Appendix C:
Biological Resources and Supporting Information

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C.1 - Biological Resources Assessment Memorandum

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Memorandum

Date: May 10, 2024

To: Cort Hitchens, Planner
City of San José, Planning Division

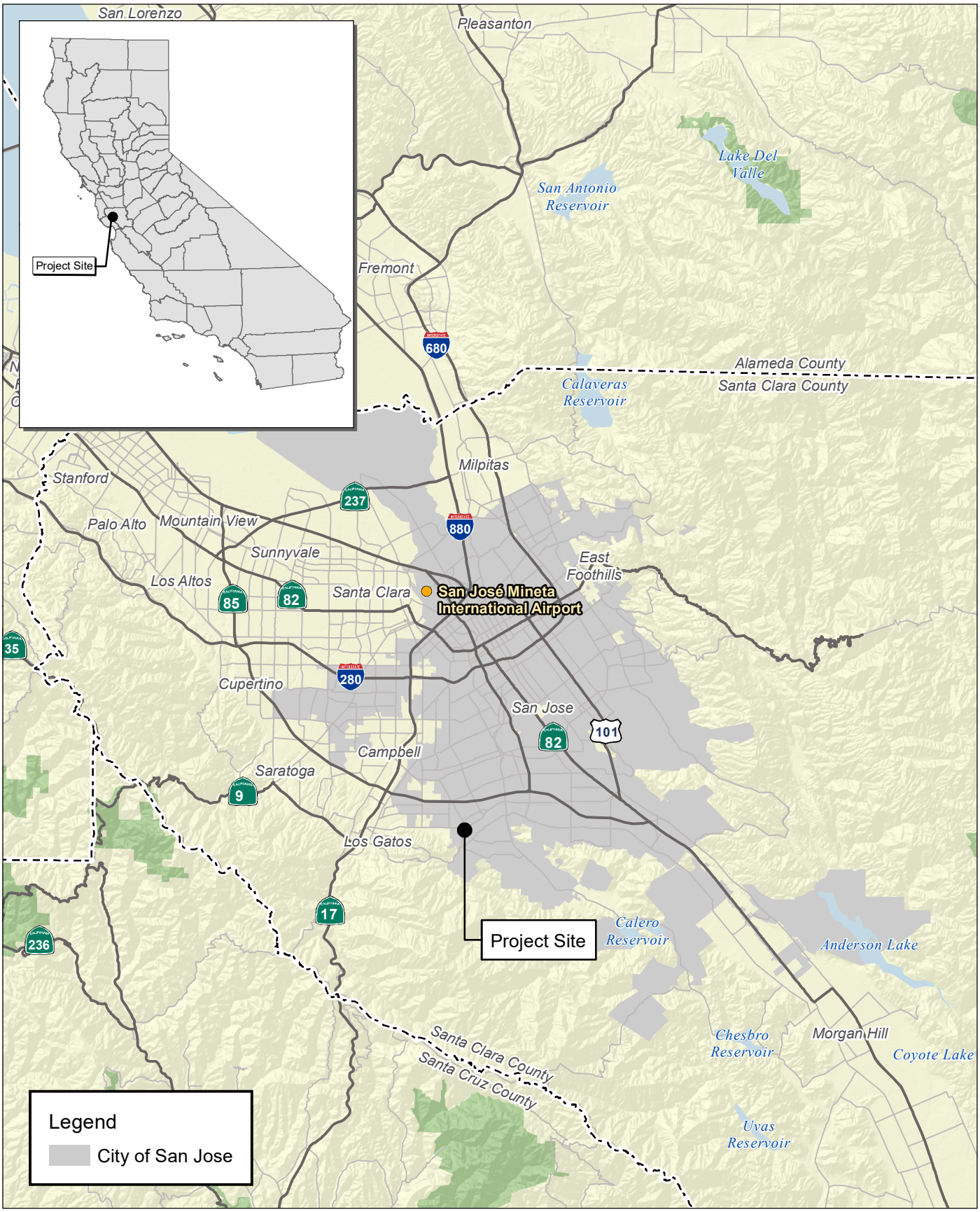
From: Robert Carroll, Senior Biologist
Kelly Evans, Project Biologist

Subject: Biological Resources Assessment Memorandum for the Proposed 5670 Camden Avenue Residential Project, San José, California

This memorandum summarizes potential impacts to biological resources for the proposed residential project located at 5670 Camden Avenue in the City of San José (City), in Santa Clara County (County), California. Recommended measures to avoid or minimize potential project-related impacts to sensitive and protected biological resources on-site are included as appropriate.

PROJECT LOCATION AND PROJECT DESCRIPTION

The project site is located southeast of the intersection of Blossom Hill Road and Camden Avenue, at Assessor Parcel Number (APN) 567-28-001 (Figure 1 and Figure 2). It is currently occupied by Beacon School, Delight Montessori School San José, and sports fields utilized for youth activities. Mana Camden Fund, LLC (applicant) proposes to remove the existing sports fields and associated structures and improvements and develop 108 townhouse units. The proposed project would also include a total of 243 parking stalls: two garage parking stalls for each unit (216 stalls) and 27 guest spaces. The proposed project would include development of internal roads. Stormwater would be treated at two storm treatment chambers. Once developed the project site would have 220,296 square feet of impervious areas. As part of the proposed project, 41 trees would be removed. The existing schools would remain on-site, and no development is proposed at the schools.



Source: Census 2000 Data, The California Spatial Information Library (CaSIL).

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5 2.5 0 5 Miles

Figure 1
Regional Location Map



Source: Bing Aerial Imagery. Hanna-Brunetti, January 2024.

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1,000 500 0 1,000 Feet

Figure 2
Local Vicinity Map

METHODOLOGY

Analysis of the biological resources associated with the project site entailed a thorough review of relevant literature followed by a reconnaissance-level field survey to document existing site conditions and identify biological resource constraints, including the potential for special-status species to occur on-site. The survey area included the entire project site as well as the immediate vicinity, where access was possible.

Literature Review

A literature review was conducted to provide a baseline from which to evaluate the biological resources potentially occurring on the site and in the surrounding area.

Topographic Maps and Aerial Photographs

An FCS Biologist reviewed current topographic maps and aerial photographs as a preliminary analysis of the existing conditions within the project site and immediate vicinity. Information obtained from the review of the topographic maps included elevation range, general watershed information, and potential drainage feature locations.[1] Aerial photographs provided a perspective of site conditions relative to on-site and off-site land uses, preliminary plant community locations, and potential locations of wildlife movement corridors.

Soil Surveys

An FCS Biologist reviewed the Natural Resources Conservation Service (NRCS) Web Soil Survey to determine soil series (i.e., group of soils with similar profiles) and soil mapping units occurring at the project site.[2] An FCS Biologist reviewed habitat requirements pertaining to soils and substrates for special-status species to establish whether on-site conditions are suitable for occurrence of special-status plant and wildlife species.

Special-status Species Database Search

An FCS Biologist reviewed the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB), a special-status species and plant community account database, the United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) system, and the California Native Plant Society (CNPS) Electronic Inventory (CNPSEI) of Rare and Endangered Vascular Plants of California database for the *Los Gatos, California* United States Geological Survey (USGS) 7.5-minute Topographic Quadrangle Map and the eight surrounding quadrangles.[3,4,5]

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1 United States Environmental Protection Agency (EPA). 2024. Watershed Assessment, Tracking and Environmental Results System (WATERS). Website: https://www.epa.gov/waterdata/waters-watershed-assessment-tracking-environmental-results-system. Accessed January 17, 2024.

2 Natural Resources Conservation Service (NRCS). 2024. United States Department of Agriculture (USDA). Soil Survey Official Soil Series Descriptions. Website: http://www.nrcs.usda.gov/. Accessed January 17, 2024.

3 California Department of Fish and Wildlife (CDFW). 2024. CNDDB RareFind 5 California Natural Diversity Database Query for Special-Status Species. Website: https://wildlife.ca.gov/Data/CNDDB/Maps-and-Data. Accessed January 17, 2024.

4 United States Fish and Wildlife Service (USFWS). 2024. Information for Planning and Consultation (IPaC). Website: https://ecos.fws.gov/ipac/. Accessed January 17, 2024.

5 California Native Plant Society (CNPS). 2024. California Native Plant Society Rare and Endangered Plant Inventory (CNPSEI). Website: http://www.rareplants.cnps.org/. Accessed January 17, 2024.

Jurisdictional Waters and Wetlands

An FCS Biologist reviewed the United States Environmental Protection Agency (EPA) Watershed Assessment, Tracking and Environmental Results System (WATERS) and aerial photography to identify potential natural drainage features and water bodies.[6] In general, all surface drainage features identified as blue-line streams on USGS maps and linear water or wetland features that exhibit evidence of concentrated flow are considered potentially subject to State and federal regulatory authority as waters of the United States and/or State. A preliminary assessment in the field was conducted to determine the location of any existing drainages and the limits of project-related grading activities to aid in determining whether a formal delineation of waters of the United States or State is necessary.

Protected Trees

Prior to conducting the reconnaissance-level survey, an FCS Biologist reviewed applicable City and County ordinances pertaining to tree preservation and protective measures and their tree replacement conditions or permits required.

Habitat Conservation Plan

As part of the literature review, FCS also took into consideration whether the proposed project lies within the boundaries of any adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional, or State HCP and whether any such plan would be applicable to the proposed project. The Santa Clara Valley Habitat Geobrowser was referenced to determine whether the proposed plan falls within the boundaries of an applicable HCP or NCCP.[7]

Reconnaissance-Level Field Survey

An FCS Biologist conducted a reconnaissance-level field survey of the project site and its immediate vicinity, where accessible. The object of the survey was to assess and characterize the biological conditions on and adjacent to the site, including an identification of special-status plant and wildlife species and their habitats. During the survey, the Biologist searched for evidence of and habitat for special-status species and other sensitive biological resources that were identified in the literature review.

RESULTS

Existing Conditions

FCS Biologist, Kelly Evans, conducted the reconnaissance-level field survey on January 11, 2024. Weather conditions during the field survey were generally sunny, with an approximate temperature of 46 degrees

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[6] United States Environmental Protection Agency (EPA). 2024. Watershed Assessment, Tracking and Environmental Results System (WATERS). Website: https://www.epa.gov/waterdata/waters-watershed-assessment-tracking-environmental-results-system. Accessed January 17, 2024.

[7] Santa Clara Valley Habitat Agency Geobrowser. 2024.HCP Maps. 2024. Website: http://www.hcpmaps.com/habitat/. Accessed January 17, 2024.

Fahrenheit (°F). Wind speeds were around 5 miles per hour (mph). Photos of the project site are provided in Attachment A.

Soils

According to the NRCS Web Soil Survey, the project site consists of Urban land-Flaskan complex, 0–2 percent slopes.[8] Open soil appears throughout the entire project site with only small portions of the site covered by hardscape (Figure 3).

Vegetation Communities or Land Cover

Urban/Developed

Developed land is characterized by permanent or semi-permanent structures, pavement, or hardscape and landscaped areas that often require irrigation. The urban/developed vegetation community includes land that has been developed or otherwise covered with a permanent man-made surface. Areas where no natural land is evident, or where large amounts of debris or other materials have been placed, may also be included. The project site currently contains two concrete-lined batting cages, several baseball fields, and ornamental trees (Figure 4). Vegetation observed on-site include common sow thistle (*Sonchus oleraceus L.),* burr clover (*Medicago polymorpha*), sweetgum trees (*Liquidambar* sp.), ginkgo (*Ginkgo biloba*), grey-field speedwell (*Veronica polita*), coastal redwoods (*Sequoia sempervirens*), musk stork's bill (Erodium moschatum), wax-leaf ligustrum (*Ligustrum japonicum*), Bromus, mallows (*Malva sp*.), common cottonwood (*Populus deltoides*), Mexican fan palm (*Washingtonia robusta*), blackberry bush (*Rubus*), coast live oak (Quercus agrifolia), geranium, holm oak (*Quercus ilex*), and celery pear (*Pyrus calleryana*).

[8] Natural Resources Conservation Service (NRCS). 2020. United States Department of Agriculture (USDA). Soil Survey Official Soil Series Descriptions. Website: http://www.nrcs.usda.gov/. Accessed January 17, 2024.



Source: Bing Aerial Imagery. Hanna-Brunetti, January 2024. USDA Soils Data Mart, San Jose County.

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160 80 0 160 Feet

Figure 3
Soils Map



Source: Bing Aerial Imagery. Hanna-Brunetti, January 2024.

FIRSTCARBON SOLUTIONS™

160 80 0 160
Feet

Figure 4
Land Cover and Vegetation

Wildlife

The site may provide habitat for generalist and opportunistic wildlife species that are able to tolerate high levels of habitat disturbance, including skunk (*Mephitis mephitis*), raccoon (*Procyon lotor*), mourning dove (*Zenaida macroura*), and American crow (*Corvus brachyrhynchos*), among others. Wildlife observed during the field survey included house finch (*Haemorhous mexicanus*), black phoebe (*Sayornis nigricans*), lesser goldfinch (*Spinus psaltria*), yellow-rumped warbler (*Setophaga coronate*), American crow (*Corvus brachyrhynchos*), acorn woodpecker (*Melanerpes formicivorus*), northern mockingbird (*Mimus polyglottos*), mourning dove (*Zenaida macroura*), western mockingbird (*M. p. leucopterus*), and Anna's hummingbird (*Calypte anna*).

The trees located on-site, and the immediate vicinity could provide suitable habitat for migratory or resident nesting birds. No signs of bat roosts were observed during the field survey and the lack of natural foraging habitat reduces the likelihood of bat use of this area.

Special-status Species

A review of the CNDDB, CNPS, and IPaC Inventories determined that 57 special-status plant species and 53 special-status animal species have been recorded within the regional vicinity of the project site (Attachment B). The parameters of these search queries included an area consisting of the *Los Gatos, California* USGS 7.5-minute Topographic Quadrangle Map and the eight surrounding quadrangles (regional vicinity). The likelihood and rationale for these species to occur are discussed in the paragraphs below. No special-status plants or animal species were observed during the field survey.

Special-status Plants

Of the 57 special-status plant species recorded in the regional vicinity of the project site, 18 special-status plant species have been recorded within a 5-mile radius of the project site. These include:

1. Smooth lessingia (Lessingia micradenia var. glabrata)
2. Santa Clara red ribbons (Clarkia concinna ssp. automixa)
3. Hall's bush-mallow (*Malacothamnus hallii*)
4. Loma Prieta hoita (*Hoita strobilina*)
5. Santa Clara Valley dudleya (Dudleya abramsii ssp. setchellii)
6. Woodland woollythreads (*Monolopia gracilens*)
7. Most beautiful jewelflower (Streptanthus albidus ssp. peramoenus)
8. Western leatherwood (*Dirca occidentalis*)
9. Mt. Hamilton thistle (Cirsium fontinale var. campylon)
10. Robust spineflower (Chorizanthe robusta var. robusta)
11. San Francisco collinsia (*Collinsia multicolor*)
12. Arcuate bush-mallow (*Malacothamnus arcuatus*)
13. Bent-flowered fiddleneck (*Amsinckia lunaris*)
14. Chaparral ragwort (*Senecio aphanactis*)
15. Hairless popcornflower (*Plagiobothrys glaber*)

16. Congdon's tarplant (Centromadia parryi ssp. congdonii)
17. Metcalf Canyon jewelflower (Streptanthus albidus ssp. albidus)
18. Fragrant fritillary (*Fritillaria liliacea*)

The recorded species require specific habitats or conditions, including valley grasslands, meadows, riparian areas, cismontane woodlands, coastal sage scrub, chaparral, or swamps and salt marshes. None of these habitat types are present on-site. Therefore, no special-status plants are expected to occur on the project site. The developed state of the project site does not provide suitable habitat for any special-status plant species recorded in the CNDDB or CNPS Inventory due to the lack of natural vegetation and the lack of suitable substrate.

Special-status Wildlife

Of the 53 special-status wildlife species recorded in the regional vicinity of the project site, 18 species-status wildlife species have been recorded within a 5-mile radius of the project site. Most of these species are not expected to occur on the project site due to a lack of general habitat from previous development within the project site and the immediate surrounding areas.

1. Cooper's hawk (Accipiter cooperii)
2. California tiger salamander-central California DPS (*Ambystoma californiense* pop. 1)
3. Santa Cruz black salamander (*Aneides niger*)
4. Northern California legless lizard (*Anniella pulchra*)
5. Pallid bat (Antrozous pallidus)
6. Golden eagle (Aquila chrysaetos)
7. Crotch’s bumble bee (*Bombus crotchii*)
8. Burrowing owl (Athene cunicularia)
9. Western bumble bee (*Bombus occidentalis*)
10. Yellow rail (Coturnicops noveboracensis)
11. Black swift (Cypseloides niger)
12. California giant salamander (*Dicamptodon ensatus*)
13. Western pond turtle (*Emys marmorata*)
14. American peregrine falcon (*Falco peregrinus anatum*)
15. Steelhead- central California coast DPS (*Oncorhynchus mykiss irideus* pop. 8)
16. Purple martin (*Progne subis*)
17. Foothill yellow-legged frog-central coast DPS (*Rana boylii* pop. 4)
18. California red-legged frog (*Rana draytonii*)

The project site does not contain any aquatic or aestivation habitats. The project site is located approximately 400 feet north of the Guadalupe River; however, the project site is separated from the river by an active electrical plant and Singletree Way, a busy roadway. Additionally, a chain-link fence encloses the entirety of the property. Because of the high level of ongoing disturbance on-site, the barriers separating the site from the Guadalupe River, and a lack of vegetative coverage for species to disperse to or through, it is unlikely any amphibian species would occur on-site. No reptilian species are

expected to occur on-site due to the lack of suitable microhabitats such as beach dunes, chaparral, desert scrub, sandy washes, or stream terraces, ponds, marshes, or rivers. Additionally, high levels of development on-site preclude the likelihood of reptilian presence on-site. The project site does contain some mature trees, which could provide suitable nesting habitat for resident and migratory bird species protected under federal and State regulations. There are several storage crates on-site; however, these crates are continually in use, the site does not contain foraging habitat, and no evidence of bat activity was observed on-site during the field survey. Therefore, the site does not offer adequate roosting habitat for bat activity. The lack of habitat value and high levels of disturbance preclude the likelihood of presence of any special-status species on-site.

Jurisdictional Waters and Wetlands

No wetlands or other aquatic features that meet criteria as waters of the United States or State were observed within the proposed project site during the reconnaissance-level survey. Guadalupe River is 400 feet south of the project site; however, anthropogenic barriers separating the river from the site preclude the likelihood of impacts to the river from project-related construction.

Wildlife Movement Corridors

Wildlife movement corridors link areas of suitable wildlife habitat that are otherwise separated by rugged terrain, changes in vegetation, or human disturbance. Urbanization and the resulting fragmentation of open space areas create isolated “islands” of wildlife habitat, forming separated populations. Corridors act as effective links between populations.

The project site was evaluated for evidence of wildlife movement corridors during the field survey. The project site is subject to continuous anthropogenic disturbances and is surrounded in all directions by urban development, roadways and other man-made structures that serve as barriers to wildlife movement. The site does not include a wildlife movement corridor.

Protected Trees

The City’s Tree Removal Policy protects street trees, heritage trees, trees of ordinance size (trunk of 38 inches or more in circumference at 4.5 feet above ground), or any tree located on multi-family, commercial, industrial, or mixed-use property or in a common area. If the proposed project requires removal of any trees that are protected under the City’s ordinance, then a tree removal permit would be required to adhere to the City’s Tree Policy.

Applicable Habitat Conservation Plans

The proposed project lies within the boundaries of the Santa Clara Valley Habitat Plan (SCVHP) Permit Area.[9] The project site is located within “Area 4: Urban Development Equal to or Greater Than 2 Acres Covered” and designated “Fee Zone B: Agricultural and Valley Floor Lands" within the SCVHP. The

[9] Santa Clara Valley Habitat Agency Geobrowser. 2024. HCP Maps. Website: http://www.hcpmaps.com/habitat/. Accessed January 22, 2024.

applicant is therefore responsible for any permit applications and permit processing fees required under Fee Zone B. The parcel is not subject to any other Land Cover or sensitive habitat (such as serpentine area) development fees. The project site does not lie within a SCVHP-defined plant or wildlife survey area.

CONCLUSIONS

The biological memorandum determined that:

1. The project site does not contain suitable habitat for any special-status plants.
2. The project site does not contain suitable habitat for any special-status wildlife species aside from potential nesting birds.
3. The project site does not contain potentially jurisdictional wetlands or waters of the United States or waters of the State.
4. The proposed project may require the removal of protected trees; however, if the removal of protected trees is required, the project applicant must adhere the City's Tree Policy and the City's Standard Permit Conditions.
5. The proposed project will not significantly impact any known wildlife corridors as none are locally present.
6. The proposed project would not conflict with the SCVHP, NCCPs, or other approved local, regional, or State HCP.

With implementation of the following Conditions of Approval (COAs) and City Standard Permit Conditions, project-related impacts to regulated biological resources on-site would be reduced to less than significant.

Conditions of Approval

COA BIO-1 **Impacts to Nesting Birds:** The proposed project would implement the following measures to avoid impacts to nesting migratory birds:

- **Avoidance**: Ground disturbance and vegetation removal activities shall be restricted to the nonbreeding season for birds (September 1 to January 31, inclusive), when feasible.
- **Nesting Surveys**: For ground disturbance and vegetation removal activities occurring during the bird nesting season (February 1 to August 31, inclusive), general pre-construction nesting bird surveys shall be conducted by a qualified Biologist not more than 14 days prior to construction activities involving ground clearing, vegetation removal/trimming, or building demolition. The surveys shall include the disturbance area plus a 200-foot buffer around the site and a 500-foot buffer for raptors.

- **Buffer Zones**: If active nests are located, an appropriate avoidance buffer shall be established within which no work activity would be allowed that would impact these nests. The avoidance buffer shall be established by the qualified Biologist on a case-by-case basis based on the species and site conditions. In no case shall the buffer be smaller than 50 feet for non-raptor bird species or smaller than 200 feet for raptor species. Larger buffers may be required depending on the status of the nest and the construction activities occurring near the nest. The buffer area(s) shall be closed to all construction personnel and equipment until juveniles have fledged and until the nest is inactive. The qualified Biologist shall confirm that breeding/nesting is completed and young have fledged the nest prior to removal of the buffer. If there are delays in on-site activities for more than 14 days during the breeding season, an additional survey shall be required within 14 days prior to the start of work.

