

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CLARA ADOPTING A
MITIGATED NEGATIVE DECLARATION AND APPROVING A MODIFICATION OF
A TENTATIVE MAP AND CLUSTER PERMIT FOR
A 4-LOT CLUSTER SUBDIVISION
AT 8655 LEAVESLEY ROAD IN SOUTHEASTERN SANTA CLARA COUNTY
(APN 898-34-002)**

(File No. 3515-82-25-08 CST)

WHEREAS, a tentative map and cluster permit for a four lot cluster subdivision was approved by the County of Santa Clara ("County") on December 5, 2006 to subdivide approximately 100 acres at 8655 Leavesley, Assessor's Parcel Number 898-34-002, into four parcels; and

WHEREAS, the County subsequently received an application to modify conditions of approval with respect to allowable uses in the open space and road standards. The application also requested modifications to the building envelopes for the subdivision, as depicted on Exhibit "A" attached hereto and incorporated herein; and

WHEREAS, the applications for the subdivision modification also included a modified tentative map and cluster permit (the "Project"); and

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

WHEREAS, at its regular meeting on June 4, 2009, the Santa Clara County Planning Commission ("Planning Commission") held a duly noticed public hearing to consider the proposed cluster subdivision modification; and

WHEREAS, the Planning Commission sent a favorable recommendation to the Board of Supervisors to approve the proposed cluster subdivision modification; and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA"), an Initial Study and Mitigated Negative Declaration (collectively, "Mitigated Negative Declaration") were prepared, which are attached hereto and incorporated herein as Exhibit "C"; and

WHEREAS, at its regular meeting of August 11, 2009, the Board of Supervisors convened a duly noticed public hearing to consider the proposed Project.

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

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

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

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

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

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

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

(a) The General Plan Designation for the subject property is Hillside. The proposed subdivision modifications do not result in any changes to the density of development and the subdivision will remain in conformance to the General Plan designation of Hillside with respect to development density.

(b) The proposed subdivision modifications entail minor modifications to the building envelopes and changes to conditions of approval regarding allowable uses in the open space and the required road standard for the common access road. These proposed changes will not result in a modification of the design or improvement of the subdivision inconsistent with the General Plan. Changes to the building envelopes and access road are minor and the changes to allow agriculture and agricultural accessory buildings in the open space are consistent with provisions in the General Plan and Zoning Ordinance regarding allowable uses in the open space area.

(c) The 100 acre site is physically suited for development of single-family dwellings. The subject property contains several identified earthquake faults; however, the proposed modifications to the building envelopes will not result in placement of homesites on the fault areas

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

(e) The subject property contains important habitat for several special status wildlife species. The Mitigated Negative Declaration prepared for the original cluster subdivision proposal disclosed that construction of the residential improvements covering 10% of the property would result in a loss of wildlife habitat. In order to compensate for this habitat loss, the open space easement areas were required to be preserved and maintained for wildlife habitat.

The Condition of Approval requiring this (Condition #9) was as follows:

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

The current major modification application proposes to modify the previous mitigation measures and subdivision conditions to allow intensive agriculture and agricultural accessory buildings in the open space. Allowance of these uses would preclude the preservation of open space area for wildlife habitat as mitigation for the residential improvements.

In order to evaluate the proposal, a qualified biologist was retained by the County. The biologist produced a report with this analysis (included in Exhibit "C" to the Resolution) and determined that approximately 50 acres of the open space area (1/2 of the entire site) provides the highest value wildlife habitat. Based on this report, staff is recommending that this area within the open space remain as protected wildlife areas with the remaining 40 acres available for agricultural buildings and intensive agriculture.

Retention of the 50-acre wildlife habitat areas will still provide sufficient mitigation area for the loss of habitat from the residential development. This requirement, as stipulated under the Conditions of Approval, will ensure that the subdivision modification does not substantially injure fish or wildlife or their habitat.

(f) The proposed subdivision major modification will not cause any serious public health problems. Although there is a high pressure gas pipeline that bisects the project site, the proposed modified building envelopes will be setback from this pipeline.

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

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

(a) General Plan Conformance and Residential Density. The proposed subdivision major modifications do not result in any changes to the density of development and the subdivision will remain in conformance with the General Plan designation of Hillsides with respect to development density.

(b) Parcel Configuration and Open Space Preservation. The proposed subdivision major modifications will result in minor modifications to the building envelopes and road design and conditions of approval regarding allowable uses in the open space. The proposed building envelope modifications are minor in nature and would not result in the re-configuration of building envelopes to allow encroachment of residential development into sensitive areas such as important wildlife habitat or geologic hazard zones.

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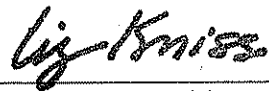
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(c) Circulation and Roads. The proposed subdivision major modification does not entail any changes to the alignment of the existing access road. However, the major modification proposal includes a request to modify the road standard for the access road regarding road width and the need for curbs and gutters. The Land Development Engineering section of the Development Services Office has reviewed the request and modified the road width requirements and eliminated the need for curbs and gutters. These changes are reflected in the Conditions of Approval (Exhibit "B").

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

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California on AUG 11 2009 by the following vote:

AYES: **CORTESE, GAGE, KNISS, SHIRAKAWA, YEAGER**
NOES: **NONE**
ABSENT: **NONE**
ABSTAIN: **NONE**



Liz Kniss, President
Board of Supervisors

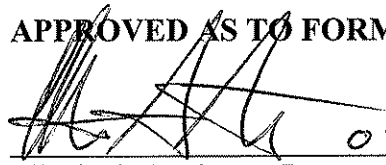
Signed and certified that a copy of this
Document has been delivered by electronic
Or other means to the President, Board of Supervisors.

ATTEST:



Maria Marinos, Clerk of the Board

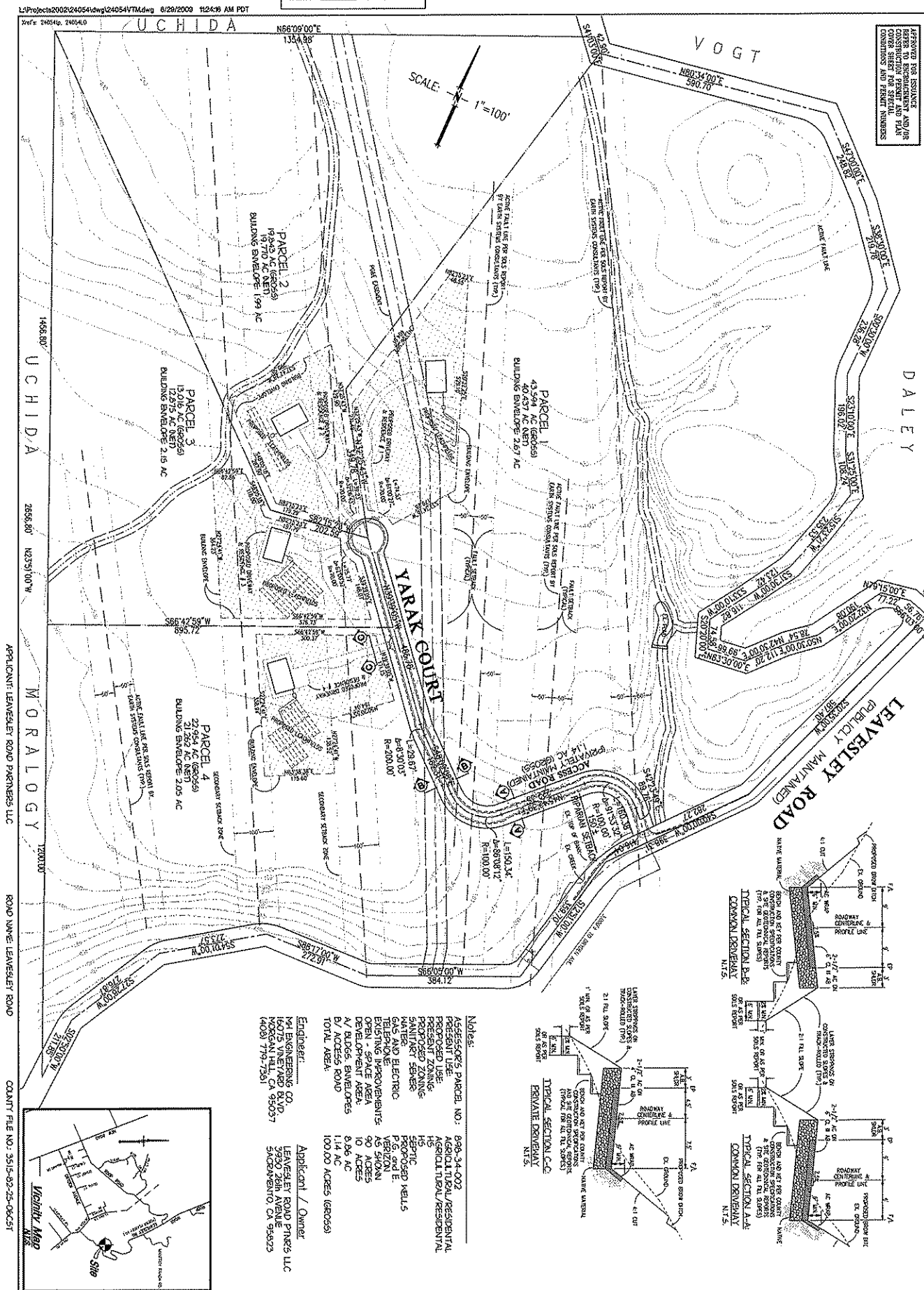
APPROVED AS TO FORM AND LEGALITY:



07/28/2009
Elizabeth G. Pianca, Deputy County Counsel

Attachments to this Resolution:

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



Adopted

Exhibit A

Adopted

EXHIBIT B

- 8.* Areas designated as zones 1, 2, and 7 of the Biological Report by ESA dated January 2009 ("Yarak Cluster Subdivision Sensitive Habitat Assessment") and received by the Planning Office on February 4, 2009 will be retained and managed as wildlife habitat and precluded from any development (agricultural buildings) or intensive agriculture. The final open space easement for the cluster subdivision shall contain language implementing this requirement and this wildlife conservation area shall be at least 50 acres in size.
- 9.*** Obtain Design Review prior to issuance of building permits on all parcels. Development on all parcels shall be subject to Design Review per Sections 3.20.040 and 5.50 of the Zoning Ordinance.

Biological Resources – California Red Legged Frog / California Tiger Salamander

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

Biological Resources – Burrowing Owl

- 14.* A qualified biologist shall conduct pre-construction surveys for burrowing owls no more than 30 days prior to commencement of project activities. If these bird species are observed within the project area or areas adjacent to it during the breeding season (February 1 to August 31), a 250-foot buffer zone shall be established around the occupied burrow(s) and construction delayed in that buffer zone until all young have fledged and are able to feed on their own, as determined by monitoring surveys conducted by a qualified biologist. Breeding burrowing owls and their young should not be relocated.
- If burrowing owls are observed within the project area or areas adjacent to it during the non-breeding season (September to January), a 50 meter/160-foot buffer zone shall be established around the occupied burrow(s) or nest and construction delayed in that buffer zone until the owls / larks have vacated, as determined by monitoring conducted by a qualified biologist. If this is not practical, obtain a Memorandum of Understanding (MOU) from the California Department of Fish and Game to allow passive relocation. Prior to recordation of the final map, a copy of a contract with a qualified biologist (to conduct surveys) shall be submitted to the Planning Office for approval. Results of the surveys with a summary report shall be submitted from the biologist to the Planning Office for approval prior to release of the bond for the subdivision improvements.

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

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

Biological Resources – Agricultural Buildings

- 16.*** Preconstruction surveys for California Red Legged Frogs, California Tiger Salamanders, Western Burrowing Owl, and Western Pond Turtle shall be conducted in accordance with USFW and DFG protocols prior to the start of construction for any agricultural accessory buildings or structures in the open space area. These surveys shall be done by a qualified biologist. Under direction of the biologist, measures such as a worker awareness program, exclusionary fencing, and daily monitoring of construction areas shall be employed in order to prevent “take” of these species during construction. If any species are encountered during the surveys, species relocation shall occur per USFW and DFG protocols. Prior to issuance of any building permits or agricultural exemption permits for buildings or structures, a copy of a contract with a qualified biologist (to conduct surveys) which includes a scope of work showing how the above measures shall be employed during construction, shall be submitted to the Planning Office for approval. Results of the surveys with a summary report shall be submitted from the biologist to the Planning Office for approval prior to final inspection.

Biological Resources – Riparian

- 17.* All street lighting at the intersection of the new access road and Leavesley Road shall use full cut off lighting which shall prevent any spillover lighting into the riparian corridor. Final improvement plans for the access road shall show proposed street lighting and conformance with this standard.
18. In the event that human skeletal remains are encountered, the applicant is required by County Ordinance B6-18 to immediately notify the County Coroner. Upon determination by the County Coroner that the remains are Native American, the coroner shall contact the California Native American Heritage Commission, pursuant to subdivision © of section 2050.5 of the Health and Safety Code and the County Coordinator of Indian Affairs. No further disturbance of the site may be made except as authorized by the County Coordinator of Indian Affairs in accordance with the provisions of State law and County Ordinances. If artifacts are found on the site a qualified archeologist shall be contacted along with the County Planning Office. No further disturbance of the artifacts may be made except as authorized by the County Planning Office
19. To ensure that the project will not have any significant adverse impacts to air quality, at the time of construction; the applicant is required to abide by all standard dust control measures set forth by both Land Development Engineering & the Bay Area Air Quality Management District (BAAQMD).
20. During construction, all graded areas shall be re-seeded in conformance with the County Grading Ordinance to ensure that the project will minimize the potential for erosion on the site including obtaining applicable encroachment and/or construction permit(s).

Air Quality – Climate Change

- 21.*/*** All Construction vehicles, equipment and delivery trucks shall have a maximum idling time of 5 minutes. Engines shall be shut off if construction requires longer idling time unless necessary for proper operation of the

vehicle. Final improvement plans for the subdivision and construction plans for the future residences shall contain these requirements, to be adhered to during construction

Water Quality

22. * Prior to final recordation of the final map and issuance of construction permit for the access road, submit evidence of permits (or correspondence determining a permit is not needed) from the California Department of Fish & Game, Regional Water Quality Control Board, and U.S. Army Corps of Engineers.

LAND DEVELOPMENT ENGINEERING:

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

Plan Review and Format Process:

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

Maps:

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

Drainage:

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

Dedications and Easements:

- 28 * Offer to dedicate the following curvilinear rights-of-way to the public and the County for public/private road purposes: Fifty-six (56) Foot Right of Way for Yarak Court.
29. * Offer to dedicate a minimum Twenty-five (25) foot easement to the public and the County for storm-drainage purposes for all swales and channels effected by this development that pass drainage through the site.
30. * Offer to dedicate Public Utility Easements, pursuant to County Easement policies and as required for water, sewers, and utilities to serve the parcels created.

31. * Indicate on the Parcel Map and improvement plans all applicable easements affecting the parcel(s) with benefactors and recording information. Supply one copy of a preliminary title report with submission of the grading/improvement plans for review to the Development Services Office shall be supplied.

Improvements--Roads not to be County Maintained:

32. * Preliminary improvement plans prepared by MH Engineering and received on October 13, 2006 by the Santa Clara County Planning Office have been reviewed. Submit final street, improvement, and drainage plans prepared by a registered civil engineer for review and acceptance by the Development Services Office. All street, road, and driveway designs minimally require plan, profile, typical sections, and contour grading. Plans shall include the following:
- a. Rural Cul-de-Sacs per County Standard A/6 for Yarak Court.
 - b. Provide Cluster Private Road(s) per County Standard SD1 for Yarak Court from station 0+00 to station 13+01.59. Yarak Court shall be constructed without curb and gutter, no sidewalks, and no on-street parking. Road design shall be a minimum width of two 10-foot traveled lanes of Asphalt-Concrete Pavement and two 3-feet of aggregate base-rock shoulders.
 - d. Drainage Ditch Linings per County Standard SD8.
 - e. Energy Dissipaters per County Standard SD10.
 - f. Standard Street Sign Assembly per County Standard B/14.
 - g. Street lighting per County Standards E/6B to a completely functional state at the intersections of Leavesley Road and Yarak Court. Responsibility for operational costs shall be borne by the Home Owners Association. Responsibility for pole maintenance shall be borne by the County.
 - h. Provide signage and striping in accordance with the California Vehicle Code. Signage and striping shall include but are not limited to "No Parking" signage and curb painting for those portions of the common access roads intended not to allow on-street parking and "Private Road" and Traffic Control signs.
 - i. Submit a copy of the CC&R's.
 - j. Access road cross sections.
 - k. Disposition of excess grading material. NOTE: All materials exported from the site must be located at an approved disposal site.
 - l. Erosion control measures as required per Sections C12-515 through C12-527, inclusive.
 - m. Landscape Plans to demonstrate long-term erosion control.
 - n. All other improvements required by these Conditions of Approval.

Storm Water Treatment - Pajaro River/Monterey Bay Watershed

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

Notice Of Intent

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

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

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

Adopted

Utilities:

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

Soils and Geology:

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

Other Conditions:

39. * Indicate on improvement plans how the graded areas are to be properly drained in accordance with criteria as designated in the County Drainage Manual on the final grading plan. Submit necessary hydraulic calculations prepared by a registered civil engineer to justify the proposed improvements.
40. * Indicate on improvement plans how the graded areas shall comply with setback requirements from property line for cuts and fills per Section C12-505 on the final grading plan prepared by a registered civil engineer.
41. * Enter into a land development improvement agreement with the County per Section C12-206 of the County Code. Submit an Engineers Estimate of Probable Construction Cost prepared by a registered civil engineer with the all above stages of work clearly identified for all improvements and grading as proposed in this application. Post financial assurances, sign the development agreement and pay necessary inspection and plan check fees, and provide County with Certificate of Worker's Compensation Insurance
42. ** Construct in the field all of the aforementioned improvements. Construction staking is required and shall be the responsibility of the developer.
43. Subdivision improvements do not include the improvement of on-site driveway or house pads. Apply to the Planning Office and Development Services Office and obtain a grading permit prior to any earthwork that is in excess of the limits as outlined in the County Grading Ordinance, starting at § C12-400. Penalties and rigid abatement procedures are required by ordinance for correction of any grading violation.

ENVIRONMENTAL HEALTH:

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

44. Septic system conditions have been established for all four parcels, and are as follows:

Parcel 1: 350 plus 350 lineal feet of subsurface drainline will be required. The two drainline systems must be connected through a positive diversion valve. A 1500 gallon septic tank will be required. This system is adequate to serve a four bedroom home with no more than 4,500 square feet of living area.

Parcel 2: 270 plus 270 lineal feet of subsurface drainline will be required. The two drainline systems must be connected through a positive diversion valve. A 1500 gallon septic tank will be required. This system is adequate to serve a four bedroom home with no more than 4,500 square feet of living area.

Parcel 3: 600 plus 600 lineal feet of subsurface drainline will be required. The two drainline systems must be connected through a positive diversion valve. A 1500 gallon septic tank will be required. This system is adequate to serve a four bedroom home with no more than 4,500 square feet of living area.

