redwood City force main alignment, SVCW plans to replace the Redwood City and San Carlos Pump Stations, as well as construct a new 36-inch diameter, 5,000 linear foot gravity sewer pipeline. The improvement project is located adjacent to potential wetlands and special status species habitat, including habitat for CRR. Molly coordinated and conducted CRR surveys under the supervision of federal recovery permit holder Jason Yakich (TE-58760A-0).

***NVIDIA Campus Expansion Nesting Bird Avoidance, Santa Clara, California (2018)***

WRA provided NVIDIA with biological support during their campus expansion at the San Tomas Business Park. Molly provided guidance as to how to avoid construction delays resulting from nesting birds. Molly conducted risk assessment prior to the nesting bird season and performed preconstruction nesting bird surveys. Surveys were finished on time and in compliance with Project specified measures.

***Burrow Exclusion and Burrowing Owl Surveys, Newark, California (2018)***

The project is at a plant property in Alameda County, California, where burrowing owl is known to occur in the vicinity of the Project Area, and take avoidance surveys are required year-round by project permits and California Department of Fish and Wildlife (CDFW). Molly surveyed the area and collapsed burrows that weren't being used by burrowing owl to prevent colonization on the site. Molly conducted preconstruction surveys prior to ground disturbance and provided environmental sensitivity training to the construction crew.

***Bird-safe Design Evaluation for Lighted Signs, San Jose, California (2018)***

A number of parcels in San Jose proposed installation of lighted signs in the vicinity of riparian and wetland habitat. Molly wrote a discussion of the efficacy of the proposed parcels' bird-safe and bird-friendly design elements based on the current subject literature.



**DAVID ZWICK, BS**  
Plant Biologist  
[zwick@wra-ca.com](mailto:zwick@wra-ca.com)  
o: 415.524.7582

**Years of Experience:** 5

**Education**

BS, Ecological Restoration, Humboldt State University, 2013

**Professional Affiliations/  
Certifications**

Qualified SWPPP Developer and  
Qualified SWPPP Practitioner  
#25679

Certified Erosion, Sediment and  
Storm Water Inspector  
#00003720

Certified Professional in Erosion and  
Sediment Control.  
#00008497

David Zwick earned his BS in Ecological Restoration from Humboldt State University. His three years of experience for public and private projects in Northern & Southern California, Montana and Wyoming includes restoration design, biological monitoring, rare and endangered species salvage, wetland delineation, vegetation mapping, and biotechnical restoration.

David brings extensive knowledge of California environmental law, wildlife, plant flora, CEQA/NEPA, mitigation, soils, and GPS technology. He writes plans for conceptual mitigation, planting, and fire abatement plus monitoring reports for resource agencies. His varied experience throughout the state includes design, building, and installation of biotechnical restoration structures, vegetation mapping, biological resource assessments, soil classification, wetland delineation & soil analysis, and biological surveys.

**Representative Projects**

**Premier Property Management, Inc., Menlo Park Development Project, East Palo Alto, California (May 2015 – Present)**

David is a plant biologist performing site investigations on two parcels of land within East Palo Alto. The Menlo Park Development Site is being considered for development into a hotel. David has been performing biological constraint analysis and biological resource analysis.

**City of Rancho Santa Margarita, Upper Oso Reservoir, Rancho Santa Margarita California (November 2014 – April 2015)**

David has performed numerous biological surveys and monitoring tasks, including construction monitoring for Coastal Cactus Wren, Least Bell's Vireo, California Gnat Catcher, nesting bird surveys and native species mapping to comply with mitigation measures of the Upper Oso Reservoir Restoration Plan.

**MCTS, San Ysidro Transit Center, San Ysidro California (December 2014 – May 2015)**

David has performed numerous nesting bird surveys and construction monitoring tasks which included monitoring for native vegetation and prohibiting impacts to habitat critical to Coastal Cactus Wren and Least Bell's Vireo during fence installation at the San Ysidro Transit Center.

**Newhall Land and Farming Company, Spineflower Preserve and Salvage, Valencia, California (September 2014 – May 2015)**

Newhall Ranch had been sold to a housing developer and was going to be converted into housing. Prior to the start of construction, David led field crews performing seed collection and seed bank salvage of the federally endangered San Fernando Valley Spine Flower within the housing development areas. He also performed soil analysis of the collection sites to determine ideal growing conditions for later restoration.

***Wilder Habitat Mitigation and Monitoring, Orinda, California (June 2015 - Present)***

WRA has been in charge of providing mitigation for Wilder, a large complex development project with multiple environmental constraints and layers of regulatory jurisdiction. For this 1,000-acre residential project, WRA was able to locate an appropriate piece of land adjacent to the main development site that could provide mitigation for impacts to streams, wetlands, Alameda whipsnake, and California red-legged frog. WRA conducted wetland delineation, habitat assessment, species surveys, permit applications, mitigation planning, and formal endangered species consultation. David conducts wetland vegetation monitoring as well as riparian monitoring for mitigation areas annually and completes the associated monitoring reports, as required per agency guidelines.

***Invasive Plant Monitoring, Hydrology Monitoring, and Grazing Management, Elsie Gridley Mitigation Bank, Solano County, California (May 2015 - Present)***

The 2,000-acre Elsie Gridley Mitigation Bank, located in rural Solano County, California, encompasses the preservation of existing Sacramento Valley vernal pool habitat, creation of seasonal wetlands and vernal pools which host several species of special status plants and wildlife, and maintenance of interstitial upland grasslands. David has conducted invasive plant species monitoring, wetland delineations, vegetation mapping, helped with grazing management, and monitored seasonal wetland hydrology. David has assisted in writing permit packages for restoration projects in several areas of the property. For grazing management, David assesses the site throughout the year and uses these regular observations as well as residual dry matter estimates to make grazing recommendations to the livestock manager. In addition, David is the Qualified SWPPP Director responsible for implementation of monitoring and reporting for the Elise Gridley Phase 3 Restoration Project.

***Special-Status Plant Surveying and Vegetation Mapping, Confidential Project Site, Kings County, California (September 2015 - Present)***

David has helped to conduct special-status plant surveys and map the vegetation of a 320-acre property in Kings County. Over the course of numerous visits, he has helped to cover the property on-foot, documenting occurrences of special-status plants and mapping plant communities to the alliance level. David has also helped to delineate protective buffers and install exclusion fencing around special-status species in order to protect them from trampling.

***Lehigh Permanente Quarry, Conditions of Approval Compliance, Cupertino, California (October 2015 - Present)***

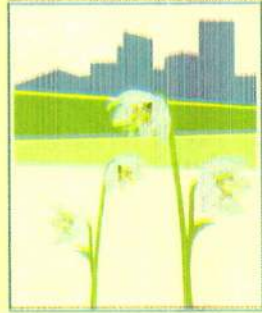
David is assisting the management multiple aspects of Santa Clara County SMARA Conditions of Approval (COA) compliance of the long-term Reclamation Plan at the 3,500 acre Permanente Quarry in Cupertino, Santa Clara County, California. David is the project's Qualified SWPPP Director and has assisted in storm water management, BMP inspections, and maintenance reporting.