City Standard Permit Conditions

Santa Clara Valley Habitat Plan

The project may be subject to applicable SCVHP conditions and fees prior to issuance of any grading permits. The project applicant shall submit the Santa Clara Valley Habitat Plan Coverage Screening Form (https://www.scv-habitatagency.org/DocumentCenter/View/151/Coverage-Screening-Form?bidId=) to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee for approval and payment of all applicable fees prior to the issuance of a grading permit. The SCVHP and supporting materials can be viewed at https://scv-habitatagency.org/178/Santa-Clara-Valley-Habitat-Plan.

Tree Replacement

Trees removed for the project shall be replaced at ratios required by the City, as stated in Table 1 below, as amended:

Table 1: Tree Replacement Ratios

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

Notes:
*x:x = tree replacement to tree loss ratio
Trees greater than or equal to 38-inch circumference measured at 4.5 feet above natural grade shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For Multi-Family residential, Commercial and Industrial properties, a permit is required for removal of trees of any size.
A 38-inch tree equals 12.1 inches in diameter.
A 24-inch box replacement tree = two 15-gallon replacement trees.
Single-family and two-dwelling properties may replace trees at a ratio of 1:1.

Attachment C contains the Tree Inventory, Assessment, and Protection Report prepared by Monarch Consulting Arborists on February 2, 2024. Pursuant to the Tree Inventory, Assessment, and Protection Report, the proposed project would remove 41 trees as part of project implementation. The proposed project would be required to comply with the City's Standard Permit Condition for Tree Removal. Per the City's Standard Permit Conditions, any requested tree removals would be evaluated under the proposed Site Development Permit. As such, the applicant would be required to plant 117 15-gallon replacements or 51.5 24-inch replacements, as stated in Appendix B of the Tree Inventory, Assessment, and Protection Report. The species of trees to be planted would be determined in consultation with the City Arborist and staff from the Department of Planning, Building and Code Enforcement.

In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement or the Director's designee, at the development permit stage:

- The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees to be planted on the project site, at the development permit stage.
- Pay off-site tree replacement fee(s) to the City, prior to the issuance of grading permit(s), in accordance with the City Council approved Fee Resolution. The City will use the off-site tree replacement fee(s) to plant trees at alternative sites.

REGULATORY SETTING

This section provides an overview of the laws and regulations that are applicable to the proposed project.

Federal Regulations

Endangered Species Act

The USFWS has jurisdiction over species listed as threatened or endangered under the Endangered Species Act. Section 9 of the Endangered Species Act protects listed species from "take," which is broadly defined as actions taken to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct." The Endangered Species Act protects threatened and endangered plants and animals and their critical habitat. Candidate species are those proposed for listing; these species are usually treated by resource agencies as if they were actually listed during the environmental review process.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) implements international treaties between the United States and other nations devised to protect migratory birds, their parts, eggs, and nests from activities such as hunting, pursuing, capturing, killing, selling, and shipping, unless expressly authorized in the regulations or by permit. The State of California has incorporated the protection of birds of prey in Sections 3800, 3513, and 3503.5 of the Fish and Game Code. All raptors and their nests are protected from take or

disturbance under the MBTA (16 United States Code [USC] § 703, *et seq*.) and California statute (Fish and Game Code [FGC] § 3503.5). The golden eagle and bald eagle (*Haliaeetus leucocephalus*) are also afforded additional protection under the Eagle Protection Act, amended in 1973 (16 USC § 669, *et seq*.) and the Bald and Golden Eagle Protection Act (16 USC §§ 668–668d).

State Regulations

CEQA Guidelines

The following California Environmental Quality Act (CEQA) Guidelines Appendix G checklist questions serve as thresholds of significance when evaluating the potential impacts of a proposed project on biological resources. Impacts are considered significant if a project would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as being a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or USFWS.
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the CDFW or USFWS.
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan.

California Endangered Species Act

The State of California enacted the California Endangered Species Act (CESA) in 1984. CESA is similar to the Endangered Species Act but pertains to State-listed endangered and threatened species. CESA requires State agencies to consult with the CDFW when preparing CEQA documents to ensure that the State lead agency actions do not jeopardize the continued existence of a listed species or result in the destruction or adverse modification of habitat essential to the continued existence of those species if there are reasonable and prudent alternatives available (FGC § 2080). CESA directs agencies to consult with the CDFW on projects or actions that could affect listed species, directs the CDFW to determine whether jeopardy would occur, and allows the CDFW to identify “reasonable and prudent alternatives” to the project consistent with conserving the species. CESA allows the CDFW to authorize exceptions to the State’s prohibition against take of a listed species if the “take” of a listed species is incidental to carrying out an otherwise lawful project that has been approved under CEQA (FGC § 2081).

California Fish and Game Code

Under CESA, the CDFW has the responsibility for maintaining a list of endangered and threatened species (FGC § 2070). Fish and Game Code Sections 2050 through 2098 outline the protection provided to California's rare, endangered, and threatened species. Fish and Game Code Section 2080 prohibits the taking of plants and animals listed under the CESA. Fish and Game Code Section 2081 established an incidental take permit program for state-listed species. The CDFW maintains a list of "candidate species," which it formally notices as being under review for addition to the list of endangered or threatened species.

In addition, the Native Plant Protection Act of 1977 (NPPA) (FGC § 1900, *et seq*.) prohibits the taking, possessing, or sale within the State of any plants with a State designation of rare, threatened, or endangered (as defined by the CDFW). An exception to this prohibition in the NPPA allows landowners, under specified circumstances, to take listed plant species, provided that the owners first notify the CDFW and give the agency at least 10 days to come and retrieve (and presumably replant) the plants before they are plowed under or otherwise destroyed. Fish and Game Code Section 1913 exempts from "take" prohibition "the removal of endangered or rare native plants from a canal, lateral ditch, building site, or road, or other right-of-way."

Project impacts to these species are not considered significant unless the species are known to have a high potential to occur within the area of disturbance associated with construction of the proposed project.

In addition to formal listing under the Endangered Species Act and CESA, some species receive additional consideration by the CDFW and local lead agencies during the CEQA process. Species that may be considered for review are those listed as a "Species of Special Concern." The CDFW maintains lists of "Species of Special Concern" that serve as species "watch lists." Species with this status may have limited distributions or limited populations and/or the extent of their habitats has been reduced substantially, such that their populations may be threatened. Thus, their populations are monitored and they may receive special attention during environmental review. While they do not have statutory protection, they may be considered rare under CEQA and specific protection measures may be warranted. In addition to Species of Special Concern, the CDFW Special Animals List identifies animals that are tracked by the CNDDB and may be potentially vulnerable but warrant no federal interest and no legal protection.

Sensitive species that would qualify for listing but are not currently listed are afforded protection under CEQA. CEQA Guidelines Section 15065 (Mandatory Findings of Significance) requires that a substantial reduction in numbers of a rare or endangered species be considered a significant effect. CEQA Guidelines Section 15380 (Rare or Endangered Species) provides for the assessment of unlisted species as rare or endangered under CEQA if the species can be shown to meet the criteria for listing. Unlisted plant species on the CNPS List ranked 1A, 1B, and 2 would typically require evaluation under CEQA.

Fish and Game Code Sections 3500 to 5500 outline protection for fully protected species of mammals, birds, reptiles, amphibians, and fish. Species that are fully protected by these sections may not be taken or possessed at any time. The CDFW cannot issue permits or licenses that authorize the take of any fully

protected species, except under certain circumstances such as scientific research and live capture and relocation of such species pursuant to a permit for the protection of livestock.

Under Fish and Game Code Section 3503.5, it is unlawful to take, possess, or destroy any birds in the orders of *Falconiformes* or *Strigiformes* (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto. To comply with the requirements of CESA, an agency reviewing a proposed project within its jurisdiction must determine whether any state-listed endangered or threatened species may be present in the project study area and determine whether the proposed project will have a potentially significant impact on such species. In addition, the CDFW encourages informal consultation on any proposed project that may impact a candidate species.

Project-related impacts to species on the CESA endangered or threatened list would be considered significant. State-listed species are fully protected under the mandates of CESA. "Take" of protected species incidental to otherwise lawful management activities may be authorized under Fish and Game Code Section 206.591. Authorization from the CDFW would be in the form of an Incidental Take Permit.

Fish and Game Code Section 1602 requires any entity to notify the CDFW before beginning any activity that "may substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of any river, stream, or lake" or "deposit debris, waste, or other materials that could pass into any river, stream, or lake." "River, stream, or lake" includes waters that are episodic and perennial and ephemeral streams, desert washes, and watercourses with a subsurface flow. A Lake or Streambed Alteration Agreement will be required if the CDFW determines that project activities may substantially adversely affect fish or wildlife resources through alterations to a covered body of water.

California Native Plant Society

The CNPS maintains a rank of plant species native to California that has low population numbers, limited distribution, or are otherwise threatened with extinction. This information is published in the Inventory of Rare and Endangered Vascular Plants of California. Potential impacts to populations of CNPS ranked plants receive consideration under CEQA review. The following identifies the definitions of the CNPS ranks:

- Rank 1A: Plants presumed extirpated in California and either rare or extinct elsewhere
- Rank 1B: Plants Rare, Threatened, or Endangered in California and elsewhere
- Rank 2A: Plants presumed extirpated in California but common elsewhere
- Rank 2B: Plants rare, threatened, or endangered in California, but more numerous elsewhere
- Rank 3: Plants about which more information is needed
- Rank 4: Watch List: Plants of limited distribution

All plants appearing as CNPS Rank 1 or 2 are considered to meet the CEQA Guidelines Section 15380 criteria. While only some of the plants ranked 3 and 4 meet the definitions of threatened or endangered species, the CNPS recommends that all Rank 3 and Rank 4 plants be evaluated for consideration under CEQA.

Local Regulations

Envision San José 2040 General Plan

Goal ER-4 Special-status Plants and Animals: Preserve, manage, and restore habitat suitable for special-status species, including threatened and endangered species.

Policies–Special-Status Plants and Animals

Policy ER-4.1 Preserve and restore, to the greatest extent feasible, habitat areas that support special-status species. Avoid development in such habitats unless no feasible alternatives exist and mitigation is provided of equivalent value.

Policy ER-4.2 Limit recreational uses in wildlife refuges, nature preserves and wilderness areas in parks to those activities which have minimal impact on sensitive habitat.

Policy ER-4.3 Prohibit planting of invasive non-native plant species in natural habitats that support special-status species.

Policy ER-4.4 Require that development projects incorporate mitigation measures to avoid and minimize impacts to individuals of special-status species.

Action ER-4.5 Where implementation of the Envision General Plan would result in impacts to burrowing owl habitat occupied by breeding owls in 2008 or later, providing mitigation of equivalent value shall consist of securing, protecting and managing nesting and foraging habitat in perpetuity for burrowing owls within the South Bay area such that there is no reduction in the local burrowing owl population. Mitigation shall be required for the largest number of breeding burrowing owls that have been identified nesting or foraging on a site in burrowing owl surveys since 2008. These measures are required to be implemented by individual projects unless the City develops an independent plan or participates in a regional conservation strategy (such as the Santa Clara Valley HCP) that would maintain or increase South Bay area burrowing owl populations.

Goal ER-5 Migratory Birds Protect: migratory birds from injury or mortality.

Policy ER-5.1 Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.

Policy ER-5.2 Require that development projects incorporate measures to avoid impacts to nesting migratory birds.

City of San José Municipal Code

Chapters 13.28 and 13.32 of the San José Municipal Code outlines the conditions and requirements of the City's tree preservation policy.

Chapter 13.28.220–Heritage trees

A. Any tree which, because of factors including but not limited to its history, girth, height, species or unique quality, has been found by the city council to have a special significance to the community shall be designated a heritage tree. Such trees shall be placed on a heritage tree list which shall be adopted by the city council by resolution, which resolution may be amended from time to time to add to or delete certain trees therefrom.

Chapter 13.32–Tree Removal Controls

The City defines an ordinance-sized tree as either a single trunk or stem with a circumference of at least 38 inches measured at a height 54 inches above the natural grade slope, or multiple trunks where the combined circumferences of each trunk at 54 inches above natural grade slope add up to at least 38 inches.

Santa Clara Valley Habitat Plan

The SCVHP provides a framework for promoting the protection and recovery of natural resources, including endangered species, while streamlining the permitting process for planned development, infrastructure, and maintenance activities. The purpose of the SCVHP is to protect, enhance, and restore natural resources in specific areas of Santa Clara County and contribute to the recovery of endangered species. The SCVHP evaluates natural-resource impacts and mitigation requirements comprehensively in a way that is more efficient and effective for at-risk species and their essential habitats. The SCVHP was adopted by the City of San José on January 29, 2013.

Attachment A:
Site Photographs



Photograph 1: Developed land on southwestern side of property, facing south



Photograph 2: Line of trees and boundary of baseball fields on southern side of property, facing west



Photograph 3: Baseball batting fortress on the eastern side of the property, facing north



Photograph 4: Baseball fields in center of site, facing west



Photograph 5: Batting fortress and storage on north side of property, facing west



Photograph 6: Maintained grass field on northeastern side of property, facing south



Photograph 7: Mowed grass on northwestern side of property, facing south



Photograph 8: Coyote Brush Scrub in central portion of eastern offsite improvement area, facing west

Attachment B:
Literature Search Results

Selected Elements by Scientific Name

California Department of Fish and Wildlife

California Natural Diversity Database

Query Criteria: Quad IS (Laurel (3712118) OR Loma Prieta (3712117) OR Los Gatos (3712128) OR Santa Teresa Hills (3712127) OR San Jose East (3712137) OR San Jose West (3712138) OR Felton (3712211) OR Castle Rock Ridge (3712221) OR Cupertino (3712231))

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Accipiter cooperii Cooper's hawk	ABNKC12040	None	None	G5	S4	WL
Adela oplerella Opler's longhorn moth	IILEE0G040	None	None	G2	S2	
Agelaius tricolor tricolored blackbird	ABPBXB0020	None	Threatened	G1G2	S2	SSC
Ambystoma californiense pop. 1 California tiger salamander - central California DPS	AAAAA01181	Threatened	Threatened	G2G3T3	S3	WL
Ambystoma macrodactylum croceum Santa Cruz long-toed salamander	AAAAA01082	Endangered	Endangered	G5T1T2	S2	FP
Amsinckia lunaris bent-flowered fiddleneck	PDBOR01070	None	None	G3	S3	1B.2
Aneides niger Santa Cruz black salamander	AAAAD01070	None	None	G3	S3	SSC
Anniella pulchra Northern California legless lizard	ARACC01020	None	None	G3	S2S3	SSC
Anodonta californiensis California floater	IMBIV04220	None	None	G3	S2?	
Anomobryum julaceum slender silver moss	NBMUS80010	None	None	G5?	S2	4.2
Antrozous pallidus pallid bat	AMACC10010	None	None	G4	S3	SSC
Aquila chrysaetos golden eagle	ABNKC22010	None	None	G5	S3	FP
Arctostaphylos andersonii Anderson's manzanita	PDERI04030	None	None	G2	S2	1B.2
Arctostaphylos silvicola Bonny Doon manzanita	PDERI041F0	None	None	G1	S1	1B.2
Ardea alba great egret	ABNGA04040	None	None	G5	S4	
Ardea herodias great blue heron	ABNGA04010	None	None	G5	S4	
Arenaria paludicola marsh sandwort	PDCAR040L0	Endangered	Endangered	G1	S1	1B.1
Astragalus agnicidus Humboldt County milk-vetch	PDFAB0F080	None	Endangered	G2	S2	1B.1

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Athene cunicularia burrowing owl	ABNSB10010	None	None	G4	S2	SSC
Balsamorhiza macrolepis big-scale balsamroot	PDAST11061	None	None	G2	S2	1B.2
Bombus caliginosus obscure bumble bee	IIHYM24380	None	None	G2G3	S1S2	
Bombus crotchii Crotch bumble bee	IIHYM24480	None	Candidate Endangered	G2	S2	
Bombus occidentalis western bumble bee	IIHYM24252	None	Candidate Endangered	G3	S1	
Brachyramphus marmoratus marbled murrelet	ABNNN06010	Threatened	Endangered	G3	S2	
Buteo swainsoni Swainson's hawk	ABNKC19070	None	Threatened	G5	S4	
Calasellus californicus An isopod	ICMAL34010	None	None	G2	S3	
Calyptridium parryi var. hesseae Santa Cruz Mountains pussypaws	PDPOR09052	None	None	G3G4T2	S2	1B.1
Carex comosa bristly sedge	PMCYP032Y0	None	None	G5	S2	2B.1
Carex saliniformis deceiving sedge	PMCYP03BY0	None	None	G2	S2	1B.2
Ceanothus ferrisiae Coyote ceanothus	PDRHA041N0	Endangered	None	G1	S1	1B.1
Centromadia parryi ssp. congdonii Congdon's tarplant	PDAST4R0P1	None	None	G3T2	S2	1B.1
Chlorogalum pomeridianum var. minus dwarf soaproot	PMLIL0G042	None	None	G5T3	S3	1B.2
Chorizanthe pungens var. hartwegiana Ben Lomond spineflower	PDPGN040M1	Endangered	None	G2T1	S1	1B.1
Chorizanthe pungens var. pungens Monterey spineflower	PDPGN040M2	Threatened	None	G2T2	S2	1B.2
Chorizanthe robusta var. hartwegii Scotts Valley spineflower	PDPGN040Q1	Endangered	None	G2T1	S1	1B.1
Chorizanthe robusta var. robusta robust spineflower	PDPGN040Q2	Endangered	None	G2T1	S1	1B.1
Cicindela ohlone Ohlone tiger beetle	IICOL026L0	Endangered	None	G1	S1	
Cirsium fontinale var. campylon Mt. Hamilton thistle	PDAST2E163	None	None	G2T2	S2	1B.2
Clarkia concinna ssp. automixa Santa Clara red ribbons	PDONA050A1	None	None	G5?T3	S3	4.3

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Collinsia multicolor San Francisco collinsia	PDSCR0H0B0	None	None	G2	S2	1B.2
Corynorhinus townsendii Townsend's big-eared bat	AMACC08010	None	None	G4	S2	SSC
Coturnicops noveboracensis yellow rail	ABNME01010	None	None	G4	S2	SSC
Cypseloides niger black swift	ABNUA01010	None	None	G4	S3	SSC
Dacryophyllum falcifolium tear drop moss	NBMUS8Z010	None	None	G2	S2	1B.3
Dicamptodon ensatus California giant salamander	AAAAH01020	None	None	G2G3	S2S3	SSC
Dipodomys venustus venustus Santa Cruz kangaroo rat	AMAFD03042	None	None	G4T1	S1	
Dirca occidentalis western leatherwood	PDTHY03010	None	None	G2	S2	1B.2
Dudleya abramsii ssp. setchellii Santa Clara Valley dudleya	PDCRA040Z0	Endangered	None	G4T2	S2	1B.1
Eastwoodiella californica swamp harebell	PDCAM02060	None	None	G3	S3	1B.2
Egretta thula snowy egret	ABNGA06030	None	None	G5	S4	
Elanus leucurus white-tailed kite	ABNKC06010	None	None	G5	S3S4	FP
Emys marmorata western pond turtle	ARAAD02030	Proposed Threatened	None	G3G4	S3	SSC
Erethizon dorsatum North American porcupine	AMAFJ01010	None	None	G5	S3	
Eriogonum nudum var. decurrens Ben Lomond buckwheat	PDPGN08492	None	None	G5T1	S1	1B.1
Erysimum teretifolium Santa Cruz wallflower	PDBRA160N0	Endangered	Endangered	G1	S1	1B.1
Euphilotes enoptes smithi Smith's blue butterfly	IILEPG2026	Endangered	None	G5T2	S2	
Euphydryas editha bayensis Bay checkerspot butterfly	IILEPK4055	Threatened	None	G5T1	S3	
Falco peregrinus anatum American peregrine falcon	ABNKD06071	Delisted	Delisted	G4T4	S3S4	
Fissidens pauperculus minute pocket moss	NBMUS2W0U0	None	None	G3?	S2	1B.2
Fritillaria liliacea fragrant fritillary	PMLIL0V0C0	None	None	G2	S2	1B.2

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Gonidea angulata	IMBIV19010	None	None	G3	S2	
western ridged mussel						
Hesperocyparis abramsiana var. abramsiana	PGCUP04081	Threatened	Endangered	G1T1	S1	1B.2
Santa Cruz cypress						
Hoita strobilina	PDFAB5Z030	None	None	G2?	S2?	1B.1
Loma Prieta hoita						
Holocarpha macradenia	PDAST4X020	Threatened	Endangered	G1	S1	1B.1
Santa Cruz tarplant						
Horkelia cuneata var. sericea	PDROS0W043	None	None	G4T1?	S1?	1B.1
Kellogg's horkelia						
Horkelia marinensis	PDROS0W0B0	None	None	G2	S2	1B.2
Point Reyes horkelia						
Lasiurus cinereus	AMACC05032	None	None	G3G4	S4	
hoary bat						
Lasthenia conjugens	PDAST5L040	Endangered	None	G1	S1	1B.1
Contra Costa goldfields						
Lessingia micradenia var. glabrata	PDAST5S062	None	None	G2T2	S2	1B.2
smooth lessingia						
Malacothamnus arcuatus	PDMAL0Q0E0	None	None	G2Q	S2	1B.2
arcuate bush-mallow						
Malacothamnus hallii	PDMAL0Q0F0	None	None	G2	S2	1B.2
Hall's bush-mallow						
Margaritifera falcata	IMBIV27020	None	None	G5	S1S2	
western pearlshell						
Maritime Coast Range Ponderosa Pine Forest	CTT84132CA	None	None	G1	S1.1	
Maritime Coast Range Ponderosa Pine Forest						
Microcina homi	ILARA47020	None	None	G1	S2	
Hom's micro-blind harvestman						
Microseris paludosa	PDAST6E0D0	None	None	G2	S2	1B.2
marsh microseris						
Monardella sinuata ssp. nigrescens	PDLAM18162	None	None	G3T2	S2	1B.2
northern curly-leaved monardella						
Monolopia gracilens	PDAST6G010	None	None	G3	S3	1B.2
woodland woollythreads						
Myotis evotis	AMACC01070	None	None	G5	S3	
long-eared myotis						
Myotis yumanensis	AMACC01020	None	None	G5	S4	
Yuma myotis						
Neotoma fuscipes annectens	AMAFF08082	None	None	G5T2T3	S2S3	SSC
San Francisco dusky-footed woodrat						
North Central Coast Drainage Sacramento Sucker/Roach River	CARA2623CA	None	None	GNR	SNR	
North Central Coast Drainage Sacramento Sucker/Roach River						