Parcel 4: 600 plus 600 lineal feet of subsurface drainline will be required. The two drainline systems must be connected through a positive diversion valve. A 1500 gallon septic tank will be required. This system is adequate to serve a four bedroom home with no more than 4,500 square feet of living area

45. *** At the time of application for a building permit as each lot is developed, submit four (4) revised plot plans to scale (1" = 20') on a grading and drainage plan showing house, driveway, accessory structures, septic tank and required drainlines to contour, in order to obtain a septic system permit. Maintain all setbacks as outlined in Bulletin "A". The original plans must be submitted to the field office for sign-off prior to the issuance of the septic system permit, and submitted to Development Services Office prior to the issuance of a grading permit. Contact Ann Peden at 408-779-0631 for signoff.
- 46.*** Prior to submitting the revised septic system plans, revisions to the design must be made for the following parcels:
- Parcel 1: Move the top two drainlines and the septic tank out of the fill area of the house pad. (there is enough area to relocate the lines and septic tank)
- Parcel 3: Ensure that at least 600 plus 600 lineal feet of drainline is shown for this parcel. The submitted plan showed only 270 plus 270 lineal feet.
- Parcel 4: (a) Do not include any cross-overs between drainlines. Contact Ann Peden at 408-779-0631 for information. (b) Add an additional 40 lineal feet of drainline to both the primary and secondary leachfields. (sufficient room is available)
47. * Prior to map recordation it must be demonstrated that the individual well, on each parcel, provides an adequate supply of water. A well log must be submitted for each well which shows a 50 foot sanitary seal, and satisfactory pump tests must be completed. Contact Suzanne Muzzio at the Department of Environmental Health at 408-918-6411 for detailed information.
48. *** Domestic water shall be supplied by an approved individual water system installed to Environmental Health standards. As each lot is developed, the water system application must be approved prior to obtaining a septic system or building permit. A well log must be submitted which shows a 50 foot sanitary seal, and pump tests, bacterial and chemical testing must be completed. Contact Suzanne Muzzio at the Department of Environmental Health at 408-918-3411 for detailed information. More information can be found by consulting the DEH website at www.ehinfo.org and viewing the well information section.
49. **** Provide proof of garbage service prior to final occupancy sign-off for each lot. Garbage service in the unincorporated areas of Santa Clara County is mandatory.

FIRE MARSHAL:

Contact Mac Bala at (408) 299-5760 regarding the following conditions

GENERAL REQUIREMENTS:

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

FIRE PROTECTION WATER

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

- 50.*** **FIRE SPRINKLER SYSTEM:** An approved residential fire sprinkler system complying with Fire Marshal Standard CFMO-SP6 is required to be installed throughout all residential dwelling on each parcel.

51.*** **ON-SITE WATER STORAGE:** On-site storage tanks are required, details for fire protection water supply shall be included with the building permit set of drawings. Submittal shall include, but not be limited to, source of water supply, (e.g. onsite well, shared well); tank location and capacity, pipe size, wharf hydrant orifice size and location, domestic and fire protection water tanks and piping configuration. Tank installation shall comply with Fire Marshal Standard CFMO-W5.

A) All installations shall include a primary aboveground storage tank with a capacity of not less than 3,000 gallons, dedicated to both domestic and fire sprinkler system demand. Storage capacity may be increased due to sprinkler design demand. **NOTE:** Adequate storage capacity should be provided for all current and future landscaping needs in addition to fire sprinkler system supply.

B) Dwellings up to 3,600 sq. ft. require a secondary aboveground storage tank of not less than 5,000 gallon capacity dedicated to the wharf hydrant. Dwellings 3,601 sq. ft. and above require minimum 10,000 gallon secondary aboveground storage tank capacity dedicated to the wharf hydrant. CFMO-W1 will govern dwelling units in excess or 10,000 square feet, and accessory dwellings.

C) Aboveground storage tanks shall be provided with automatic refill. Manual refilling of tanks is not acceptable.

D) Installation of aboveground storage tanks less than 20 ft. from any structure requires tanks to be of noncombustible construction.

52.*** **WHARF HYDRANT:** One on-site wharf hydrant is required to be installed on each of the parcels. Installation of hydrants shall be in accordance with Fire Marshal Standard CFMO-W4. Wharf hydrant orifice size shall be 2-1/2 inch.

A) Hydrant shall be fed by a minimum 4 inch diameter pipe from the aboveground storage tank.

B) Minimum distance to structure shall not be less than 55 ft. from the nearest portion, and shall not exceed 150 ft. from the furthest portion, of the structure. Distance shall be measured along path of travel.

C) Hydrant shall be installed within 8 ft. of approved driving surface in a location acceptable to the Fire Marshal's Office.

D) Installation of a hydrant adjacent to a driveway shall be provided with to allow additional emergency vehicles to pass. Turnouts shall be a minimum of 10 feet wide and 30 feet long with a minimum 25-foot taper on each end.

E) Hydrant shall have a positive flow by means of a reliable, approved automatic fire pump or by gravity feed. **NOTE:** Elevation of tanks and hydrants shall be noted on the plans to show that placement of such equipment will allow water to flow when the valve is opened.

53.* **ACCESS ROADS:**

A) **Width of Driving Surface:** Minimum width shall be 18 feet with a 3 foot shoulder on one side in compliance with County Standards (approved by LDE). Shoulder shall be capable of supporting full loading and shall be drivable in all weather conditions.

B) **Vertical Clearance:** The vertical clearance shall be a minimum of 15' feet.

C) **Grade:** Maximum grade shall not exceed 20%. Grades exceeding 15% require engineered plans, hard surface paving, and shall not exceed 300 ft. in length without a 100' of relief.

D) **Turning Radius for Curves:** No roadway shall have a horizontal inside radius of curvature of less than 50 feet, and an additional surface width of 4 feet shall be added to curves of 50-100 feet radius; 2 feet to those from 100-200 feet.

E) **Turnarounds:** The minimum turning radius for a turnaround shall be 40 feet from the centerline of the roadway.

54.*** **DRIVEWAYS:**

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

MISCELLANEOUS

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

ROADS AND AIRPORTS:

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

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

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

- 59.* Submit street and drainage improvements plans prepared by a registered civil engineer for the following street(s): 30 feet half street along the site's Leavesley Road frontage.
- 60.** Construct street and drainage improvements in accordance with the Roads and Airports Department 1997 Standard Detail(s) A/4 for the following street(s): 30 feet half street along the site Leavesley Road frontage.
- NOTE: Construction staking is required and shall be the responsibility of the developer.
- 61.* Enter into land development improvement agreement and submit accompanying bonds, fees and related documents (administration of these matters is by the County Surveyor's Office).
- 62.* Obtain encroachment and/or construction permits from the County of Santa Clara and other jurisdictions as required by the Road Commissioner for the construction of street improvements including any required appurtenances. Developer must provide County with a Certificate of Worker's Compensation Insurance.
- 63.* In lieu of conditions 59, 60, 61, and 62, the owner may elect to enter into a deferred improvement agreement per the Board of Supervisors 1979 Deferred Improvement Agreement Policy. A fee of \$100.00 is payable for the processing and filing of the agreement. The improvements to be deferred will be in accordance with the Roads and Airports Department's 1997 Standard Detail A/3.

- 64.* Obtain encroachment permit to construct a driveway approach per Roads and Airports Department's 1997 Standard Detail B/5, and provide County with Certificate of Worker's Compensation Insurance. Submit four (4) copies of site plan.
- 65.** Install driveway approach per Roads and Airports Department's 1997 Standard Detail B/5.
- 66.* Show on final improvement plans with construction details and demonstrate by drainage calculations prepared by a registered civil engineer that the surface runoff from the site is carried to an acceptable outfall of adequate capacity.
- 67. Demonstrate that adequate vertical and horizontal sight distance is provided on Leavesley Road at the location of the proposed common driveway.

GEOLOGY

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

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

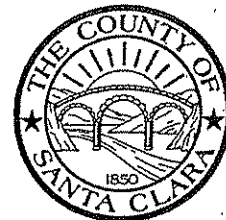
SANTA CLARA VALLEY WATER DISTRICT:

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

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

County of Santa Clara

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



Notice of Intent to Adopt a Mitigated Negative Declaration

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

File Number	TAZ	APN(s)	Date
3515-82-25-08 CST	347	898-34-002	May 4, 2009
Project Name		Project Type	
Yarak Cluster Subdivision – Major Modification		Residential Subdivision	
Owner		Applicant	
Leavesley Road Partners		Same	
Project Location			
8655 Leavesley Road, Gilroy, CA			
Project Description			
Proposed Major Modification of an Approved Four Lot Cluster Subdivision for a 100 acre property located at 8655 Leavesley Road, east of Gilroy.			
On December 5, 2006, a four lot cluster subdivision (File # 351582-25-06 CST) was approved for the subject parcel allowing for the creation of four residential lots on the 100 acre parcel. Consistent with Santa Clara County Zoning Ordinance requirements, 90% of the property (90 acres) was required to be preserved under an open space easement. The remaining 10% of the property (10 acres) was allowed for residential development, and included four residential building sites, a common access road from Leavesley Road, and individual driveways and leachfields for each property. The four lots approved under this cluster subdivision range in size from 19 to 43 acres. The open space easement to be recorded spans over the four lots, excluding the allowed residential building sites. The property owner has currently applied to modify the cluster subdivision approval as follows: (a) Modify the configuration of Building Envelopes for Parcels 1 and 3. (b) Modify conditions of approval to allow agriculture in the open space. (c) Modify conditions of approval to allow agricultural accessory buildings in the open space (d) Modify conditions of approval to modify the road standard for the access road. Modification (a) would expand the size of the building envelope for Parcel #1 but shrink the size of the building envelop for parcel #3. All building envelopes and associated residential improvements would still be contained within 10% of the developed area, consistent with Zoning Ordinance requirements. Modifications (b) and (c) would allow intensive agriculture and agriculture accessory buildings in the open space easement. Mitigation measures and conditions under the previously approved cluster subdivision preserved the open space area for wildlife habitat and precluded these uses. Modification (d) would alter the road standard for the common access road serving the four lots, modifying the width of travel lanes and requirement for curbs and gutters.			

Adopted

EXHIBIT C

Purpose of Notice

The purpose of this notice is to inform you that the County Planning Staff has recommended that a Mitigated Negative Declaration be approved for this project. County of Santa Clara Planning Staff has reviewed the Initial Study for the project, and based upon substantial evidence in the record, **finds that although the proposed project could initially have a significant effect on the environment, changes or alterations have been incorporated into the project to avoid or reduce impacts to a point where clearly no significant effects will occur.**

A public hearing for the proposed project is tentatively scheduled for the Architectural & Site Approval Committee on **May 14, 2009** in the County Government Center, Room 157. The project will be subsequently heard by the Planning Commission and Board of Supervisors. It should be noted that the approval of a Mitigated Negative Declaration does not constitute approval of the project under consideration. The decision to approve or deny the project will be made separately.

Public Review Period:

Begins: May 5, 2009

Ends: June 3, 2009

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

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

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

Responsible Agencies sent a copy of this document

California Department of Fish & Game, California Regional Water Quality Control Board, U.S. Fish & Wildlife, U.S. Army Corps of Engineers

Mitigation Measures included in the project to reduce potentially significant impacts to a less than significant level:

BIOLOGICAL RESOURCES

Habitat Preservation

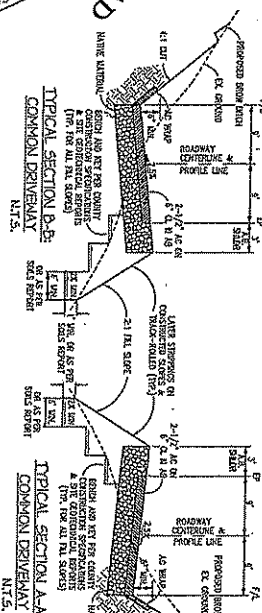
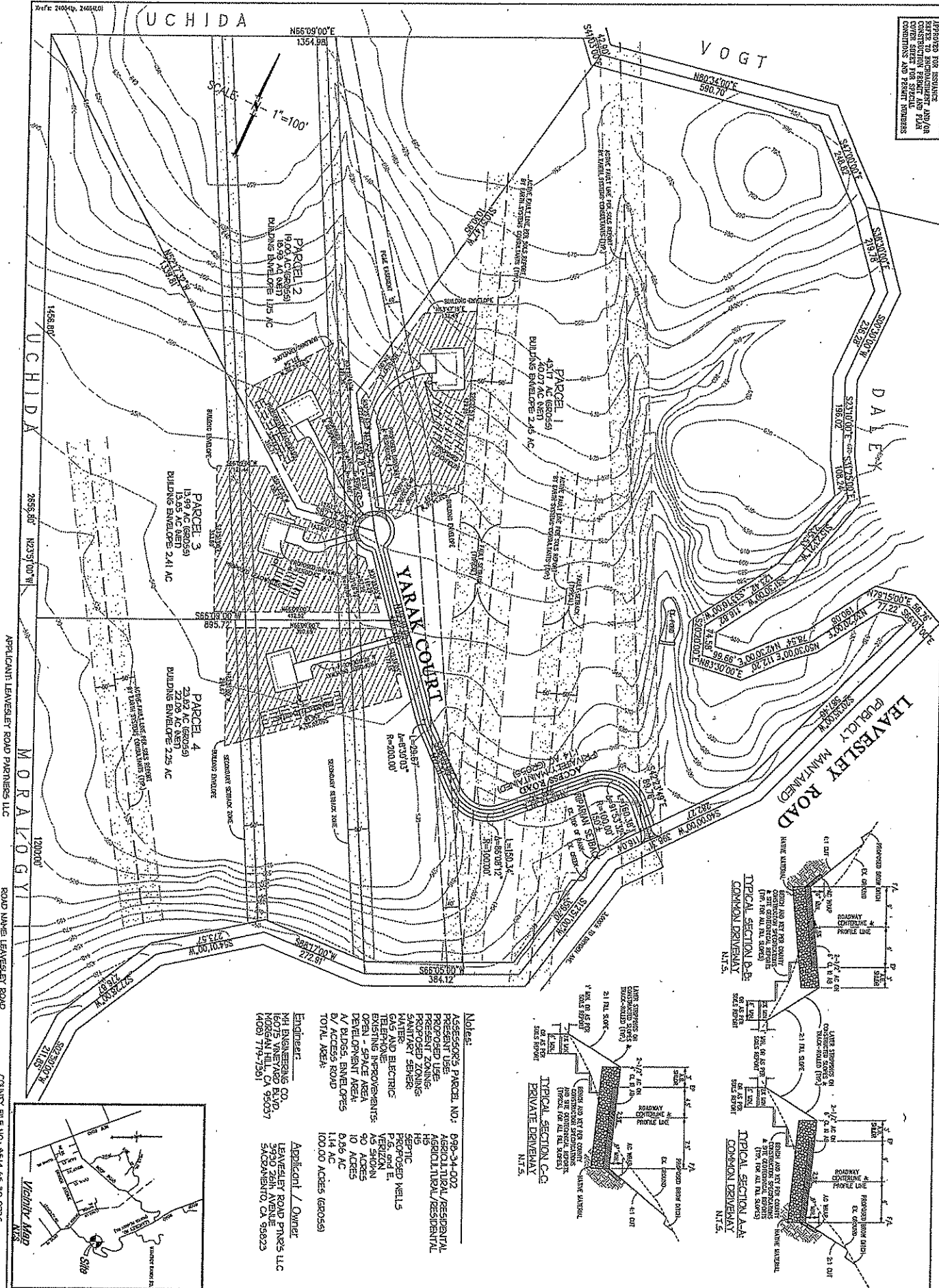
Areas designated as zones 1, 2, and 7 of Attachment #1 will be retained and managed as wildlife habitat and precluded from any development (agricultural buildings) or intensive agriculture. The final open space easement for the cluster subdivision shall contain language implementing this requirement and this wildlife conservation area shall be at least 50 acres in size.

Species Mortality

Preconstruction surveys for California Red Legged Frogs, California Tiger Salamanders, Western Burrowing Owl, and Western Pond Turtle shall be conducted in accordance with USFW and DFG protocols prior to the start of construction for any agricultural accessory buildings or structures in the open space area. These surveys shall be done by a qualified biologist. Under direction of the biologist, measures such as a worker awareness program, exclusionary fencing, and daily monitoring of construction areas shall be employed in order to prevent "take" of these species during construction. If any species are encountered during the surveys, species relocation shall occur per USFW and DFG protocols. Prior to issuance of any building permits or agricultural exemption permits for buildings or structures, a copy of a contract with a qualified biologist (to conduct surveys) which includes a scope of work showing how the above measures shall be employed during construction, shall be submitted to the Planning Office for approval.

Adopted

APPROVED FOR ISSUANCE
BASED ON INFORMATION AND/OR
COVER SHEET FOR SPECIFIC
CONTRIBUTORS AND PERMIT NUMBERS



Notes:
ASSESSOR'S PARCEL NO. 998-34-002
PRESENT USE: AGRICULTURAL/RESIDENTIAL
PROPOSED ZONING: AGRICULTURAL/RESIDENTIAL
PROPOSED DEVELOPMENT: AGRICULTURAL/RESIDENTIAL
SAINTARY SEWER
WATER AND ELECTRIC
EXISTING IMPROVEMENTS
OPEN - SPACE AREA
A/ BLDGS. ENVELOPES
TOTAL AREA:
114 AC
100.00 ACRES (80056)

Engineer:
MH ENGINEERING CO.
16075 VINEYARD BLVD.
MORGAN HILL, CA 95037
(408) 719-7361

Applicant / Owner:
LEAVESLEY ROAD PARTNERS LLC
16075 VINEYARD BLVD.
MORGAN HILL, CA 95037
(408) 719-7361

VESTING TENTATIVE MAP

AND PROPOSED DEVELOPMENT PLAN
LANDS OF LEAVESLEY ROAD PTNR'S LLC

MHengineering Co.
16075 Vineyard Boulevard
Morgan Hill, CA 95037

APPROVED BY
DATE 10/06
SCALE 1"=100'
DRAWN BY
CHECKED BY

Adopted

Results of the surveys with a summary report shall be submitted from the biologist to the Planning Office for approval prior to final inspection.

AIR QUALITY (CLIMATE CHANGE)

All Construction vehicles, equipment and delivery trucks shall have a maximum idling time of 5 minutes. Engines shall be shut off if construction requires longer idling time unless necessary for proper operation of the vehicle. Final improvement plans for the subdivision and construction plans for the future residences shall contain these requirements, to be adhered to during construction

WATER QUALITY

Prior to final recordation of the final map and issuance of construction permit for the access road, submit evidence of permits (or correspondence determining a permit is not needed) from the California Department of Fish & Game, Regional Water Quality Control Board, and U.S. Army Corps of Engineers.

A reporting or monitoring program must be adopted for measures to mitigate significant impacts at the time the Mitigated Negative Declaration is approved, in accord with the requirements of section 21081.6 of the Public Resources Code.