***Refinery Biological Permitting, Martinez, California (February 2015 – Present)***

A refinery in Martinez contains historic waste disposal and management sites with regulatory agency requirements to closure. David assists as the wetlands and biology field lead for a multidisciplinary, multi-stakeholder working group of consultants and petroleum companies to close the legacy environmental sites within the refinery. David assists in investigations and permitting across four remediation projects and a combined mitigation project.

***The Village at Loch Lomond Marina, San Rafael, California (March 2016 – Present)***

David has helped conduct the annual habitat monitoring, hydrologic monitoring, and annual reporting for the mitigation wetlands at Loch Lomond Marina. He has performed numerous site visits documenting plant mortality, as-built plant quantities, and soil conditions. David also developed the monitoring protocols for this project.



SANTA CLARA VALLEY  
HABITAT AGENCY

City of Gilroy

City of Morgan Hill

City of San José

County of Santa Clara

Santa Clara Valley Water District

Santa Clara Valley  
Transportation Authority

# Santa Clara Valley Habitat Plan APPLICATION FOR PRIVATE PROJECTS

Submit the Application for Private Projects to the planning or building office of the local jurisdiction (County of Santa Clara, City of Gilroy, City of Morgan Hill, or City of San José) at the time of application for grading, drainage, and/or building permit applications. The requirements in this form are minimum requirements. The Habitat Agency or local jurisdiction may request more information to clarify or complete an application package.

**SJ-2018-016**

Habitat Plan Application File Number  
(Assigned by jurisdiction)

**PDC16-013/PD16-034 (3-06800)**

Planning Office File Number  
(Assigned by jurisdiction)

**Resources for Completing this Application:** Answering many of the questions in this application form will require accessing the Santa Clara Valley Habitat Agency [Geobrowser](#) maps. The Habitat Agency [Geobrowser](#) maps are available at each of the City and County planning departments and online at the Santa Clara Valley Habitat Agency website ([www.scv-habitatagency.org](http://www.scv-habitatagency.org)). The Habitat Agency [Geobrowser](#) provides maps to identify the Habitat Plan Permit Area, Private Development Areas, Land Cover, Fee Zones, Survey Areas, Stream Buffers and Setbacks, Woodland Areas, Urban Reserve System Interface Zones, and Urban Service Areas. Additionally, the [Fees and Conditions Worksheet](#) is a planning tool that provides guidance for land cover mapping requirements, fees, and conditions that may apply to your project.

## Part I. Overview

Project Name: The Shops @ Terra  
Jurisdiction: City of San Jose Submittal Date: \_\_\_\_\_

### Item 1—Project Application Information

#### Property Owner

Property Owner Name: The Shops @ Terra  
Mailing Address: 461 S. Milpitas Blvd, Suite 1  
Milpitas, CA 95035  
Phone: (904) 813-6340 Cell: (904) 813-6340  
Email: MLH@michaelhuyghue.com Fax: \_\_\_\_\_

#### Project Applicant

Applicant Company/Organization: TNT Land Development Services  
Representative's Name: Trang Tu-Nguyen  
Mailing Address: 1566 Davis Street  
San Jose, CA 95162  
Phone: (408) 857-4731 Cell: (408) 857-4731  
Email: Trang@tntlanddevservices.com Fax: \_\_\_\_\_



**Biologist Information (if applicable)**

Biological/Environmental Firm: WRA, Inc. (WRA)

Lead Contact Name: Bianca Clarke

Mailing Address: 2169 G East Francisco Boulevard  
San Rafael, CA 94901

Phone: (415) 524-7255 Cell: \_\_\_\_\_

Email: clarke@wra-ca.com Fax: \_\_\_\_\_

**Item 2—Project Description**

Project Type (residential, commercial, industrial, recreational, transportation, other):

- Residential
- Commercial
- Recreational
- Transportation
- Other: Retail

Project Location: (Former PinHigh Golf Driving Ranch) North First Street and Liberty, 4701 N. First Street, San Jose

Assessor’s Parcel Number(s) (APNs): 015-39-020, 015-39-026

Total Acreage of Parcels: 34.51

Is the Parcel(s) within an urban service area?<sup>1</sup>  Yes  No

Existing Use of Property: vacant land, previous golf driving range

Project Summary: (Brief summary of project only)

The proposed project includes the construction of an approximately 72,000 square foot indoor/outdoor entertainment facility, hotel, and commercial/retail space. A total of 27.57 acres within the two parcels in the Plan Area would be permanently disturbed and developed. The remaining 6.94 acres will have no impacts. No wetlands, ponds, or riparian habitat will be temporarily or permanently disturbed.

<sup>1</sup> Most, if not all, projects in the existing city jurisdictions of Gilroy, Morgan Hill, and San José are in the urban service area. If necessary, please contact the appropriate planning or building office to verify.

Check which of the following Habitat Plan Private Development Area and Land Cover Fee Zones the project is located in, below. These areas can be viewed on the Habitat Agency [Geobrowser](#) maps by checking “Private Development Areas” and “Fee Zones—Land Cover Fee Zones.”

Private Development Area<sup>2</sup>:

- |  |  |
|--|--|
| <input type="checkbox"/> Area 1: Private Development Covered | <input type="checkbox"/> Area 3: Rural Development Not Covered   |
| <input type="checkbox"/> Area 2: Rural $\geq$ 2 Acres        | <input checked="" type="checkbox"/> Area 4: Urban $\geq$ 2 Acres |

Land Cover Fee Zone(s)<sup>3</sup>:

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Zone A (Ranchlands and Natural Lands) | <input type="checkbox"/> Urban Areas                            |
| <input type="checkbox"/> Zone B (Agricultural and Valley Floor Lands)     | <input type="checkbox"/> Zone C (Small Vacant Sites < 10 Acres) |

- Opt-In.** If the project is not a covered project under the Habitat Plan, check here to “opt-in” to the Habitat Plan for coverage. Opt-in coverage is not guaranteed, and applications must be reviewed and authorized by the local jurisdiction in consultation with the Habitat Agency.

---

<sup>2</sup> Refer to Habitat Agency [Geobrowser](#) at [www.hcpmaps.com](#) for [Private Development Areas](#) map (Habitat Plan Figure 2-5.1).  
<sup>3</sup> Refer to Habitat Agency [Geobrowser](#) at [www.hcpmaps.com](#) for [Land Cover Fee Zones](#) map (Habitat Plan Figure 9-2).