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Northern Maritime Chaparral	CTT37C10CA	None	None	G1	S1.2	
Northern Maritime Chaparral						
Nycticorax nycticorax	ABNGA11010	None	None	G5	S4	
black-crowned night heron						
Oncorhynchus kisutch pop. 4	AFCHA02034	Endangered	Endangered	G5T2Q	S2	
coho salmon - central California coast ESU						
Oncorhynchus mykiss irideus pop. 8	AFCHA0209G	Threatened	None	G5T3Q	S3	
steelhead - central California coast DPS						
Oncorhynchus mykiss irideus pop. 9	AFCHA0209H	Threatened	None	G5T2Q	S2	
steelhead - south-central California coast DPS						
Pandion haliaetus	ABNKC01010	None	None	G5	S4	WL
osprey						
Pedicularis dudleyi	PDSCR1K180	None	Rare	G2	S2	1B.2
Dudley's lousewort						
Penstemon rattanii var. kleei	PDSCR1L5B1	None	None	G4T2	S2	1B.2
Santa Cruz Mountains beardtongue						
Pentachaeta bellidiflora	PDAST6X030	Endangered	Endangered	G1	S1	1B.1
white-rayed pentachaeta						
Philanthus nasalis	IIHYM20010	None	None	G2	S2	
Antioch specid wasp						
Phrynosoma blainvillii	ARACF12100	None	None	G4	S4	SSC
coast horned lizard						
Piperia candida	PMORC1X050	None	None	G3?	S3	1B.2
white-flowered rein orchid						
Plagiobothrys chorisianus var. chorisianus	PDBOR0V061	None	None	G3T1Q	S1	1B.2
Choris' popcornflower						
Plagiobothrys diffusus	PDBOR0V080	None	Endangered	G1Q	S1	1B.1
San Francisco popcornflower						
Plagiobothrys glaber	PDBOR0V0B0	None	None	GX	SX	1A
hairless popcornflower						
Polygonum hickmanii	PDPGN0L310	Endangered	Endangered	G1	S1	1B.1
Scotts Valley polygonum						
Polyphylla barbata	IICOL68030	Endangered	None	G1	S2	
Mount Hermon (=barbate) June beetle						
Progne subis	ABPAU01010	None	None	G5	S3	SSC
purple martin						
Rana boylii pop. 4	AAABH01054	Threatened	Endangered	G3T2	S2	
foothill yellow-legged frog - central coast DPS						
Rana draytonii	AAABH01022	Threatened	None	G2G3	S2S3	SSC
California red-legged frog						
Sagittaria sanfordii	PMALI040Q0	None	None	G3	S3	1B.2
Sanford's arrowhead						

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Sanicula saxatilis rock sanicle	PDAPI1Z0H0	None	Rare	G2	S2	1B.2
Scaphinotus behrensi Behrens' snail-eating beetle	IICOL4L070	None	None	G2G4	S2S4	
Senecio aphanactis chaparral ragwort	PDAST8H060	None	None	G3	S2	2B.2
Serpentine Bunchgrass Serpentine Bunchgrass	CTT42130CA	None	None	G2	S2.2	
Stebbinsoseris decipiens Santa Cruz microseris	PDAST6E050	None	None	G2	S2	1B.2
Streptanthus albidus ssp. albidus Metcalf Canyon jewelflower	PDBRA2G011	Endangered	None	G2T1	S1	1B.1
Streptanthus albidus ssp. peramoenus most beautiful jewelflower	PDBRA2G012	None	None	G2T2	S2	1B.2
Taxidea taxus American badger	AMAJF04010	None	None	G5	S3	SSC
Trifolium buckwestiorum Santa Cruz clover	PDFAB402W0	None	None	G2	S2	1B.1
Trifolium hydrophilum saline clover	PDFAB400R5	None	None	G2	S2	1B.2
Trifolium polyodon Pacific Grove clover	PDFAB402H0	None	Rare	G1	S1	1B.1
Trimerotropis infantilis Zayante band-winged grasshopper	IIORT36030	Endangered	None	G1	S1	

Record Count: 114

CALIFORNIA NATIVE PLANT SOCIETY

CNPS Rare Plant Inventory

Search Results

19 matches found. Click on scientific name for details

Search Criteria: Fed List is one of [**FE:FT:FC:FD**] **or** State List is one of [**CE:CT:CR:CC:CD**] , 9-Quad include [**3712118:3712117:3712128:3712127:3712137:3712138:3712211:3712221:3712231**]

▲ SCIENTIFIC NAME	COMMON NAME	FAMILY	LIFEFORM	BLOOMING PERIOD	FED LIST	STATE LIST	GLOBAL RANK	STATE RANK	CA RARE PLANT RANK	CA ENDEMIC	DATE ADDED	PHOTO
Arenaria paludicola	marsh sandwort	Caryophyllaceae	perennial stoloniferous herb	May-Aug	FE	CE	G1	S1	1B.1		1984-01-01	No Photo Available
Astragalus agnicidus	Humboldt County milk-vetch	Fabaceae	perennial herb	(Mar)Apr-Sep	None	CE	G2	S2	1B.1	Yes	1974-01-01	 ©2004 Dean Wm. Taylor
Ceanothus ferrisiae	Coyote ceanothus	Rhamnaceae	perennial evergreen shrub	Jan-May	FE	None	G1	S1	1B.1	Yes	1974-01-01	No Photo Available
Chorizanthe pungens var. *hartwegiana*	Ben Lomond spineflower	Polygonaceae	annual herb	Apr-Jul	FE	None	G2T1	S1	1B.1	Yes	1994-01-01	No Photo Available
Chorizanthe pungens var. *pungens*	Monterey spineflower	Polygonaceae	annual herb	Apr-Jun(Jul-Aug)	FT	None	G2T2	S2	1B.2	Yes	1980-01-01	No Photo Available
Chorizanthe robusta var. *hartwegii*	Scotts Valley spineflower	Polygonaceae	annual herb	Apr-Jul	FE	None	G2T1	S1	1B.1	Yes	1994-01-01	No Photo Available
Chorizanthe robusta var. *robusta*	robust spineflower	Polygonaceae	annual herb	Apr-Sep	FE	None	G2T1	S1	1B.1	Yes	1980-01-01	No Photo Available
Dudleya abramsii ssp. *setchellii*	Santa Clara Valley dudleya	Crassulaceae	perennial herb	Apr-Oct	FE	None	G4T2	S2	1B.1	Yes	1988-01-01	No Photo Available
Erysimum teretifolium	Santa Cruz wallflower	Brassicaceae	perennial herb	Mar-Jul	FE	CE	G1	S1	1B.1	Yes	1974-01-01	No Photo Available

Hesperocyparis abramsiana var. *abramsiana*	Santa Cruz cypress	Cupressaceae	perennial evergreen tree		FT	CE	G1T1	S1	1B.2	Yes	1974-01-01	 © 2012 Neal Kramer
Holocarpha macradenia	Santa Cruz tarplant	Asteraceae	annual herb	Jun-Oct	FT	CE	G1	S1	1B.1	Yes	1974-01-01	 © 2011 Dylan Neubauer
Lasthenia conjugens	Contra Costa goldfields	Asteraceae	annual herb	Mar-Jun	FE	None	G1	S1	1B.1	Yes	1974-01-01	 © 2013 Neal Kramer
Pedicularis dudleyi	Dudley's lousewort	Orobanchaceae	perennial herb	Apr-Jun	None	CR	G2	S2	1B.2	Yes	1974-01-01	No Photo Available
Pentachaeta bellidiflora	white-rayed pentachaeta	Asteraceae	annual herb	Mar-May	FE	CE	G1	S1	1B.1	Yes	1974-01-01	No Photo Available
Plagiobothrys diffusus	San Francisco popcornflower	Boraginaceae	annual herb	Mar-Jun	None	CE	G1Q	S1	1B.1	Yes	1974-01-01	No Photo Available
Polygonum hickmanii	Scotts Valley polygonum	Polygonaceae	annual herb	May-Aug	FE	CE	G1	S1	1B.1	Yes	2001-01-01	No Photo Available
Sanicula saxatilis	rock sanicle	Apiaceae	perennial herb	Apr-May	None	CR	G2	S2	1B.2	Yes	1974-01-01	 © 1998 John Game
Streptanthus albidus ssp. *albidus*	Metcalf Canyon jewelflower	Brassicaceae	annual herb	Apr-Jul	FE	None	G2T1	S1	1B.1	Yes	1974-01-01	Photo of Streptanthus albidus ssp. albidus © 2015 Aaron Schusteff
Trifolium polyodon	Pacific Grove clover	Fabaceae	annual herb	Apr-Jun(Jul)	None	CR	G1	S1	1B.1	Yes	1974-01-01	No Photo Available

Showing 1 to 19 of 19 entries

Suggested Citation:

California Native Plant Society, Rare Plant Program. 2024. Rare Plant Inventory (online edition, v9.5). Website https://www.rareplants.cnps.org [accessed 3 January 2024].

IPaC resource list

IPaC is experiencing an issue while generating consistency letters for DKeys. We are working on the issue and hope to have it resolved soon. ×

This resource list is for use by individuals, projects, and federal agencies to request a list of all proposed, threatened, and endangered species, candidates, and proposed and final designated critical habitat that may occur within the boundary of your project and/or may be affected by your project as well as the species' U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

NOT FOR CONSULTATION

Location

Santa Clara County, California



Local office

Sacramento Fish And Wildlife Office

(916) 414-6600
(916) 414-6713

Federal Building
2800 Cottage Way, Room W-2605
Sacramento, CA 95825-1846

NOT FOR CONSULTATION

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species[1] and their critical habitats are managed by the Ecological Services Program of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries[2]).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact NOAA Fisheries for species under their jurisdiction.

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1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the listing status page for more information. IPaC only shows species that are regulated by USFWS (see FAQ).

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2. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Birds

NAME	STATUS
California Condor Gymnogyps californianus There is **final** critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/8193	Endangered
California Least Tern Sternula antillarum browni Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/8104	Endangered
Marbled Murrelet Brachyramphus marmoratus There is **final** critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/4467	Threatened

Reptiles

NAME	STATUS
Northwestern Pond Turtle Actinemys marmorata Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1111	Proposed Threatened

Amphibians

NAME	STATUS
California Red-legged Frog Rana draytonii Wherever found There is **final** critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/2891	Threatened

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California Tiger Salamander Ambystoma californiense — Threatened

There is **final** critical habitat for this species. Your location does not overlap the critical habitat.

https://ecos.fws.gov/ecp/species/2076

Foothill Yellow-legged Frog Rana boylii — Threatened

No critical habitat has been designated for this species.

https://ecos.fws.gov/ecp/species/5133

Fishes

NAME	STATUS
Tidewater Goby Eucyclogobius newberryi Wherever found There is **final** critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/57	Endangered

Insects

NAME	STATUS
Monarch Butterfly Danaus plexippus Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/9743	Candidate

Flowering Plants

NAME	STATUS
Metcalf Canyon Jewelflower Streptanthus albidus ssp. albidus Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/4186	Endangered
Robust Spineflower Chorizanthe robusta var. robusta Wherever found There is **final** critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/9287	Endangered

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Santa Clara Valley Dudleya Dudleya setchellii Endangered
Wherever found
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/3207

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

There are no critical habitats at this location.

You are still required to determine if your project(s) may have effects on all above listed species.

Bald & Golden Eagles

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act[1] and the Migratory Bird Treaty Act[2].

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats[3], should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "Supplemental Information on Migratory Birds and Eagles".

Additional information can be found using the following links:

- Eagle Management https://www.fws.gov/program/eagle-management
- Measures for avoiding and minimizing impacts to birds https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds
- Nationwide conservation measures for birds https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf
- Supplemental Information for Migratory Birds and Eagles in IPaC https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action

There are bald and/or golden eagles in your project area.

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For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the PROBABILITY OF PRESENCE SUMMARY below to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle *Haliaeetus leucocephalus* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds Jan 1 to Aug 31
Golden Eagle *Aquila chrysaetos* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680	Breeds Jan 1 to Aug 31

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Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "Supplemental Information on Migratory Birds and Eagles", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.

2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

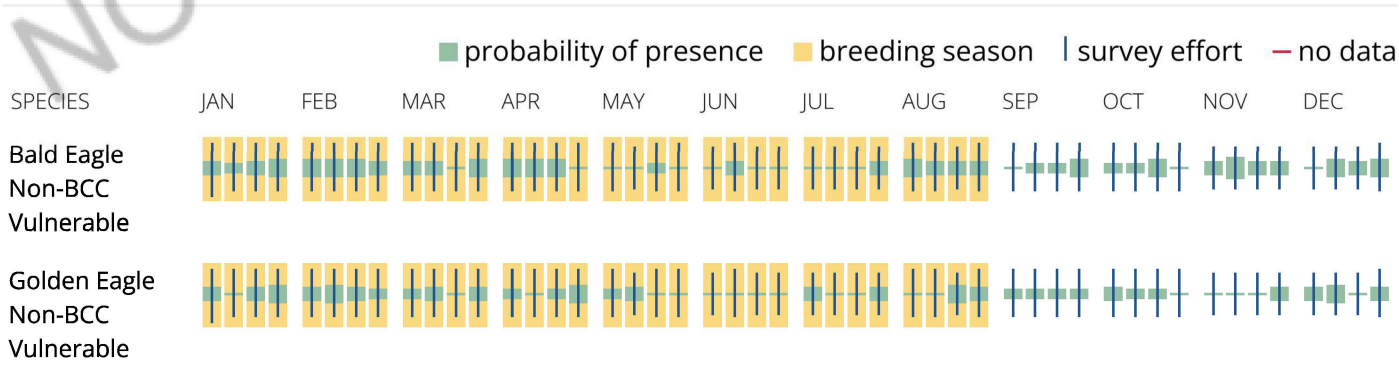
Survey Effort (|)
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (–)
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

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What does IPaC use to generate the potential presence of bald and golden eagles in my specified location?

The potential for eagle presence is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project

intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply). To see a list of all birds potentially present in your project area, please visit the Rapid Avian Information Locator (RAIL) Tool.

What does IPaC use to generate the probability of presence graphs of bald and golden eagles in my specified location?

The Migratory Bird Resource List is comprised of USFWS Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the Rapid Avian Information Locator (RAIL) Tool.

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the Eagle Act should such impacts occur. Please contact your local Fish and Wildlife Service Field Office if you have questions.

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Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act[1] and the Bald and Golden Eagle Protection Act[2].

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats[3] should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "Supplemental Information on Migratory Birds and Eagles".

1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.

Additional information can be found using the following links:

- Eagle Management https://www.fws.gov/program/eagle-management
- Measures for avoiding and minimizing impacts to birds https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds

- Nationwide conservation measures for birds https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf
- Supplemental Information for Migratory Birds and Eagles in IPaC https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action

The birds listed below are birds of particular concern either because they occur on the USFWS Birds of Conservation Concern (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ below. This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the E-bird data mapping tool (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found below.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the PROBABILITY OF PRESENCE SUMMARY below to see when these birds are most likely to be present and breeding in your project area.

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NAME	BREEDING SEASON
Allen's Hummingbird Selasphorus sasin This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9637	Breeds Feb 1 to Jul 15
Bald Eagle Haliaeetus leucocephalus This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds Jan 1 to Aug 31
Belding's Savannah Sparrow Passerculus sandwichensis beldingi This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/8	Breeds Apr 1 to Aug 15

Black Skimmer Rynchops niger — Breeds May 20 to Sep 15

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/5234

Bullock's Oriole Icterus bullockii — Breeds Mar 21 to Jul 25

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

California Gull Larus californicus — Breeds Mar 1 to Jul 31

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

California Thrasher Toxostoma redivivum — Breeds Jan 1 to Jul 31

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Clark's Grebe Aechmophorus clarkii — Breeds Jun 1 to Aug 31

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Common Yellowthroat Geothlypis trichas sinuosa — Breeds May 20 to Jul 31

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA
https://ecos.fws.gov/ecp/species/2084

Golden Eagle Aquila chrysaetos — Breeds Jan 1 to Aug 31

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.
https://ecos.fws.gov/ecp/species/1680

Lawrence's Goldfinch Carduelis lawrencei — Breeds Mar 20 to Sep 20

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/9464

Marbled Godwit Limosa fedoa — Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/9481

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Nuttall's Woodpecker Picoides nuttallii — Breeds Apr 1 to Jul 20
This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA
https://ecos.fws.gov/ecp/species/9410

Oak Titmouse Baeolophus inornatus — Breeds Mar 15 to Jul 15
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/9656

Olive-sided Flycatcher Contopus cooperi — Breeds May 20 to Aug 31
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/3914

Short-billed Dowitcher Limnodromus griseus — Breeds elsewhere
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/9480

Tricolored Blackbird Agelaius tricolor — Breeds Mar 15 to Aug 10
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/3910

Western Grebe aechmophorus occidentalis — Breeds Jun 1 to Aug 31
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/6743

Willet Tringa semipalmata — Breeds elsewhere
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Wrentit Chamaea fasciata — Breeds Mar 15 to Aug 10
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

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Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read

"Supplemental Information on Migratory Birds and Eagles", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

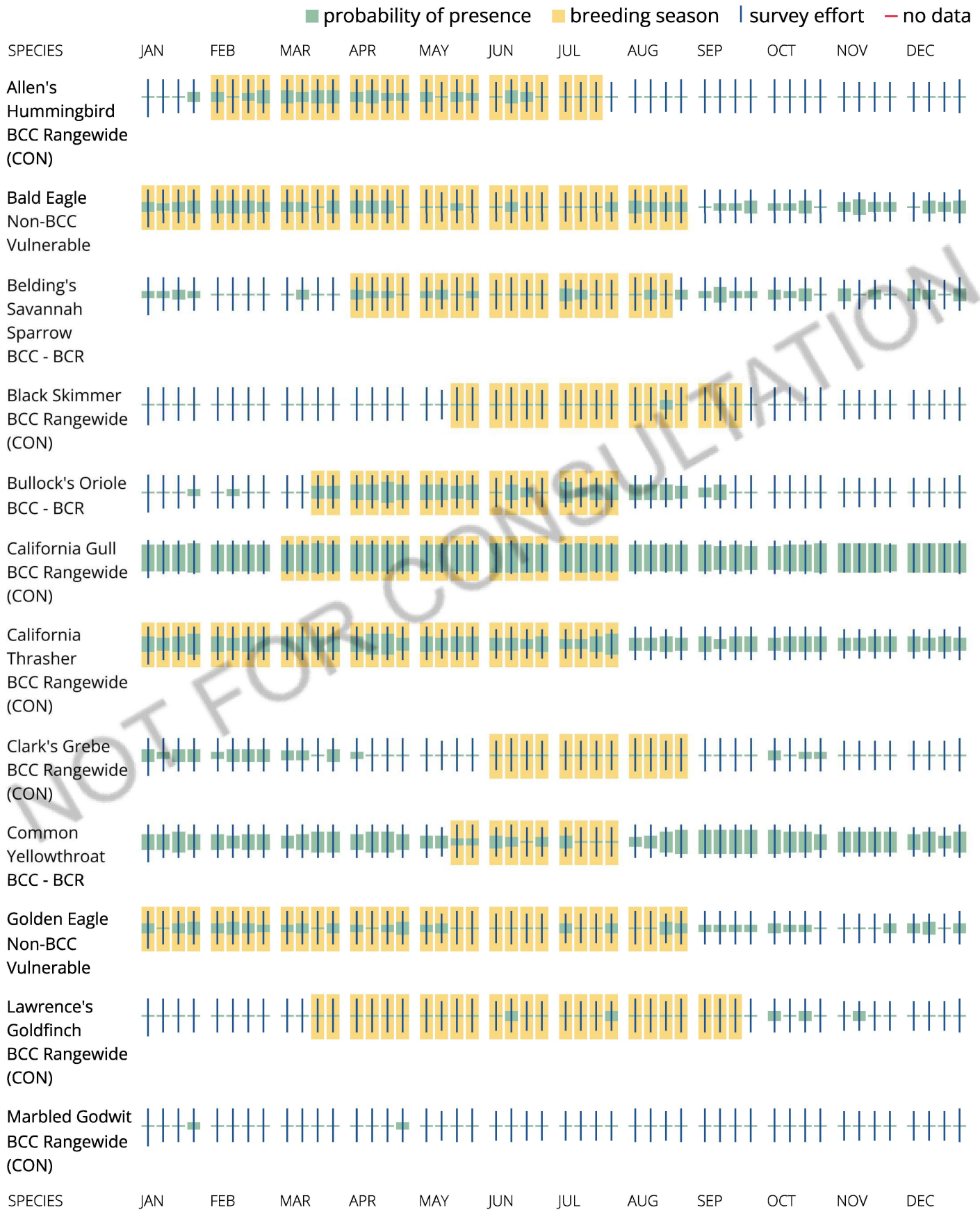
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (–)
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

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Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



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Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

Nationwide Conservation Measures describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. Additional measures or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of USFWS Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid

cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the Rapid Avian Information Locator (RAIL) Tool.

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the Avian Knowledge Network (AKN). This data is derived from a growing collection of survey, banding, and citizen science datasets.

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the RAIL Tool and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are Birds of Conservation Concern (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the Eagle Act requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides birds that may be helpful to

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you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the Diving Bird Study and the nanotag studies or contact Caleb Spiegel or Pam Loring.

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

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Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

There are no refuge lands at this location.

Fish hatcheries

There are no fish hatcheries at this location.

Wetlands in the National Wetlands Inventory (NWI)

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

This location did not intersect any wetlands mapped by NWI.

NOTE: This initial screening does **not** replace an on-site delineation to determine whether wetlands occur. Additional information on the NWI data is provided below.

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Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tuberficid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate Federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

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FIRSTCARBON
SOLUTIONS
FCS INTERNATIONAL, INC.