Prepared by:

Rob Eastwood, Senior Planner, AICP

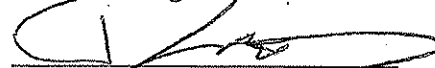

Signature

5/4/09

Date

Approved by:

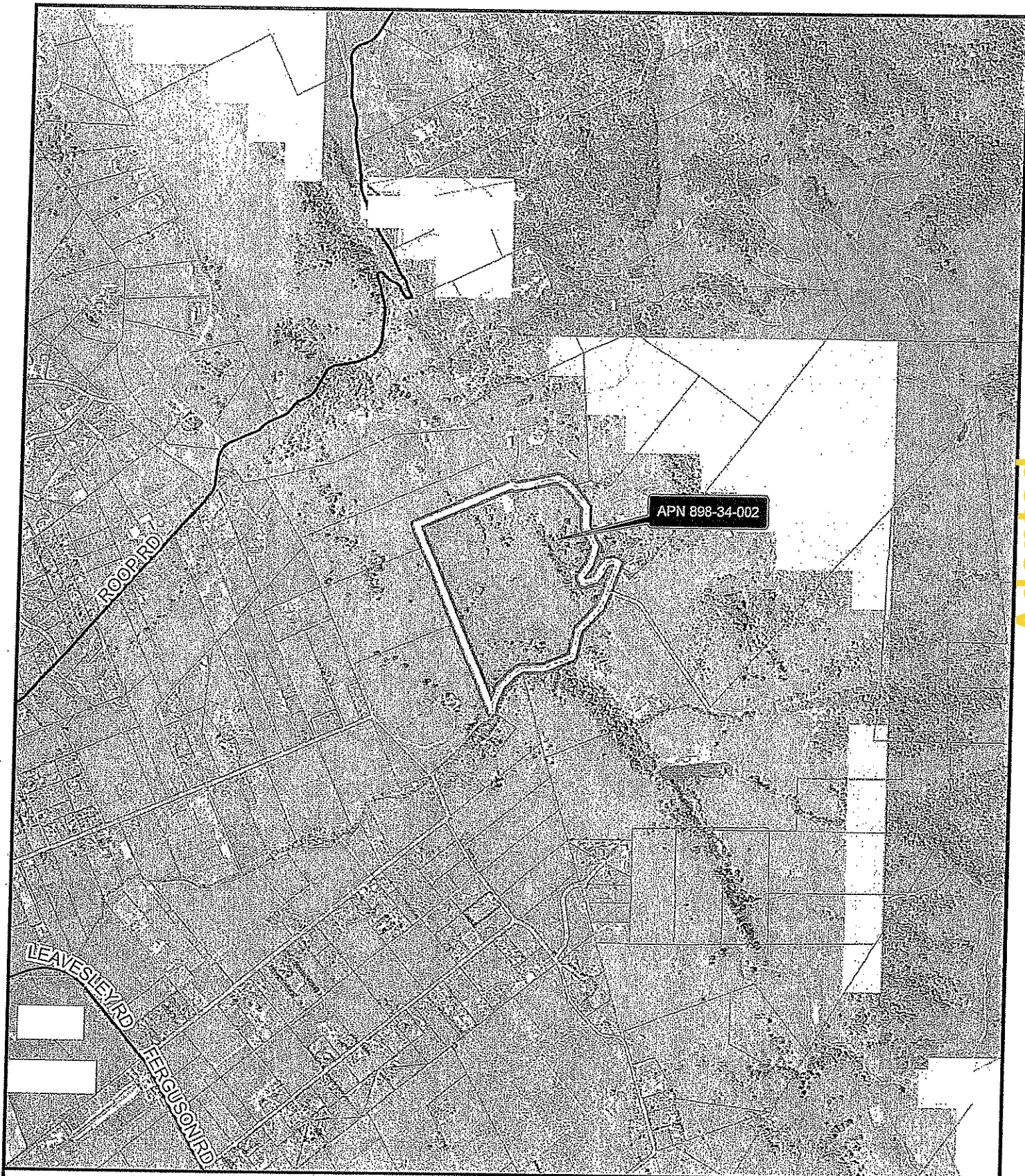
Rob Eastwood, Senior Planner, AICP


Signature

5/4/09

Date

Adopted



Vicinity Map

File 3515
APN 898-34-002

0 1,000 2,000 Feet



Project
Location

This map created by the Santa Clara County Planning Office. The GIS data was compiled
from various sources. While deemed reliable, the Planning Office assumes no liability.
www.sccplanning.org

INITIAL STUDY

Environmental Checklist and Evaluation for Santa Clara County

Project Title:	Yarak Cluster Subdivision – Major Modification	Date: February 2, 2009
File Number:	3515-82-25-08CST	APN(s): 898-34-002
Project Location / Address	8655 Leavesley Road, Gilroy, CA	Zoning: HS-d1
GP Designation:	Hillsides	Urban Service Area: None
Project Type:	Major Modification of an Approved Cluster Subdivision for four residential lots	
Applicant's Name, & Address:	Tom Yarak, Leavesley Road Partners, 6806 Fallsbrook Court, #1, Granite Bay, CA 98746	
Project Description		
Proposed Major Modification of an Approved Four Lot Cluster Subdivision for a 100 acre property located at 8655 Leavesley Road, east of Gilroy. On December 5, 2006, a four lot cluster subdivision (File # 351582-25-06 CST) was approved for the subject parcel allowing for the creation of four residential lots on the 100 acre parcel. Consistent with Santa Clara County Zoning Ordinance requirements, 90% of the property (90 acres) was required to be preserved under an open space easement. The remaining 10% of the property (10 acres) was allowed for residential development, and included four residential building sites, a common access road from Leavesley Road, and individual driveways and leachfields for each property. The four lots approved under this cluster subdivision range in size from 19 to 43 acres. The open space easement to be recorded spans over the four lots, excluding the allowed residential building sites. The property owner has currently applied to modify the cluster subdivision approval as follows: (a) Modify the configuration of Building Envelopes for Parcels 1 and 3. (b) Modify conditions of approval to allow agriculture in the open space. (c) Modify conditions of approval to allow agricultural accessory buildings in the open space (d) Modify conditions of approval to modify the road standard for the access road. Modification (a) would expand the size of the building envelope for Parcel #1 but shrink the size of the building envelop for parcel #3. All building envelopes and associated residential improvements would still be contained within 10% of the developed area, consistent with Zoning Ordinance requirements. Modifications (b) and (c) would allow intensive agriculture and agriculture accessory buildings in the open space easement. Mitigation measures and conditions under the previously approved cluster subdivision preserved the open space area for wildlife habitat and precluded these uses. Modification (d) would alter the road standard for the common access road serving the four lots, modifying the width of travel lanes and requirement for curbs and gutters.		

Adopted

Physical Setting and Surrounding Land Uses

The subject property is a 100 acre lot located on Leavesley Road in the foothills of the Diablo range of southern Santa Clara County. The property is located in a rural area east of the City of Gilroy. The 100 acre property has frontage on Leavesley Road along its southern and eastern side. The property overall has a moderate slope, containing a steep ravine and riparian corridor along its southern side facing Leavesley. The eastern portion of the site contains a deeply incised gully (ravine) which contains a stock pond. A horse corral and agricultural accessory building are located in the northern portion of the site. The center of the property contains a wide meadow area which is gently sloped. There are prominent views from a majority of the parcel west towards the southern Santa Clara Valley. Several faults cross the property in a northerly direction, including the Calaveras fault. A high pressure gas pipeline also bisects the property in a northerly direction, crossing the middle of the property. Except for the riparian corridor along Leavesley road and the ravine along the eastern side of the property, there are no other notable waterways onsite.

Surrounding properties consist of single family residences (north and west), undeveloped property, and agriculture / vineyards (south).

Other public agencies whose approval is required: (e.g., permits, financing approval, or participation agreement.)

U.S. Army Corps of Engineers, Regional Water Quality Control Board, California Department of Fish & Game. (permits required for culvert reconstruction at Leavesley road)

Adopted

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

- | | | |
|---|--|--|
| ☐ Aesthetics | ☐ Agriculture Resources | ☐ Air Quality |
| ☒ Biological Resources | ☐ Cultural Resources | ☐ Geology / Soils |
| ☐ Hazards & Hazardous Materials | ☐ Hydrology / Water Quality | ☐ Land Use |
| ☐ Noise | ☐ Population / Housing | ☐ Public Services |
| ☐ Resources / Recreation | ☐ Transportation / Traffic | ☐ Utilities / Service Systems |
| ☐ Mandatory Findings of Significance | | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Printed name

Date

For

Adopted

ENVIRONMENTAL CHECKLIST AND DISCUSSION OF IMPACTS

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

Discussion:

The 100 acre property is located in the west facing foothills of the Diablo Range in southern Santa Clara County. There are views from the project site of the southern section of the Santa Clara Valley floor and the property is located within the (-d1) design review district of the Santa Clara Valley Viewshed. The purpose of this design review overlay district is to apply measures and controls to new development in the hillside areas visible from Santa Clara valley to limit their visibility and impact upon existing scenic resources.

The proposed cluster subdivision modifications would slightly modify the configuration of two building sites and the road standard for the common access road. The modifications would also allow for agriculture and agricultural accessory buildings in the open space areas of the cluster subdivision. While the modifications to the building envelope, road standard, and allowance of agriculture in the open space would not have any significant impacts on visual resources, allowance of agricultural accessory buildings would allow for the construction of additional buildings within the Santa Clara Valley viewshed.

Construction of any agricultural accessory buildings would be subject to design review process and standard design controls established for the Santa Clara Valley Viewshed (-d1) design review overlay district. Buildings which are subject to design review would typically be required to use darker paint color (limiting light reflectivity) and use landscaping and massing controls to limit visibility of the building offsite.

Adherence to these existing standards and ordinance requirements will ensure that the construction of any agricultural accessory buildings under the proposed cluster subdivision modifications would not result in any potentially significant visual impacts.

B. AGRICULTURE RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

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

Discussion

The subject property is not designated as prime farmland and instead is designated as grazing land by the State Department of Conservation. The parcel is not subject to a Williamson Act Contract. Proposed modifications to the existing conditions of approval for the four lot cluster subdivision will result in minor modifications to building envelopes and road standards and allow agriculture and agricultural accessory buildings in the open space. These modifications will not result in any potentially significant impacts to agricultural resources.

C. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

WOULD THE PROJECT:	IMPACT				SOURCE
	YES			NO	
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒	5,28
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒	5,29

c)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☒	5,29
d)	Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒	5,29
e)	Create objectionable odors or dust affecting a substantial number of people?	☐	☐	☐	☒	5,21, 29, 47
f)	Would the project increase greenhouse gas emissions that hinder or delay the State's ability to meet the reduction target (25% reduction by 2020) contained in CA Global Warming Solutions Act of 2006 (AB 32)?	☐	☒	☐	☐	

Discussion

The proposed modifications to the four lot cluster subdivision will result in minor modifications to building envelopes and the road standards along with the allowance of intensive agriculture (such as agriculture or orchards) and agricultural accessory buildings in the open space area. Although the allowance of agriculture and agricultural accessory buildings could potentially result in an incremental increase in dust from ground disturbance (building construction / disking), this is expected to be minimal and would not result in any potential significant air quality impacts.

Climate Change Discussion

In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill No. 32; California Health and Safety Code Division 25.5, Sections 38500, et seq.), which limits statewide greenhouse gas (GHG) to 1990 levels and establishes a goal of achieving these emissions reductions by 2020 (representing a 25 percent reduction in emissions). AB 32 requires the California Air Resources Board (CARB) to adopt a comprehensive blueprint for limiting greenhouse gas emissions by the end of 2008 and complete the necessary rulemaking to implement that plan by the end of 2011.

In addition, the adoption of SB 97 in 2007 mandates that the California Office of Planning and Research (OPR) prepare CEQA Guidelines which establish standards for evaluating greenhouse gas emissions including the creation feasible mitigation measures. The California Resource Agencies are required to adopt these new guidelines by January 1, 2010. In June, 2008, OPR published Technical Advisory document providing Interim Guidance on Addressing Greenhouse Gas Emissions in CEQA Documents. This Technical Advisory document recommends that all public agencies in California incorporate an evaluation of climate change and greenhouse gas emissions into their CEQA documents. In October, 2008, CARB staff published a preliminary proposal of a methodology for interim CEQA greenhouse gas emission thresholds. This document will be reviewed by CARB in February 2009.

Currently, there is no clear and consistent standard available for evaluating and determining the potential significance of greenhouse gas emissions from any single project. As the creation of greenhouse gas emissions and resulting climate change is a global phenomenon, it is very difficult to quantify and specify how a single individual project makes a cumulatively considerable contribution of greenhouse gas emissions.

Most greenhouse gas emissions originate from carbon dioxide, with other pollutants such as methane also contributing smaller overall amounts on a worldwide scale. Man-made greenhouse gas emissions originate from a variety of sources, notably industrial processes, transportation, and energy production. Within California, the leading contributors of greenhouse gas emissions are transportation (41%), industrial processes (23%), and energy production (20%).

The proposed project entails the construction of a new single family residence. Greenhouse gas emissions which would result from the typical construction and occupancy of a single family house would be associated with construction activities (emissions from construction equipment), land disturbance and tree removal (removal of carbon sinks), materials used for construction (secondary impacts from cement production, transportation of materials), future vehicle trips from occupants, and energy usage (emissions from power plants) from building occupancy.

As the CARB and OPR have not yet adopted a methodology or defined quantitative thresholds that can be applied to a specific development project to evaluate the significance of it's GHG emissions, no significance determination from the State is available at this time. Due to the relatively small scale of the project (single family residence) and compliance with existing County and State requirements listed below which will minimize greenhouse gas emissions, it is anticipated that the proposed project will not result in any cumulative considerable greenhouse gas emissions.

The project will be required to comply with the County's Green Building Ordinance adopted in December 2008. The Green Building Ordinance applies mandatory green building requirements to new single family dwellings beginning July 2009. These measures include higher energy efficiency standards and requirements to minimize water usage and the use of natural resources. In addition, as described within the Biological Resources section, any removal of trees will require replacement and / or preservation. Implementation of these measures will act to reduce potential greenhouse gas emissions from the proposed project.

In addition, consistent with existing CARB requirements, the following measures shall be adhered to during construction to limit related greenhouse gas emissions:

The following measures mitigate the project's impacts regarding greenhouse gas emissions:

- All Construction vehicles, equipment and delivery trucks shall have a maximum idling time of 5 minutes. Engines shall be shut off if construction requires longer idling time unless necessary for proper operation of the vehicle. Final improvement plans for the subdivision and construction plans for the future residences shall contain these requirements, to be adhered to during construction

D. BIOLOGICAL RESOURCES				
	IMPACT			SOURCES
WOULD THE PROJECT:	YES		NO	
*Questions relating to the California Department of Fish & Game "de minimus impact finding" for the Certificate of Fee Exemption are listed in Italics.	<u>Potentially Significant Impact</u>	<u>Less Than Significant With Mitigation Incorporated</u>	<u>Less Than Significant Impact</u> <u>No Impact</u>	

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐	1, 7, 17b, 17o,
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☒	☐	3,7, 8a, 17b, 17e, 33
c) Have a substantial adverse effect on federally protected wetlands as defined by section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) or tributary to an already impaired water body, as defined by section 303(d) of the Clean Water Act through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒	3, 7, 17n, 32
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐	1,7, 17b, 17o
e) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	☐	☐	☐	☒	3,4
f) Conflict with any local policies or ordinances protecting biological resources:					
i) Tree Preservation Ordinance [NS-1203.107]?	☐	☐	☒	☐	1,3,31
ii) Wetland Habitat [GP Policy, R-RC 25-30]?	☐	☐	☐	☒	3, 8a
iii) Riparian Habitat [GP Policy, R-RC 31-41]?	☐	☐	☐	☒	3, 8a,

DISCUSSION

Proposed modification to the existing four lot cluster subdivision would result in minor modifications to existing building envelopes and the onsite access road. In addition, the proposed modifications to the conditions of approval would allow agriculture and agricultural accessory buildings within the open space area. While the minor building envelope and road alterations would not have any substantial change on biological resources, the proposed modification to allow agriculture and agricultural accessory buildings in the open space could result in substantial impacts to special status wildlife species.

As previously disclosed in the Initial Study and Mitigated Negative Declaration prepared for the approved cluster subdivision (October, 2006), the property contains potential upland (aestivation) habitat for a variety of special status species which occur in the region. Notably the property contains both potential breeding (on-site pond) and upland habitat (grassland, woodland) for the California Tiger Salamander and the California Red Legged Frog. Additional species such as the Western Pond Turtle and Western Burrowing Owl could occur onsite, however the project site provides lesser value habitat for these species. In order to mitigate for the loss of upland habitat for the California Tiger Salamander and Red Legged Frog, the previous Mitigated Negative Declaration (dated October 24, 2006) contained a mitigation measure which required that the 90 acres required to be retained as open space be preserved and managed as wildlife habitat. This mitigation prevents intensive agriculture (such as vineyards) or the

construction of agricultural accessory buildings, which are normally allowed in open space areas created by Hillside Cluster Subdivisions.

The proposed cluster subdivision modification would both allow intensive agriculture (such as vineyards, orchards, row crops) and agricultural accessory buildings in the open space area. As the open space area contains potentially important habitat (breeding and upland) for special status wildlife species, this allowance of intensive ground disturbance and construction of buildings would result in potentially new significant impacts (habitat loss) to these species and the reduction in mitigation lands to compensate for the development of the residential subdivision.

In order to determine which portions of the open space contained the highest value wildlife habitat and thus discern which area could potentially be used for agriculture while minimizing impacts to the listed wildlife species, a biological assessment was prepared by a County retained biologist. The Biological Assessment prepared by ESA ("Yarak Cluster Subdivision – Sensitive Amphibian Habitat Assessment", January 2009) is attached to this Initial Study (Attachment #1) and the results are summarized here.

A reconnaissance level survey was conducted of the 100 acre site on January 15, 2009, following U.S. Fish & Wildlife survey and reporting guidelines. Based on this reconnaissance survey and information regarding potential and known occurrences of California Tiger Salamanders and Red Legged Frogs in the vicinity of the project site, the Biological Assessment provides a habitat value ranking for different areas onsite. As described further within the report, the open space area is divided into eight separate zones and ranked according to habitat value. Two zones (1 & 2) were ranked as high, one zone (7) as moderate / high, four zones (3, 4, 5, & 6) as moderate, and the last zone ("developed") as low. The three zones which had the highest value habitat (1,2, 7) are located on the eastern, northern, and southern sides of the property. Zone 1 contains a potential breeding pond and the other two zones (2 & 7) provide higher value upland habitat which is contiguous with this pond and potential off-site habitat. These three higher value habitat areas encompass approximately 50 acres, or half of the subject property.

Build out under the approved residential subdivision would result in development of up to 10 acres of the subject property, including the building sites, driveways, and common access road. Preservation of 50 acres of the highest value habitat (Zones 1,2, & 7) within the open space shall provide habitat mitigation for the residential development at a ratio of 5:1, which is comparable or higher with upland habitat compensation ratios used elsewhere in California.

Development of agriculture and agricultural accessory buildings could potentially result in the loss of up to 40 acres of additional upland habitat. If this agricultural intensification were to occur, in total up to 50 acres of the site would be occupied by either intensive agricultural or residential uses. Maintenance of the 50 acres of highest value habitat (Zones 1,2 & 7) would provide a impact: preservation ratio of 1:1. While this habitat compensation ratio is lower than common habitat compensation ratios used elsewhere, it is still considered sufficient in this case due to the following reasons: (1) The habitat areas to be preserved (Zones 1, 2, & 7) have a much higher biological value than the remaining areas available for agriculture / residential (2) It is unknown if agriculture will occur in the non-protected open space areas, and (3) Agriculture is currently allowed as a matter of right on the subject property (today the property could be farmed without County approvals)

In summary, while the proposed modifications could result in potentially significant impacts to biological resources, adherence to the mitigation measure listed below will ensure that impacts are reduced to a less than significant level.

MITIGATION:

Habitat Preservation

Areas designated as zones 1, 2, and 7 of Attachment #1 will be retained and managed as wildlife habitat and precluded from any development (agricultural buildings) or intensive agriculture. The final open space easement for the cluster subdivision shall contain language implementing this requirement and this wildlife conservation area shall be at least 50 acres in size.

Prevention of "Take"

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

E. CULTURAL RESOURCES					
WOULD THE PROJECT	IMPACT				SOURCE
	YES			NO	
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5 of the CEQA Guidelines?	☐	☐	☐	☒	3, 16, 19, 40, 41
b) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5 of the CEQA Guidelines?	☐	☐	☐	☒	3, 19, 40, 41,
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒	2,3,4,,40,41
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒	2, 40,41
e) Change or affect any resource listed in the County Historic Resources Database?	☐	☐	☒	☐	16

DISCUSSION:

The property site is predominantly vacant except for a horse corral and agricultural accessory building that were built within the last 20 years. These improvements are not proposed for removal. As discussed within the previous Mitigated Negative Declaration (October, 2006) prepared for the project, an Environmental Impact Report (EIR) was prepared for a previously proposed Japanese Cultural Center on the subject property (County File 3515-82-88EIR). The environmental analysis included within that EIR concluded that the subject property was not likely to contain any cultural resources. As such, the project site is not considered likely to contain any prehistoric resources and the proposed cluster subdivision modifications would not have any potentially significant impacts to cultural resources.