## REQUIRED ATTACHMENTS

Projects located *inside the urban service area* and **10 acres or larger** or *outside the urban service area* (in rural areas)

- a.  **GIS/CAD Files:** Provide a Geographic Information System (GIS) or Computer-Aided Design (CAD) compatible file (shapefile or CAD file) of Figures 1 and 2 (see Items b and c, above). File must meet [Spatial Data Submittal Requirements](#).<sup>4</sup>

### All projects

- b.  **Project Description:** Provide a written description that completely describes the project and location. Include all proposed development that occurs on-site and off-site. Improvements should include all proposed hardscape, including buildings (e.g., residences, barns, detached buildings, etc.), associated improvements (e.g., septic systems, new or improvements to existing roads, driveways, bridges, outfalls, vehicle parking areas, etc.), and recreation facilities (e.g., tennis courts, swimming pools, decks, patios, etc.). In describing the project, include both (i) permanent improvements and (ii) any construction activity that results in temporary impacts on the project site (e.g., construction staging areas, septic systems, or installation of subsurface utilities, etc.). **Label as Attachment 1.**
- c.  **Vicinity Map:** Provide a legible vicinity map of the project site and surrounding area that identifies any adjacent streams or water bodies. **Label as Figure 1.**
- d.  **Site Plan:** Provide a site plan that shows the proposed development area<sup>5</sup>; land cover type(s)<sup>6</sup> in the development area; and any relevant landforms—including but not limited to: roads, water bodies, the creek top-of-bank and center line, rock outcrops, the edge of pavement, road shoulders and existing and proposed structures that will be impacted by the proposed project. **Label as Figure 2.** Permanent and temporary land cover impact areas shown on the site plan must match the calculated areas in Table 1 in this application. Definitions of temporary and permanent impacts are described under Land Cover Types and Impacts (Item 3 below). The method of showing and calculating the size of the proposed development area is as follows:
- If the subject property is located *inside the urban service area* and is **smaller than 10 acres**, the development area is defined as the full area within the boundary of the property where the project is proposed (entire parcel and all proposed on- and off-site improvements).
  - If the subject property is located *inside the urban service area* and is **10 acres or larger**, the development area is defined as all permanent improvements plus a 50-foot buffer *and* temporary improvements plus a 10-foot buffer. See **Exhibit 1** for an example.
  - If the subject property is located *outside the urban service area* (in rural areas), the development area is defined as all permanent improvements plus a 50-foot buffer *and* temporary improvements plus a 10-foot buffer.
- e.  **Condition Compliance Documentation:** Provide written documentation to describe how the project complies with conditions indicated in Part IV. Conditions or as required by Items 4, 5, 6, or 7. **Label as Attachment 2.**
- f.  **Exhibit 2-3. Fee Calculator:** Complete the Permanent Impact Fee Calculator (**Exhibit 2**) and/or Temporary Impact Fee Calculator (**Exhibit 3**).

### Projects with temporary impacts

- g.  **Site Photographs of Temporary Impact Areas:** Attach photographs of areas where temporary impacts are proposed to occur. Temporary impacts include the areas for equipment staging, staking, trenching, etc. **Label as Figure 3.**

### Projects with impacts on wetlands, ponds, streams, and/or riparian woodlands only

- h.  **Map of Wetlands, Ponds, Streams, and Riparian Woodlands:** Attach a map of any/all wetlands, ponds, streams, and/or riparian woodlands that will be directly or indirectly impacted by the project. **Label as Figure 4.**

### Projects that require a qualified biologist

- i.  **Qualified Biologist Resume(s):** Include a brief resume summarizing biologist qualifications for application components requiring a *qualified biologist*. **Label as Attachment 3.**

<sup>4</sup> Available on the Habitat Agency website: <http://ca-scvhabitatagency.civicplus.com/193/GIS-Data-Key-Maps>

<sup>5</sup> Refer to Exhibit 1 of this application for required development area (Habitat Plan Figure 6-1).

## Part II. Existing Conditions and Impacts

### Item 3—Land Cover Types and Impacts

#### Verification of Land Cover

The mapped land cover shown on the project site plan (**Figure 2**) and listed in Table 1, Natural Communities and Land Cover Impacts in the Development Area (below), will be verified at the time of project application submittal.<sup>7</sup> Depending on the land cover type impacted by development, verification will be conducted by either a qualified biologist<sup>8</sup>, arborist/forester, or planning or building office staff member.<sup>9</sup> Table 1 shows what type of land cover verification is required for the project.

- If there is evidence that a natural land cover may exist on the project site (but is not shown on the Habitat Plan land cover maps), the planning or building office may require mapping by a qualified biologist or arborist/forester.
- Additions to existing development encompassing an area of 10,000 square feet or less on any land cover type do not require land cover mapping by a qualified biologist or other professional. These projects may be mapped based on aerial photos by planners or applicants.
- Any development on stream, riparian, serpentine, pond, or wetland land cover types will require verification by a qualified biologist.

Will the project affect any land cover types?  Yes  No

**If yes**, submit a verified land cover map. This map should be integrated into the land cover map included with the site plan (**Figure 2**) and match areas calculated in Table 1.

**If no**, a verified land cover map is not required.

#### Natural Communities and Land Cover Impacts

Check the land cover types listed in Table 1, Natural Communities and Land Cover Impacts in the Development Area, below, identified in the proposed development area that will be affected by the project, and as shown on the Site Plan (**Figure 2**). The land cover types must be verified at the time of application, as described under Verification of Land Cover, above.

The Habitat Plan defines land cover impacts as “permanent impacts” and “temporary impacts”.<sup>10</sup> **Permanent impacts** are direct impacts that permanently remove or alter a land cover, or that affect a land cover for longer than the period described under temporary impacts. These also include indirect impacts on wetlands that result in a permanent change to wetland functions. If the subject property is located **inside the urban service area** and is **smaller than 10 acres**, permanent impacts are calculated for the entire parcel, unless compliance with Condition 11—Stream and Riparian Setbacks is required. **Temporary impacts** are direct impacts that alter land cover for less than 1 year and allow the impacted area to recover to pre-project or ecologically improved conditions within 1 year. This may include construction staging areas or the installation of underground utilities. Construction activities that affect the land cover longer than this time period are classified as permanent impacts.

<sup>6</sup> Refer to Habitat Agency [Geobrowser](http://www.hcpmaps.com) at [www.hcpmaps.com](http://www.hcpmaps.com) for [Land Cover](#) map.

<sup>7</sup> The mapping of land cover for all properties within the Habitat Plan Area was conducted at 10-acre mapping units and may not have accounted for the specific characteristic and habitat types found on each property per Section 3.3.2 of the Habitat Plan.

<sup>8</sup> A “qualified biologist” is a biologist trained to perform the given task; such a person is, more specifically, a wildlife biologist or botanist. For land cover verification, the qualified biologist must be competent in land cover delineation. Applicants will provide the local jurisdiction with a brief resume of the biologist to verify his or her qualifications. If the task has the potential to result in take of covered species (e.g., discouraging use of a den by a San Joaquin kit fox), the biologist must be approved by the Habitat Agency and Wildlife Agencies prior to conducting such tasks.

<sup>9</sup> Santa Clara Valley Habitat Plan, Section 6.8.3.

<sup>10</sup> Santa Clara Valley Habitat Plan Appendix A: Glossary.

Provide calculations in Table 1 using the following method:

- a. For all land covers, except Riparian, Wetland, and Stream, provide calculations to nearest tenth (0.1) of an acre.
- b. For Riparian forest and scrub, and Wetland land cover types, provide calculations to the nearest hundredth (0.01) of an acre.
- c. For Streams, provide calculations in linear feet.