Attachment C:
Tree Inventory, Assessment, and Protection Report

Tree Inventory, Assessment, and Protection Report

5670 Camden Avenue
San Jose, CA 95124

Prepared for:

Mana Investments

September 28, 2023
Revised February 2, 2024

Prepared By:

Richard Gessner

ISA BCMA WE-4341B
ASCA RCA #496

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Summary

The assessment contains forty-five (45) trees with twenty-seven (27) “Ordinance Size” comprised of thirteen (13) different species. Four coast live oaks and one elderberry are “Native” while the remaining forty are “non-native”. Three trees, #109, #110, and #111 originate off the property with crowns overhanging.

Twenty-eight trees are in good condition, eleven fair, four poor, and two are in very poor shape.

Most of the trees have poor suitability for preservation and three were considered fair including the fig #110 on the adjacent site. The other two with fair suitability are coast live oak #96 and sweetgum #119. Fifteen trees have good suitability for preservation which include eight of the Zelkova, six Gingko along Singletree Way (#113-#118) and the coast redwood #112, which is probably the best specimen on the entire site.

Only tree #112 on the site is scheduled to be retained along with the three #109-#111 originating on adjacent sites. Trees highly impacted could meet the findings for removal as stated in 13.32.100 - Permit findings. Subsections 2 and 3 due to proximity to improvements. The removals would require 117 15 gallon or 51.5 24 inch box replacements.

Where possible fence should be placed around the trees to be preserved at their calculated tree protection zone. Specified tree protection zones will be required around #109- #112.

Introduction

Background

Mana Investments asked me to asses the site and trees as part of a plan to construct new residences around the property. I agreed to assess the trees and provide a report with my findings and recommendations.

Assignment

1. Provide an arborist’s report including an assessment of the carobs within the project area that could be affected. The assessment is to include the species, size (trunk diameter), condition (health, structure, form), and suitability for preservation ratings.
2. Provide tree protection guidelines, specifications, and expected impact ratings for those affected by the project.

Limits of Assignment

1. The information in this report is limited to the condition of the trees during my inspection on September 18, 2023.
2. The plans reviewed for this assignment were as follows in Table 1 below.

Table 1: Plans Reviewed Checklist

Plan	Date	Sheet	Reviewed	Source
Existing Site Topographic Map or A.L.T.A with tree locations	01/26/24	C.2	Yes	Hanna Brunetti
Proposed Site Plan	01/26/25	C.3	Yes	Hanna Brunetti
Demolition Plan			Yes	
Construction Staging			No	
Grading and Drainage	01/26/25	C.5-C.7	Yes	Hanna Brunetti
Utility Plan and Hook-up locations	01/26/25	C.8	No	Hanna Brunetti
Exterior Elevations			No	
Landscape Plan	02/02/24	L1 L2	No	Ripley Design
Irrigation Plan			No	
T-1 Tree Protection Plan			No	

Purpose and Use of the Report

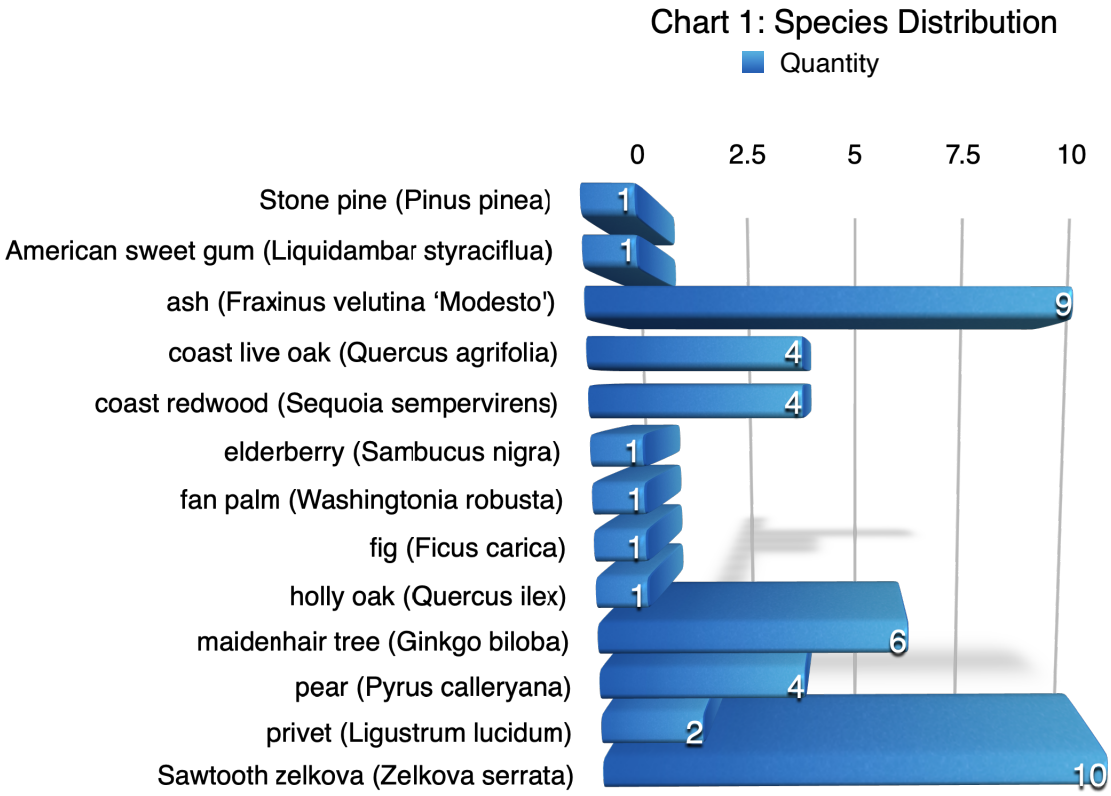
The report is intended to assess the carob trees within the plan area that could be affected by a project. The report is to be used by the property owners, owner's agents, and the City of San Jose as a reference for existing tree conditions to help satisfy planning requirements.

Observations

The plans are to demolish the existing structures and create a housing subdivision.

Chapter 13.32.020 defines an “Ordinance tree” size tree as follows: *”Tree” means any live or dead woody perennial plant characterized by having a main stem or trunk which measures thirty-eight (38) inches or more in circumference at a height of fifty-four (54) inches above natural grade slope. For purposes of this Chapter, a multi-trunk tree shall be considered a single tree and measurement of that tree shall include the sum of the circumference of the trunks of that tree at a height of fifty-four inches above natural grade slope. "Tree" shall include the plural of that term.*” A “Street tree” is defined as follows: *"Street tree" shall mean any tree that is planted on a street.”*

The assessment contains forty-five (45) trees with twenty-seven (27) “Ordinance Size” comprised of thirteen (13) different species (Chart 1). Four coast live oaks and one elderberry are “Native” while the remaining forty are “non-native”. Three trees, #109, #110, and #111 originate off the property with crowns overhanging.



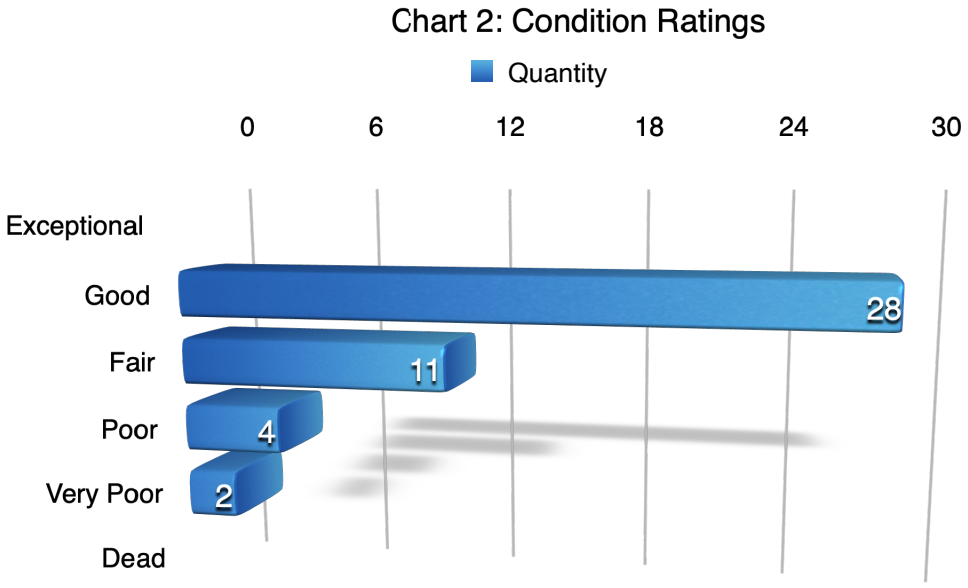
Discussion

Condition Rating

A tree's condition is a determination of its overall health, structure, and form. The assessment considered both the health and structure for a combined condition rating.

- 100% - Exceptional = Good health and structure with significant size, location or quality.
- 61-80% - Good = Normal vigor, well-developed structure, function and aesthetics not compromised with good longevity for the site.
- 41-60 % - Fair = Reduced vigor, damage, dieback, or pest problems, at least one significant structural problem or multiple moderate defects requiring treatment. Major asymmetry or deviation from the species normal habit, function and aesthetics compromised.
- 21-40% - Poor = Unhealthy and declining appearance with poor vigor, abnormal foliar color, size or density with potential irreversible decline. One serious structural defect or multiple significant defects that cannot be corrected and failure may occur at any time. Significant asymmetry and compromised aesthetics and intended use.
- 6-20% - Very Poor = Poor vigor and dying with little foliage in irreversible decline. Severe defects with the likelihood of failure being probable or imminent. Aesthetically poor with little or no function in the landscape.
- 0-5% - Dead/Unstable = Dead or imminently ready to fail.

Twenty-eight trees are in good condition, eleven fair, four poor, and two are in very poor shape (Chart 2).

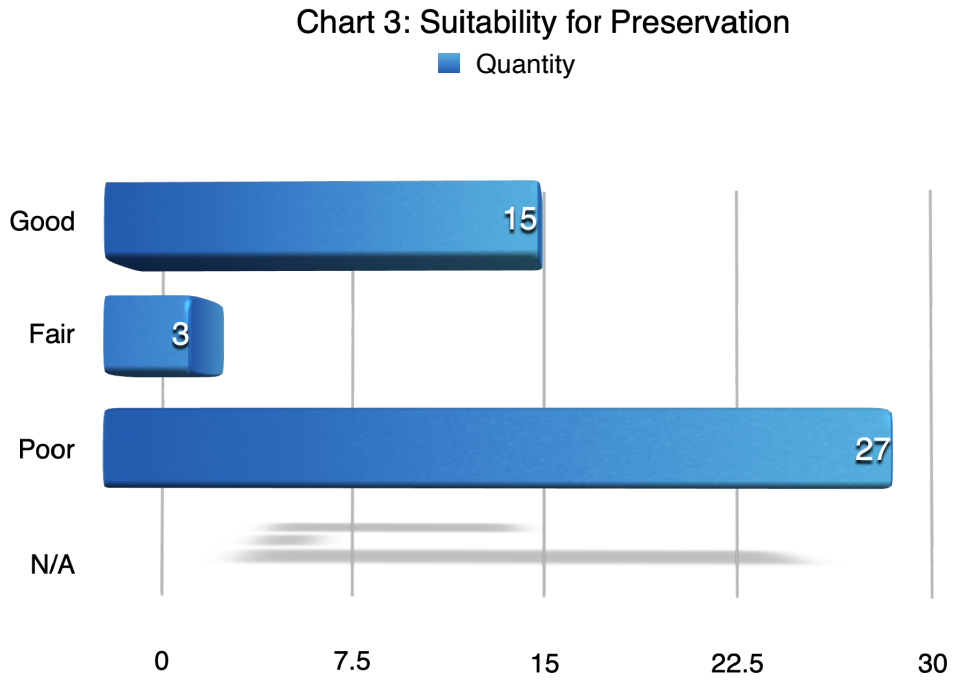


Suitability for Preservation

Suitability for preservation is based on a tree's potential to be a future asset once a project is complete. Ratings are based on species, size, condition and tolerance to construction, and contribution to the site and community (Gilpin, R, Hauer, R, Matheny, N, and Smiley, E.T. 2023). Ratings are as follows and some trees may have certain good and bad characteristics and not fit neatly into the categories.

- High: Good condition, desirable species, tolerant to construction impacts, longer lifespans, good aesthetics.
- Medium: Trees between high and low potentially with issues that can be mitigated through cultural practices such as pruning or plant health care programs.
- Low: Poor condition, undesirable species (invasive or low species ratings), intolerant of construction impacts, short life spans, poor aesthetics.

Most of the trees have poor suitability for preservation and three were considered fair including the fig #110 on the adjacent site. The other two with fair suitability are coast live oak #96 and sweetgum #119. Fifteen trees have good suitability for preservation which include eight of the Zelkova, six Gingko along Singletree Way (#113-#118) and the coast redwood #112, which is probably the best specimen on the entire site (Chart 3).

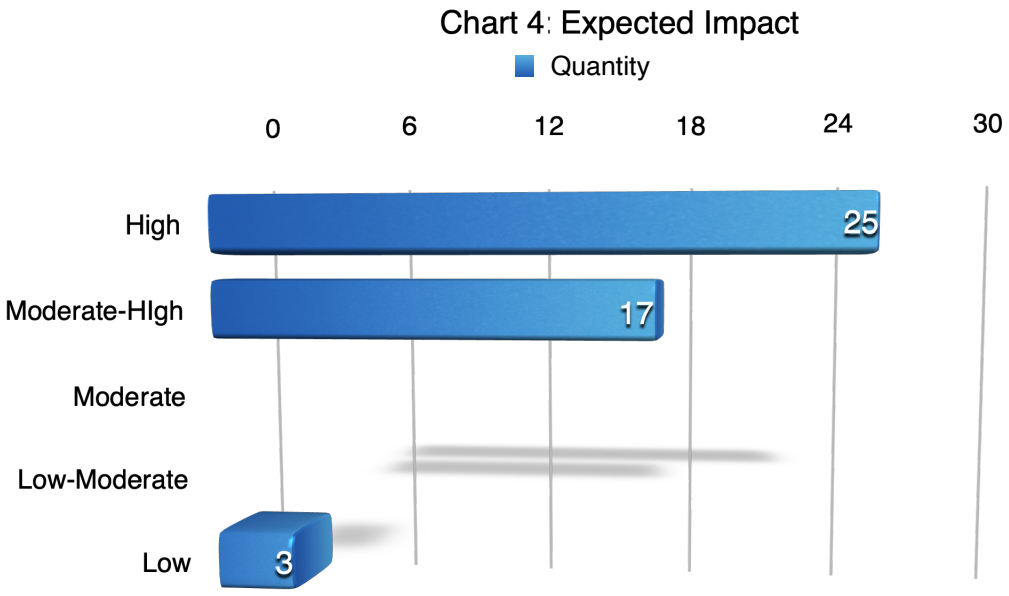


Expected Impact Level

Impact level defines how a tree may be affected by construction activity and is described as low, moderate, or high. The following scale defines the impact rating:

- Low = The construction activity will have little influence on the tree.
- Moderate = The construction may cause future health or structural problems, and steps must be taken to protect the tree to reduce future problems.
- High = Tree structure and health will be compromised and removal is recommended, or other actions must be taken for the tree to remain. The tree is located in the building envelope.

Twenty-five trees will be highly impacted and removed while an additional seventeen could be moderate to highly impacted but are expected to be retained (Chart 4). Three trees are not expected to be impacted and they all originate on the adjacent properties (#109, #110, and #111).



Justification of Removal

Trees could meet the findings for removal as stated in 13.32.100 - Permit findings. Subsections 2 and 3 (Appendix D) due to proximity to improvements.

Tree Protection

The tree protection zone (TPZ) is the defined area in which certain activities are prohibited to minimize potential injury to the tree and should encompass the critical root zone. There are two tree protection zones determined which include the “calculated” and “specified” tree protection zones. The “calculated” tree protection zone is determined by a multiplication factor based on species tolerance, tree age/vigor/health, and trunk diameter (Table 3). The “specified” tree protection zone is adjusted in size and shape to accommodate the existing infrastructure, planned construction, and specific site constraints. This “specified” zone includes tree canopy conformation, visible root orientation, size, condition, maturity, and species tolerances (Gilpin, R, Hauer, R, Matheny, N, and Smiley, E.T. 2023).

Where possible fence should be placed around the trees to be preserved at their calculated tree protection zone (Table 2). Specified tree protection zones will be required around #109- #112.

Table 2: Retained Tree Protection Offsets

Tree Species	I.D. #	Trunk Diameter (in.)	Trunk Circumference	~ Canopy Diameter (ft.)	Calculated TPZ Radius (ft.)
coast redwood (*Sequoia sempervirens*)	112	45	141	25	30
privet (*Ligustrum lucidum*)	109	8, 6	25, 19	15	12
fig (*Ficus carica*)	110	24	75	25	12
privet (*Ligustrum lucidum*)	111	4, 4, 4, 4	13, 13, 13, 13	25	12

Conclusion

The assessment contains forty-five (45) trees with twenty-seven (27) “Ordinance Size” comprised of thirteen (13) different species. Four coast live oaks and one elderberry are “Native” while the remaining forty are “non-native”. Three trees, #109, #110, and #111 originate off the property with crowns overhanging.

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Where possible fence should be placed around the trees to be preserved at their calculated tree protection zone. Specified tree protection zones will be required around #109- #112.

Recommendations

1. Apply for a tree removal permit and provide a landscape plan to account for the lost "Ordinance Size" trees to be removed.

2. Place tree numbers and tree protection fence locations and guidelines on the plans including the grading, drainage, and utility plans. Fence locations should be placed at the radii specified in Table 2. Create a separate plan sheet that includes all protection measures labeled "T-1 Tree Protection Plan.".

3. Install temporary irrigation or soaker hoses in the TPZs and provide supplemental watering during construction. Monitor watering times or amounts to ensure adequate soil saturation. (A 5/8" soaker hose requires about 200 minutes to deliver one inch of water to a garden. This number is affected by the length of the hose and the overall rate of flow from the faucet. A good rule of thumb is to expect about ½ GPM as a standard faucet flow rate.). Infrequent deeper watering is preferred.

4. All tree maintenance and care shall be performed by a qualified arborist with a C-61/D-49 California Contractors License. Tree maintenance and care shall be specified in writing according to American National Standard for Tree Care Operations: *Tree, Shrub and Other Woody Plant Management: Standard Practices* parts 1 through 10 and adhere to ANSI Z133.1 safety standards and local regulations. All maintenance is to be performed according to ISA Best Management Practices.

5. Provide a copy of this report to all contractors and project managers, including the architect, civil engineer, and landscape designer or architect. It is the responsibility of the owner to ensure all parties are familiar with this document.

6. Arrange a pre-construction meeting with the project arborist or landscape architect to verify tree protection is in place, with the correct materials, and at the proper distances.

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Glossary of Terms

Defect: An imperfection, weakness, or lack of something necessary. In trees defects are injuries, growth patterns, decay, or other conditions that reduce the tree's structural strength.

Diameter at breast height (DBH): Measures at 1.4 meters (4.5 feet) above ground in the United States, Australia (arboriculture), New Zealand, and when using the Guide for Plant Appraisal, 9th edition; at 1.3 meters (4.3 feet) above ground in Australia (forestry), Canada, the European Union, and in UK forestry; and at 1.5 meters (5 feet) above ground in UK arboriculture.

Drip Line: Imaginary line defined by the branch spread or a single plant or group of plants.

Mechanical damage: Physical damage caused by outside forces such as cutting, chopping or any mechanized device that may strike the tree trunk, roots or branches.

Scaffold branches: Permanent or structural branches that for the scaffold architecture or structure of a tree.

Straw wattle: also known as straw worms, bio-logs, straw noodles, or straw tubes are man made cylinders of compressed, weed free straw (wheat or rice), 8 to 12 inches in diameter and 20 to 25 feet long. They are encased in jute, nylon, or other photo degradable materials, and have an average weight of 35 pounds.

Tree Protection Zone (TPZ): Defined area within which certain activities are prohibited or restricted to prevent or minimize potential injury to designated trees, especially during construction or development.

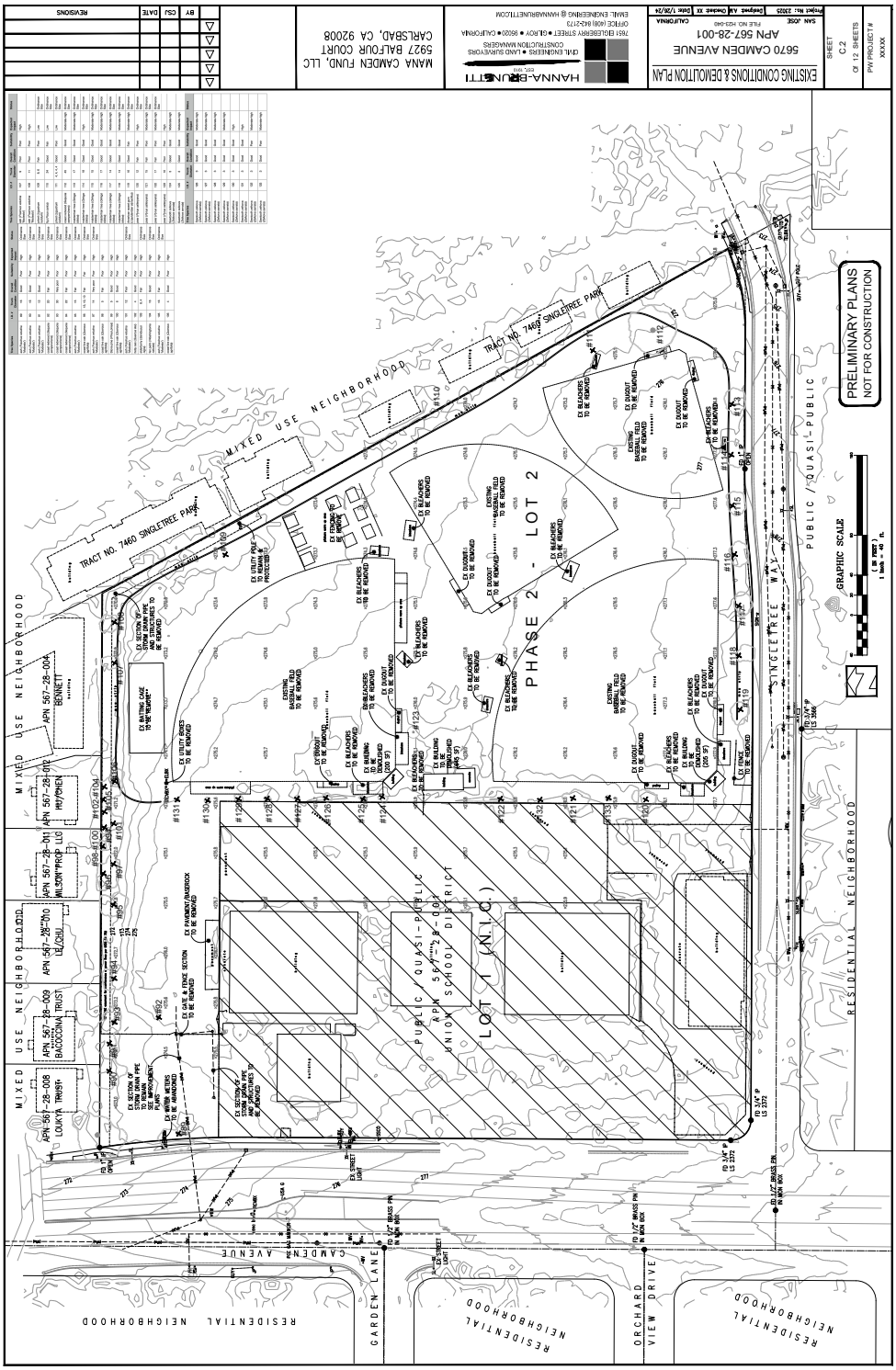
Tree Risk Assessment: Process of evaluating what unexpected things could happen, how likely it is, and what the likely outcomes are. In tree management, the systematic process to determine the level of risk posed by a tree, tree part, or group of trees.

