

3.0 Environmental Checklist

1. **Project title:** Stevens Creek Corridor Park and Restoration Phase 2 Project
2. **Lead agency name and address:**

City of Cupertino
10300 Torre Ave
Cupertino, CA 95014
3. **Contact person and phone number:** Gail Seeds, Dept. of Public Works, 408-777-3354
4. **Project location:** City of Cupertino along Stevens Creek between Stevens Creek Boulevard and Blackberry Farm Park
5. **Project sponsors name and address:** Same as Lead Agency
6. **General Plan designation:** Parks and Open Space, Very Low Density Residential and Commercial/Residential
7. **Zoning:** A (Agricultural) and PR (Public Park or Recreational)
8. **Description of project:** The City of Cupertino proposes to construct an approximately $\frac{1}{4}$ mile segment of Stevens Creek Trail. The project would extend the existing Stevens Creek Trail from Blackberry Farm Park to Stevens Creek Boulevard, provide connections to bicycle lanes and bus stops on Stevens Creek Boulevard, provide parking modifications, and open 5 acres of land at the Stocklmeir orchard parcel to the public. The 5 acres would be incorporated into the creek corridor open space, which is focused on passive recreation, habitat restoration, and environmental education. The project would also include creek restoration on the portion of Stevens Creek between Blackberry Farm Park and Stevens Creek Boulevard. This project was contemplated in the Stevens Creek Trail Master Plan Initial Study/Mitigated Negative Declaration (IS/MND) prepared in 2006; however, the City has decided to prepare a new IS/MND due to changes in the current project description.
9. **Surrounding Land Uses and Setting:** Residential
10. **Other Public Agencies Whose Approval is Required:**

The following permits or approvals are expected to be required for this project:

- U. S. Army Corps of Engineers (USACE) Consultation and Permit
- National Oceanic and Atmospheric Administration (NOAA Fisheries) Biological Opinion
- Regional Water Quality Control Board Section 401 Water Quality Certification/Waiver
- California Department of Fish and Game 1601 Streambed Alteration Agreement
- Santa Clara Valley Water District Encroachment/Construction Permit as needed
- City of Cupertino Streamside Permit

Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this Project, as indicated by the checklist on the following pages.

- | | | |
|--|---|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities / Service Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact”. The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, Earlier Analyses, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated”, describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Beneficial Effect
3.1 AESTHETICS -- Would the project:					
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

The Phase 2 project is located on City-owned property along approximately ¼ mile of Stevens Creek just south of Stevens Creek Boulevard. The project is primarily located at the Stocklmeir property which was acquired by the City in 1999, as well as along the west side of the Blackberry Farm Golf Course. The Stocklmeir property is located south of Stevens Creek Boulevard and west of Blackberry Farm Golf Course, north of the Blackberry Farm Park area, and east of Stocklmeir and Dean Courts. Topography of the site is relatively flat, with elevations ranging from 290 to 310 feet above sea level.

The project area is bordered by residential neighborhoods to the north and west of the project site, including the Meadows of Cupertino (to the west) and Phar Lap neighborhoods (to the north, across Stevens Creek Blvd.). The project area is generally at a lower elevation typical of a creek valley bottom with the adjacent homes at slightly higher elevations.

The Stocklmeir site currently includes Stevens Creek along the eastern boundary, a home and outbuildings near Stevens Creek Boulevard, and an approximately 2.5-acre orange/mixed fruit orchard on the remainder of the property. This orchard is the only orchard remaining along the length of Stevens Creek from San Francisco Bay in Mountain View to the foothills in Cupertino. The orchard contains approximately 140 orange trees and approximately 30 other orchard trees (walnut, loquat, olive, lemon, and tangerine). The orange orchard, for the most part, is in fair to good condition and is still productive. Much of the area directly on either side of the creek is fairly well shaded by the canopy of existing riparian trees. The western bank of Stevens Creek is more heavily vegetated than the eastern (Blackberry Farm Golf Course) side. In areas of the golf course turf extends to the top of the creek bank and riparian buffer is absent.

Discussion:

Would the project:

a) Have a substantial adverse effect on a scenic vista?

No Impact. As stated above, the project area is located in the lower elevations of the Stevens Creek riparian corridor, and is relatively flat. The majority of the proposed trail and creek restoration is within the Stockmeir property, where most of the visual changes are not part of a scenic vista. Therefore, the project would have no impact on a scenic vista.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. The project is not located next to a designated State Scenic Highway. The closest State designated scenic highway is State Route 9 approximately 6 miles southwest of the project area in Saratoga. Interstate 280, which is in the vicinity of the project area, is eligible for designation as a State Scenic Highway, but is not officially designated as a State Scenic Highway. The project area is not visible from this highway, and therefore does not have a significant impact on a state scenic highway.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

Less Than Significant Impact. Views of the Stockmeir property would change as a result of the project, both from the Blackberry Farm Golf Course to the east and from the Meadows of Cupertino neighborhood. However, since the trail is located within the existing orchard, views would be generally obscured from the golf course patrons by the existing trees and the vegetation within the riparian corridor. The views of the trail and bridge crossing the creek may be able to be seen from some the homes within the Meadows neighborhood, but because the trail and bridge will be set a suitable distance from any home (east of the two westernmost rows of orchard trees or farther), and because most of the orchard trees will remain, the project will not substantially degrade the visual character of the site or surroundings.