The sum of columns showing acreages of land cover “permanently impacted” by the project and “temporarily impacted” by the project should equal the total impact acreage shown on the site plan (Figure 2) and match the narrative in the submitted project description.

**Table 1. Natural Communities and Land Cover Impacts in the Development Area**

Natural Community and Land Cover Types (in acres, except where noted)	Acreage of Land Cover “Permanently Impacted” by Project	Acreage of Land Cover “Temporarily Impacted” by Project	Land Cover Verification <sup>a</sup>	If the Project is Located in Multiple Fee Zones, Indicate the Acreage Impact of Each
<b>Fee Paying</b>				
<i>Grasslands</i> (see Habitat Plan pages 3-33 through 3-48)				
<input checked="" type="checkbox"/> California Annual Grassland	0.98		PO	
<input type="checkbox"/> Non-Serpentine Native Grassland			B	
<input type="checkbox"/> Serpentine Bunchgrass Grassland			B	
<input type="checkbox"/> Serpentine Rock Outcrop/Barren			B	
<input type="checkbox"/> Serpentine Seep			B	
<input type="checkbox"/> Rock Outcrop			B	
<i>Chaparral and Coast Scrub</i> (see Habitat Plan pages 3-48 through 3-57)				
<input type="checkbox"/> Northern Mixed Chaparral/Chamise Chaparral			B	
<input type="checkbox"/> Mixed Serpentine Chaparral			B	
<input type="checkbox"/> Northern Coast Scrub/Diablan sage Scrub			B	
<input type="checkbox"/> Coyote Brush Scrub			B	
<i>Oak Woodland</i> (see Habitat Plan pages 3-57 through 3-65)				
<input type="checkbox"/> Valley Oak Woodland			B	
<input type="checkbox"/> Mixed Oak Woodland and Forest			B/A/F	
<input type="checkbox"/> Blue Oak Woodland			B	
<input type="checkbox"/> Coast Live Oak Forest and Woodland			B/A/F	
<input type="checkbox"/> Foothill Pine-Oak Woodland			B	
<input type="checkbox"/> Mixed Evergreen Forest			B/A/F	
<i>Riparian Forest and Scrub</i> (see Habitat Plan pages 3-65 through 3-76)				
<input type="checkbox"/> Willow Riparian Forest and Scrub			B	
<input type="checkbox"/> Central California Sycamore Alluvial Woodland			B	
<input type="checkbox"/> Mixed Riparian Woodland and Forest			B	

Natural Community and Land Cover Types (in acres, except where noted)	Acreeage of Land Cover "Permanently Impacted" by Project	Acreeage of Land Cover "Temporarily Impacted" by Project	Land Cover Verification <sup>a</sup>	If the Project is Located in Multiple Fee Zones, Indicate the Acreage Impact of Each
<i>Conifer Woodland</i> (see Habitat Plan pages 3-76 through 3-80)				
<input type="checkbox"/> Redwood Forest			B/A/F	
<input type="checkbox"/> Ponderosa Pine Woodland			B	
<input type="checkbox"/> Knobcone Pine Woodland			B	
<i>Wetlands</i> (see Habitat Plan pages 3-80 through 3-86)				
<input type="checkbox"/> Coastal and Valley Freshwater Marsh			B	
<input type="checkbox"/> Seasonal Wetland			B	
<i>Open Water</i> (see Habitat Plan pages 3-86 through 3-93)				
<input type="checkbox"/> Pond			B	
<i>Agricultural</i> (see Habitat Plan pages 3-93 through 3-98)				
<input type="checkbox"/> Orchard			PO	
<input type="checkbox"/> Vineyard			PO	
<input type="checkbox"/> Grain, Row Crop, Hay and Pasture, Disked/Short-Term Fallowed			PO	
<i>Developed</i> (see Habitat Plan pages 3-98 through 3-102)				
<input type="checkbox"/> Barren			PO	
<input type="checkbox"/> Rural-Residential			PO	
<input type="checkbox"/> Ornamental Woodland				
<input checked="" type="checkbox"/> Golf Courses/Urban Parks	17.68			
<b>Fee Paying Subtotal</b>	<b>18.66</b>	<b>0</b>		<b>0</b>
<i>Non-Fee Paying</i> (see Habitat Plan page 9-24 )				
<input checked="" type="checkbox"/> Urban-Suburban	8.91		PO	
<input type="checkbox"/> Landfill			PO	
<input type="checkbox"/> Reservoir			PO	
<input type="checkbox"/> Agriculture Developed			PO	
<b>Non-Fee Paying Subtotal</b>	<b>8.91</b>	<b>0</b>		<b>0</b>
<b>Total</b>	<b>27.57</b>	<b>0</b>		<b>0</b>
<b>Riverine/Streams (in linear feet)</b>			<b>B</b>	<b>--</b>

<sup>a</sup> B = qualified biologist; A/F = arborist/forester; PO = planning or building office

## Item 4—Wetlands, Ponds, Streams, and Riparian Woodlands

1. Check the appropriate box if the project development area includes impacts on any of the following land cover types, as shown in Table 1.

<input checked="" type="checkbox"/> None	<input type="checkbox"/> Willow Riparian Forest and Scrub
<input type="checkbox"/> Coastal and Valley Freshwater Marsh	<input type="checkbox"/> Central California Sycamore Alluvial Woodland
<input type="checkbox"/> Seasonal Wetland	<input type="checkbox"/> Pond
<input type="checkbox"/> Mixed Riparian Woodland and Forest	<input type="checkbox"/> Stream
  
2. If the project development area includes impacts on aquatic land cover type listed above, complete Statements a and b, below.
  - a. Name of affected stream (if available): \_\_\_\_\_
  - b. Name of watershed where impacts occur: \_\_\_\_\_
  
3. If occurrence of any Contra Costa goldfields (*Lasthenia conjugens* Greene) is identified in any of the above land covers, consultation with the U.S. Fish and Wildlife Service (USFWS) for written concurrence of avoidance is required per Condition 1 of the Habitat Plan (see Part IV, Conditions, below). Include with condition compliance documentation labeled as **Attachment 2**.
  
4. Attach a map of any/all wetlands, ponds, streams, and/or riparian woodlands that will be directly or indirectly impacted by the project. **Label as Figure 4.**
  
5. Provide any additional information regarding impacts on Wetlands, Ponds, Streams, and Riparian Woodland land covers:  
\_\_\_\_\_

## Item 5—Species-Specific Survey Requirements

### Wildlife Habitat Survey Requirements

Based on the Habitat Agency [Geobrowser Survey Areas](#) map and land cover types found on-site, species-specific surveys and reporting notification may be required. Check and identify if the development area is located within the Habitat Agency [Geobrowser Wildlife Survey Areas](#) map.

Is the project development area located within the Habitat Plan Wildlife Survey Area?  Yes  No

**If yes**, indicate wildlife species in Table 2, below. For species indicated, check if the appropriate land cover type is present. If the project is located within a wildlife species survey area and the appropriate land cover type is present, survey and reporting requirements must be completed, as indicated in Table 2. See the referenced Habitat Plan section (as provided in Table 2) for further information regarding these survey requirements.