Trunk: Stem of a tree.

Volunteer: A tree, not planted by human hands, that begins to grow on residential or commercial property. Unlike trees that are brought in and installed on property, volunteer trees usually spring up on their own from seeds placed onto the ground by natural causes or accidental transport by people. Normally, volunteer trees are considered weeds and removed, but many desirable and attractive specimens have gone on to become permanent residents on many public and private grounds.

Appendix A: Tree Locations and Proposed Plans

See actual scale size plans for location and detail.



Appendix B: Tree Inventory and Assessment Tables

Table 3: Summary

Tree Species	I.D	Trunk ø (in.)	Trunk C (in.)	Condition	Suitability	Expected Impact/ Remove/ Retain	Status	Native or Non-Native	Justification for removal 13.32.100 - Permit findings	15 Gallon Stock	Or 24 Inch Box Stock
ash (*Fraxinus velutina* 'Modesto')	89	16	50	Good	Poor	High/ Remove	Ordinance Size	Non-native	Subsections 2 and 3	4	2
ash (*Fraxinus velutina* 'Modesto')	90	16	50	Good	Poor	High/ Remove	Ordinance Size	Non-native	Subsections 2 and 3	4	2
ash (*Fraxinus velutina* 'Modesto')	91	12	38	Good	Poor	High/ Remove	Ordinance Size	Non-native	Subsections 2 and 3	4	2
coast redwood (*Sequoia sempervirens*)	92	20	63	Fair	Poor	High/ Remove	Ordinance Size	Non-native	Subsections 2 and 3	4	2
coast redwood (*Sequoia sempervirens*)	93	30	94	Very poor	Poor	High/ Remove	Ordinance Size	Non-native	Subsections 2 and 3	4	2
coast redwood (*Sequoia sempervirens*)	94	22	69	Fair	Poor	High/ Remove	Ordinance Size	Non-native	Subsections 2 and 3	4	2
ash (*Fraxinus velutina* 'Modesto')	95	15	47	Fair	Poor	High/ Remove	Ordinance Size	Non-native	Subsections 2 and 3	4	2
coast live oak (*Quercus agrifolia*)	96	13, 10, 10	41, 31, 31	Fair	Fair	High/ Remove	Ordinance Size	Native	Subsections 2 and 3	5	2.5

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Tree Species	I.D	Trunk ø (in.)	Trunk C (in.)	Condition	Suitability	Expected Impact/ Remove/ Retain	Status	Native or Non-Native	Justification for removal 13.32.100 - Permit findings	15 Gallon Stock	Or 24 Inch Box Stock
ash (*Fraxinus velutina* 'Modesto')	97	14	44	Very poor	Poor	High/ Remove	Ordinance Size	Non-native	Subsections 2 and 3	4	2
coast live oak (*Quercus agrifolia*)	98	5	16	Fair	Poor	High/ Remove	Non-Ordinance Size	Native	Subsections 2 and 3	1	
Stone pine (*Pinus pinea*)	99	5	16	Good	Poor	High/ Remove	Non-Ordinance Size	Non-native	Subsections 2 and 3	1	
coast live oak (*Quercus agrifolia*)	100	6	19	Good	Poor	High/ Remove	Non-Ordinance Size	Native	Subsections 2 and 3	3	1.5
ash (*Fraxinus velutina* 'Modesto')	101	12	38	Poor	Poor	High/ Remove	Ordinance Size	Non-native	Subsections 2 and 3	4	2
holly oak (*Quercus ilex*)	102	4	13	Good	Poor	High/ Remove	Non-Ordinance Size	Non-native	Subsections 2 and 3	1	
elderberry (*Sambucus nigra*)	103	8, 4	25, 13	Fair	Poor	High/ Remove	Ordinance Size	Native	Subsections 2 and 3	5	2.5
fan palm (*Washingtonia robusta*)	104	16	50	Good	Poor	High/ Remove	Ordinance Size	Non-native	Subsections 2 and 3	4	2
ash (*Fraxinus velutina* 'Modesto')	105	16	50	Fair	Poor	High/ Remove	Ordinance Size	Non-native	Subsections 2 and 3	4	2

Tree Species	I.D	Trunk ø (in.)	Trunk C (in.)	Condition	Suitability	Expected Impact/ Remove/ Retain	Status	Native or Non-Native	Justification for removal 13.32.100 - Permit findings	15 Gallon Stock	Or 24 Inch Box Stock
coast live oak (*Quercus agrifolia*)	106	4	13	Good	Poor	High/ Remove	Non-Ordinance Size	Native	Subsections 2 and 3	1	
ash (*Fraxinus velutina* 'Modesto')	107	9	28	Poor	Poor	High/ Remove	Non-Ordinance Size	Non-native	Subsections 2 and 3	2	1
ash (*Fraxinus velutina* 'Modesto')	108	11	35	Poor	Poor	High/ Remove	Non-Ordinance Size	Non-native	Subsections 2 and 3	2	1
privet (*Ligustrum lucidum*)	109	8, 6	25, 19	Fair	Poor	Moderate/ Retain	Ordinance Size	Non-native			
fig (*Ficus carica*)	110	24	75	Good	Fair	Moderate/ Retain	Ordinance Size	Non-native			
privet (*Ligustrum lucidum*)	111	4, 4, 4, 4	13, 13, 13, 13	Good	Poor	Moderate/ Retain	Ordinance Size	Non-native			
coast redwood (*Sequoia sempervirens*)	112	45	141	Good	Good	Moderate/ Retain	Ordinance Size	Non-native			
maidenhair tree (*Ginkgo biloba*)	113	17	53	Good	Good	High/ Remove	Ordinance Size	Non-native	Subsections 2 and 3	4	2
maidenhair tree (*Ginkgo biloba*)	114	18	57	Good	Good	High/ Remove	Ordinance Size	Non-native	Subsections 2 and 3	4	2

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Tree Species	I.D	Trunk ø (in.)	Trunk C (in.)	Condition	Suitability	Expected Impact/ Remove/ Retain	Status	Native or Non-Native	Justification for removal 13.32.100 - Permit findings	15 Gallon Stock	Or 24 Inch Box Stock
maidenhair tree (*Ginkgo biloba*)	115	15	47	Good	Good	High/ Remove	Ordinance Size	Non-native	Subsections 2 and 3	4	2
maidenhair tree (*Ginkgo biloba*)	116	17	53	Good	Good	High/ Remove	Ordinance Size	Non-native	Subsections 2 and 3	4	2
maidenhair tree (*Ginkgo biloba*)	117	14	44	Good	Good	High/ Remove	Ordinance Size	Non-native	Subsections 2 and 3	4	2
maidenhair tree (*Ginkgo biloba*)	118	14	44	Good	Good	High/ Remove	Ordinance Size	Non-native	Subsections 2 and 3	4	2
American sweet gum (*Liquidambar styraciflua*)	119	16	50	Good	Fair	High/ Remove	Ordinance Size	Non-native	Subsections 2 and 3	4	2
pear (*Pyrus calleryana*)	120	12	38	Fair	Poor	High/ Remove	Ordinance Size	Non-native	Subsections 2 and 3	4	2
pear (*Pyrus calleryana*)	121	15	47	Fair	Poor	High/ Remove	Ordinance Size	Non-native	Subsections 2 and 3	4	2
pear (*Pyrus calleryana*)	122	17	53	Fair	Poor	High/ Remove	Ordinance Size	Non-native	Subsections 2 and 3	4	2
pear (*Pyrus calleryana*)	123	10	31	Poor	Poor	High/ Remove	Non-Ordinance Size	Non-native	Subsections 2 and 3	2	1

Tree Species	I.D	Trunk ø (in.)	Trunk C (in.)	Condition	Suitability	Expected Impact/ Remove/ Retain	Status	Native or Non-Native	Justification for removal 13.32.100 - Permit findings	15 Gallon Stock	Or 24 Inch Box Stock
Sawtooth zelkova (*Zelkova serrata*)	124	3	9	Good	Good	High/ Remove	Non-Ordinance Size	Non-native	Subsections 2 and 3	1	
Sawtooth zelkova (*Zelkova serrata*)	125	3	9	Good	Good	High/ Remove	Non-Ordinance Size	Non-native	Subsections 2 and 3	1	
Sawtooth zelkova (*Zelkova serrata*)	126	3	9	Good	Good	High/ Remove	Non-Ordinance Size	Non-native	Subsections 2 and 3	1	
Sawtooth zelkova (*Zelkova serrata*)	127	3	9	Good	Good	High/ Remove	Non-Ordinance Size	Non-native	Subsections 2 and 3	1	
Sawtooth zelkova (*Zelkova serrata*)	128	3	9	Good	Good	High/ Remove	Non-Ordinance Size	Non-native	Subsections 2 and 3	1	
Sawtooth zelkova (*Zelkova serrata*)	129	3	9	Good	Good	High/ Remove	Non-Ordinance Size	Non-native	Subsections 2 and 3	1	
Sawtooth zelkova (*Zelkova serrata*)	130	3	9	Good	Good	High/ Remove	Non-Ordinance Size	Non-native	Subsections 2 and 3	1	

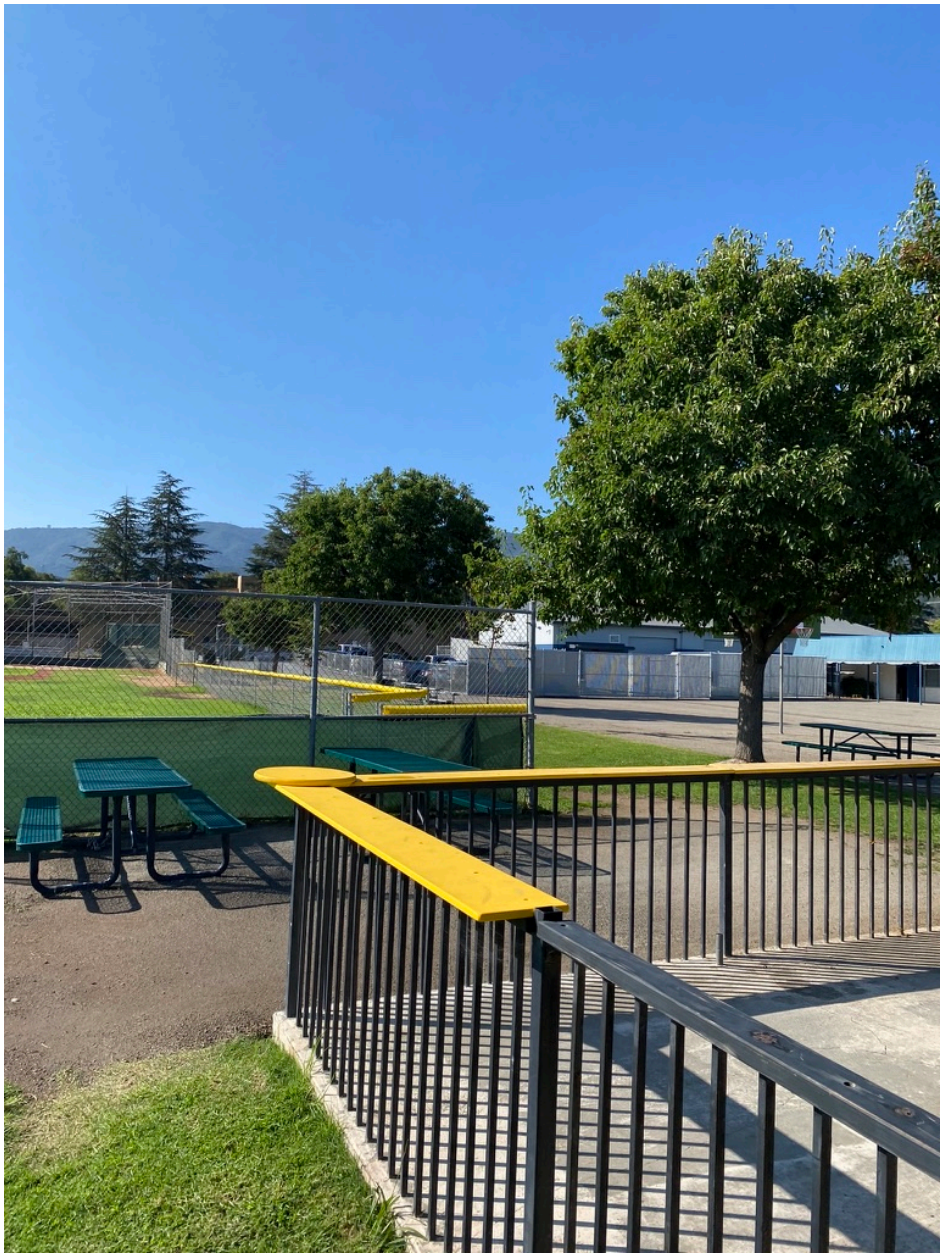
Tree Species	I.D	Trunk ø (in.)	Trunk C (in.)	Condition	Suitability	Expected Impact/ Remove/ Retain	Status	Native or Non-Native	Justification for removal 13.32.100 - Permit findings	15 Gallon Stock	Or 24 Inch Box Stock
Sawtooth zelkova (*Zelkova serrata*)	131	3	9	Good	Good	High/ Remove	Non-Ordinance Size	Non-native	Subsections 2 and 3	1	
Sawtooth zelkova (*Zelkova serrata*)	132	3	9	Good	Poor	High/ Remove	Non-Ordinance Size	Non-native	Subsections 2 and 3	1	
Sawtooth zelkova (*Zelkova serrata*)	133	3	9	Good	Poor	High/ Remove	Non-Ordinance Size	Non-native	Subsections 2 and 3	1	

Appendix C: Photographs

C1: Sweetgum #119 and Ginkgo along Singletree Way



C2: Pears #120 to #122



C3: Zelkova recently installed



C4: Coast Redwood #112

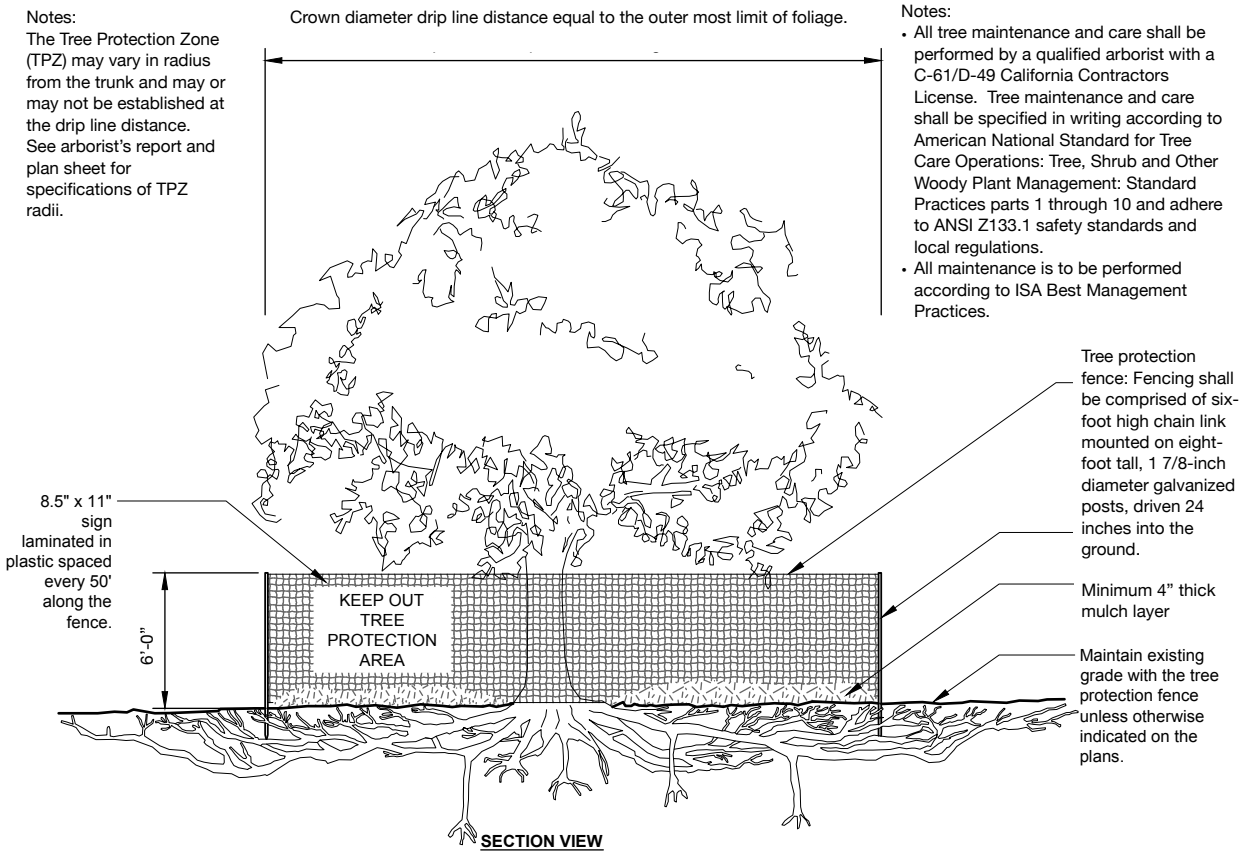


C5: Ash Tree and volunteers along the north side #96 through #107



Appendix D: Tree Protection Guidelines

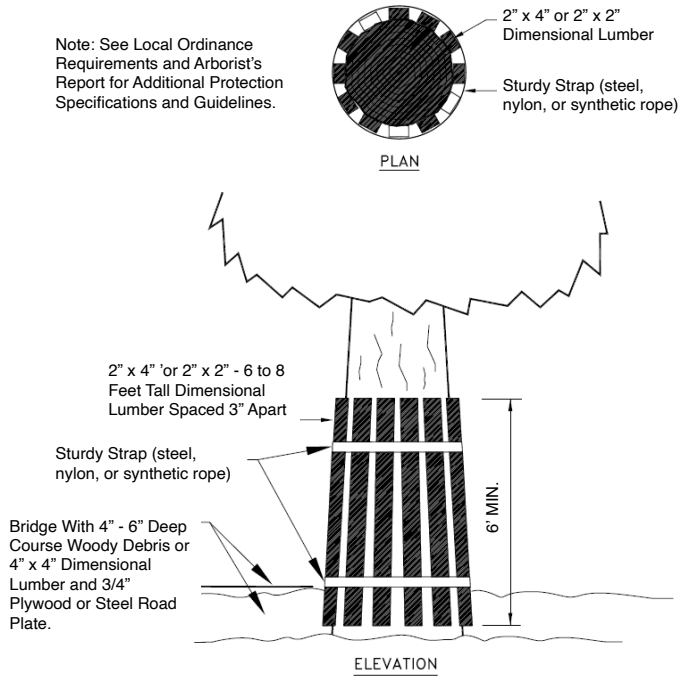
Plan Sheet Detail S-X (Type I)



S-X TREE PROTECTION

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Plan sheet detail for trunk protection



Trunk Protection Vertical Timber Detail

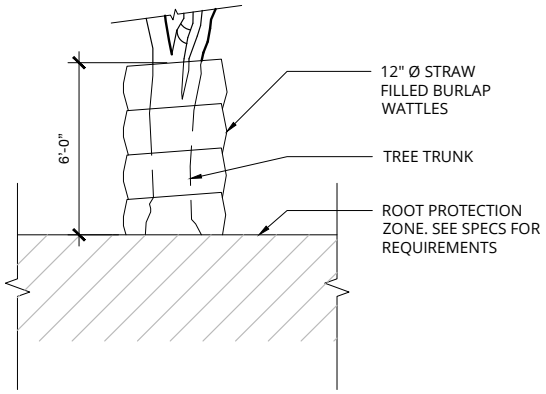


IMAGE 3: WRAPPING WITH STRAW WATTLE

13.32.130 - Safeguarding trees during construction.

For the purpose of safeguarding trees during construction, all of the following conditions shall apply to all such trees except for trees for which a tree removal permit has been issued or which are required to be removed pursuant to Chapter 13.28:

A. Prior to the issuance of any approval or permit for the construction of any improvement on the building site, all trees on the site shall be inventoried by the owner or contractor as to size, species and location on the lot and the inventory shall be submitted on a topographical map to the director; and
B. Damage to any tree during construction shall be immediately reported by a person causing the damage, the responsible contractor, or the owner to the director, and the contractor and/or owner shall treat the tree for damage in the manner specified by the city arborist; and
C. No construction equipment, vehicles or materials shall be stored, parked or standing within the tree dripline; and”
D. Drains shall be installed according to city specifications so as to avoid harm to trees due to excess watering; and
E. Wires, signs and other similar items shall not be attached to trees; and
F. Cutting and filling around the base of trees shall be done only after consultation with the city arborist and then only to the extent authorized by the city arborist; and
G. No paint thinner, paint, plaster or other liquid or solid excess or waste construction materials or wastewater shall be dumped on the ground or into any grate between the dripline and the base of the tree or uphill from any tree where certain substances might reach the roots through a leaching process; and
H. Fencing shall be installed outside the canopy of the tree to the dripline unless otherwise directed by the certified arborist to prevent injury to trees making them susceptible to disease causing organisms; and
I. Wherever cuts or soil disturbances are made in the ground near the roots of trees, appropriate measures shall be taken to prevent exposed soil from drying out and causing damage to tree roots as prescribed in a certified arborist report.