F. GEOLOGY AND SOILS					
WOULD THE PROJECT:	IMPACT				SOURCE
	YES			NO	
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒	6, 17L, 43
ii) Strong seismic ground shaking?	☐	☐	☐	☒	6, 17c, 18b
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒	6, 17c, 17n, 18b
iv) Landslides?	☐	☐	☐	☒	6, 17L, 118b
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒	6, 2, 3
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒	2, 3, 17c, 23, 24, 42
d) Be located on expansive soil, as defined in the report, <i>Soils of Santa Clara County</i> , creating substantial risks to life or property?	☐	☐	☐	☒	14, 23, 24,
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒	3, 6, 23, 24,
f) Cause substantial compaction or over-covering of soil either on-site or off-site?	☐	☐	☐	☒	3, 6
g) Cause substantial change in topography or unstable soil conditions from excavation, grading, or fill?	☐	☐	☐	☒	2, 3, 6, 42

DISCUSSION:

As discussed in the Project Description, the subject 100 acre property contains several faults onsite, including the Calaveras fault and fault traces. These faults bisect the site in a northerly

direction. The current four lot cluster subdivision has been designed to locate residential building sites outside of these mapped faults and future residences will need to adhere to fault setbacks.

Proposed modifications to the cluster subdivision will result in minor modifications to the building sites and access road and allow agriculture and agricultural accessory buildings in the open space. The modifications to the residential building envelopes include a minor expansion to the size of the building envelope for parcel #1 and a minor reduction in the building envelope for parcel 3. These modifications would not extend building envelopes into existing mapped faults. The County Geologist has reviewed the proposed modifications and determined that no additional geologic review is required.

Modifications to allow agriculture and agricultural buildings in the open space and minor modifications to the road standard for the access road will not result in any potentially significant impacts related to geologic resources.

G. HAZARDS & HAZARDOUS MATERIALS					
WOULD THE PROJECT	IMPACT				SOURCE
	YES			NO	
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒	1, 3, 4, 5
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐	2, 3, 5
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 1/4 mile of an existing or proposed school?	☐	☐	☐	☒	46
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒	47
e) For a project located within an airport land use plan referral area or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	3, 22a
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	3
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	5, 48

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒	4
i) Provide breeding grounds for vectors?	☐	☐	☐	☒	1, 3, 5
j) Proposed site plan result in a safety hazard (i.e., parking layout, access, closed community, etc.)?	☐	☐	☐	☒	3
k) Involve construction of a building, road or septic system on a slope of 30% or greater?	☐	☐	☐	☒	1, 3, 17n
l) Involve construction of a roadway greater than 20% slope for a distance of 300' or more?	☐	☐	☐	☒	1, 3, 17n

DISCUSSION:

Modifications to the cluster subdivision will entail minor modifications to the residential building envelopes and access road and will allow agriculture and agricultural accessory buildings in the open space. None of these proposed changes would result in any potential impacts related to hazards and hazardous resources.

H. HYDROLOGY AND WATER QUALITY					
WOULD THE PROJECT:	IMPACT				SOURCE
	YES			NO	
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Violate any water quality standards or waste discharge requirements?	☐	☒	☐	☐	34, 36
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?	☐	☐	☐	☒	3, 4
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐	3, 17n
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (Note policy regarding flood retention in watercourse and restoration of riparian vegetation for West Branch of the Llagas.)	☐	☐	☐	☒	3

e) Create or contribute increased impervious surfaces and associated runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒	1, 3, 5, 36, 21a
f) Otherwise substantially degrade water quality?	☐	☒	☐	☐	1, 3, 5
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒	3, 18b, 18d
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒	3, 18b, 18d
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒	2, 3, 4
j) Be located in an area of special water quality concern (e.g., Los Gatos or Guadalupe Watershed)?	☐	☐	☐	☒	4, 6a,
k) Be located in an area known to have high levels of nitrates in well water?	☐	☐	☐	☒	4
l) Result in a septic field being constructed on soil where a high water table extends close to the natural land surface?	☐	☐	☐	☒	3
m) Result in a septic field being located within 50 feet of a drainage swale; 100 feet of any well, water course or water body or 200 feet of a reservoir at capacity?	☐	☐	☐	☒	1, 3

DISCUSSION:

Cluster Subdivision Modifications

Modifications to the cluster subdivision will entail minor modifications to the residential building envelopes and access road and will allow agriculture and agricultural accessory buildings in the open space. None of these changes are expected to result in any potential significant changes with respect to hydrology and water quality. Although the minor modifications to the building envelope and road design standard could result in a small increase in impervious surfaces, the additional impact on stormwater runoff is expected to be negligible and these improvements are subject to review by the Land Development Engineering section of the County Development Services Office in conformance with standards in the County Drainage Manual to control stormwater runoff.

Modifications to allow agricultural accessory buildings and agriculture in the open space could potentially result in water quality impacts to adjacent watercourses and the existing pond onsite however mitigations listed under the Biological Resources section will require that these areas be maintained for wildlife habitat. Currently, agriculture is allowed as a matter of right on all properties with a Hillside designation within the County.

Road Improvements / Swale Crossing

The approved Tentative Map for the four lot cluster subdivision showed the construction of a new access road from Leavesley crossing an existing culvert which spans a swale adjacent to the road. Final improvement plans for the cluster subdivision which have been submitted to the County indicate that this existing culvert will be replaced as part of the required access road improvements. Replacement of the culvert would entail construction activity within or near the

swale area which could affect water quality if not conducted without adherence to best management practices. Replacement of the culvert would potentially necessitate permits from the several regulatory agencies, including the Regional Water Quality Control Board, California Department of Fish & Game, and the U.S. Army Corps of Engineers. As a standard practice, permits issued by these agencies contain measures and best management practices designed to prevent water quality impacts.

MITIGATION:

Prior to final recordation of the final map and issuance of construction permit for the access road, submit evidence of permits (or correspondence determining a permit is not needed) from the California Department of Fish & Game, Regional Water Quality Control Board, and U.S. Army Corps of Engineers.

I. LAND USE					
WOULD THE PROJECT:	IMPACT				SOURCE
	YES			NO	
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Physically divide an established community?	☐	☐	☐	☒	2, 4
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒	8a, 9, 18a
c) Conflict with special policies:					
i) San Martin &/or South County?	☐	☐	☐	☒	1, 3, 8a, 20
ii) Los Gatos Specific Plan or Lexington Watershed?	☐	☐	☐	☒	1, 3, 8a, 22c
iii) New Almaden Historical Area/Guadalupe Watershed?	☐	☐	☐	☒	1, 8a
iv) Stanford?	☐	☐	☐	☒	8a, 21
v) City of Morgan Hill Urban Growth Boundary Area?	☐	☐	☐	☒	8a, 17a
vi) West Valley Hillside Preservation Area?	☐	☐	☐	☒	1, 8a

Discussion

Modification of the four lot cluster subdivision to allow minor modifications to the building envelopes and access road along with the allowance of intensive agriculture and agricultural accessory buildings would not result in any possible land use impacts.

J. NOISE			
WOULD THE PROJECT:	IMPACTS		SOURCE
	YES	NO	

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐	8a, 13, 22a, 45
b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒	13
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	1, 2, 5
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	1, 2, 5
e) For a project located within an airport land use plan referral area or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	1, 5, 22a
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	1, 3, 5,

DISCUSSION:

Modification of the four lot cluster subdivision to allow minor modifications to the building envelopes and access road along with the allowance of intensive agriculture and agricultural accessory buildings would not result in any possible significant noise impacts.

K. POPULATION AND HOUSING					
WOULD THE PROJECT:	IMPACT				SOURCE
	YES			NO	
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Induce substantial growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒	1, 3, 4
b) Displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	1, 2, 3, 4

DISCUSSION:

The proposed four lot cluster subdivision modifications will not result in any possible significant impacts related to population and housing.

L. PUBLIC SERVICES.					
		IMPACT			
WOULD THE PROJECT:		YES		NO	
		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	
				No Impact	
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
i) Fire Protection?	☐	☐	☐	☒	1, 3, 5
ii) Police Protection?	☐	☐	☐	☒	1, 3, 5
iii) School facilities?	☐	☐	☐	☒	1, 3, 5
iv) Parks?	☐	☐	☐	☒	1, 3, 5
v) Other public facilities?	☐	☐	☐	☒	1, 3, 5

DISCUSSION:

The proposed four lot cluster subdivision modifications will not result in any possible significant impacts related to public services.

M. RESOURCES AND RECREATION					
WOULD THE PROJECT:	IMPACT				SOURCE
	YES			NO	
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the state?	☐	☐	☐	☒	1, 2, 3, 6, 44
b) Result in the loss of availability of a locally-important mineral resource recovery site as delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒	1, 2, 3, 6, 8a
c) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒	1, 2, 4, 5
d) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒	1, 3, 4, 5
e) Be on, within or near a public or private park, wildlife reserve, or trail or affect existing or future recreational opportunities?	☐	☐	☐	☒	17h, 21a
f) Result in loss of open space rated as high priority for acquisition in the "Preservation 20/20" report?	☐	☐	☐	☒	27

DISCUSSION:

The project site does not contain any valuable mineral resources or designated trails / parks. The proposed four lot cluster subdivision modifications will not result in any possible significant impacts related to resources and recreation.

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

DISCUSSION:

Modification of the four lot cluster subdivision to allow minor modifications to the building envelopes and access road along with the allowance of intensive agriculture and agricultural accessory buildings would not result in any possible significant traffic impacts. Although modifications to the access road standard would change the configuration of the roadbed for the onsite access road, this modification would not result in any noticeable offsite traffic impacts.

O. UTILITIES AND SERVICE SYSTEMS		
WOULD THE PROJECT:	IMPACT	
	YES	NO

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒	1, 3, 5,
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	1, 3, 5, 21a, 38
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒	1, 3, 5
d) Require new or expanded entitlements in order to have sufficient water supplies available to serve the project?	☐	☐	☐	☒	1, 3, 5, 21,
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒	1, 3, 5
f) Not be able to be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒	1, 3, 5
g) Be in non-compliance with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒	5, 6
h) Employ equipment which could interfere with existing communications or broadcast systems?	☐	☐	☐	☒	1, 3, 5

DISCUSSION:

The proposed four lot cluster subdivision modifications will not result in any possible significant impacts related to utilities and service systems.

P. MANDATORY FINDING OF SIGNIFICANCE					
WOULD THE PROJECT:	IMPACT				SOURCE
	YES			NO	
*Questions relating to the California Department of Fish & Game "de minimus impact finding" for the Certificate of Fee Exemption are listed in italics.	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) <i>Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</i>	☐	☐	☐	☒	1 to 53

b)	Does the project have impacts that are individually limited, but cumulatively considerable ("Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☒	1 to 53
c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒	1 to 53

DISCUSSION:

The project will not trigger any mandatory findings of significance. As discussed in the Biological Resources section, modifications to existing conditions of approval to allow agriculture and agricultural accessory buildings in the open space could result in both the removal of important upland habitat for special status amphibian species and direct mortality. In order to address this potential impact, the Initial Study (within the Biological Resources Section) identifies mitigation measures to ensure that important upland (and potential breeding) habitat for these species is retained and managed as wildlife habitat. Additional mitigation measures address the potential for "take" from construction activities for the agricultural accessory buildings.

Adopted

Initial Study Source List*

1. Environmental Information Form
2. Field Inspection
3. Project Plans
4. Planner's Knowledge of Area
5. Experience With Other Projects of This Size and Nature
6. County Expert Sources: Geologist, Fire Marshal, Roads & Airports, Environmental Health, Land Development Engineering, Parks & Recreation, Zoning Administration, Comprehensive Planning, Architectural & Site Approval Committee Secretary
7. Agency Sources: Santa Clara Valley Water District, Santa Clara Valley Transportation Authority, Midpeninsula Open Space Regional District, U.S. Fish & Wildlife Service, CA Dept. of Fish & Game, Caltrans, U.S. Army Core of Engineers, Regional Water Quality Control Board, Public Works Depts. of individual cities, Planning Depts. of individual cities,
- 8a. Santa Clara County (SCC) General Plan
- 8b. The South County Joint Area Plan
9. SCC Zoning Regulations (Ordinance)
10. County Grading Ordinance
11. SCC Guidelines for Architecture and Site Approval
12. SCC Development Guidelines for Design Review
13. County Standards and Policies Manual (Vol. I - Land Development)
14. Table 18-1-B of the Uniform Building Code [1994 version]
15. Land Use Database
16. Santa Clara County Heritage Resource (Including Trees) Inventory [computer database]
17. GIS Database
 - a. SCC General Plan Land Use, and Zoning
 - b. Natural Habitat Areas & Riparian Plants
 - c. Relative Seismic Stability
 - d. Archaeological Resources
 - e. Water Resources & Water Problems
 - f. Viewshed and Scenic Roads
 - g. Fire Hazard
 - h. Parks, Public Open Space, and Trails
 - i. Heritage Resources
 - j. Slope Constraint
 - k. Serpentine soils
 - l. State of California, Alquist-Priolo Earthquake Fault Zones, and County landslide & fault zones
 - m. Water Problem/Resource
 - n. USGS Topo Quad, and Liquefaction
 - o. Dept. of Fish & Game, Natural Diversity Data
 - p. FEMA Flood Zones
18. Base Map Overlays & Textual Reports (GIS)
 - a. Paper Maps
 - a. SCC Zoning
 - b. Barclay's Santa Clara County Localde Street Atlas
 - c. Color Air Photos (MPSI)
 - d. Santa Clara Valley Water District - Maps of Flood Control Facilities & Limits of 1% Flooding
 - e. Soils Overlay Air Photos
 - f. "Future Width Line" map set
19. CEQA Guidelines [Current Edition]

Area Specific: San Martin, Stanford, and Other Areas

San Martin

 - 20a. San Martin Integrated Design Guidelines
 - 20b. San Martin Water Quality Study
 - 20c. Memorandum of Understanding (MOU) between Santa Clara County & Santa Clara Valley Water District

Stanford

 - 21a. Stanford University General Use Permit (GUP), Community Plan (CP), Mitigation and Monitoring Reporting Program (MMRP) and Environmental Impact Report (EIR)
 - 21b. Stanford Protocol and Land Use Policy Agreement

Other Areas

 - 22a. ALUC Land Use Plan for Areas Surrounding Airports [1992 version]
 - 22b. Los Gatos Hillside Specific Area Plan
 - 22c. County Lexington Basin Ordinance Relating to Sewage Disposal

Soils

 23. USDA, SCS, "Soils of Santa Clara County"
 24. USDA, SCS, "Soil Survey of Eastern Santa Clara County"

Agricultural Resources/Open Space

 25. Right to Farm Ordinance
 26. State Dept. of Conservation, "CA Agricultural Land Evaluation and Site Assessment Model"
 27. Open Space Preservation, Report of the Preservation 2020 Task Force, April 1987 [Chapter IV]

Air Quality

 28. BAAQMD Clean Air Plan (1997)
 29. BAAQMD Annual Summary of Contaminant Excesses & BAAQMD, "Air Quality & Urban Development - Guidelines for Assessing Impacts of Projects & Plans" [1999]

Biological Resources/
Water Quality & Hydrological Resources/
Utilities & Service Systems"

 30. Site-Specific Biological Report
 31. Santa Clara County Tree Preservation Ordinance No. Ns-1203.107
 32. Clean Water Act, Section 404
 33. Riparian Inventory of Santa Clara County, Greenbelt Coalition, November 1988
 34. CA Regional Water Quality Control Board, Water Quality Control Plan, San Francisco Bay Region [1995]
 35. Santa Clara Valley Water District, Private Well Water Testing Program [12-98]
 36. SCC Nonpoint Source Pollution Control Program, Urban Runoff Management Plan [1997]
 37. County Environmental Health / Septic Tank Sewage Disposal System - Bulletin "A"
 38. County Environmental Health Department Tests and Reports

Adopted

Initial Study Source List*

39. Calphotos website:

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

Archaeological Resources

40. State Archaeological Clearinghouse, Sonoma State University

41. Site Specific Archaeological Reconnaissance Report

Geological Resources

42. Site Specific Geologic Report

43. State Department of Mines and Geology, Special Report #42

44. State Department of Mines and Geology, Special Report #146

Noise

45. County Noise Ordinance

Hazards & Hazardous Materials

46. Section 21151.4 of California Public Resources Code

47. State Department of Toxic Substances, Hazardous Waste and Substances Sites List

48. County Office of Emergency Services Emergency Response Plan [1994 version]

Transportation/Traffic

49. Transportation Research Board, "Highway Capacity Manual", Special Report 209, 1995.

50. SCC Congestion Management Agency, "2000 Monitoring and Conformance report"

51. Official County Road Book

52. County Off-Street Parking Standards

53. **Site-specific Traffic Impact Analysis Report**

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

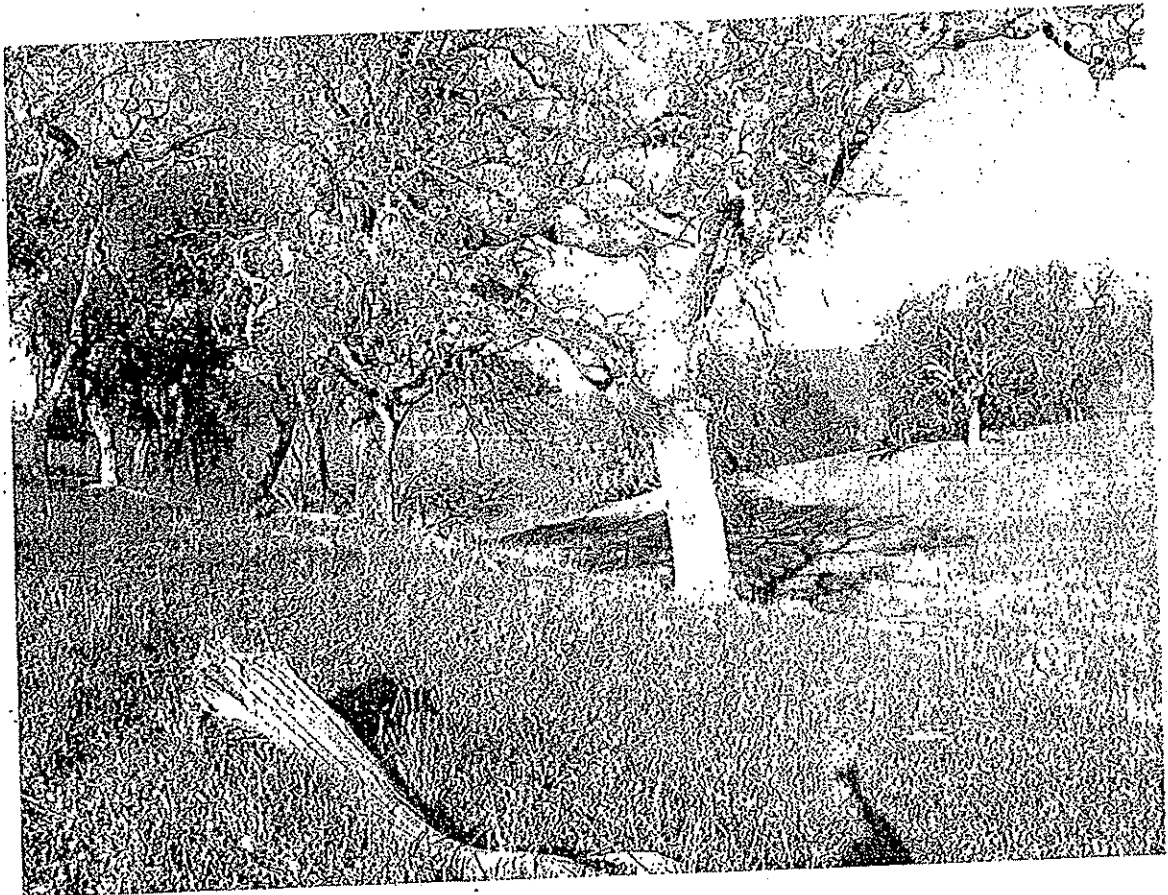
YARAK CLUSTER SUBDIVISION
Sensitive Amphibian Habitat Assessment

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PLANNING OFFICE

Prepared for:
County of Santa Clara

January 2009



Adopted

3515-08CST

YARAK CLUSTER SUBDIVISION

Sensitive Amphibian Habitat Assessment

Prepared for:
County of Santa Clara

January 2009

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Los Angeles

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TABLE OF CONTENTS

Yarak Cluster Subdivision - Sensitive Amphibian Habitat Assessment

	<u>Page</u>
0.0 EXECUTIVE SUMMARY	1
1.0 INTRODUCTION	3
Purpose of Survey	3
2.0 SITE ASSESSMENT	5
Survey Methods	5
Study Area Description	5
Local Site Description	5
CTS and CRLF Range and Sightings within 2 km and 5 km of the Site	6
Habitats on the Site and Within 1.25 Miles (2 km)	6
On-Site Study Zones	7
Methodology	7
High Quality Areas	12
Moderate Quality Areas	15
Low Quality Areas	21
Off-Site Habitat	22
3.0 REFERENCES	27
4.0 DOCUMENT PREPARATION	29
ATTACHMENT A	
Resume of Surveying Biologist	A-1

	<u>Page</u>
List of Tables	
Table 1: CNDDDB-Reported CRLF and CTS Occurrences within One Mile of the Site	7
Table 2: Description of Habitat Zones Sorted by Relative Habitat Ranking	11
List of Figures	
Figure 1: General Site Location	4
Figure 2: CTS and CRLF Distribution and Potential Breeding Sites within 2 km and 5 km	8
Figure 3: Yarak Site Habitat Distribution and Study Zone Locations	9
Figure 4: Representative Photos of Zone 1	13
Figure 5: Representative Photos of Zone 2	14
Figure 6: Representative Photos of Zone 7	16
Figure 7: Representative Photos of Zone 3	17
Figure 8: Representative Photos of Zone 6	18
Figure 9: Representative Photos of Zone 4	19
Figure 10: Representative Photos of Zone 5	20
Figure 11: Representative Photos of the Graded Central Portion of the Site and Developed Portion of the Site	22
Figure 12: Habitat South of the Site in Vineyard Development and in Preparation for Vineyards	23
Figure 13: Lands East of the Site Providing Potential CRLF/CTS Breeding and Lands that are Grazed but Are Otherwise Undeveloped	24
Figure 14: Potential CRLF/CTS Breeding Habitat About 1,000 Feet North of the Site and Upland Habitat Adjacent to the Yarak Site	25

SECTION 0.0

Executive Summary

For this report, a habitat analysis was performed on the 100-Yarak Cluster Subdivision Site to rank the relative ability of different portions of the site to provide habitat support elements for California red-legged frog and/or California tiger salamander. Based on local described breeding populations, both species were presumed present throughout the site for this analysis.