**If no**, wildlife surveys are **not** required.

**Table 2. Species-Specific Wildlife Habitat Survey Requirements<sup>a, b</sup>**

None

Required Survey Species	Are these Land Cover Types Present On-site?		If Yes, Implement the Following Survey/Reporting Requirements	See Habitat Plan
<input type="checkbox"/> San Joaquin kit fox	<ul style="list-style-type: none"> <li>Any Grassland</li> <li>Oak Woodland</li> <li>Agricultural</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	<ul style="list-style-type: none"> <li>Identify and map potential den site habitat.</li> </ul>	Pages 6-71 through 6-73
<input checked="" type="checkbox"/> Western burrowing owl	<ul style="list-style-type: none"> <li>Any Grassland</li> <li>Oak Woodland</li> <li>Agricultural</li> </ul>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<ul style="list-style-type: none"> <li>Identify and map burrows and potential burrows within 250 feet of project activity footprint.</li> <li>Document evidence of presence/absence (owls, pellets, whitewash, prey remains).</li> <li>Species surveys in occupied habitat are required in both breeding and non-breeding seasons.</li> </ul>	Pages 6-62 through 6-67
<input checked="" type="checkbox"/> Tricolored blackbird	<ul style="list-style-type: none"> <li>Ponds</li> <li>Coastal &amp; Valley Freshwater Marsh</li> <li>Willow Riparian Forest &amp; Scrub</li> <li>Central California Sycamore Alluvial Woodland</li> <li>Mixed Riparian Woodland &amp; Forest</li> </ul>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<ul style="list-style-type: none"> <li>Identify and map nesting substrate, and marsh habitat.</li> </ul>	Pages 6-69 through 6-71
<input type="checkbox"/> Bay checkerspot butterfly	<ul style="list-style-type: none"> <li>Serpentine Bunchgrass Grassland</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<ul style="list-style-type: none"> <li>Identify and map extent of larval host plants.</li> <li>Report results of reconnaissance level surveys for adult butterflies.</li> </ul>	Pages 6-58 through 6-59
<input type="checkbox"/> Least Bell's vireo	<ul style="list-style-type: none"> <li>Willow Riparian Forest &amp; Scrub</li> <li>Central California Sycamore Alluvial Woodland</li> <li>Mixed Riparian Woodland &amp; Forest</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	<ul style="list-style-type: none"> <li>Identify and map early successional riparian forest or scrub.</li> </ul>	Pages 6-68 through 6-69

<sup>a</sup> The species-specific wildlife survey requirements listed above are described in more detail in Section 6.6.1 (Selected Covered Wildlife Species) and Table 6-8 of the Habitat Plan.

<sup>b</sup> Surveys for all covered species must be conducted by a qualified biologist, as defined in Section 6.8.5 (Qualified Biologist) of the Habitat Plan. For further information, contact the applicable local jurisdiction or the Habitat Agency.

### Results of Required Wildlife Habitat Surveys

Include the following with condition compliance documentation labeled as **Attachment 2**.

- Provide a written description of the results of the species-specific wildlife habitat surveys conducted, as required in Table 2. Surveys will assess the location, quantity, and quality of suitable habitat for specified covered wildlife species on the project site. Covered species are assumed to occupy suitable habitat in impact areas, and mitigation is based on assumption of take.
- Reference and attach the species-specific Wildlife Survey Area maps as required in Table 2.
- Attach a description of the anticipated impacts that the proposed activity will have on the species-specific wildlife occurrence and/or how the project will avoid impacts on all covered wildlife species.

### Plant Survey Requirements

Based on the Habitat Agency [Geobrowser](#) Plant Survey Areas map<sup>11</sup> and [Land Cover](#) map, species-specific plant surveys may be required. Check and identify if the development area is located within the [Plant Survey Areas](#) map.

<sup>11</sup> The Habitat Plan [Geobrowser](#) Plant Survey Areas map was created based on Section 6.6.2 and Table 6-9 of the Habitat Plan.



Is the project development area located within the Habitat Plan Plant Survey Area?  Yes  No

If yes, identify if the land cover type listed in Table 3, below, will be affected by the project (per Table 1) to determine if plant surveys are required.

If no, plant surveys are not required.

Surveys must be conducted according to current applicable California Department of Fish and Wildlife (CDFW) and/or USFWS guidelines and during the appropriate season listed below to identify any covered plant species (see pages 6-76 and 6-77 of the Habitat Plan) that may occur on the site. Floristic surveys are not required (i.e., a focused rare plant survey is acceptable). A required written summary of the survey results is discussed below. If any covered plant species are found in the project area, Conditions 19 and 20 of the Habitat Plan must be followed (see Part IV, Conditions, below).

**Table 3. Covered Plant Species, Typical Habitat Conditions, and Typical Survey Periods**

None

Is this Land Cover Type On-site?	Plant Species Requiring Surveys	Typical Survey Period
<input type="checkbox"/> Serpentine Bunchgrass Grassland	Smooth lessingia ( <i>Lessingia micradenia</i> var. <i>glabrata</i> ) Fragrant fritillary ( <i>Fritillaria liliacea</i> ) Metcalf Canyon jewelflower ( <i>Streptanthus albidus</i> ssp. <i>Albidus</i> ) Most beautiful jewelflower ( <i>Streptanthus albidus</i> ssp. <i>Peramoenus</i> ) Tiburon Indian paintbrush ( <i>Castilleja affinis</i> ssp. <i>Neglecta</i> ) Coyote ceanothus ( <i>Ceanothus ferrisiae</i> )	Jul–Nov Feb–Apr Apr–Jul Mar–Jun Apr–Jul Jan–May
<input type="checkbox"/> Serpentine Rock Outcrop	Santa Clara Valley dudleya ( <i>Dudleya abramsii</i> ssp. <i>Setchellii</i> ) Smooth lessingia ( <i>Lessingia micradenia</i> var. <i>glabrata</i> ) Metcalf Canyon jewelflower ( <i>Streptanthus albidus</i> ssp. <i>Albidus</i> ) Most beautiful jewelflower ( <i>Streptanthus albidus</i> ssp. <i>Peramoenus</i> ) Tiburon Indian paintbrush ( <i>Castilleja affinis</i> ssp. <i>Neglecta</i> )	Apr–Jun Jul–Nov Apr–Jul Mar–Jun Apr–Jul
<input type="checkbox"/> Serpentine Seep	Mount Hamilton thistle ( <i>Cirsium fontinale</i> var. <i>campylon</i> )	Feb–Oct
<input type="checkbox"/> Mixed Serpentine Chaparral	Coyote ceanothus ( <i>Ceanothus ferrisiae</i> ) Most beautiful jewelflower ( <i>Streptanthus albidus</i> ssp. <i>Peramoenus</i> )	Jan–May Mar–Jun
<input type="checkbox"/> Mixed Oak Woodland and Forest with Serpentine Soils	Loma Prieta hoita ( <i>Hoita strobilina</i> )	May–Oct
<input type="checkbox"/> Coast Live Oak Forest and Woodland with Serpentine Soils	Loma Prieta hoita ( <i>Hoita strobilina</i> )	May–Oct
<input type="checkbox"/> Northern Coastal Scrub and Diablan Sage Scrub with Serpentine Soils	Coyote ceanothus ( <i>Ceanothus ferrisiae</i> ) Metcalf Canyon jewelflower ( <i>Streptanthus albidus</i> ssp. <i>Albidus</i> ) Most beautiful jewelflower ( <i>Streptanthus albidus</i> ssp. <i>Peramoenus</i> ) Smooth lessingia ( <i>Lessingia micradenia</i> var. <i>glabrata</i> )	Jan–May Apr–Jul Mar–Jun Jul–Nov

**Results of Required Plant Surveys**

Provide a written summary describing the results and survey methods used for all covered plants, including the dates and times of all surveys conducted, as required in Table 3. The survey periods should be used as a guide only, as some plants can be readily identified by qualified botanists outside of the species’ blooming period.<sup>12</sup> Include with condition compliance documentation labeled as **Attachment 2**.