(Ords. 21362, 26595.)

Pre-Construction Meeting with the Project Arborist

Prior to beginning work, all contractors involved with the project should attend a pre construction meeting with the project arborist to review the tree protection guidelines. Access routes, storage areas, and work procedures will be discussed. Tree protection locations should be marked before any fencing contractor arrives.

Tree Protection Zones and Fence Specifications

Tree protection fence should be established prior to the arrival of construction equipment or materials on site. Fence should be comprised of six-foot high chain link fence mounted on eight-foot tall, 1 7/8-inch diameter galvanized posts, driven 24 inches into the ground and spaced no more than 10 feet apart. Once established, the fence must remain undisturbed and be maintained throughout the construction process until final inspection.

The fence should be maintained throughout the site during the construction period and should be inspected periodically for damage and proper functions.

Fence should be repaired, as necessary, to provide a physical barrier from construction activities.

A final inspection by the city arborist at the end of the project will be required prior to removing any tree protection fence and replacement tree shall be planted at this time.

Monitoring

Any trenching, construction or demolition that is expected to damage or encounter tree roots should be monitored by the project arborist or a qualified ISA Certified Arborist and should be documented.

The site should be evaluated by the project arborist or a qualified ISA Certified Arborist after construction is complete, and any necessary remedial work that needs to be performed should be noted.

Restrictions Within the Tree Protection Zone

No storage of construction materials, debris, or excess soil will be allowed within the Tree Protection Zone. Spoils from the trenching shall not be placed within the tree protection zone either temporarily or permanently. Construction personnel and equipment shall be routed outside the tree protection zone of 39 feet from the trunk.

Root Pruning

Root pruning shall be supervised by the project arborist. When roots over two inches in diameter are encountered they should be pruned by hand with loppers, handsaw, reciprocating saw, or chain saw rather than left crushed or torn. Roots should be cut beyond sinker roots or outside root branch junctions and be supervised by the project arborist. When completed, exposed roots should be kept moist with burlap or backfilled within one hour.

Boring or Tunneling

Boring machines should be set up outside the drip line or established Tree Protection Zone. Boring may also be performed by digging a trench on both sides of the tree until roots one inch in diameter are encountered and then hand dug or excavated with an Air Spade® or similar air or water excavation tool. Bore holes should be adjacent to the trunk and never go directly under the main stem to avoid oblique (heart) roots. Bore holes should be a minimum of three feet deep.

Timing

If the construction is to occur during the summer months supplemental watering and bark beetle treatments should be applied to help ensure survival during and after construction.

Tree Pruning and Removal Operations

All tree pruning or removals should be performed by a qualified arborist with a C-61/D-49 California Contractors License. Tree pruning should be specified according to ANSI A-300A pruning standards and adhere to ANSI Z133.1 safety standards. Trees that need to be removed or pruned should be identified in the pre-construction walk through.

Tree Protection Signs

All sections of fencing should be clearly marked with signs stating that all areas within the fencing are Tree Protection Zones and that disturbance is prohibited. Text on the signs should be in both English and Spanish (Appendix E).

Signage stating, “Warning-This fencing shall not be removed without permission from the City of San Jose Planning Office (408) 535-3555”. Shall be placed on all tree protection fencing and remain until final occupancy.

13.32.100 - Permit findings.

A. Neither the director nor the planning commission on appeal shall issue a permit for the removal of any tree, other than an unsuitable tree, on any private parcel of land in the city unless the director or the commission on appeal makes at least one of the following findings:

1. That the tree affected is of a size, type and condition, and is in such a location in such surroundings, that its removal would not significantly frustrate the purposes of this chapter as set forth in Section 13.32.010

2. That the location of the tree with respect to a proposed improvement unreasonably restricts the economic development of the parcel in question; or

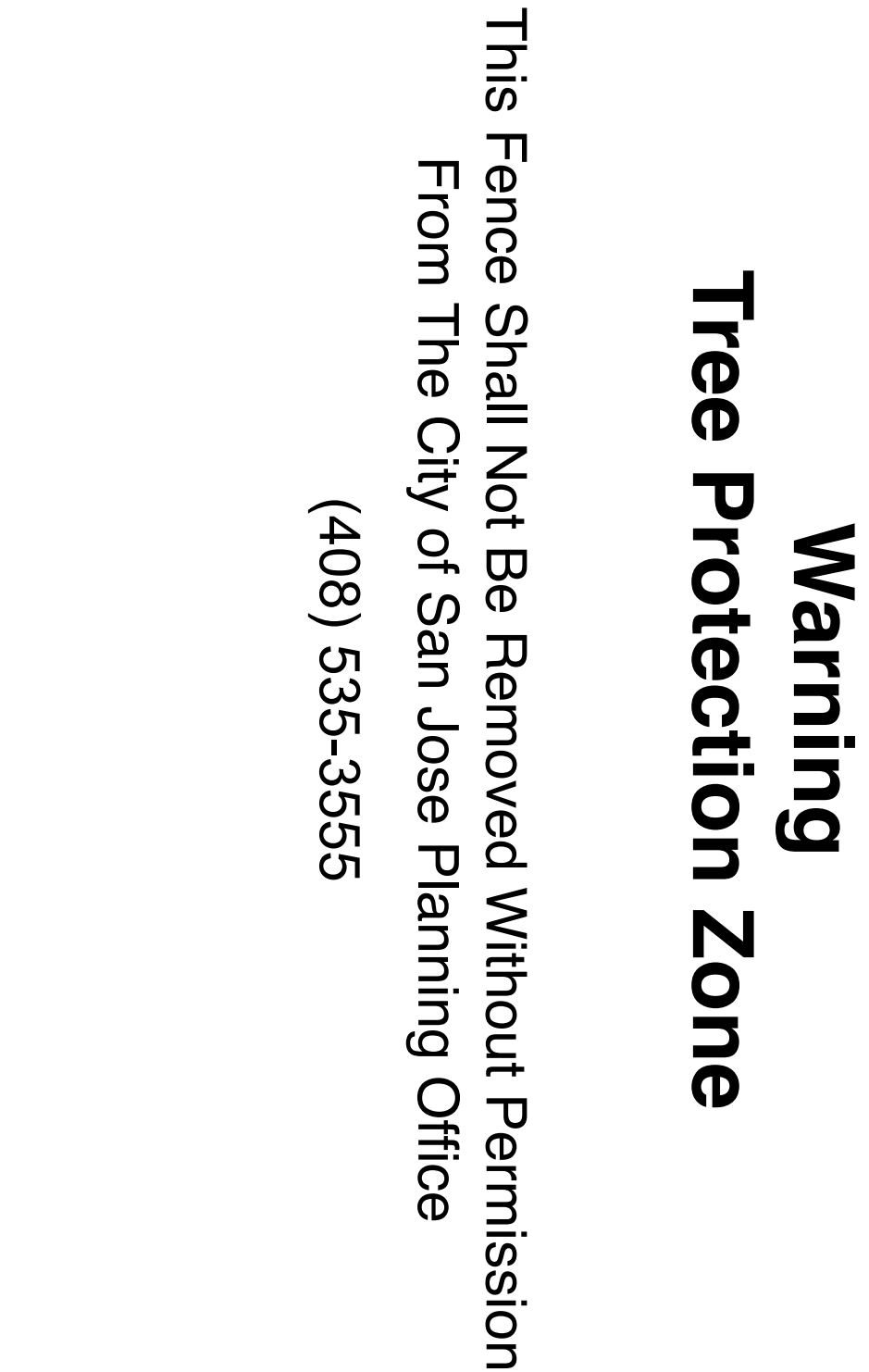
3. That the condition of the tree with respect to disease, danger of falling, proximity to an existing or proposed structure, and/or interference with utility services, is such that preservation of the public health or safety requires its removal; or.

In connection with an application to remove a dead tree, the director or the planning commission on appeal shall consider whether the subject tree was in any way injured, removed or caused to be injured or removed by the applicant, in addition to the findings required to be set forth pursuant to the provisions herein above. C.

The planning director shall not issue a permit for the removal of an unsuitable tree on any private parcel of land in the city unless the director finds that the tree is an unsuitable tree as defined in Section 13.32.020.(Prior code § 8935; Ords. 21363, 26595, 29195.)

Appendix E: Tree Protection Signs

E1: English



E2: Spanish

Cuidado
Zona De Arbol Pretejido

Este cercado no será eliminado sin permiso de la City of San Jose Planning Office

(408) 535-3555

Qualifications, Assumptions, and Limiting Conditions

Any legal description provided to the consultant is assumed to be correct. Any titles or ownership of properties are assumed to be good and marketable. All property is appraised or evaluated as though free and clear, under responsible ownership and competent management.

All property is presumed to be in conformance with applicable codes, ordinances, statutes, or other regulations.

Care has been taken to obtain information from reliable sources. However, the consultant cannot be responsible for the accuracy of information provided by others.

The consultant shall not be required to give testimony or attend meetings, hearings, conferences, mediations, arbitration, or trials by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services.

This report and any appraisal value expressed herein represent the opinion of the consultant, and the consultant's fee is not contingent upon the reporting of a specified appraisal value, a stipulated result, or the occurrence of a subsequent event.

Sketches, drawings, and photographs in this report are intended for use as visual aids, are not necessarily to scale, and should not be construed as engineering or architectural reports or surveys. The reproduction of information generated by architects, engineers, or other consultants on any sketches, drawings, or photographs is only for coordination and ease of reference. Inclusion of said information with any drawings or other documents does not constitute a representation as to the sufficiency or accuracy of said information.

Unless otherwise expressed: a) this report covers only examined items and their condition at the time of inspection; and b) the inspection is limited to visual examination of accessible items without dissection, excavation, probing, or coring. There is no warranty or guarantee, expressed or implied, that structural problems or deficiencies of plants or property may not arise in the future.

Certification of Performance

I Richard Gessner, Certify:

That I have personally inspected the tree(s) and/or the property referred to in this report, and have stated my findings accurately. The extent of the evaluation and/or appraisal is stated in the attached report and Terms of Assignment;

That I have no current or prospective interest in the vegetation or the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved;

That the analysis, opinions and conclusions stated herein are my own;

That my analysis, opinions, and conclusions were developed and this report has been prepared according to commonly accepted Arboricultural practices;

That no one provided significant professional assistance to the consultant, except as indicated within the report.

That my compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party, nor upon the results of the assessment, the attainment of stipulated results, or the occurrence of any other subsequent events;

I further certify that I am a Registered Consulting Arborist® with the American Society of Consulting Arborists, and that I acknowledge, accept and adhere to the ASCA Standards of Professional Practice. I am an International Society of Arboriculture Board Certified Master Arborist®. I have been involved with the practice of Arboriculture and the care and study of trees since 1998.

Richard J. Gessner 

ASCA Registered Consulting Arborist® #496
ISA Board Certified Master Arborist® WE-4341B

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C.2 - Tree Inventory, Assessment, and Protection Report

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Tree Inventory, Assessment, and Protection Report

5670 Camden Avenue
San Jose, CA 95124

Prepared for:

Mana Investments

September 28, 2023
Revised February 2, 2024

Prepared By:

Richard Gessner

ISA BCMA WE-4341B
ASCA RCA #496

Monarch Consulting Arborists

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Summary

The assessment contains forty-five (45) trees with twenty-seven (27) “Ordinance Size” comprised of thirteen (13) different species. Four coast live oaks and one elderberry are “Native” while the remaining forty are “non-native”. Three trees, #109, #110, and #111 originate off the property with crowns overhanging.

Twenty-eight trees are in good condition, eleven fair, four poor, and two are in very poor shape.

Most of the trees have poor suitability for preservation and three were considered fair including the fig #110 on the adjacent site. The other two with fair suitability are coast live oak #96 and sweetgum #119. Fifteen trees have good suitability for preservation which include eight of the Zelkova, six Gingko along Singletree Way (#113-#118) and the coast redwood #112, which is probably the best specimen on the entire site.

Only tree #112 on the site is scheduled to be retained along with the three #109-#111 originating on adjacent sites. Trees highly impacted could meet the findings for removal as stated in 13.32.100 - Permit findings. Subsections 2 and 3 due to proximity to improvements. The removals would require 117 15 gallon or 51.5 24 inch box replacements.

Where possible fence should be placed around the trees to be preserved at their calculated tree protection zone. Specified tree protection zones will be required around #109- #112.

Introduction

Background

Mana Investments asked me to asses the site and trees as part of a plan to construct new residences around the property. I agreed to assess the trees and provide a report with my findings and recommendations.

Assignment

1. Provide an arborist’s report including an assessment of the carobs within the project area that could be affected. The assessment is to include the species, size (trunk diameter), condition (health, structure, form), and suitability for preservation ratings.
2. Provide tree protection guidelines, specifications, and expected impact ratings for those affected by the project.

Limits of Assignment

1. The information in this report is limited to the condition of the trees during my inspection on September 18, 2023.
2. The plans reviewed for this assignment were as follows in Table 1 below.

Table 1: Plans Reviewed Checklist

Plan	Date	Sheet	Reviewed	Source
Existing Site Topographic Map or A.L.T.A with tree locations	01/26/24	C.2	Yes	Hanna Brunetti
Proposed Site Plan	01/26/25	C.3	Yes	Hanna Brunetti
Demolition Plan			Yes	
Construction Staging			No	
Grading and Drainage	01/26/25	C.5-C.7	Yes	Hanna Brunetti
Utility Plan and Hook-up locations	01/26/25	C.8	No	Hanna Brunetti
Exterior Elevations			No	
Landscape Plan	02/02/24	L1 L2	No	Ripley Design
Irrigation Plan			No	
T-1 Tree Protection Plan			No	

Purpose and Use of the Report

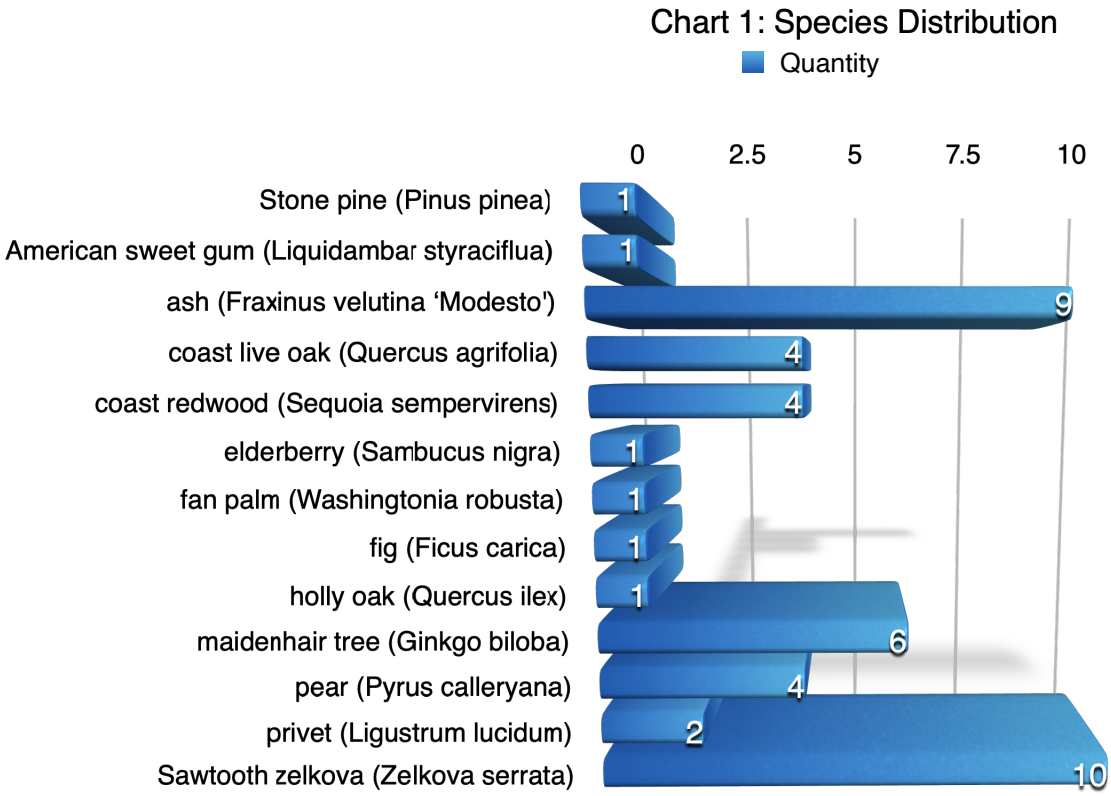
The report is intended to assess the carob trees within the plan area that could be affected by a project. The report is to be used by the property owners, owner's agents, and the City of San Jose as a reference for existing tree conditions to help satisfy planning requirements.

Observations

The plans are to demolish the existing structures and create a housing subdivision.

Chapter 13.32.020 defines an “Ordinance tree” size tree as follows: *”Tree” means any live or dead woody perennial plant characterized by having a main stem or trunk which measures thirty-eight (38) inches or more in circumference at a height of fifty-four (54) inches above natural grade slope. For purposes of this Chapter, a multi-trunk tree shall be considered a single tree and measurement of that tree shall include the sum of the circumference of the trunks of that tree at a height of fifty-four inches above natural grade slope. "Tree" shall include the plural of that term.*” A “Street tree” is defined as follows: *"Street tree" shall mean any tree that is planted on a street.”*

The assessment contains forty-five (45) trees with twenty-seven (27) “Ordinance Size” comprised of thirteen (13) different species (Chart 1). Four coast live oaks and one elderberry are “Native” while the remaining forty are “non-native”. Three trees, #109, #110, and #111 originate off the property with crowns overhanging.



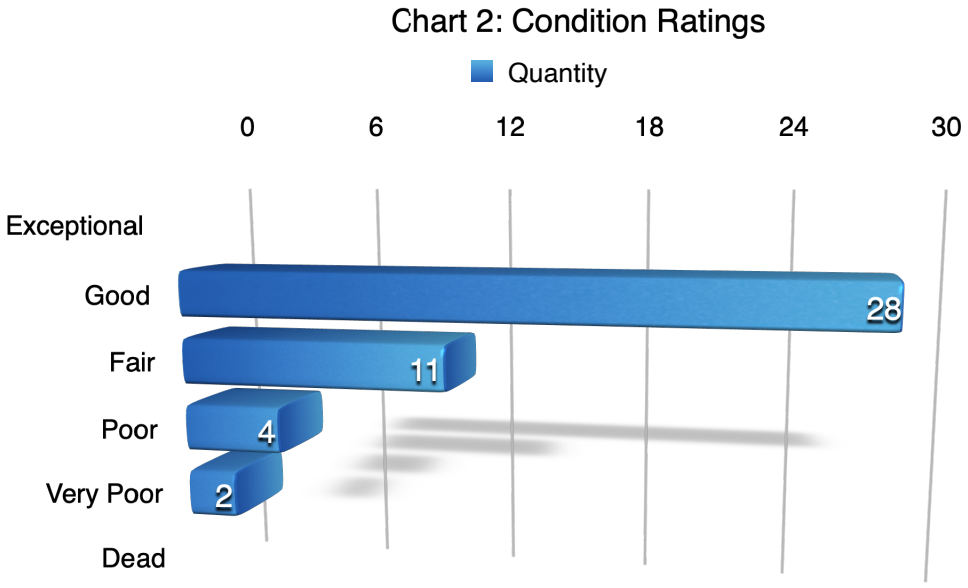
Discussion

Condition Rating

A tree's condition is a determination of its overall health, structure, and form. The assessment considered both the health and structure for a combined condition rating.

- 100% - Exceptional = Good health and structure with significant size, location or quality.
- 61-80% - Good = Normal vigor, well-developed structure, function and aesthetics not compromised with good longevity for the site.
- 41-60 % - Fair = Reduced vigor, damage, dieback, or pest problems, at least one significant structural problem or multiple moderate defects requiring treatment. Major asymmetry or deviation from the species normal habit, function and aesthetics compromised.
- 21-40% - Poor = Unhealthy and declining appearance with poor vigor, abnormal foliar color, size or density with potential irreversible decline. One serious structural defect or multiple significant defects that cannot be corrected and failure may occur at any time. Significant asymmetry and compromised aesthetics and intended use.
- 6-20% - Very Poor = Poor vigor and dying with little foliage in irreversible decline. Severe defects with the likelihood of failure being probable or imminent. Aesthetically poor with little or no function in the landscape.
- 0-5% - Dead/Unstable = Dead or imminently ready to fail.

Twenty-eight trees are in good condition, eleven fair, four poor, and two are in very poor shape (Chart 2).

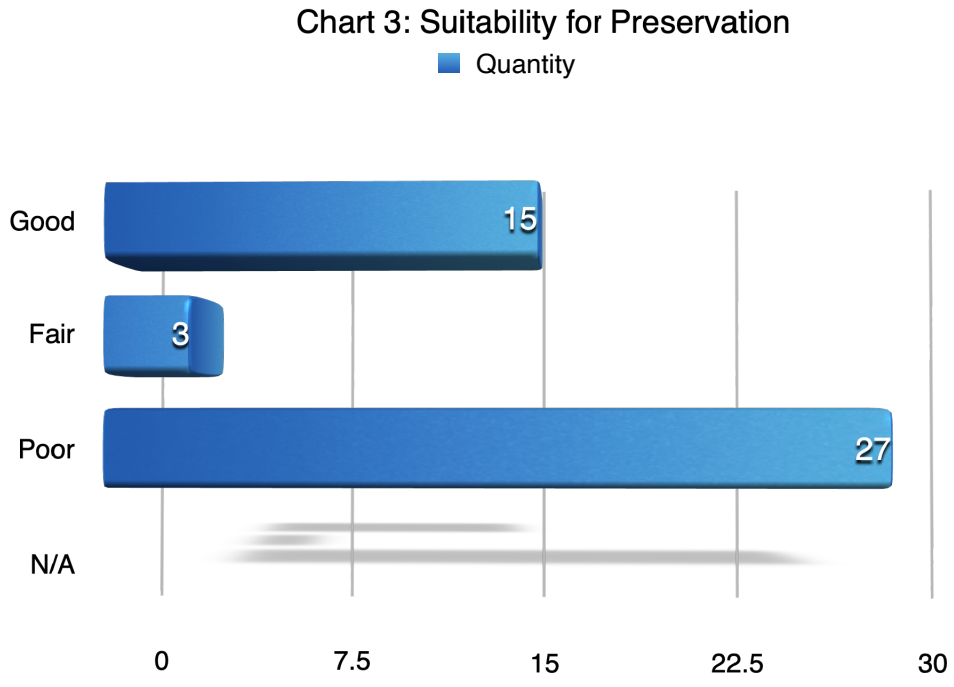


Suitability for Preservation

Suitability for preservation is based on a tree's potential to be a future asset once a project is complete. Ratings are based on species, size, condition and tolerance to construction, and contribution to the site and community (Gilpin, R, Hauer, R, Matheny, N, and Smiley, E.T. 2023). Ratings are as follows and some trees may have certain good and bad characteristics and not fit neatly into the categories.