Factors used in weighting the relative value of study zones include: 1) the presence and magnitude of existing disturbances in the area; 2) the availability of potential breeding sites and proximity of the area to known or potential aquatic breeding sites; 3) the availability of escape cover such as downed wood or boulder fields; 4) the presence and degree of small mammal activity (i.e., burrow density); 5) the overall character of vegetation within an area and the density of exotic vegetation, and; 6) habitat type, with salamanders generally preferring grasslands and oak savannah habitat and red-legged frogs using grasslands and woodland. Generally, the habitat elements considered above also provide substantial benefit to other local wildlife species, thus, high ranking areas are generally considered to provide overall high wildlife values.

Based on the factors, the eastern portion of the Yarak site is considered to provide the highest quality habitat for sensitive amphibians. This area is contiguous with adjacent undeveloped habitat and has a stock pond impoundment (the only one on the Yarak site) that may provide potential California red-legged frog and California tiger salamander aquatic breeding habitat. Another potential breeding pond occurs about 100 feet east of the site with no barriers to amphibian movement between these areas. In contrast to much of the Yarak site which supports tall exotic weeds (mainly black mustard), grasslands on the eastern portion of the site are well grazed and are dominated by low-growing herbaceous vegetation that helps support a robust small mammal population. The area also supports a mosaic of non-native annual grasslands, native perennial grasslands, oak woodlands and (some) northern coastal scrub. Red-legged frogs may be expected to aestivate in oak woodlands in this area, where standing water is available year-round and temperatures are moderated by steep topography and tree cover.

The northern edge of the site is considered to provide the next best habitat on the site. While this area does not provide sensitive amphibian breeding, it is located proximally to three potential breeding ponds that occur within 0.5 miles of the northern site perimeter. This area also shows abundant small mammal activity and supports a mix of non-native and native grassland habitat with native wildflowers such as soap plant and blue dicks (and presumably other native wildflowers, were surveys timed appropriately to identify such species) that are uncommon on the larger site.

Other undeveloped portions of the site provide moderate (good but not excellent) habitat suitability for California red-legged frog and California tiger salamander. Several contributing factors are the relatively

smaller number of small mammal burrows and greater distance of these areas to aquatic breeding sites (compared to high quality areas). Also, aquatic breeding habitat is relatively limited to the west and south of the site, which weighed in the relatively lower habitat values given to south and west portions of the Yarak site.

The central portion of the site is relatively flat and generally does not support the small mammal densities observed in high quality areas. Thus, while these areas provide moderate quality terrestrial habitat for sensitive amphibians, their habitat value was ranked somewhat lower than areas with relatively greater small mammal activity. Thus, the central portion of the site, which includes moderately sloped grasslands immediately adjacent to the approved 10-acre development site, ranks relatively lower in habitat value compared with the northern and eastern areas. These areas are deemed potentially suitable for agricultural uses.

Two portions of the site are disturbed and provide limited benefit to sensitive amphibians, except perhaps as a seasonal movement corridor between aquatic breeding sites and summer habitat. Such areas include the horse corrals in the developed northern portion of the site and the central building site that has been graded and lacks aquatic features or terrestrial cover required by California red-legged frog and California tiger salamander.

SECTION 1.0

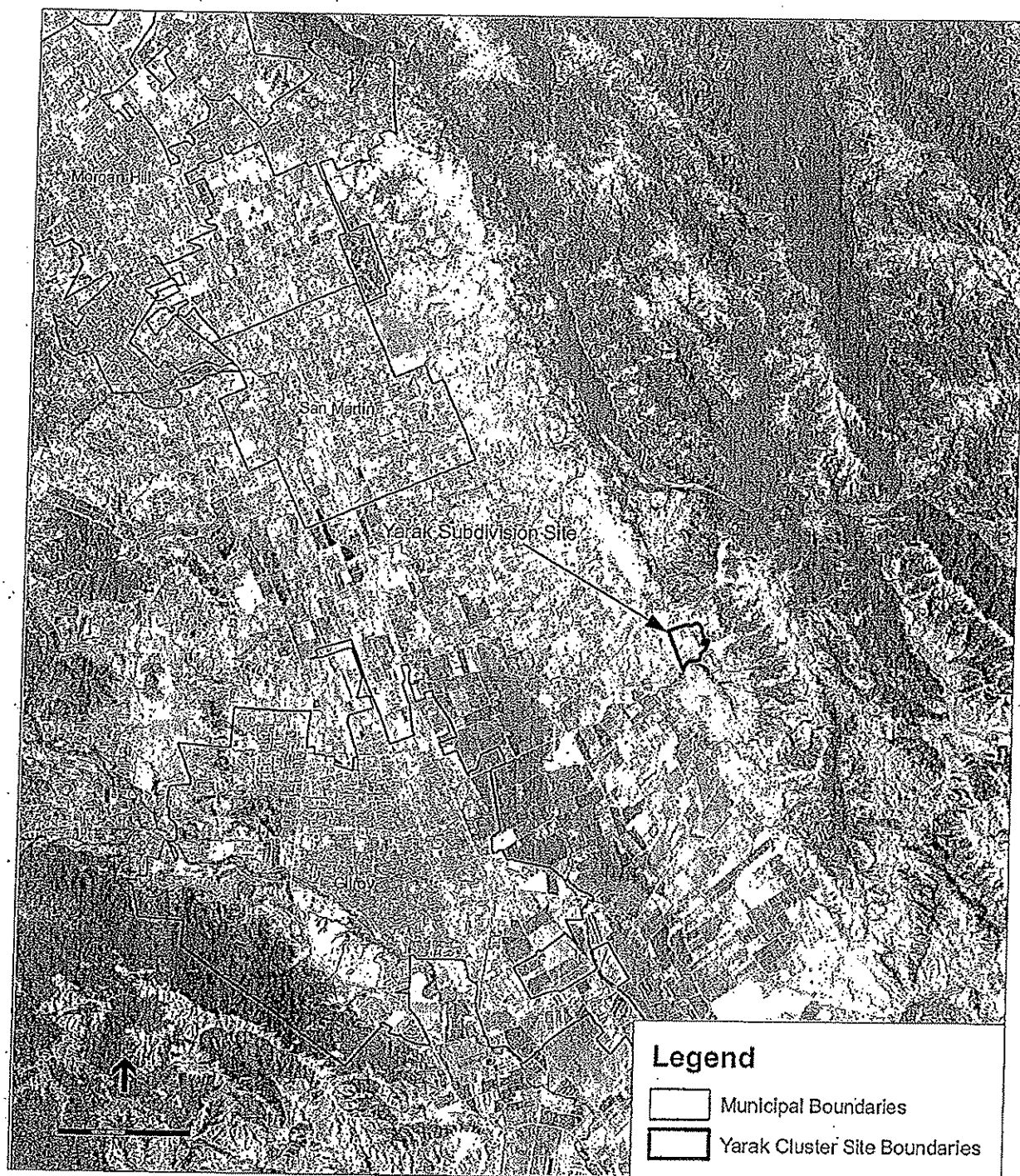
Introduction

Purpose of Survey

This document reports the results of a focused survey that was conducted on Yarak Cluster Development site (site or Yarak site) to identify portions of the site that provide the greatest relative habitat benefits for California red-legged frog (CRLF) (*Rana draytonii*) and California tiger salamander (CTS) (*Ambystoma californiense*). The site is located at 8655 Leavesley Road (APN: 898-34-002), east of the City of Gilroy in unincorporated Santa Clara County (County) (Figure 1).

The 100-acre site principally supports grazed non-native annual grasslands and oak woodlands, with a few remnant stands of native annual grasslands and northern coastal scrub. In 2006, the site was subdivided into four parcels and the County of Santa Clara approved the development of a low density 10-acre residential subdivision in the middle of the site. As of January 2009, the building envelope has been graded, but other than a small horse ranch in the northern portion of the site it remains undeveloped. Presently, the property owner has submitted a request to the County to modify the initial project conditions of approval to allow the development of agricultural facilities in portions of the site that are within a designated open space easement. As a result, the County requested that Environmental Science Associates (ESA) prepare this focused biological resources analysis to identify and map the highest quality habitat on the site, with particular attention to aquatic and upland habitat that may support CRLF and CTS. Thus, the purpose of this report is to inform later development on the site and promote the conservation of high quality habitat elements, particularly those that support sensitive amphibians.

The evaluation procedures used in this assessment were based on the U.S. Fish and Wildlife Service (USFWS) criteria for examining and assessing habitat value relative to the life history requirements of CRLF and CTS.



SOURCE: ESA; County of Santa Clara

Yarak Cluster Subdivision Sensitive Amphibian Habitat Assessment . 200456.02

Figure 1
General Site Location

SECTION 2.0

Site Assessment

Survey Methods

Environmental Science Associates' biologist Brian Pittman, CWB, a CRLF and CTS specialist, performed a reconnaissance-level survey of the 100-acre Yarak site and surrounding area on January 15 2009 between 0730 and 1330 hours (resume provided in Attachment A). Surveys were conducted under sunny, warm (~60 to 70 degrees F), and calm conditions that were considered optimal for the site assessment.

This assessment followed the CRLF and CTS habitat assessment survey and reporting guidelines issued in the USFWS (2003) *Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander* and the USFWS (2005) *Revised Guidance on Site Assessment and Field Surveys for California Red-legged Frogs*. This report describes aquatic habitat on the site and in the surrounding area relative to the habitat requirements of the CRLF and CTS within 1.25 mile (2 km) of the site, and also ranks upland portions of the site relative to the habitat requirements of these species. Aquatic larval dipnet surveys were not conducted in support of this assessment; however, aquatic sites were thoroughly assessed using binoculars (Eagle Optics Ranger series, 10 x 42 magnification).

Study Area Description

Local Area Description

The Yarak Cluster Subdivision site is located in unincorporated Santa Clara County, California, on the USGS Gilroy 7.5-minute topographic quadrangle. This site is in the Llagas Creek watershed, approximately three miles east of the City of Gilroy (Figure 1). Located at 8655 Leavesley Road in a predominantly rural area, the east and south boundaries of the site are defined by Leavesley Road. Elevations on the site range from around 400 feet above sea level at the southwestern tip of the site to greater than 680 feet in the northeast portion of the site.

Grazed and ungrazed non-native annual grasslands mixed with oak woodland occur to the west and north of the site. The adjacent parcels to the west and north are generally rural, though three residences occur (two still under construction) immediately west and north of the site. The property north of the site supports annual grasslands and irrigated pasture, beyond which are dense oak woodlands.

Lands immediately to the south provide a combination of oak woodlands and annual grasslands on relatively steep terrain, and vineyards on the more level and moderate slopes.

The area east of the Yarak site, within about 1,000 feet of the site, supports annual grasslands and oak woodland habitat that is characteristic of the local area. This area has a moderate slope and at least two stock ponds in this area provide potential CRLF and CTS breeding sites. Beyond about 1,000 feet, the terrain rises abruptly and the steep topography no longer supports aquatic breeding habitat for these species.

CTS and CRLF Range and Sightings within 2 km (1.25 mile) and 5 km (3.1 miles) of the Site

The Yarak Cluster Subdivision site is located within the active range of the CRLF and CTS. There are five reported observations of these species within 5 km of the site, which presented in Table 1 and mapped in Figure 2.

The CNDDB reports two extant CTS breeding sites within 5 km of the Yarak site, the closest of which is 0.97 mile north of the site (CNDDB Occ. #717) and the next nearest is 2.6 miles north of the site (CNDDB Occ. #723) (CDFG, 2009). Based on the steep local topography it is unlikely that CTS would normally move between these ponds and the Yarak site; however, as discussed in the following section, there are numerous potential CTS breeding ponds within 1 mile of the site.

There are no reported CRLF occurrences within 2 km (1.25 mile) of the site and three extant populations described within 5 km (3.1 miles) (CDFG, 2009). The nearest occurrence to the site is a large breeding population located 2.3 miles to the north (CNDDB Occ. #466), north of Gilroy Hot Springs Road. Habitat at this site consists of stockponds surrounded by oak woodland and oak savannah. A second CRLF breeding population is described 2.3 miles north of the Yarak site, in a stream channel with a boulder/cobble substrate within mixed woodlands dominated by coast live oak and California bay woodland (CNDDB Occ. #747). Another CRLF location is described 2.7 miles north of the Yarak site, in a stock pond within an area of mixed oak woodland and annual grasslands (CNDDB Occ. #590) (CDFG, 2009). As described for CTS, based on the steep local topography it is unlikely that individuals from these populations would normally reach the Yarak site; however, there are numerous potential CRLF breeding ponds within 1 mile of the site.

Habitats on the Project Site and Within 1.25 Miles (2 km)

The project site and areas within 1.25 miles are dominated by grazed non-native annual grasslands and oak woodlands dominated by coast live oak (*Quercus agrifolia*) and valley oak (*Q. lobata*), with a relatively limited number of scattered rural residences and agricultural uses including irrigated pasturelands and vineyards.

One stock pond impoundment on the site may serve as a potential breeding site for CRLF and/or CTS, and no fewer than 13 small stock ponds occur within one mile of the site may provide potential breeding sites for CRLF or CTS (Figure 2).

TABLE 1
CNDDDB-REPORTED CRLF AND CTS OCCURRENCES WITHIN ONE MILE OF THE SITE

CNDDDB Occ. No.	Distance from Site	Site Description	UTM Coordinates (NAD 83)
CTS #717	0.97 mile	A 2002 identification of a CTS breeding site located 0.97 mile north of the Yarak site. Surrounding habitat consists of grazed grasslands with a few oaks.	Zone 10S 4103209N, 631581E
Occurrences Located Greater than 1.0 Mile from the Study Areas			
CRLF #466	2.3 miles	This large population identified in 2000 is 2.3 miles north of the Yarak site, north of Gilroy Hot Springs Road. Habitat consists of stockponds surrounded by oak woodland and oak savannah.	Zone 10S 4106059N, 634804E
CRLF #747	2.3 miles	This site, located 2.3 miles north of the Yarak site, consists of a stream channel with a boulder/cobble substrate within mixed woodlands dominated by coast live oak and California bay woodland.	Zone 10S 4104982N 634057E
CTS #723	2.6 miles	A 2002 report of a CTS breeding site located 2.6 miles north of the Yarak site. The site is located at June Lake in the Palassou Ridge Natural Area, 0.6 mile east of Coyote Lake. Habitat consists of a stock pond surrounded by oak woodland and non-native grassland.	Zone 10S 4105346N, 631830E
CRLF #590	2.7 miles	Located 2.7 miles north of the Yarak site, this site consists of an unvegetated stock pond surrounded by oak woodland and non-native grassland. Numerous breeding adults were observed between 2002 and 2005.	Zone 10S 4105944N 633631E

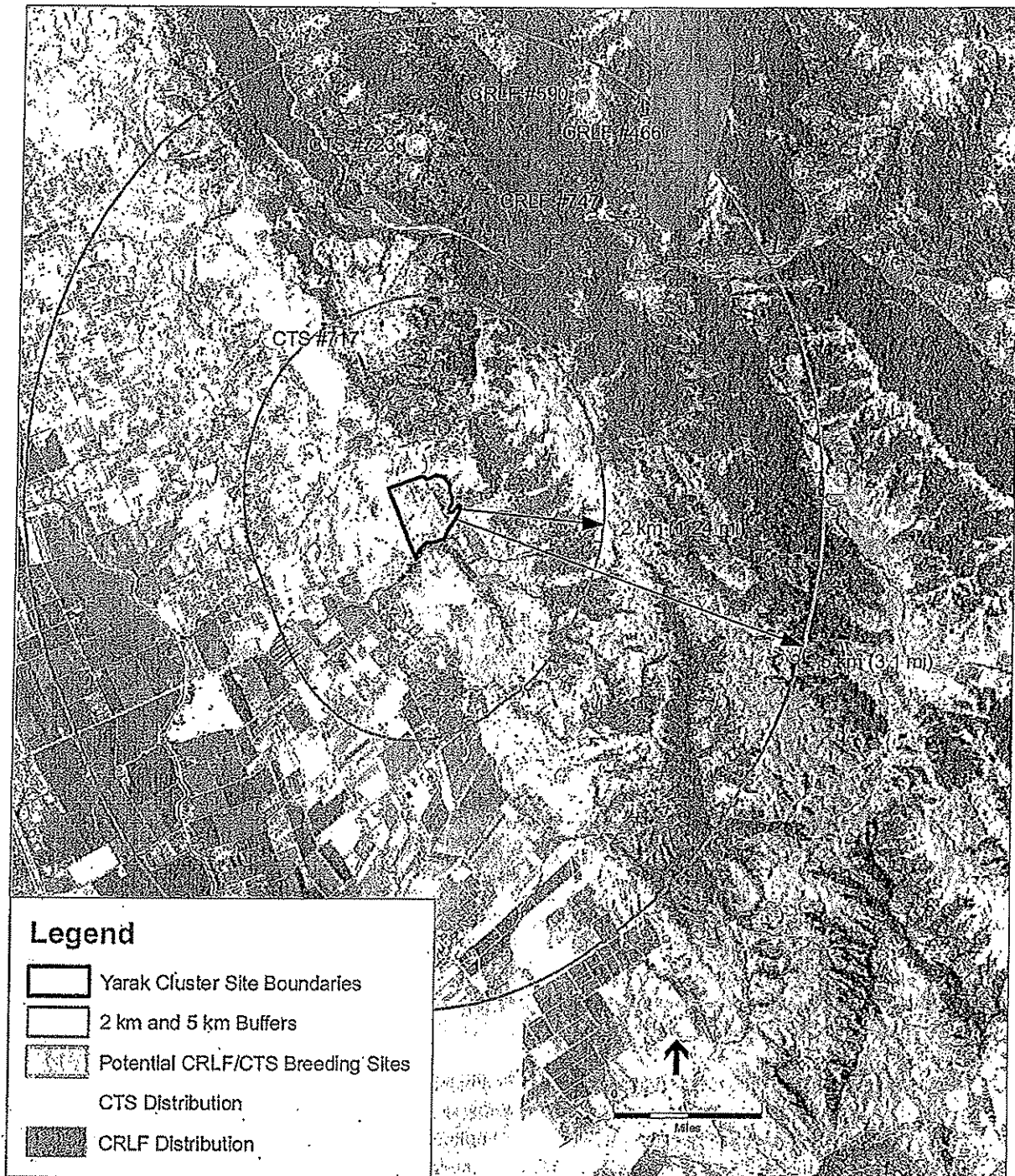
Source: CDFG, 2009

On-site Study Zones

Methodology

As previously identified, the site was divided into seven study zones, not including developed portions of the site or the approved 10-acre residential building site. These zones were delineated based on habitat quality and availability, and natural breaks in topography, and are depicted in Figure 3 and described in Table 2. The following discussion ranks the habitat within each of zone relative to the habitat requirements of CRLF and CTS.