1. If any covered plants are found, include the following information in the results summary:
  - Description and number of occurrences and their rough population size.

<sup>12</sup> See Condition No. 20, page 6-76, of the Habitat Plan for specific survey requirements.

- Description of the “health” of each occurrence, as defined by the following criteria (see pages 5-46 and 5-47 of the Habitat Plan for comprehensive description):
    - Age structure
    - Reproductive success
    - Availability of suitable habitat
    - Diversity of suitable habitat
    - Threats
  - A map showing the location of all occurrences.
  - Justification of surveying time window, if outside of the plant’s blooming period.
  - The California Natural Diversity Database (CNDDB) form(s) submitted to CDFW (if this is a new occurrence).
2. Attach a description of the anticipated impacts that the proposed project activity will have on the species-specific plant occurrence and/or how the project will avoid impacts on all covered plant species.
- Describe whether the proposed project affects a partial or full occurrence.
  - Quantify the number of individual plants removed.
  - Quantify the number of individual plants remaining outside the impact area.

## Part III. Species-Specific Preconstruction Surveys, Avoidance, and Monitoring Requirements

This section discusses subsequent actions required if wildlife or plant surveys were required (per Item 5, above) and the appropriate wildlife or plant species was identified on the project site. If surveys were not required, **do not complete** Part III and continue to Part IV. If the surveys did not identify appropriate habitat for the wildlife and plant species, check “none” in Table 4 and Table 5 and continue to Part IV.

Required preconstruction surveys, avoidance requirements, and construction monitoring, which ensure project compliance with the Habitat Plan requirements are described below. Survey requirements and best management practices (BMPs) pertaining to selected covered wildlife species are detailed in Sections 6.5, *Serpentine and Associated Covered Species* (page 6-58), and Section 6.6.1, *Select Covered Wildlife Species* (beginning on page 6-62), of the Habitat Plan.

### Item 6—Preconstruction Surveys for Selected Covered Wildlife

If suitable breeding habitat for select covered wildlife species identified in Table 2 is found to be present in the project area, identify the species for which preconstruction surveys or notifications are required, based on the results of the species-specific surveys in Table 2.

**Table 4. Applicable Preconstruction Survey, Avoidance, and Construction Monitoring Requirements based on Land Cover Types and Habitat Elements**

None

Species	Preconstruction Survey Requirements	Avoidance Requirements	Construction Monitoring Required if Species Detected
<input type="checkbox"/> San Joaquin kit fox (see <i>Habitat Plan</i> pages 6-71 through 6-73)	<ul style="list-style-type: none"> <li>Determine status and map all dens (&gt;5 inches diameter) within 250 feet of activity footprint.</li> </ul>	<ul style="list-style-type: none"> <li>Monitor dens.</li> <li>Destroy unoccupied dens.</li> <li>Discourage use of occupied (non-natal) dens.</li> </ul>	<ul style="list-style-type: none"> <li>Establish exclusion zones (&gt;50-foot) for potential dens.</li> <li>Establish exclusion zones (&gt;100-foot) for known dens.</li> <li>Notify USFWS and CDFW of occupied natal dens.</li> <li>Construction or maintenance personnel must participate in training.</li> </ul>
<input checked="" type="checkbox"/> Western burrowing owl (see <i>Habitat Plan</i> pages 6-62 through 6-67)	<ul style="list-style-type: none"> <li>Conduct burrowing owl survey within 2 calendar days prior to ground disturbance (see Condition 15 for details of required survey methods).</li> <li>Notification to California Department of Fish and Wildlife.</li> </ul>	<ul style="list-style-type: none"> <li>Avoid occupied nests within a 250-foot buffer during breeding season (Feb 1–Aug 31) or develop a monitoring plan that allows activity within 250-foot buffer (see Condition 15 for requirements).</li> <li>Avoid occupied burrows during non-breeding season (Sept 1–Jan 31) or meet requirements in Condition 15 if allowing activity within a 250-foot buffer.</li> </ul>	<ul style="list-style-type: none"> <li>Establish buffer zones (250-foot) around active nests if applicable.</li> <li>Establish buffer zones (250-foot) around occupied burrows during non-breeding season if applicable.</li> <li>Implement construction monitoring consistent with monitoring plan or requirements if activities occur within the buffer.</li> <li>Construction or maintenance personnel must participate in training.</li> </ul>
<input checked="" type="checkbox"/> Tricolored blackbird (see <i>Habitat Plan</i> )	<ul style="list-style-type: none"> <li>Document presence/absence of breeding colony within 2 calendar days prior to disturbance.</li> </ul>	<ul style="list-style-type: none"> <li>Avoid occupied nesting colonies during breeding season (Mar 15–July 31).</li> </ul>	<ul style="list-style-type: none"> <li>Establish 250-foot buffer around outer edge of all hydric vegetation</li> </ul>

Species	Preconstruction Survey Requirements	Avoidance Requirements	Construction Monitoring Required if Species Detected
<i>pages 6-69 through 6-71)</i>	<ul style="list-style-type: none"> <li>Document use of habitat (e.g., breeding, foraging).</li> <li>Determine if the site has been used for nesting in the past 5 years.</li> </ul>	<ul style="list-style-type: none"> <li>Avoid nest sites that were occupied in the past 5 years.</li> </ul>	<ul style="list-style-type: none"> <li>associated with breeding habitat.</li> <li>Construction or maintenance personnel must participate in training.</li> <li>Notify CDFW and USFWS of nest locations immediately.</li> </ul>
<input type="checkbox"/> Least Bell's vireo ( <i>see Habitat Plan pages 6-68 through 6-69)</i>	<ul style="list-style-type: none"> <li>Document presence/absence of nesting least Bell's vireo within 2 calendar days prior to disturbance.</li> <li>Document use of habitat (e.g., breeding, foraging).</li> <li>Determine if the site has been used for nesting in the past 3 years.</li> </ul>	<ul style="list-style-type: none"> <li>Avoid occupied nests during breeding season (Mar 15–July 31).</li> <li>Avoid nest sites that were occupied in the past 3 years.</li> </ul>	<ul style="list-style-type: none"> <li>Establish a 250-ft buffer around occupied nest site.</li> <li>Construction or maintenance personnel must participate in training.</li> <li>Notify CDFW and USFWS of nest locations immediately.</li> </ul>
<input type="checkbox"/> Bay checkerspot butterfly ( <i>see Habitat Plan pages 6-58 through 6-59)</i>	<ul style="list-style-type: none"> <li>None.</li> </ul>	<ul style="list-style-type: none"> <li>Locate the project footprint as far from field-verified occupied Bay checkerspot habitat or the highest-quality serpentine habitat as feasible.</li> </ul>	<ul style="list-style-type: none"> <li>None.</li> </ul>