- High: Good condition, desirable species, tolerant to construction impacts, longer lifespans, good aesthetics.
- Medium: Trees between high and low potentially with issues that can be mitigated through cultural practices such as pruning or plant health care programs.
- Low: Poor condition, undesirable species (invasive or low species ratings), intolerant of construction impacts, short life spans, poor aesthetics.

Most of the trees have poor suitability for preservation and three were considered fair including the fig #110 on the adjacent site. The other two with fair suitability are coast live oak #96 and sweetgum #119. Fifteen trees have good suitability for preservation which include eight of the Zelkova, six Gingko along Singletree Way (#113-#118) and the coast redwood #112, which is probably the best specimen on the entire site (Chart 3).

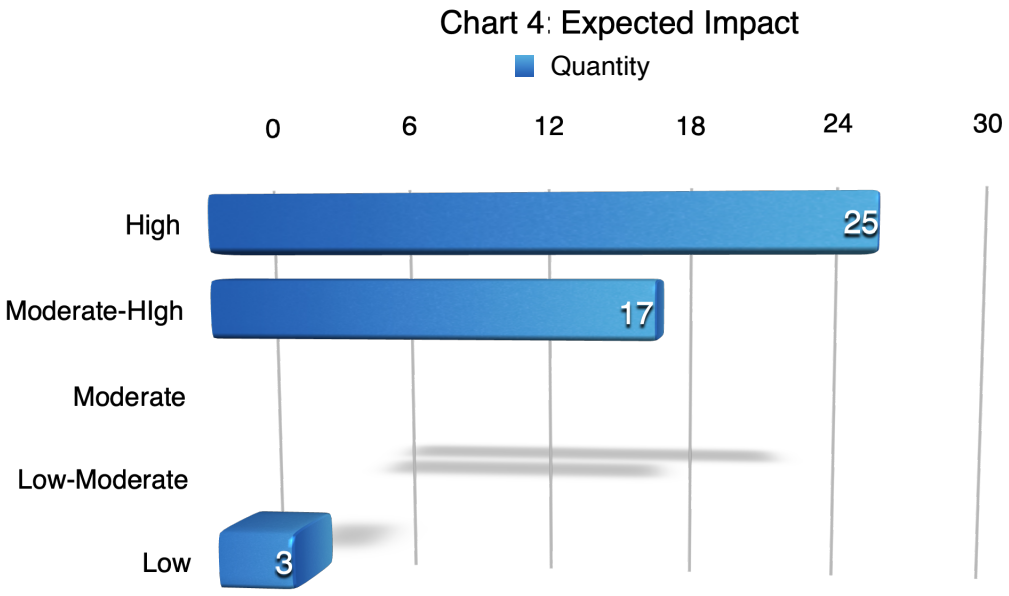


Expected Impact Level

Impact level defines how a tree may be affected by construction activity and is described as low, moderate, or high. The following scale defines the impact rating:

- Low = The construction activity will have little influence on the tree.
- Moderate = The construction may cause future health or structural problems, and steps must be taken to protect the tree to reduce future problems.
- High = Tree structure and health will be compromised and removal is recommended, or other actions must be taken for the tree to remain. The tree is located in the building envelope.

Twenty-five trees will be highly impacted and removed while an additional seventeen could be moderate to highly impacted but are expected to be retained (Chart 4). Three trees are not expected to be impacted and they all originate on the adjacent properties (#109, #110, and #111).



Justification of Removal

Trees could meet the findings for removal as stated in 13.32.100 - Permit findings. Subsections 2 and 3 (Appendix D) due to proximity to improvements.

Tree Protection

The tree protection zone (TPZ) is the defined area in which certain activities are prohibited to minimize potential injury to the tree and should encompass the critical root zone. There are two tree protection zones determined which include the “calculated” and “specified” tree protection zones. The “calculated” tree protection zone is determined by a multiplication factor based on species tolerance, tree age/vigor/health, and trunk diameter (Table 3). The “specified” tree protection zone is adjusted in size and shape to accommodate the existing infrastructure, planned construction, and specific site constraints. This “specified” zone includes tree canopy conformation, visible root orientation, size, condition, maturity, and species tolerances (Gilpin, R, Hauer, R, Matheny, N, and Smiley, E.T. 2023).

Where possible fence should be placed around the trees to be preserved at their calculated tree protection zone (Table 2). Specified tree protection zones will be required around #109- #112.

Table 2: Retained Tree Protection Offsets

Tree Species	I.D. #	Trunk Diameter (in.)	Trunk Circumference	~ Canopy Diameter (ft.)	Calculated TPZ Radius (ft.)
coast redwood (*Sequoia sempervirens*)	112	45	141	25	30
privet (*Ligustrum lucidum*)	109	8, 6	25, 19	15	12
fig (*Ficus carica*)	110	24	75	25	12
privet (*Ligustrum lucidum*)	111	4, 4, 4, 4	13, 13, 13, 13	25	12

Conclusion

The assessment contains forty-five (45) trees with twenty-seven (27) “Ordinance Size” comprised of thirteen (13) different species. Four coast live oaks and one elderberry are “Native” while the remaining forty are “non-native”. Three trees, #109, #110, and #111 originate off the property with crowns overhanging.

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Where possible fence should be placed around the trees to be preserved at their calculated tree protection zone. Specified tree protection zones will be required around #109- #112.

Recommendations

1. Apply for a tree removal permit and provide a landscape plan to account for the lost "Ordinance Size" trees to be removed.

2. Place tree numbers and tree protection fence locations and guidelines on the plans including the grading, drainage, and utility plans. Fence locations should be placed at the radii specified in Table 2. Create a separate plan sheet that includes all protection measures labeled "T-1 Tree Protection Plan.".

3. Install temporary irrigation or soaker hoses in the TPZs and provide supplemental watering during construction. Monitor watering times or amounts to ensure adequate soil saturation. (A 5/8" soaker hose requires about 200 minutes to deliver one inch of water to a garden. This number is affected by the length of the hose and the overall rate of flow from the faucet. A good rule of thumb is to expect about ½ GPM as a standard faucet flow rate.). Infrequent deeper watering is preferred.

4. All tree maintenance and care shall be performed by a qualified arborist with a C-61/D-49 California Contractors License. Tree maintenance and care shall be specified in writing according to American National Standard for Tree Care Operations: *Tree, Shrub and Other Woody Plant Management: Standard Practices* parts 1 through 10 and adhere to ANSI Z133.1 safety standards and local regulations. All maintenance is to be performed according to ISA Best Management Practices.

5. Provide a copy of this report to all contractors and project managers, including the architect, civil engineer, and landscape designer or architect. It is the responsibility of the owner to ensure all parties are familiar with this document.

6. Arrange a pre-construction meeting with the project arborist or landscape architect to verify tree protection is in place, with the correct materials, and at the proper distances.

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Glossary of Terms

Defect: An imperfection, weakness, or lack of something necessary. In trees defects are injuries, growth patterns, decay, or other conditions that reduce the tree's structural strength.

Diameter at breast height (DBH): Measures at 1.4 meters (4.5 feet) above ground in the United States, Australia (arboriculture), New Zealand, and when using the Guide for Plant Appraisal, 9th edition; at 1.3 meters (4.3 feet) above ground in Australia (forestry), Canada, the European Union, and in UK forestry; and at 1.5 meters (5 feet) above ground in UK arboriculture.

Drip Line: Imaginary line defined by the branch spread or a single plant or group of plants.

Mechanical damage: Physical damage caused by outside forces such as cutting, chopping or any mechanized device that may strike the tree trunk, roots or branches.

Scaffold branches: Permanent or structural branches that for the scaffold architecture or structure of a tree.

Straw wattle: also known as straw worms, bio-logs, straw noodles, or straw tubes are man made cylinders of compressed, weed free straw (wheat or rice), 8 to 12 inches in diameter and 20 to 25 feet long. They are encased in jute, nylon, or other photo degradable materials, and have an average weight of 35 pounds.

Tree Protection Zone (TPZ): Defined area within which certain activities are prohibited or restricted to prevent or minimize potential injury to designated trees, especially during construction or development.

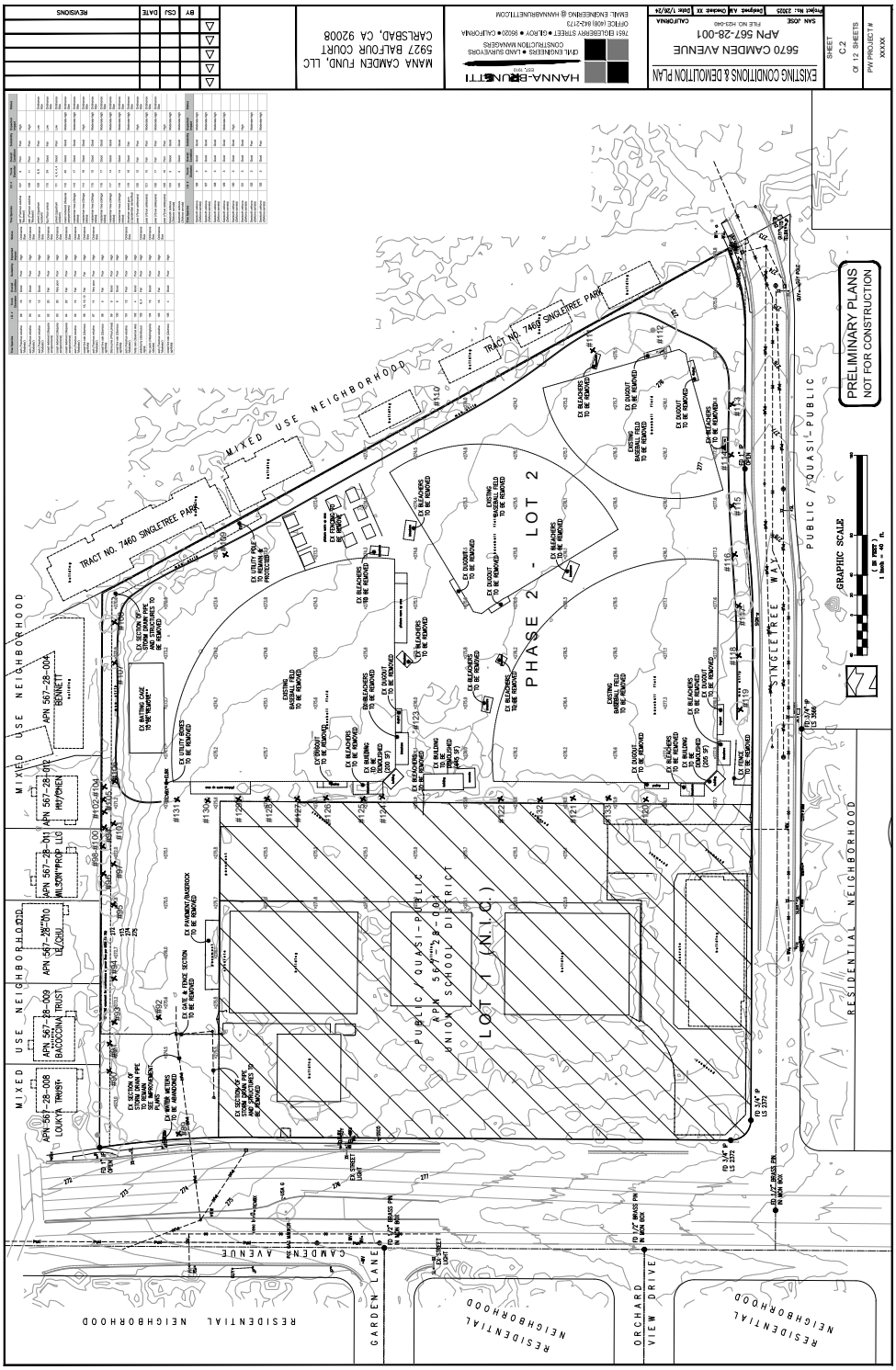
Tree Risk Assessment: Process of evaluating what unexpected things could happen, how likely it is, and what the likely outcomes are. In tree management, the systematic process to determine the level of risk posed by a tree, tree part, or group of trees.

Trunk: Stem of a tree.

Volunteer: A tree, not planted by human hands, that begins to grow on residential or commercial property. Unlike trees that are brought in and installed on property, volunteer trees usually spring up on their own from seeds placed onto the ground by natural causes or accidental transport by people. Normally, volunteer trees are considered weeds and removed, but many desirable and attractive specimens have gone on to become permanent residents on many public and private grounds.

Appendix A: Tree Locations and Proposed Plans

See actual scale size plans for location and detail.



Appendix B: Tree Inventory and Assessment Tables

Table 3: Summary

Tree Species	I.D	Trunk ø (in.)	Trunk C (in.)	Condition	Suitability	Expected Impact/ Remove/ Retain	Status	Native or Non-Native	Justification for removal 13.32.100 - Permit findings	15 Gallon Stock	Or 24 Inch Box Stock
ash (*Fraxinus velutina* 'Modesto')	89	16	50	Good	Poor	High/ Remove	Ordinance Size	Non-native	Subsections 2 and 3	4	2
ash (*Fraxinus velutina* 'Modesto')	90	16	50	Good	Poor	High/ Remove	Ordinance Size	Non-native	Subsections 2 and 3	4	2
ash (*Fraxinus velutina* 'Modesto')	91	12	38	Good	Poor	High/ Remove	Ordinance Size	Non-native	Subsections 2 and 3	4	2
coast redwood (*Sequoia sempervirens*)	92	20	63	Fair	Poor	High/ Remove	Ordinance Size	Non-native	Subsections 2 and 3	4	2
coast redwood (*Sequoia sempervirens*)	93	30	94	Very poor	Poor	High/ Remove	Ordinance Size	Non-native	Subsections 2 and 3	4	2
coast redwood (*Sequoia sempervirens*)	94	22	69	Fair	Poor	High/ Remove	Ordinance Size	Non-native	Subsections 2 and 3	4	2
ash (*Fraxinus velutina* 'Modesto')	95	15	47	Fair	Poor	High/ Remove	Ordinance Size	Non-native	Subsections 2 and 3	4	2
coast live oak (*Quercus agrifolia*)	96	13, 10, 10	41, 31, 31	Fair	Fair	High/ Remove	Ordinance Size	Native	Subsections 2 and 3	5	2.5

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Tree Species	I.D	Trunk ø (in.)	Trunk C (in.)	Condition	Suitability	Expected Impact/ Remove/ Retain	Status	Native or Non-Native	Justification for removal 13.32.100 - Permit findings	15 Gallon Stock	Or 24 Inch Box Stock
ash (*Fraxinus velutina* 'Modesto')	97	14	44	Very poor	Poor	High/ Remove	Ordinance Size	Non-native	Subsections 2 and 3	4	2
coast live oak (*Quercus agrifolia*)	98	5	16	Fair	Poor	High/ Remove	Non-Ordinance Size	Native	Subsections 2 and 3	1	
Stone pine (*Pinus pinea*)	99	5	16	Good	Poor	High/ Remove	Non-Ordinance Size	Non-native	Subsections 2 and 3	1	
coast live oak (*Quercus agrifolia*)	100	6	19	Good	Poor	High/ Remove	Non-Ordinance Size	Native	Subsections 2 and 3	3	1.5
ash (*Fraxinus velutina* 'Modesto')	101	12	38	Poor	Poor	High/ Remove	Ordinance Size	Non-native	Subsections 2 and 3	4	2
holly oak (*Quercus ilex*)	102	4	13	Good	Poor	High/ Remove	Non-Ordinance Size	Non-native	Subsections 2 and 3	1	
elderberry (*Sambucus nigra*)	103	8, 4	25, 13	Fair	Poor	High/ Remove	Ordinance Size	Native	Subsections 2 and 3	5	2.5
fan palm (*Washingtonia robusta*)	104	16	50	Good	Poor	High/ Remove	Ordinance Size	Non-native	Subsections 2 and 3	4	2
ash (*Fraxinus velutina* 'Modesto')	105	16	50	Fair	Poor	High/ Remove	Ordinance Size	Non-native	Subsections 2 and 3	4	2

Tree Species	I.D	Trunk ø (in.)	Trunk C (in.)	Condition	Suitability	Expected Impact/ Remove/ Retain	Status	Native or Non-Native	Justification for removal 13.32.100 - Permit findings	15 Gallon Stock	Or 24 Inch Box Stock
coast live oak (*Quercus agrifolia*)	106	4	13	Good	Poor	High/ Remove	Non-Ordinance Size	Native	Subsections 2 and 3	1	
ash (*Fraxinus velutina* 'Modesto')	107	9	28	Poor	Poor	High/ Remove	Non-Ordinance Size	Non-native	Subsections 2 and 3	2	1
ash (*Fraxinus velutina* 'Modesto')	108	11	35	Poor	Poor	High/ Remove	Non-Ordinance Size	Non-native	Subsections 2 and 3	2	1
privet (*Ligustrum lucidum*)	109	8, 6	25, 19	Fair	Poor	Moderate/ Retain	Ordinance Size	Non-native			
fig (*Ficus carica*)	110	24	75	Good	Fair	Moderate/ Retain	Ordinance Size	Non-native			
privet (*Ligustrum lucidum*)	111	4, 4, 4, 4	13, 13, 13, 13	Good	Poor	Moderate/ Retain	Ordinance Size	Non-native			
coast redwood (*Sequoia sempervirens*)	112	45	141	Good	Good	Moderate/ Retain	Ordinance Size	Non-native			
maidenhair tree (*Ginkgo biloba*)	113	17	53	Good	Good	High/ Remove	Ordinance Size	Non-native	Subsections 2 and 3	4	2
maidenhair tree (*Ginkgo biloba*)	114	18	57	Good	Good	High/ Remove	Ordinance Size	Non-native	Subsections 2 and 3	4	2

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Tree Species	I.D	Trunk ø (in.)	Trunk C (in.)	Condition	Suitability	Expected Impact/ Remove/ Retain	Status	Native or Non-Native	Justification for removal 13.32.100 - Permit findings	15 Gallon Stock	Or 24 Inch Box Stock
maidenhair tree (*Ginkgo biloba*)	115	15	47	Good	Good	High/ Remove	Ordinance Size	Non-native	Subsections 2 and 3	4	2
maidenhair tree (*Ginkgo biloba*)	116	17	53	Good	Good	High/ Remove	Ordinance Size	Non-native	Subsections 2 and 3	4	2
maidenhair tree (*Ginkgo biloba*)	117	14	44	Good	Good	High/ Remove	Ordinance Size	Non-native	Subsections 2 and 3	4	2
maidenhair tree (*Ginkgo biloba*)	118	14	44	Good	Good	High/ Remove	Ordinance Size	Non-native	Subsections 2 and 3	4	2
American sweet gum (*Liquidambar styraciflua*)	119	16	50	Good	Fair	High/ Remove	Ordinance Size	Non-native	Subsections 2 and 3	4	2
pear (*Pyrus calleryana*)	120	12	38	Fair	Poor	High/ Remove	Ordinance Size	Non-native	Subsections 2 and 3	4	2
pear (*Pyrus calleryana*)	121	15	47	Fair	Poor	High/ Remove	Ordinance Size	Non-native	Subsections 2 and 3	4	2
pear (*Pyrus calleryana*)	122	17	53	Fair	Poor	High/ Remove	Ordinance Size	Non-native	Subsections 2 and 3	4	2
pear (*Pyrus calleryana*)	123	10	31	Poor	Poor	High/ Remove	Non-Ordinance Size	Non-native	Subsections 2 and 3	2	1

Tree Species	I.D	Trunk ø (in.)	Trunk C (in.)	Condition	Suitability	Expected Impact/ Remove/ Retain	Status	Native or Non-Native	Justification for removal 13.32.100 - Permit findings	15 Gallon Stock	Or 24 Inch Box Stock
Sawtooth zelkova (*Zelkova serrata*)	124	3	9	Good	Good	High/ Remove	Non-Ordinance Size	Non-native	Subsections 2 and 3	1	
Sawtooth zelkova (*Zelkova serrata*)	125	3	9	Good	Good	High/ Remove	Non-Ordinance Size	Non-native	Subsections 2 and 3	1	
Sawtooth zelkova (*Zelkova serrata*)	126	3	9	Good	Good	High/ Remove	Non-Ordinance Size	Non-native	Subsections 2 and 3	1	
Sawtooth zelkova (*Zelkova serrata*)	127	3	9	Good	Good	High/ Remove	Non-Ordinance Size	Non-native	Subsections 2 and 3	1	
Sawtooth zelkova (*Zelkova serrata*)	128	3	9	Good	Good	High/ Remove	Non-Ordinance Size	Non-native	Subsections 2 and 3	1	
Sawtooth zelkova (*Zelkova serrata*)	129	3	9	Good	Good	High/ Remove	Non-Ordinance Size	Non-native	Subsections 2 and 3	1	
Sawtooth zelkova (*Zelkova serrata*)	130	3	9	Good	Good	High/ Remove	Non-Ordinance Size	Non-native	Subsections 2 and 3	1	