Generally speaking, the entire Yarak site is suitable and presumably accessible to CRLF and CTS; however, portions of the site are located closer to known or suspected breeding sites, and support habitat complexity and small mammal activity not seen throughout the site. In the terminology of this report, these areas are identified as "High Quality" habitat. "Moderate Quality" areas include those areas that are accessible to CRLF and CTS, but have relatively low habitat value because they are relatively distant from breeding sites, lack topographic or vegetation habitat diversity relative to high quality portions of the Yarak site, or provide relatively few small mammal burrows. The category of "Low Quality" habitat was reserved for areas that are developed or have been graded (i.e., the approved 10-acre building site).



Yarak Cluster Subdivision Sensitive Amphibian Habitat Assessment, 206456.02
 SOURCE: ESA; CNDDb, 2009
Figure 2
 CTS and CRLF Distribution and Potential Breeding Sites within 2 km (1.24 miles) and 5 km (3.1 miles)

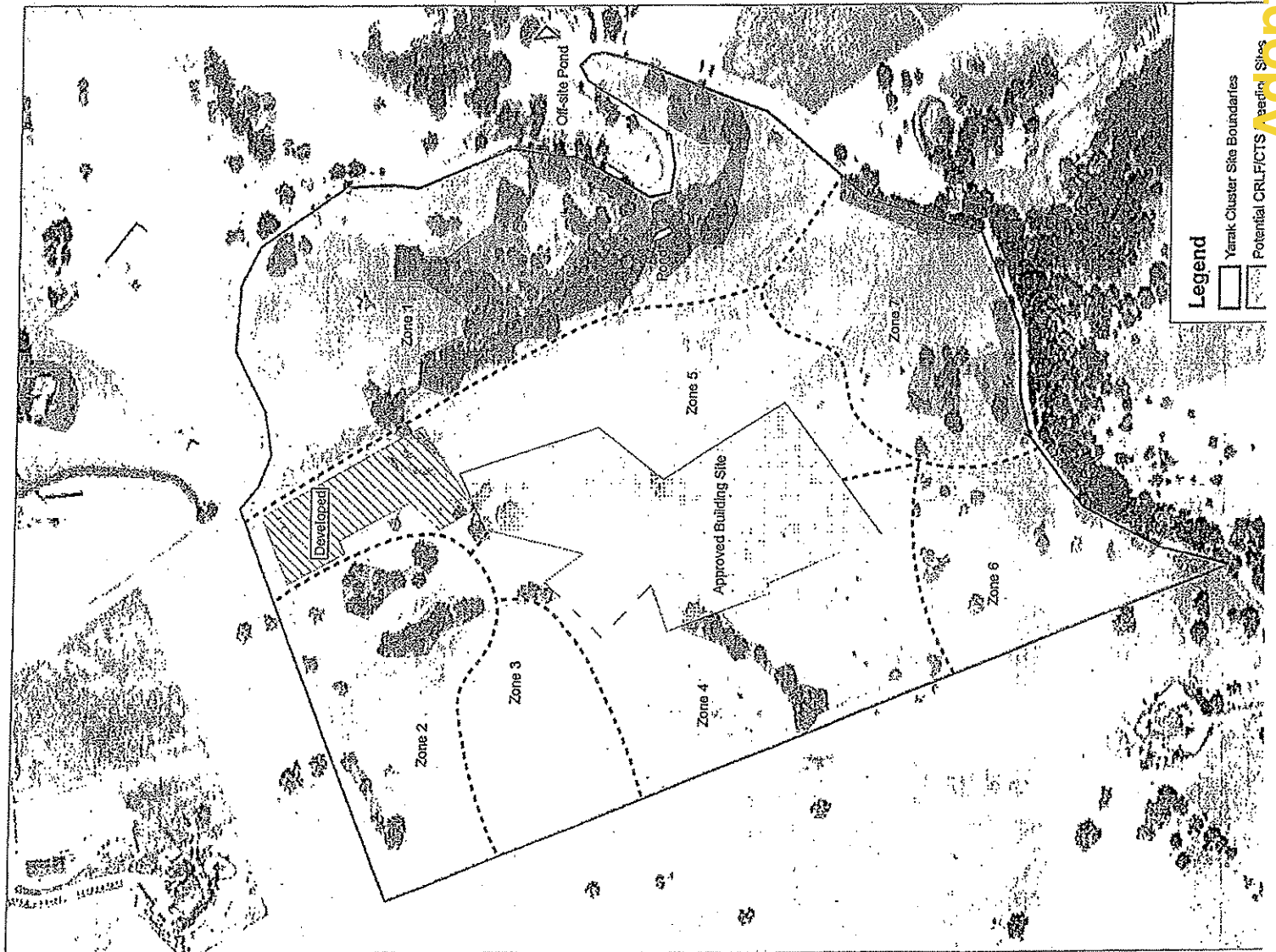


TABLE 2
DESCRIPTION OF HABITAT ZONES SORTED BY RELATIVE HABITAT RANKING

Zone #	Relative Habitat Value Rank 1-8*	Relative CRLF/CTS Habitat Quality	Description
1	1	High	Zone 1 provides the highest overall habitat quality and overall availability of habitat features that could support CRLF or CTS. Aquatic breeding habitat is available in this area and immediately off-site and the area has extensive small mammal activity.
2	2	High	This area is located closest to potential aquatic breeding sites located north of the Yarak site. The boulder fields in this area show extensive small mammal (mainly pocket gopher and mouse) activity and provide extensive refugia opportunities for sensitive amphibians.
7	3	Moderate/High	This area is located near aquatic breeding sites in Zone 1 and east of the site, and provides good overall habitat complexity. Boulder fields in this area show moderate small mammal activity and provide extensive refugia opportunities for sensitive amphibians. Proximity to the nearby riparian corridor was a consideration in elevating the relative rank of this area.
5	4	Moderate	Like Zone 4, this area is relatively flat and overgrown by introduced herbaceous vegetation. CRLF and CTS use of this area would be expected during normal movement activities, but small mammal burrows and other cover are generally lacking (relative to Zone 1). Zone 5 ranks relatively higher in quality than Zone 4 because this area is closer to potential CRLF/CTS aquatic breeding sites.
4	5	Moderate	This area is relatively flat and overgrown by introduced herbaceous vegetation. CRLF and CTS use of this area would be expected during normal movement activities, but small mammal burrows and other cover are generally lacking (relative to Zone 1).
3	6	Moderate	The area is outwardly similar to Zone 2, but is on a steeper slope with relatively fewer refugia opportunities for CRLF and CTS. Also, small mammal activity was relatively lower in this area and it is somewhat removed from potential breeding sites.
6	7	Moderate	Zone 6 provides good overall habitat complexity (comparable to Zone 7), but it is relatively distant to potential CRLF and CTS breeding sites located in Zone 1 and east and north of the site. Small mammal activity is considered moderate.
Developed Area	8	Low	Located in the central northern portion of the site, this area provides no activation habitat, though is presumed to serve as a seasonal CRLF/CTS movement corridor.
Building Site	N/A	Low	Habitat value was not ranked in this area.
* Lower numbers equal higher relative habitat value for CRLF and CTS.			

While these areas do not provide cover or aestivation habitat, they may serve as CRLF and CTS movement corridors. There are no movement barriers to CRLF or CTS on the site, though the approved Yarak Cluster Subdivision will reduce the movement opportunities in the central portion of the site.

High Quality Areas

Zone 1 and Zone 2

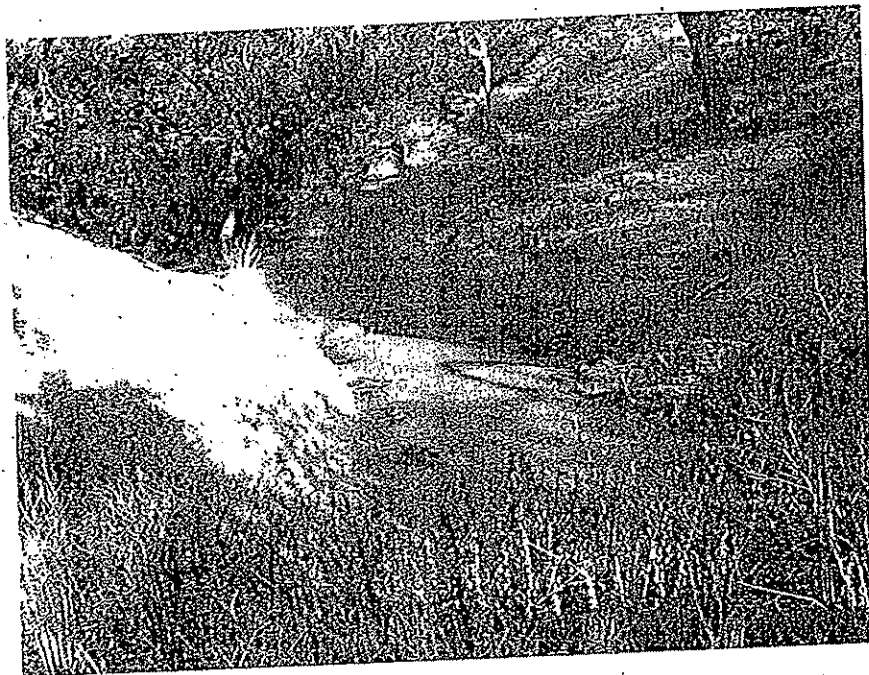
Zones 1 and 2 provide some of the highest quality habitat for CRLF and CTS on the Yarak site, with Zone 1 ranking as the best available habitat on the site. The topography in Zone 1 ranges from moderately sloped in the northern grassland portions to very steep in the deep, wooded ravine that traverses the area from north to south (see Figure 3). Though horses have unimpeded access to the entire Yarak property, they preferentially graze within Zone 1. This grazing has largely eliminated tall weeds from this area that are seen elsewhere on the property. Instead, grasslands are dominated by short (typically 4-inch tall, generally less than 10-inch tall) herbaceous vegetation dominated by cut-leafed geranium (*Geranium dissectum*), red-stem filaree (*Erodium cicutarium*), wild oats (*Avena* sp.) and well-grazed black mustard (*Brassica nigra*) (see Figure 4). Native grasses such as purple needlegrass (*Nassella pulchra*) and northern coastal scrub species such as California sage (*Artemisia californica*) dominate in limited portions of Zone 1 where topography limited horse grazing.

Wooded portions of Zone 1 support a combination of valley oak and coast live oak savannah and more dense oak woodlands that dominate both sides of the steep ravine that traverses the area. East of the ravine, woodlands within Zone 1 are relatively open with extensive downed wood and small mammal activity. These features provide excellent upland aestivation habitat for CRLF and CTS, and the area serves as a movement corridor between upland and aquatic sites in the local area.

Due to historic livestock grazing patterns on the site, with preferential horse grazing in Zone 1, this area appears to support the highest densities of California ground squirrel and Botta's pocket gopher on the Yarak site. The short grasslands in this area also benefit CTS by facilitating movement access across the site during winter months. By contrast, Zone 5 supports a thick stand of head-high black mustard year-round and consequently has relatively little small mammal activity.

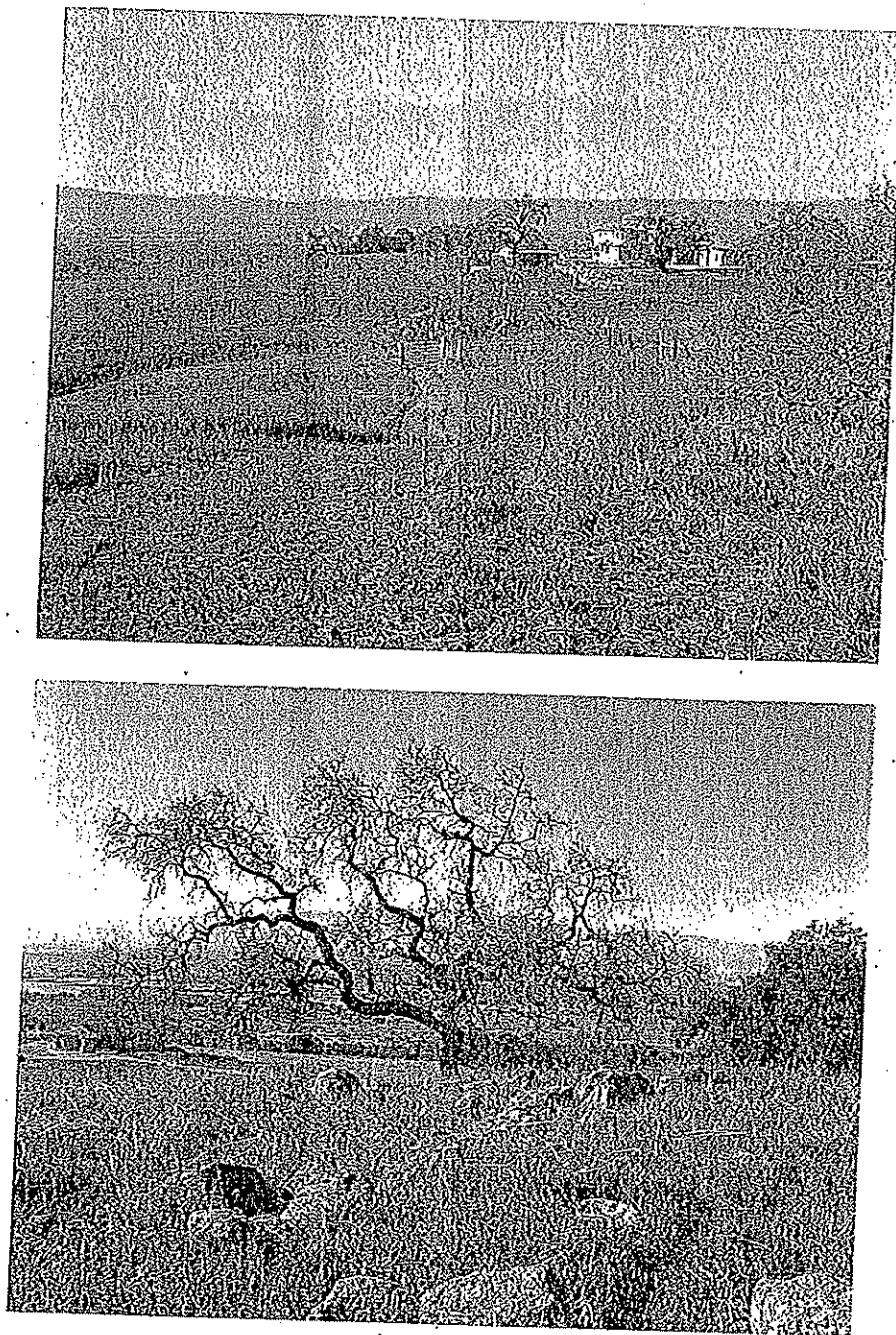
Zone 1 supports the only potential CRLF/CTS aquatic breeding feature on the Yarak site; a perennial impoundment that occurs in the large ravine that traverses the area (see Figure 3). The nearest potential off-site breeding feature, a high quality stock pond, is located on private land about 100 feet east of the Yarak site. These features each had greater than 1.0 foot of water when observed on January 15, 2009. The proximity of these and several other potential breeding sites to Zone 1 factor high into the relatively high habitat value of this area.

Zone 2 is characterized by native and non-native annual grasslands habitat. This area experiences much less grazing pressure than Zone 1 and consequently supports more standing residual dry matter (standing dead plant material). This area is important because it is located proximally to known and potential CRLF/CTS aquatic breeding habitat that occurs north of the Yarak site and it also supports a natural boulder formation that is undermined by an extensive network of pocket gopher and mouse burrows. These features provide excellent cover for CRLF and CTS (see Figure 5). This area also supports a mix



Source: ESA

Yarak Cluster Subdivision / 206456.02 *
Figure 4
Representative Photos of Zone 1



Source: ESA

Yarak Cluster Subdivision / 206456.02 ■

Figure 5
Representative Photos of Zone 2

of native grasses and wildflowers including soap plant (*Chlorogalum pomeridianum*) and blue dicks (*Dichelostemma capitatum*) that are uncommon on the larger Yarak site.

Moderate Quality Areas

Zones 3, 6, and 7

Zone 7 is a moderately rocky site on a steep slope that provides moderate to high quality habitat for CRLF and CTS (Figure 6). Of the three sites on steep slopes (Zones 3, 6, and 7), Zone 7 is located closest to the on-site pond and provides the greatest upland habitat quality for these species. This area also shows extensive variability in the type and availability of microhabitat features that may refugia sites for aestivating CRLF and CTS. This area shows moderate, though not extensive ground squirrel and small mammal activity. As a result, it is considered to provide relatively lower habitat benefits to CRLF and CTS compared with Zone 1 because it lacks aquatic breeding features and is situated relatively distant to known and potential aquatic breeding sites. However, the close proximity of Zone 7 to the riparian corridor that parallels Leavesley Road and potential breeding ponds in Zone 1 and further east are indicators of site quality that elevate this area relatively higher than Zones 3 and 6.

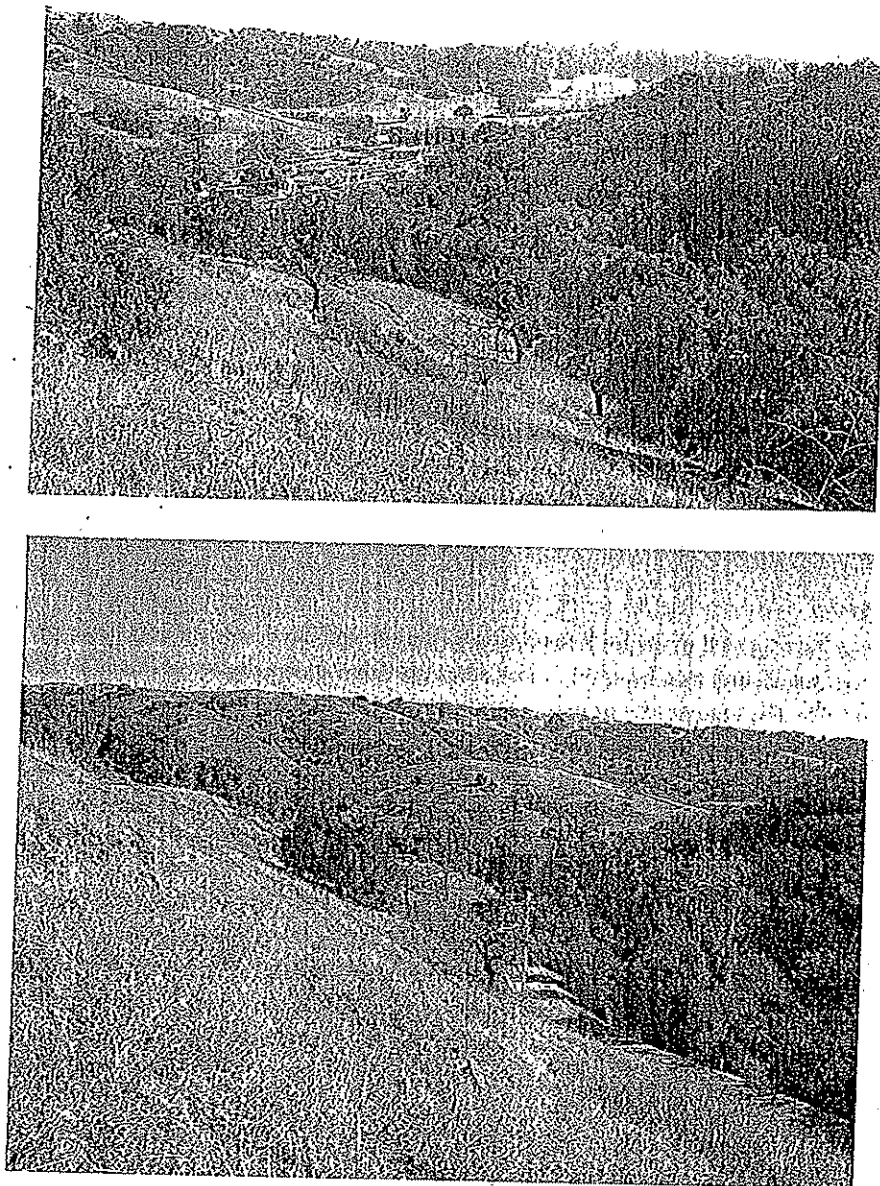
Zones 3 and 6 (Figure 7 and Figure 8, respectively) occur on moderate to steep slopes that support boulder fields and moderate small mammal activity (again, less than Zone 1). These sites do not support aquatic habitat, but provide upland characteristics such as downed wood, rocky escape cover and small mammal burrows that could support aestivating CRLF or CTS.