### Results of Preconstruction Wildlife Surveys

Provide a detailed description and results of the preconstruction surveys applicable to any wildlife species checked in Table 4. All preconstruction surveys are to be conducted in accordance with the requirements set forth in Section 6.6.1, Select Covered Wildlife Species<sup>13</sup>, and Table 6-8 of the Habitat Plan. Since the Habitat Plan application package will be prepared before project construction, describe which surveys are required, when they will be performed, and how they will be applied to the project. This description will be incorporated into the conditions of project approval. Include with condition compliance documentation labeled as **Attachment 2**.

### Results of Avoidance Measures and Construction Monitoring for Selected Covered Wildlife Species

If preconstruction surveys for the specific wildlife species listed in Table 4 establish the presence of any such species, avoidance measures and construction monitoring will be necessary. Include with condition compliance documentation labeled as **Attachment 2**.

- Describe the avoidance measure requirements taken for each species as provided in Table 4 and described in detail in Section 6.6.1 of the Habitat Plan. Avoidance measures and construction monitoring must be implemented in the event the preconstruction surveys described in Table 4 detect any of the covered species.
- Describe the construction monitoring actions applicable to any species checked in Table 4. A summary of conditions that minimize the impact on specific wildlife species is provided in Sections 6.6 of the Habitat Plan. The construction monitoring and minimization measures requirements are described in detail in Section 6.4.1, Conditions on Specific Covered Activities, of the Habitat Plan.
- Before implementing a covered activity, the applicant will develop and submit a construction-monitoring plan to the planning or building office<sup>14</sup> for approval.

<sup>13</sup> Avoidance and minimization measures for Bay checkerspot butterfly are provided in Section 6.5, Condition 13, Serpentine and Associated Covered Species Avoidance and Minimization.

<sup>14</sup> The Santa Clara County Habitat Agency and the local land use jurisdiction must review and approve the plan prior to the commencement of all covered activities (i.e. construction).

## Item 7—Preconstruction Surveys for Selected Covered Plant Species

Based on Table 3, above, and the written summary of the survey results, identify and check in Table 5, below, any plant species found to be present and for which unavoidable loss will occur as a result of the proposed project development (Condition 19 in the Habitat Plan).

**Table 5. Unavoidable Species-Specific Plant Impacts**

Check if Unavoidable Impact	Plant Species
<input checked="" type="checkbox"/>	None
<input type="checkbox"/>	Tiburon Indian paintbrush ( <i>Castilleja affinis</i> ssp. <i>neglecta</i> )
<input type="checkbox"/>	Coyote ceanothus ( <i>Ceanothus ferrisiae</i> )
<input type="checkbox"/>	Mount Hamilton thistle ( <i>Cirsium fontinale</i> var. <i>campylon</i> )
<input type="checkbox"/>	Santa Clara Valley dudleya ( <i>Dudleya abramsii</i> ssp. <i>setchellii</i> )
<input type="checkbox"/>	Fragrant fritillary ( <i>Fritillaria liliacea</i> )
<input type="checkbox"/>	Loma Prieta hoita ( <i>Hoita strobilina</i> )
<input type="checkbox"/>	Smooth lessingia ( <i>Lessingia micradenia</i> var. <i>glabrata</i> )
<input type="checkbox"/>	Metcalf Canyon jewelflower ( <i>Streptanthus albidus</i> ssp. <i>albidus</i> )
<input type="checkbox"/>	Most beautiful jewelflower ( <i>Streptanthus albidus</i> ssp. <i>peramoenus</i> )
<input type="checkbox"/>	Contra Costa goldfields ( <i>Lasthenia conjugens</i> )

### Construction Monitoring as Required for Selected Covered Plant Species

Provide a detailed description of the construction monitoring actions applicable to any species checked in Table 5. The construction monitoring and avoidance measure requirements are described in detail in Section 6.6.2, Covered Plant Species, of the Habitat Plan. Include with condition compliance documentation labeled as **Attachment 2**.

## Part IV. Conditions

Below is a description of the Habitat Plan Conditions of Approval which will or may apply to a development project. Depending on your final site plan, these may be the same conditions of approval estimated when you completed the Fees and Conditions Worksheet. All private development projects are required to comply with Conditions 1 and 3. The remaining conditions referenced below may apply to a project depending upon the type of project and its location. During review of this *Application for Private Projects*, the reviewing planning or building office staff will determine which conditions below apply to the project.

Indicate the conditions that apply to the project and provide documentation to describe how it complies with each. Conditions 1 and 3 apply to all projects. **Label documentation as Attachment 2.**

- Condition 1. Avoid Direct Impacts on Legally Protected Plant and Wildlife Species.** This condition applies to all projects covered under the Habitat Plan and helps to protect species for which environmental permits cannot be granted: Contra Costa goldfields, bald eagle, American peregrine falcon, southern bald eagle, white-tailed kite, California condor, and Ring-tailed cat (= ringtail); also requires compliance with the Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act. For detailed information, see Habitat Plan pages 6-7 to 6-8.
- Condition 2. Incorporate Urban-Reserve System Interface Design Requirements.** This condition applies to projects that overlap the Urban Reserve System Interface Zones and helps lessen impacts that can result (e.g., through runoff, noise, introduction of invasive species) when development occurs near reserve areas. For detailed information, see Habitat Plan pages 6-9 to 6-11.