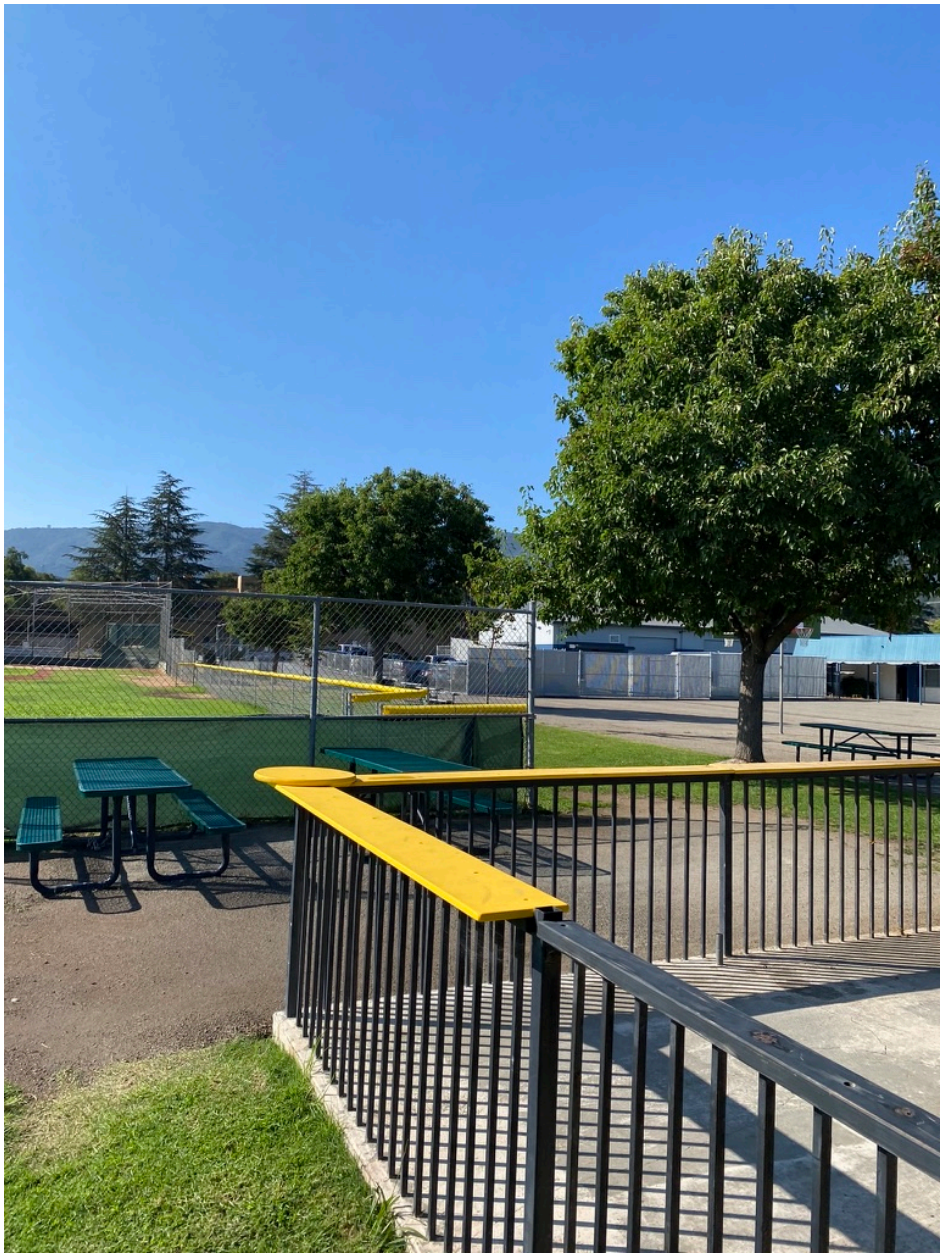
Tree Species	I.D	Trunk ø (in.)	Trunk C (in.)	Condition	Suitability	Expected Impact/ Remove/ Retain	Status	Native or Non-Native	Justification for removal 13.32.100 - Permit findings	15 Gallon Stock	Or 24 Inch Box Stock
Sawtooth zelkova (*Zelkova serrata*)	131	3	9	Good	Good	High/ Remove	Non-Ordinance Size	Non-native	Subsections 2 and 3	1	
Sawtooth zelkova (*Zelkova serrata*)	132	3	9	Good	Poor	High/ Remove	Non-Ordinance Size	Non-native	Subsections 2 and 3	1	
Sawtooth zelkova (*Zelkova serrata*)	133	3	9	Good	Poor	High/ Remove	Non-Ordinance Size	Non-native	Subsections 2 and 3	1	

Appendix C: Photographs

C1: Sweetgum #119 and Ginkgo along Singletree Way



C2: Pears #120 to #122



C3: Zelkova recently installed



C4: Coast Redwood #112

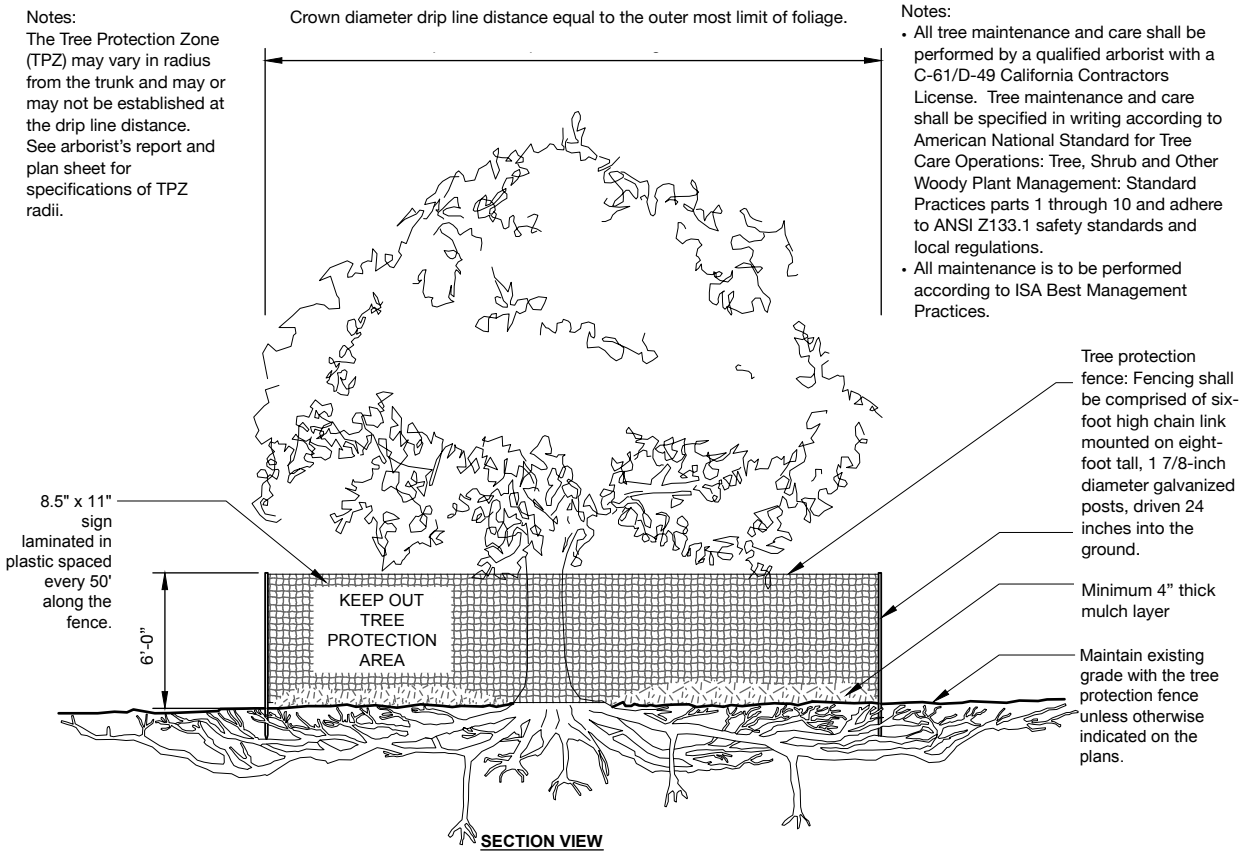


C5: Ash Tree and volunteers along the north side #96 through #107



Appendix D: Tree Protection Guidelines

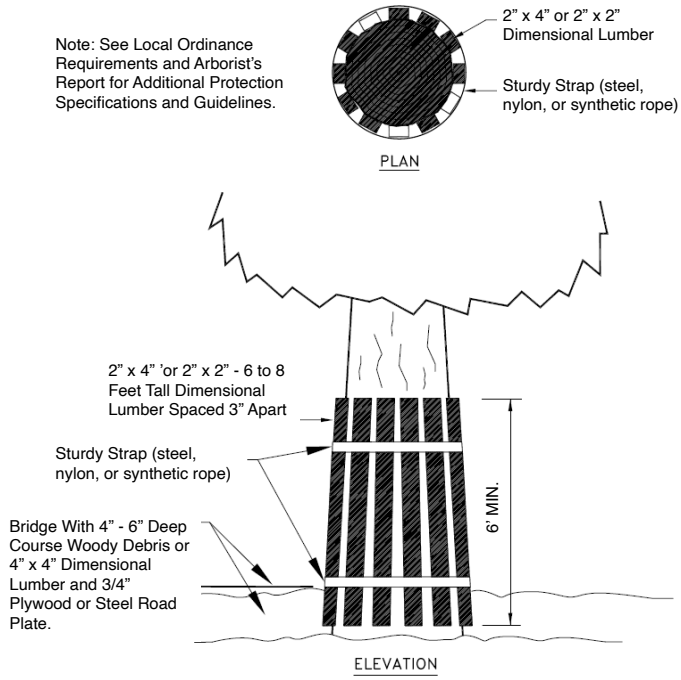
Plan Sheet Detail S-X (Type I)



S-X TREE PROTECTION

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Modified by Monarch Consulting Arborists LLC, 2019

Plan sheet detail for trunk protection



Trunk Protection Vertical Timber Detail

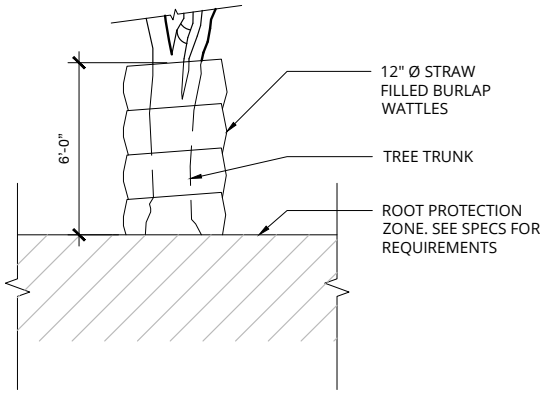


IMAGE 3: WRAPPING WITH STRAW WATTLE

13.32.130 - Safeguarding trees during construction.

For the purpose of safeguarding trees during construction, all of the following conditions shall apply to all such trees except for trees for which a tree removal permit has been issued or which are required to be removed pursuant to Chapter 13.28:

A. Prior to the issuance of any approval or permit for the construction of any improvement on the building site, all trees on the site shall be inventoried by the owner or contractor as to size, species and location on the lot and the inventory shall be submitted on a topographical map to the director; and
B. Damage to any tree during construction shall be immediately reported by a person causing the damage, the responsible contractor, or the owner to the director, and the contractor and/or owner shall treat the tree for damage in the manner specified by the city arborist; and
C. No construction equipment, vehicles or materials shall be stored, parked or standing within the tree dripline; and”
D. Drains shall be installed according to city specifications so as to avoid harm to trees due to excess watering; and
E. Wires, signs and other similar items shall not be attached to trees; and
F. Cutting and filling around the base of trees shall be done only after consultation with the city arborist and then only to the extent authorized by the city arborist; and
G. No paint thinner, paint, plaster or other liquid or solid excess or waste construction materials or wastewater shall be dumped on the ground or into any grate between the dripline and the base of the tree or uphill from any tree where certain substances might reach the roots through a leaching process; and
H. Fencing shall be installed outside the canopy of the tree to the dripline unless otherwise directed by the certified arborist to prevent injury to trees making them susceptible to disease causing organisms; and
I. Wherever cuts or soil disturbances are made in the ground near the roots of trees, appropriate measures shall be taken to prevent exposed soil from drying out and causing damage to tree roots as prescribed in a certified arborist report.

(Ords. 21362, 26595.)

Pre-Construction Meeting with the Project Arborist

Prior to beginning work, all contractors involved with the project should attend a pre construction meeting with the project arborist to review the tree protection guidelines. Access routes, storage areas, and work procedures will be discussed. Tree protection locations should be marked before any fencing contractor arrives.

Tree Protection Zones and Fence Specifications

Tree protection fence should be established prior to the arrival of construction equipment or materials on site. Fence should be comprised of six-foot high chain link fence mounted on eight-foot tall, 1 7/8-inch diameter galvanized posts, driven 24 inches into the ground and spaced no more than 10 feet apart. Once established, the fence must remain undisturbed and be maintained throughout the construction process until final inspection.

The fence should be maintained throughout the site during the construction period and should be inspected periodically for damage and proper functions.

Fence should be repaired, as necessary, to provide a physical barrier from construction activities.

A final inspection by the city arborist at the end of the project will be required prior to removing any tree protection fence and replacement tree shall be planted at this time.

Monitoring

Any trenching, construction or demolition that is expected to damage or encounter tree roots should be monitored by the project arborist or a qualified ISA Certified Arborist and should be documented.

The site should be evaluated by the project arborist or a qualified ISA Certified Arborist after construction is complete, and any necessary remedial work that needs to be performed should be noted.

Restrictions Within the Tree Protection Zone

No storage of construction materials, debris, or excess soil will be allowed within the Tree Protection Zone. Spoils from the trenching shall not be placed within the tree protection zone either temporarily or permanently. Construction personnel and equipment shall be routed outside the tree protection zone of 39 feet from the trunk.

Root Pruning

Root pruning shall be supervised by the project arborist. When roots over two inches in diameter are encountered they should be pruned by hand with loppers, handsaw, reciprocating saw, or chain saw rather than left crushed or torn. Roots should be cut beyond sinker roots or outside root branch junctions and be supervised by the project arborist. When completed, exposed roots should be kept moist with burlap or backfilled within one hour.

Boring or Tunneling

Boring machines should be set up outside the drip line or established Tree Protection Zone. Boring may also be performed by digging a trench on both sides of the tree until roots one inch in diameter are encountered and then hand dug or excavated with an Air Spade® or similar air or water excavation tool. Bore holes should be adjacent to the trunk and never go directly under the main stem to avoid oblique (heart) roots. Bore holes should be a minimum of three feet deep.

Timing

If the construction is to occur during the summer months supplemental watering and bark beetle treatments should be applied to help ensure survival during and after construction.

Tree Pruning and Removal Operations

All tree pruning or removals should be performed by a qualified arborist with a C-61/D-49 California Contractors License. Tree pruning should be specified according to ANSI A-300A pruning standards and adhere to ANSI Z133.1 safety standards. Trees that need to be removed or pruned should be identified in the pre-construction walk through.

Tree Protection Signs

All sections of fencing should be clearly marked with signs stating that all areas within the fencing are Tree Protection Zones and that disturbance is prohibited. Text on the signs should be in both English and Spanish (Appendix E).

Signage stating, “Warning-This fencing shall not be removed without permission from the City of San Jose Planning Office (408) 535-3555”. Shall be placed on all tree protection fencing and remain until final occupancy.

13.32.100 - Permit findings.

A. Neither the director nor the planning commission on appeal shall issue a permit for the removal of any tree, other than an unsuitable tree, on any private parcel of land in the city unless the director or the commission on appeal makes at least one of the following findings:

1. That the tree affected is of a size, type and condition, and is in such a location in such surroundings, that its removal would not significantly frustrate the purposes of this chapter as set forth in Section 13.32.010

2. That the location of the tree with respect to a proposed improvement unreasonably restricts the economic development of the parcel in question; or

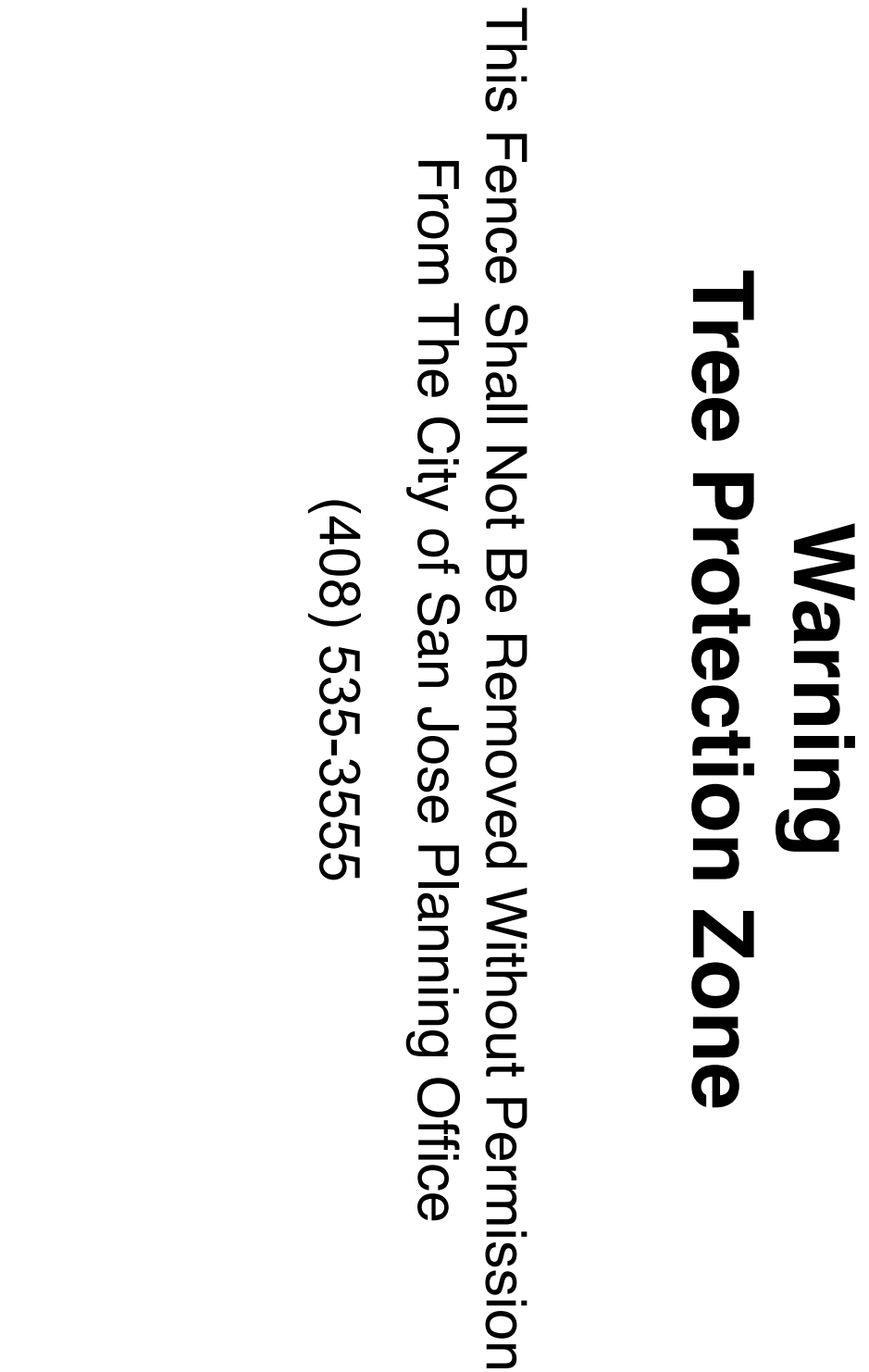
3. That the condition of the tree with respect to disease, danger of falling, proximity to an existing or proposed structure, and/or interference with utility services, is such that preservation of the public health or safety requires its removal; or.

In connection with an application to remove a dead tree, the director or the planning commission on appeal shall consider whether the subject tree was in any way injured, removed or caused to be injured or removed by the applicant, in addition to the findings required to be set forth pursuant to the provisions herein above. C.

The planning director shall not issue a permit for the removal of an unsuitable tree on any private parcel of land in the city unless the director finds that the tree is an unsuitable tree as defined in Section 13.32.020.(Prior code § 8935; Ords. 21363, 26595, 29195.)

Appendix E: Tree Protection Signs

E1: English



E2: Spanish

Cuidado
Zona De Arbol Pretejido

Este cercado no será eliminado sin permiso de la City of San Jose Planning Office

(408) 535-3555

Qualifications, Assumptions, and Limiting Conditions

Any legal description provided to the consultant is assumed to be correct. Any titles or ownership of properties are assumed to be good and marketable. All property is appraised or evaluated as though free and clear, under responsible ownership and competent management.

All property is presumed to be in conformance with applicable codes, ordinances, statutes, or other regulations.

Care has been taken to obtain information from reliable sources. However, the consultant cannot be responsible for the accuracy of information provided by others.

The consultant shall not be required to give testimony or attend meetings, hearings, conferences, mediations, arbitration, or trials by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services.

This report and any appraisal value expressed herein represent the opinion of the consultant, and the consultant's fee is not contingent upon the reporting of a specified appraisal value, a stipulated result, or the occurrence of a subsequent event.

Sketches, drawings, and photographs in this report are intended for use as visual aids, are not necessarily to scale, and should not be construed as engineering or architectural reports or surveys. The reproduction of information generated by architects, engineers, or other consultants on any sketches, drawings, or photographs is only for coordination and ease of reference. Inclusion of said information with any drawings or other documents does not constitute a representation as to the sufficiency or accuracy of said information.

Unless otherwise expressed: a) this report covers only examined items and their condition at the time of inspection; and b) the inspection is limited to visual examination of accessible items without dissection, excavation, probing, or coring. There is no warranty or guarantee, expressed or implied, that structural problems or deficiencies of plants or property may not arise in the future.

Certification of Performance

I Richard Gessner, Certify:

That I have personally inspected the tree(s) and/or the property referred to in this report, and have stated my findings accurately. The extent of the evaluation and/or appraisal is stated in the attached report and Terms of Assignment;

That I have no current or prospective interest in the vegetation or the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved;

That the analysis, opinions and conclusions stated herein are my own;

That my analysis, opinions, and conclusions were developed and this report has been prepared according to commonly accepted Arboricultural practices;

That no one provided significant professional assistance to the consultant, except as indicated within the report.

That my compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party, nor upon the results of the assessment, the attainment of stipulated results, or the occurrence of any other subsequent events;

I further certify that I am a Registered Consulting Arborist® with the American Society of Consulting Arborists, and that I acknowledge, accept and adhere to the ASCA Standards of Professional Practice. I am an International Society of Arboriculture Board Certified Master Arborist®. I have been involved with the practice of Arboriculture and the care and study of trees since 1998.

Richard J. Gessner 

ASCA Registered Consulting Arborist® #496
ISA Board Certified Master Arborist® WE-4341B

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