Zones 4 and 5

Zones 4 and 5 are located in the middle portion of the site and have been subject to historic disturbances. As a result of the disturbance footprint, these areas provide varying degrees of habitat suitability for CRLF and CTS. The topography of these areas is gently to moderately sloped in a westerly direction with low to moderate levels of small mammal activity. Small mammal populations are more pronounced in portions of Zone 4 and Zone 5 that support boulder fields, which occur in limited patches within and on the fringe of the approved 10-acre building site. Overall, vegetation in these areas is characterized by tall standing dry matter, mostly remnant growth of black mustard (see Figure 9 and Figure 10).

A single drainage traverses Zone 4 from north to south and continues off-site in a southwesterly direction (see Figure 3 and Figure 9). This feature is moderately sloped and conveys water for just a brief period of year with no standing water. As evidence of its short hydroperiod, vegetation within the drainage was largely indistinct from surrounding grasslands. Other than as an occasional migratory pathway, CRLF and CTS use is not expected in this drainage. No other aquatic features or drainage features occur within Zones 4 and 5.

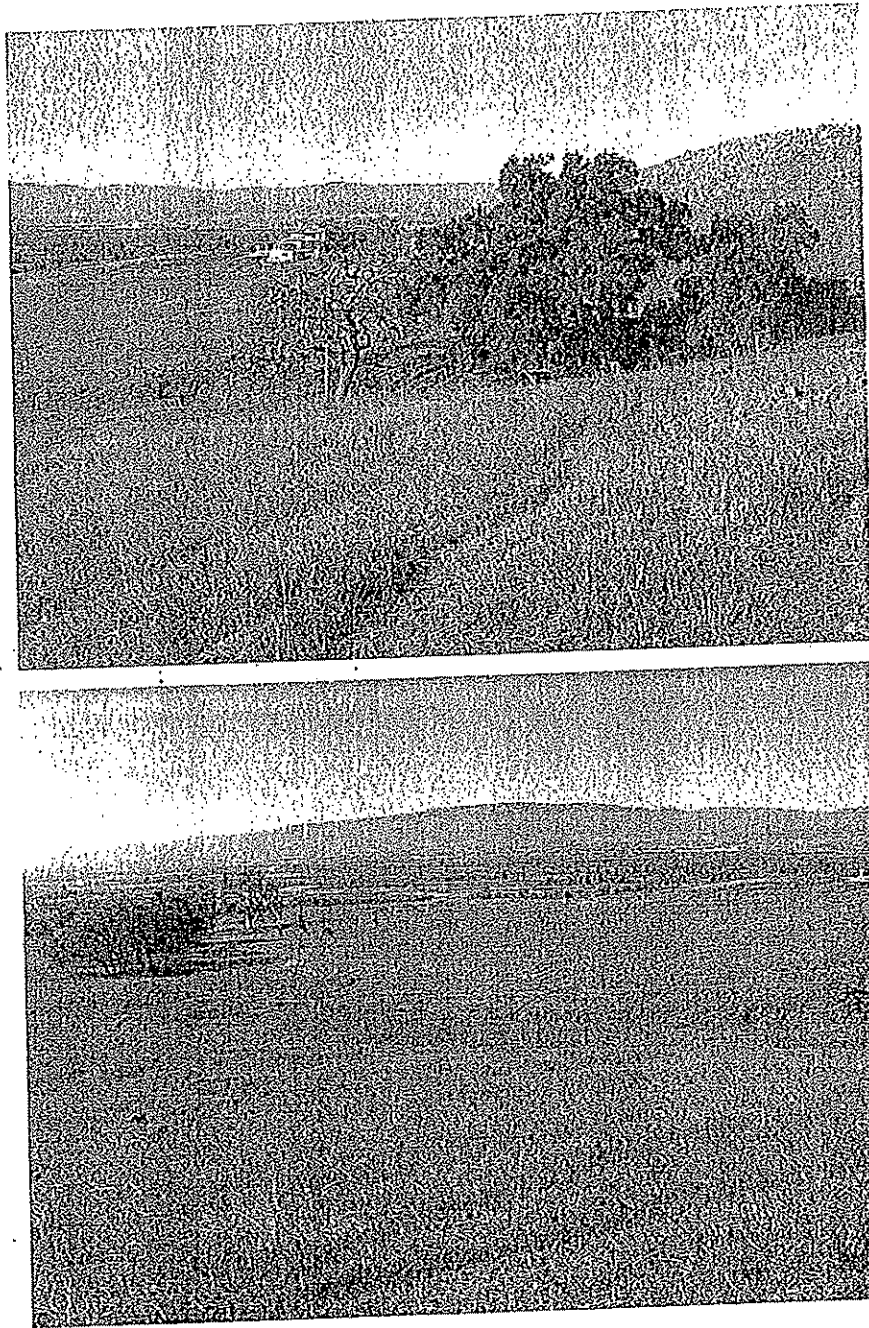
While Zones 4 and 5 provide moderate quality CRLF and CTS aestivation habitat and may serve as movement corridors for these species, these areas are generally disturbed and show relatively lower densities of small mammals compared with high quality portions of the Yarak site (e.g., Zone 1 and Zone 2). These areas are also somewhat removed from potential CRLF and CTS breeding sites that occur north and east of the site. Given these considerations, these sites are considered to provide moderately quality habitat, but are ranked relatively lower than Zones 1, 2 and 7.



Source: ESA

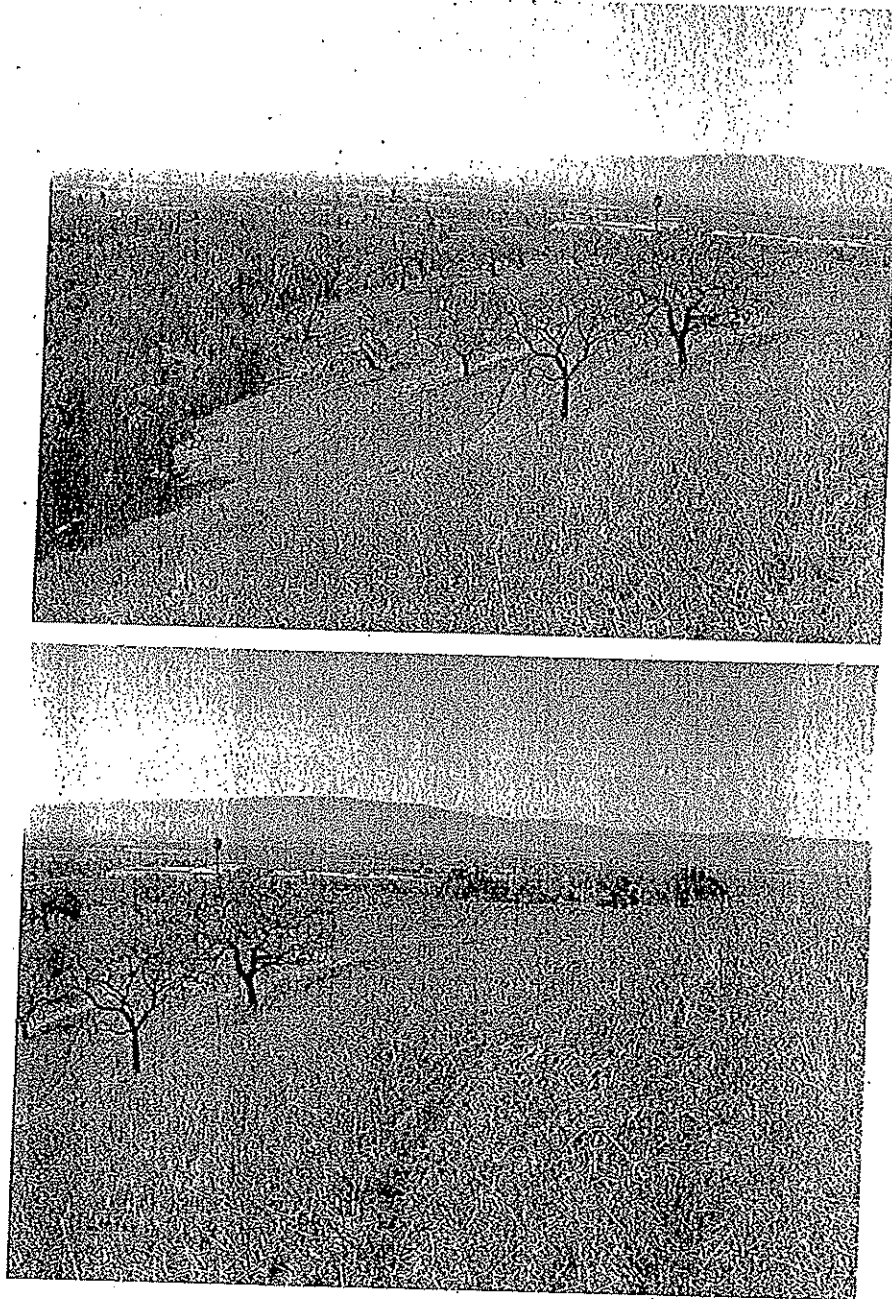
Yarak Cluster Subdivision / 206456.02 ■

Figure 6.
Representative Photos of Zone 7



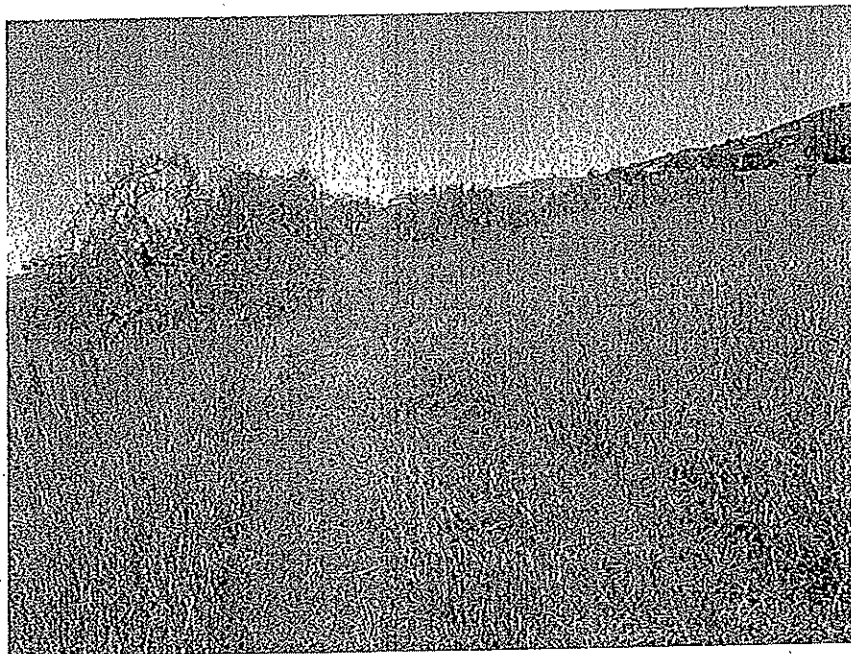
Source: ESA

Yarak Cluster Subdivision / 206456.02 ■
Figure 7
Representative Photo of Zone 3 (Background of Both Photos)



Source: ESA

Yarak Cluster Subdivision / 205456.02 ■
Figure 8
Representative Photos of Zone 6



Source: ESA

Yarak Cluster Subdivision / 206456.02 *

Figure 9
Representative Photos of Zone 4 – Drainage that Traverses Area (top photo)



Source: ESA

Yarak Cluster Subdivision / 206456.02 ■
Figure 10
Representative Photos of Zone 5

Low Quality Areas

The central northern portion of the site is maintained as an active horse ranch complete with stables, corrals, equipment storage and staging areas. The majority of this area is bare ground or supports short, grazed annual grasslands with few to no habitat features that support CRLF or CTS. Small mammal burrows were largely absent from this area, but were present on the fringes that transitioned into annual grasslands habitat. Representative photos of this area are provided in Figure 11.

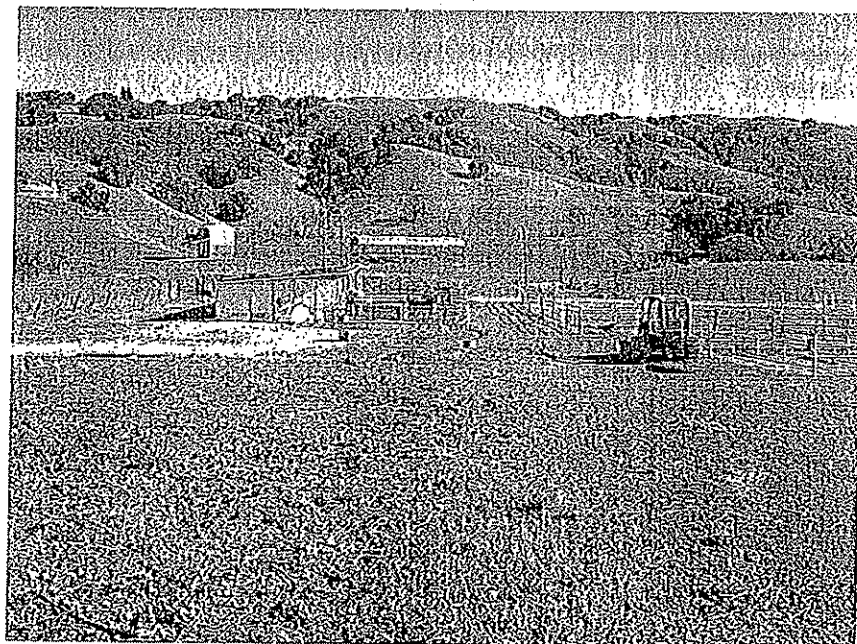
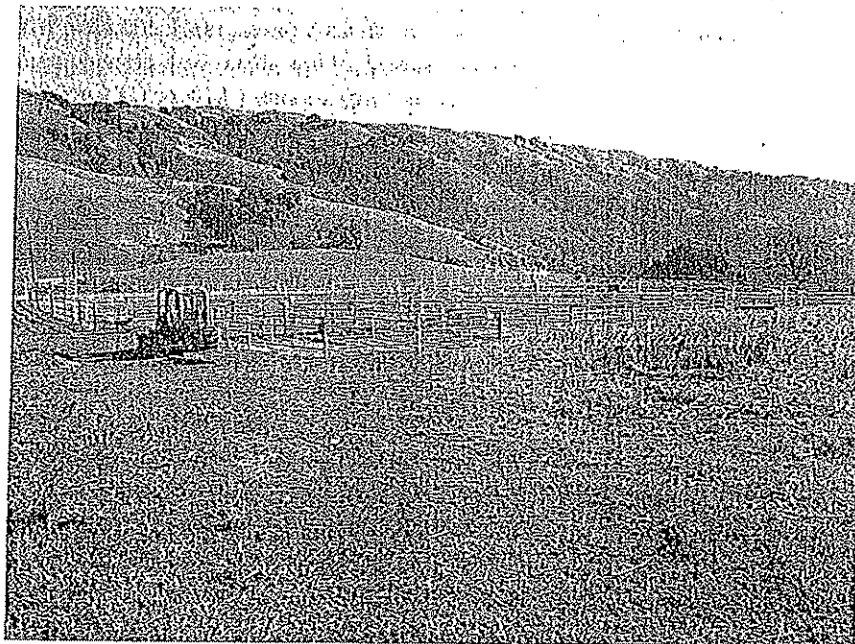
Off-Site Habitat

Three off-site aquatic features were identified within 0.5 mile of the site and principally occur east (2 features) and north (1 feature) of the Yarak site. The local distribution of potential aquatic breeding sites within 2 km of the site, which includes 13 potential aquatic breeding features, is shown in Figure 2.

Areas south of the site include mixed oak woodland and a densely wooded riparian corridor (Figure 12). As depicted in Figure 12, grasslands and other non-wooded habitats are either in production as vineyards or are in the process of being developed for vineyards. The agricultural lands are considered to provide low quality habitat for CRLF and CTS, with moderate habitat conditions in woodland areas (principally for CRLF). An agricultural pond associated with the vineyard is actively maintained and has fountain-type circulation system that does not support habitat for sensitive amphibians.

Areas east of the Yarak site (Figure 13) provide habitat that is largely comparable to high quality areas in Zone 1. These areas support grazed annual grasslands and oak woodland on moderate to steep slopes. Two perennial stock ponds occur within 1,000 feet of the site and appear to provide potential CRLF and CTS breeding habitat.

Land uses are mixed to the north of the Yarak site and include rural residential development, irrigated pasture, grazed annual grasslands, and undisturbed oak woodlands. No fewer than three potential CRLF/CTS aquatic breeding sites occur in stock ponds located within 0.5 miles of the northern site boundary (see Figure 2). The nearest of these features is just over 1,000 feet from the site and supports moderate cattail (*Typha* sp) growth (Figure 14). Sensitive wildlife species associated with the three aquatic features are expected to occasionally use the Yarak site.