- Condition 3. Maintain Hydrologic Conditions and Protect Water Quality.** This condition applies to all projects covered by the Habitat Plan and helps protect watershed health, primarily through reducing stormwater discharge and pollutant runoff from project sites. Work with the building or planning staff to determine if NPDES compliance is sufficient for the project or if additional measures are required. For detailed information, see Habitat Plan pages 6-12 to 6-13.
- Condition 4. Avoidance and Minimization for In-Stream Projects.** This condition applies to projects that involve in-stream work (e.g., flood protection, bridge rehabilitation, dam repair) and helps to minimize sediment/pollutant discharge into waterways, disturbance of earth and riparian vegetation, and alteration of the hydrologic and hydraulic characteristics of water bodies. For detailed information, see Habitat Plan pages 6-14 to 6-18.
- Condition 5. Avoidance and Minimization Measures for In Stream Operations and Maintenance.** This condition applies to projects that involve operations and maintenance work within and immediately adjacent to the stream channel (e.g., sediment removal, bank stabilization, vegetation management) and helps minimize sediment/pollutant discharge into waterways and disturbance of riparian vegetation. For detailed information, see Habitat Plan pages 6-18 to 6-20.
- Condition 6. Design and Construction Requirements for Covered Transportation Projects.** This condition applies to projects that are transportation-oriented and involve new ground disturbance or create/augment wildlife movement barriers (e.g., dirt road construction, interchange upgrades) and helps to lessen the impacts of transportation projects by enhancing wildlife crossings, erecting fencing, installing/maintaining drainage structures, and other measures. For detailed information, see Habitat Plan pages 6-21 to 6-28.
- Condition 7. Rural Development Design and Construction Requirements.** This condition applies to projects that consist of new development either outside the urban service area (e.g., subdivisions) or within urban service area if consistent with rural land uses (e.g., agricultural facilities) and helps lessen the impacts of rural development in areas that will remain primarily rural by preserving wildlife corridors, minimizing degradation of streams, and other measures. For detailed information, see Habitat Plan pages 6-28 to 6-34.
- Condition 8. Implement Avoidance and Minimization Measures for Rural Road Maintenance.** This condition applies to projects that involve operations and maintenance activities (e.g., utility line maintenance, vegetation management, road maintenance) on or along rural roads and helps minimize sediment discharge, disturbance of nesting covered bird species, and the spread of nonnative invasive species. For detailed information, see Habitat Plan pages 6-35 to 6-37.
- Condition 9. Prepare and Implement a Recreation Plan.** This condition applies to projects that are in Reserve System lands that allow public access; it helps minimize recreational use impacts on biological resources. For detailed information, see Habitat Plan pages 6-37 to 6-42.
- Condition 10. Fuel Buffer.** This condition applies to projects that are covered under the Habitat Plan and located within Reserve System lands; or in the Diablo Range or Santa Cruz Mountains; or in grassland, chaparral, oak woodland, or conifer woodland types; or in areas designated by the County as a very high fire hazard severity zones. This condition helps provide fire protection by establishing minimum standards for removing brush, flammable vegetation, or combustible growth near occupied structures. For detailed information, see Habitat Plan pages 6-42 to 6-44.
- Condition 11. Stream and Riparian Setbacks.** This condition applies to projects that overlap a stream or stream setback—requirements differ based on project’s location in relation to the urban service area. This condition helps minimize impacts on streams by specifying setbacks and buffer zones. For detailed information, see Habitat Plan pages 6-44 to 6-55.
- Condition 12. Wetland and Pond Avoidance and Minimization.** This condition applies to projects that are covered under the Habitat Plan and helps to minimize impacts on wetlands and ponds and avoid impacts on high quality wetlands and ponds by prescribing vegetated stormwater filtration features, proper disposal of cleaning materials, and other requirements. For detailed information, see Habitat Plan pages 6-56 to 6-58.

- Condition 13. Serpentine and Associated Covered Species Avoidance and Minimization.** This condition applies to projects that are located on sites with serpentine soils and helps to minimize or avoid impacts on serpentine soils by prescribing surveys, plant salvage, and other requirements. For detailed information, see Habitat Plan pages 6-58 to 6-59.
- Condition 14. Valley Oak and Blue Oak Woodland Avoidance and Minimization.** This condition applies to projects that are covered under the Habitat Plan and helps to minimize and avoid valley and blue oak woodland by specifying buffer zones, pruning regulations, and other requirements. For detailed information, see Habitat Plan pages 6-60 to 6-61.
- Condition 15. Western Burrowing Owl.** This condition applies to projects that are located within any grassland, oak woodland, or agricultural land cover type and within the Wildlife Survey Area, or where burrowing owl nesting or breeding habitat has been documented by survey. This condition helps protect western burrowing owls by prescribing preconstruction surveys, construction buffer zones, biological monitoring, and other requirements. For detailed information, see Habitat Plan pages 6-62 to 6-67.
- Condition 16. Least Bell's Vireo.** This condition applies to projects that are located within any riparian forest and scrub land cover type and within Wildlife Survey Area and helps protect least Bell's vireos by prescribing preconstruction surveys, construction buffer zones, biological monitoring, and other requirements. For detailed information, see Habitat Plan pages 6-68 to 6-69.
- Condition 17. Tricolored Blackbird.** This condition applies to projects that are located within 250 feet of any riparian, coastal and valley freshwater marsh and helps to protect tricolored blackbirds by prescribing preconstruction surveys, construction buffer zones, biological monitoring, and other requirements. For detailed information, see Habitat Plan pages 6-69 to 6-71.
- Condition 18. San Joaquin Kit Fox.** This condition applies to projects that are located within any grassland, oak woodland, or agricultural land cover type and within the Wildlife Survey Area and helps protect San Joaquin kit foxes by prescribing preconstruction surveys, construction buffer zones, biological monitoring, and other requirements (pages 6-71 to 6-73).
- Condition 19. Plant Salvage when Impacts are Unavoidable.** This condition applies to projects that cannot avoid impacts on covered plants and helps protect covered plants by prescribing salvage whenever avoidance of impacts is not feasible. For detailed information, see Habitat Plan pages 6-74 to 6-76.
- Condition 20. Avoid and Minimize Impacts to Covered Plant Occurrences.** This condition applies to projects that are located in areas where covered plant species are likely to occur and within a covered plant survey area; this condition helps protect certain plant species by requiring plant surveys, specific avoidance and minimization practices (e.g., using seclusion fencing), and monitoring. For detailed information, see Habitat Plan pages 6-76 to 6-80.

**Part V. Fees**

Complete and attach the Permanent Impact Fee Calculator (**Exhibit 2**) and/or Temporary Impact Fee Calculator (**Exhibit 3**).

- a. Total fees to be paid: \$732,156.11
- b. If land is to be dedicated in lieu of fees or if restoration or creation of jurisdictional wetlands or waters is to be performed in lieu of fees, summarize these actions here and attach written documentation that the Habitat Agency has approved these actions in lieu of fees. See Section 9.4.1 of the Habitat Plan for details.

I/We have read and understand the information in this completed application package.

Property Owner Michael (Michael Huyghue)

Property Owner Signature Michael Huyghue Date 11/26/2018

Applicant TRANG TU-NGUYEN

Applicant Signature [Signature] Date 11/26/2018

**Planning/Building Office Contact Information**

City of Gilroy 7351 Rosanna St. Gilroy, CA 95020 Tel: (408) 846-0451 Fax: (408) 846-0429 <a href="http://www.ci.gilroy.ca.us/planning">www.ci.gilroy.ca.us/planning</a>	City of Morgan Hill 17575 Peak Ave. Morgan Hill, CA 95037 Tel: (408) 778-6480 Fax: (408) 779-7236 <a href="http://www.morganhill.ca.gov">www.morganhill.ca.gov</a>	City of San Jose 200 E. Santa Clara St., T-3 San Jose, CA 95113 Tel: (408) 535-3555 Fax: (408) 292-6055 <a href="http://www.sanjoseca.gov/planning">www.sanjoseca.gov/planning</a>	County of Santa Clara 70 West Hedding St., 7th Floor San Jose, CA 95110 Tel: (408) 299-5770 Fax: (408) 288-9798 <a href="http://www.sccplanning.org">www.sccplanning.org</a>
--	---	---	---