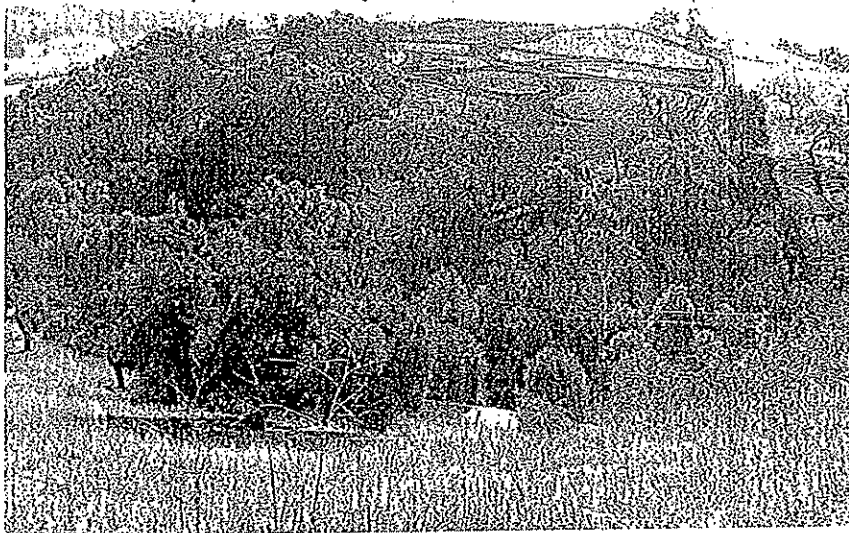
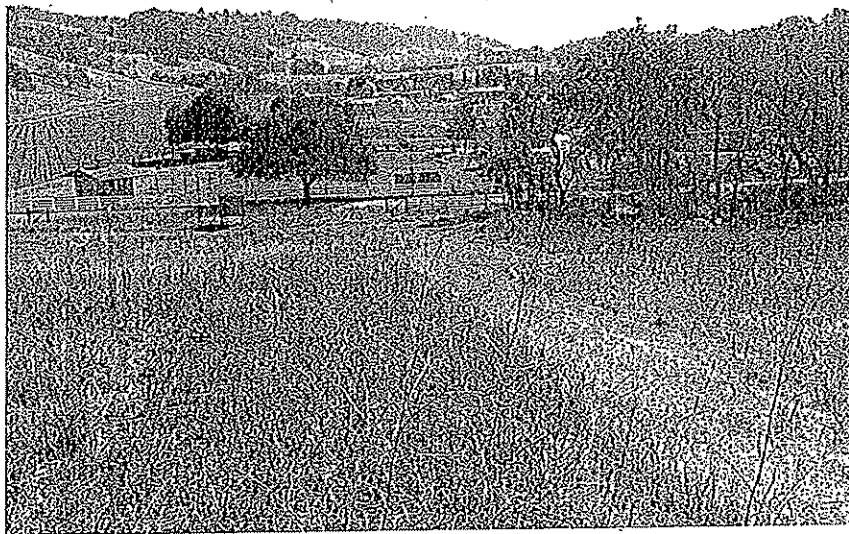


Source: ESA

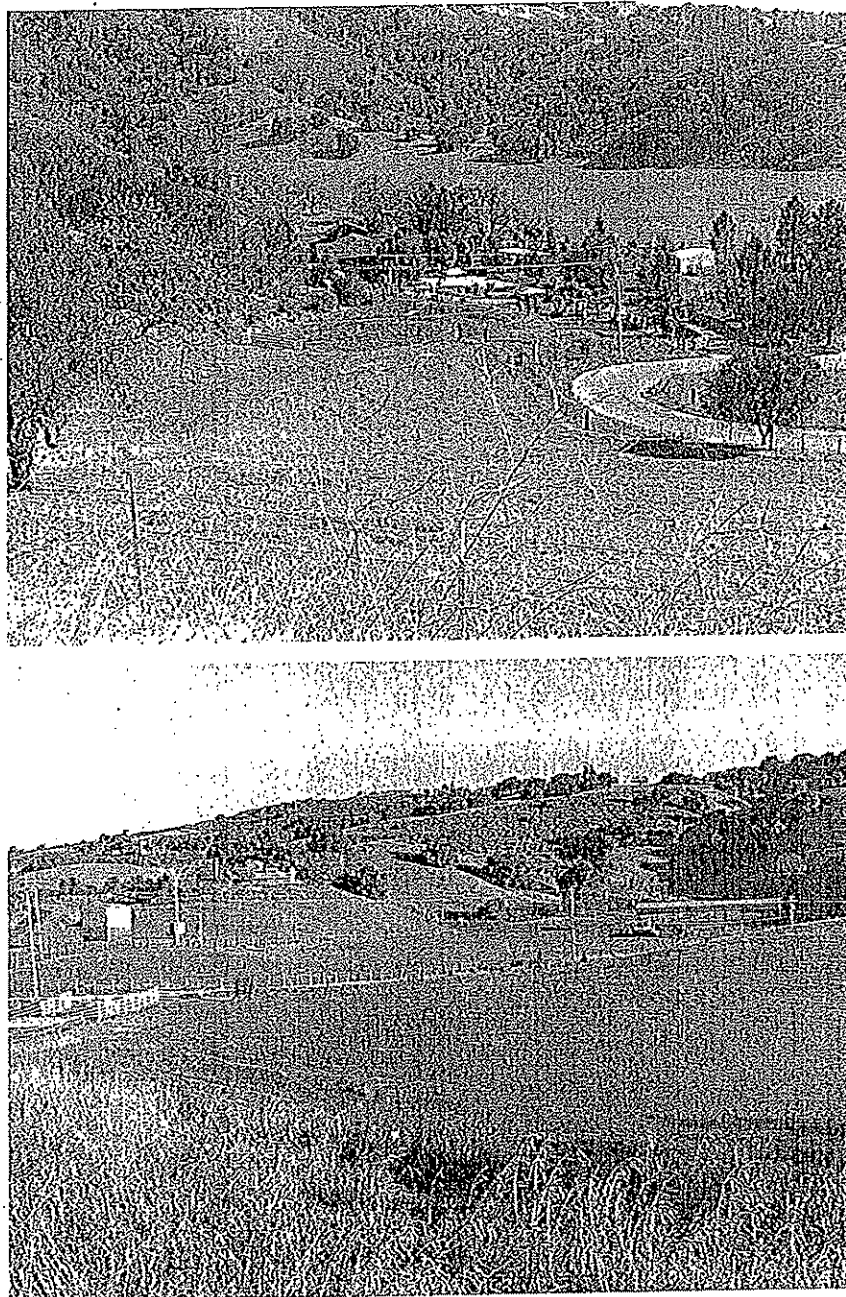
Yarak Cluster Subdivision / 202456.02 ■

Figure 11

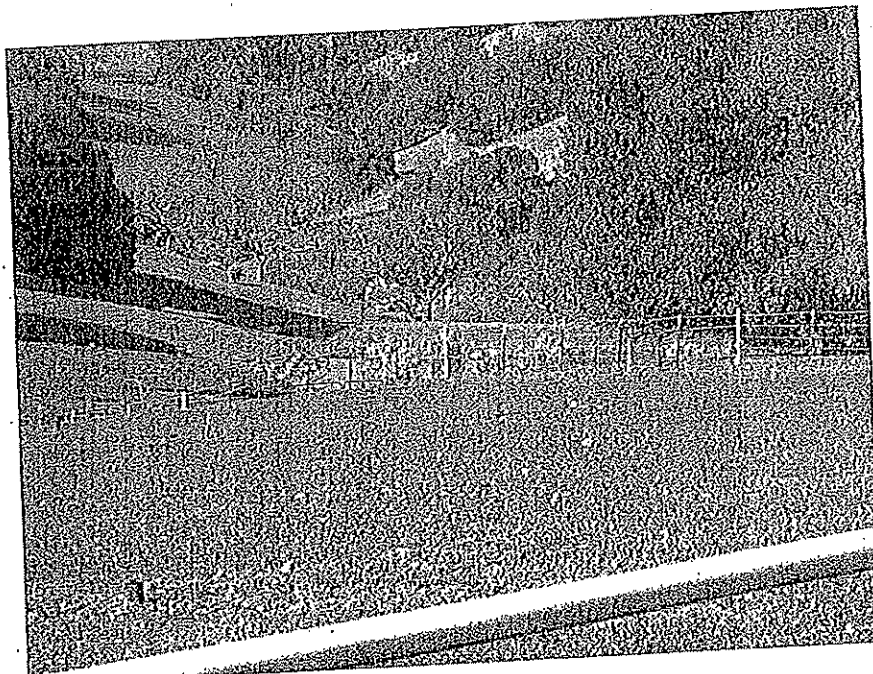
Representative Photos of the Graded Central Portion of the Site and Developed Portion of the Site



Source: ESA Yarak Cluster Subdivision / 206456.02 ■
Figure 12
Habitat South of the Site in Vineyard Development (Top) and in Preparation for Vineyards (Bottom)



Source: ESA
 Lands East of the Site Providing Potential CRLF/CTS Breeding (Top) and Are Grazed but Are Otherwise Undeveloped (Bottom)



Source: ESA
 Yarak Cluster Subdivision / 206456.02 ■
Figure 14
 Potential CRLF/CTS Breeding Habitat about 1,000 Feet North of the Site (Top) and Upland Habitat
 Adjacent to the Yarak Site (Bottom)

SECTION 3.0

References

California Department of Fish and Game (CDFG). 2009 California Natural Diversity Database (CNDDB). Biogeographic Data Branch, Sacramento, CA, January 2009.

U.S. Fish and Wildlife Service (USFWS). 1997. Federal Listing for the California Red-legged Frog as Threatened. Federal Register Volume 61, Number 101. May 27.

_____. 2003. Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander. Sacramento, CA, October 2003.

_____. 2005. Revised Guidance on Site Assessment and Field Surveys for California Red-legged Frogs. Sacramento, California, August, 2005.

Adopted

SECTION 4.0

Document Preparation

This document was prepared by:

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Resume provided in Attachment A

Adopted

ATTACHMENT A

Resume of Surveying Biologist

BRIAN PITTMAN, CWB

Technical Associate II

Environmental Science Associates' biologist, Brian Pittman has a focused background in vertebrate biology, wetland restoration, and environmental law. He has over ten years experience in wildlife habitat management and statewide endangered species permitting. Mr. Pittman is an experienced terrestrial vertebrate ecologist and has directed and performed protocol-level surveys for California red-legged frogs at field sites throughout California. He has extensive restoration planning experience specific to the California red-legged frog and holds a federal Recovery Permit for this species.

Education

M.S., Environmental Studies,
San Jose State University.

B.A., Biology, University of
California, Santa Cruz

Certifications / Registrations

Certified Wildlife Biologist -
The Wildlife Society, 2004

California Scientific Collecting
Permit #801090-01

Federal Recovery Permit
#TE-027422-3 (California red-
legged frog, California tiger
salamander, large
branchiopods)

Specialized Training

Wetland Delineation Training
Course, U.S. Army Corps of
Engineers

Specific Amphibian Experience

The Wildlife Society, San Francisco Bay Area Chapter, 2002
California Tiger Salamander Identification, Handling, and
Management Workshop

The Wildlife Society, San Francisco Bay Area Chapter, 1998 & 2000
California Red-legged Frog Identification, Handling and Management
Workshops

*Training received specific to the California tiger salamander and
California red-legged frog:*

The Wildlife Society 2002 California Tiger Salamander
Identification, Natural History, and Relocation Workshop, Santa
Rosa, California. Instructed by Dave Cook, featuring Gary Fellers,
Gretchen Padgett-Flohr, and others. An 8-hour workshop that
described the life history of the California tiger salamander, its status
and distribution in the Santa Rosa Vernal Pool Plain, and survey
methods. As a component of the workshop participants were able to
dipnet for salamanders at Southwest Park, examine drift fences and
pitfall traps, and utilize fiber optic survey methods.

The Wildlife Society 2000 California Red-legged Frog Workshop, Stockton, California.
Instructed by Norman Scott, U.S. Geologic Survey and Jae Abel, Santa Clara Municipal Water
District. An 8-a.m. to 10-p.m. workshop that covered the natural history of red-legged frogs, and
surveys and site assessments. Specific attention was given in the field to egg mass surveys,
tadpole surveys, and adult surveys, and handling adult frogs.

The Wildlife Society 1998 California Red-legged Frog Workshop, Point Reyes, California.
Instructed by Gary Fellers, Biological Resources Division, U.S. Geologic Survey, Point Reyes
National Seashore. An all-day workshop emphasizing identification of amphibian species in the
Bay Area region, habitat for red-legged frogs, life history, and identification of similar species in
all stages of development. Survey techniques for tadpoles and adults were demonstrated, and
participants were able to dipnet for adult and larval frogs in several stock ponds at Point Reyes.

Adopted

Relevant Experience (Continued)

- Mr. Pittman was principal author of the Santa Clara County survey protocol for California tiger salamander (CTS) at the Stanford Campus, San Mateo County. The Stanford population represents the only known California tiger salamander population on the San Francisco peninsula. The 2001 survey protocol, entitled "*Survey Methodology to Determine Occupied CTS Habitat for Areas Located in the Stanford CTS Management Zone*" was developed to identify occupied upland CTS habitat within development areas on Stanford University as designated in their interagency CTS Management Agreement.
- During 2001 and 2002, Mr. Pittman was the lead wildlife biologist examining conveyance options for the California Department of Water Resources in support of their South Bay Aqueduct improvement project in the Tri-Valley area. Field surveys for this project in winter 2002 involved an extensive California tiger-salamander relocation effort. As the lead permitted biologist, Mr. Pittman directed field crews and participated in the excavation of over 300 small mammal burrows and relocation of identified California tiger salamanders.
- During protocol-level large branchiopod surveys in support of the California Department of Water Resources South Bay Aqueduct project, Mr. Pittman has encountered over 1,000 larval California tiger salamanders during the course of aquatic dipnet surveys.
- From 2001 to 2004, Mr. Pittman was responsible for implementing the County's five-year California tiger salamander survey protocol on the Stanford Campus to establish tiger salamander presence or absence in select areas. With the federal listing the County protocol will be superseded by the federal protocol.
- Separate from the above Santa Clara County contract, Mr. Pittman was the lead biologist for the Carnegie Foundation project on the Stanford Campus, for which the primary issue was upland protection of California tiger salamander. As the primary biological lead and representative agent for Santa Clara County, he oversaw and directed the implementation of salamander protection measures. Mr. Pittman was a primary contributor to the tiger salamander conservation plan associated with this project.
- Mr. Pittman was the principal author and lead field investigator for the Mt. Diablo State Park Habitat Conservation Plan, for which California tiger salamander was a covered species.
- Mr. Pittman was lead biologist for the Henry Coe State Park Day Use Improvements Project, Santa Clara County, California. Acting in a lead capacity, Mr. Pittman performed field surveys and prepared the project Biological Assessment. Mr. Pittman designed and oversaw construction of California red-legged frog breeding pond.

Relevant Experience (Continued)

Additional Survey Experience within California Tiger Salamander Habitat Specific to the California Red-legged Frog

- With approval from the Service, for the Henry Coe State Park Day Use Improvements Project, Santa Clara County, California, Mr. Pittman instructed a one-day course entitled, "*California Red-legged Frog Identification, Handling, and Management Workshop*." This workshop was presented specifically to California Department of Parks and Recreation biologists to allow them to become "Service-approved" to capture and relocate California red-legged frogs under the project Biological Opinion.
- In support of a Habitat Conservation Plan for the San Francisco Public Utilities Commission, Mr. Pittman directed and performed protocol-level surveys for California red-legged frog in lakes on SFPUC lands above the Sunol Regional Wilderness. A mitigation strategy was developed in coordination with the U.S. Fish and Wildlife Service to reduce impacts to California red-legged frog and improve pond habitat.
- During a two-year survey effort in 2001 and 2002, Mr. Pittman directed protocol-level surveys for California red-legged frog in Camino Andreas Creek in support of the Contra Costa Water District's Multi-Purpose Pipeline Project in the cities of Pittsburg and Baypoint.
- Lead biologist for CEQA review of the San Francisco Public Utilities Commission's Chloramine Conversion Project located in the San Francisco Watershed in San Mateo County, which analyzed project impacts to California red-legged frog and San Francisco garter snake at the Pulgas Water Temple.
- Mr. Pittman has directed USFWS protocol-level surveys for California red-legged frog at over 60 sites between 2001 and 2006 for the Zone 7 Water Agency, Alameda County, California.
- Directed and performed protocol-level surveys for California red-legged frog in four cattle stock ponds in Sunol that are owned by the San Francisco Public Utilities Commission. Adult and larval red-legged frogs were identified in all surveyed ponds.
- For the City of Livermore, Mr. Pittman performed focused surveys and prepared a biological resource constraints analysis for a project route. He identified California red-legged frogs in several locations on the project site and worked with the City to avoid impacts to identified populations.
- Lead wildlife biologist for the Livermore-Amador Valley Water Management Agency (LAVWMA) pipeline project in Alameda County. Main issues along the 22-mile alignment included 13 creeks that provide potential California red-legged frog habitat and limited habitat for California tiger salamander. Responsible for assessing project biological resource impacts and preparing the Biological Assessment for submittal to the U.S. Fish and Wildlife Service.

Brian Pittman

Relevant Experience (Continued)

- As part of a flood control project in the City of Novato, Mr. Pittman performed protocol-level surveys for California red-legged frog in Novato Creek, Marin County.
- Mr. Pittman was the lead biologist for the State Route 4 Bypass Project, Brentwood, California. He prepared the Biological Assessment and consulted with the U.S. Fish and Wildlife Service to address impacts to California red-legged frogs in three project area creeks.
- Mr. Pittman developed and implemented a habitat restoration plan for California red-legged frog along a 0.5-mile segment of Almaden Creek at the Hacienda Furnace Yard, Santa Clara County. He conducted surveys to determine species presence prior to construction.

SELECTED PUBLICATIONS

Pittman, B. 2005. Observations of Upland Habitat Use by California Tiger Salamanders Based on Burrow Excavation. *Transactions of the Western Section of the Wildlife Society* 41:26-30; 2005.

Pittman, B. 1996. *A Survey of Inbenthic Macrofauna at a South San Francisco Bay Salt Marsh*. Master's thesis, San Jose State University.

PROFESSIONAL AFFILIATIONS

Certified Wildlife Biologist, The Wildlife Society
Past President (2003), San Francisco Bay Area Chapter of The Wildlife Society.

Adopted

Mitigation Monitoring & Reporting Program

Leavesley Road Cluster Subdivision Modification (File# 3515-82-25-08CST)

Impact	Mitigation	Responsible Party & Timing	Oversight Authority
BIOLOGICAL RESOURCES: Proposed modification to allow agriculture and agricultural buildings in the open space would remove wildlife mitigation lands for the residential development onsite. Possible Significant Impact	Areas designated as zones 1, 2, and 7 of Attachment #1 to the Initial Study will be retained and managed as wildlife habitat and precluded from any development (agricultural buildings) or intensive agriculture. The final open space easement for the cluster subdivision shall contain language implementing this requirement and this wildlife conservation area shall be at least 50 acres in size.	Owner – Prior to Map Recordation	Santa Clara County Planning Office
BIOLOGICAL RESOURCES Possible “take” of California Tiger Salamander California Red Legged Frog Western Burrowing Owl and Western Pond Turtle from construction of Agricultural Accessory buildings. Possible Significant Impact	Preconstruction surveys for California Red Legged Frogs, California Tiger Salamanders, Western Burrowing Owl, and Western Pond Turtle shall be conducted in accordance with USFW and DFG protocols prior to the start of construction for any agricultural accessory buildings or structures in the open space area. These surveys shall be done by a qualified biologist. Under direction of the biologist, measures such as a worker awareness program, exclusionary fencing, and daily monitoring of construction areas shall be employed in order to prevent “take” of these species during construction. If any species are encountered during the surveys, species relocation shall occur per USFW and DFG protocols. Prior to issuance of any building permits or agricultural exemption permits for buildings or structures, a copy of a contract with a qualified biologist (to	(1) Owner of Subsequent Parcels – adhere to preconstruction requirements for future agricultural buildings. (2) Biologist – Conduct surveys and prevent “take” of species.	Santa Clara County Planning Office

EXHIBIT D

Adopted

	conduct surveys) which includes a scope of work showing how the above measures shall be employed during construction, shall be submitted to the Planning Office for approval. Results of the surveys with a summary report shall be submitted from the biologist to the Planning Office for approval prior to final inspection.		
AIR QUALITY Construction emissions could cumulatively contribute to climate change Possible Significant Impact	All Construction vehicles, equipment and delivery trucks shall have a maximum idling time of 5 minutes. Engines shall be shut off if construction requires longer idling time unless necessary for proper operation of the vehicle. Final improvement plans for the subdivision and construction plans for the future residences shall contain these requirements, to be adhered to during construction	(1) Owner – Show in final improvement plans and adhere to during subdivision improvements.	Santa Clara County Planning Office / Land Development Engineering
WATER QUALITY Replacement of culvert at Leavesley road intersection could result in impacts to existing swale and jurisdictional waters Possible Significant Impact	Prior to final recordation of the final map and issuance of construction permit for the access road, submit evidence of permits (or correspondence determining a permit is not needed) from the California Department of Fish & Game, Regional Water Quality Control Board, and U.S. Army Corps of Engineers.	(1) Owner – Obtain permits prior to Map Recordation	Santa Clara County Planning Office