Views from the golf course would be changed by the presence of the new trail and bridge along the west edge of the course and an expected protective fence. However, the proposed trail placement is in the location of an existing maintenance access route which is already lacking vegetation. Vegetation will be added in this area along the trail as part of the new project, which will help soften and screen the view between golfers and trail users. The fencing design will be appropriate to the golf course setting (low glare material, e.g.) and will be as unobtrusive as feasible. The presence of the trail is not expected to adversely affect golf play. The trail would be in proximity to the golf course's seventh green and the eighth hole. However fencing will prevent trail users from entering the golf course and new plantings will be provided. Trails along golf courses have been implemented in numerous other locations in California in a manner that successfully addresses golf play adjacent to a public trail. The trail design will consider, and incorporate as appropriate, applicable best practices noted in the Summary Report on Trails and Golf Courses (Alta Planning + Design 2005).

Appendix D contains a preliminary tree removal count prepared by the City. Since the final trail location and creek restoration details are not yet determined, the final numbers are subject to modification. Final design of the trail and creek restoration will strive to minimize all tree impacts. In addition, the City intends to maintain at least two rows of orchard trees as a buffer between the trail and adjacent residences and also a native plantings zone along the top

of bank of Stevens Creek to provide a riparian buffer area. Exceptions to the typical riparian buffer width could occur in areas such as the planned backwater, footpath, and the proposed pedestrian bridge.

It is estimated that the proposed project would result in the removal of a number of orange trees (*Citrus sinensis*) within the Stockmeir orchard. It is also estimated the proposed trail and creek restoration project would also result in removing one 15" diameter oak tree (*Quercus agrifolia*), one 21" Monterey cypress, one 27" Monterey pine, two California buckeyes (*Aesculus californica*) (between 15-18" diameter), three walnut trees (*Juglans spp.*) (between 14-21" diameter), and one willow (*Salix spp.*) (11" in diameter). One of the buckeyes is growing on the creek bank within the large stand of nonnative giant reed (*Arundo donax*), which would be removed as part of the project. In addition, an estimated 20 walnut trees in the orchard may be removed as they are diseased. Lastly, mixed vegetation would be removed on the east creek bank to implement the creek widening restoration. The removed vegetation would be replaced with a greater quantity of new native vegetation. Trees would be replaced in accordance with City code and permitting and regulatory requirements.

Trail Construction

The trail is expected to be typically 8 to 10 feet wide, extending 1,300 feet (0.25 mile) from Stevens Creek Boulevard (near Phar Lap Drive) southward to the northern end of the parking lot at Blackberry Farm. The trail surface would be an all-weather, fully accessible material that meets Americans With Disabilities Act (ADA) standards and is compatible with the creekside and floodplain setting. It is also intended to be compatible with the existing Stevens Creek Trail in Blackberry Farm and McClellan Ranch parks. Asphalt would not be used. The surfacing may be stabilized crushed or decomposed granite; or porous colored concrete (similar to Phase 1); or some other appropriate material. It may also be more than one material. For example, the surfacing used along the east side of the creek connecting to Blackberry Farm Park may be a different material from the surfacing used in the Stockmeir orchard.

The trail would be built on the east side of the creek between the Blackberry Farm parking lot and the 8th hole of Blackberry Farm Golf Course where a small pedestrian bridge would be constructed to connect the trail as it crosses to the west side of the Creek and continues on to Stevens Creek Boulevard. A fence to protect trail users from errant golf balls would also be constructed in this area. It is expected to be a recurved fence as shown in Photo 1, or something similar in function. As described in the project description, a new crosswalk would be installed at Stevens Creek Boulevard and Phar Lap Drive and would include a crosswalk, a median island with a pedestrian refuge in the center of Stevens Creek Boulevard if space allows, and motorist warning lights on Stevens Creek Boulevard on both down grades that approach the crossing.

Other than the trail installation itself, the trail corridor aesthetics would remain largely unchanged. The trail has been sited to minimize vegetation removal and major grading. The overall aesthetics would be improved with the addition of understory planting in the creek corridor and new plantings along both banks. Trail construction itself would involve impacting a construction zone to accommodate the trail width and construction equipment access. The construction zone would be replanted following installation of the trail where planting areas have been affected.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less Than Significant Impact. The trail would not be lit at night. If flashing lights are installed at the cross walk at Stevens Creek Blvd., they would be sited so as to minimize disturbance to adjacent properties.

	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact	Beneficial Effect
<p>3.2 AGRICULTURE AND FOREST RESOURCES -- In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</p>					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4536), or timberland zoned Timberland production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

The project area is set in the suburban neighborhoods of Cupertino along Stevens Creek between Stevens Creek Blvd. to the north and Blackberry Farm to the south. The Blackberry Farm Golf Course is located to the east of the project and residential uses (the Meadows of Cupertino) are located to the west of the project site.

This area was first settled in the 1850s as rural farmland, which over time has increasingly given way to suburban residential development. There are no working farms that would be affected by the proposed project. The Stocklmeir orchard is the only remaining orchard on Stevens Creek between the foothills of Cupertino and San Francisco Bay in Mountain View. Historically, the area was a “pay to pick” nut farm. While orange and walnut trees still exist on the property, the trees are not being commercially farmed. Remnants of an old walnut orchard still exists near the creek on the District-owned property north of McClellan Ranch, but none of these trees are maintained or harvested.

None of the project area is designated as “Prime Farmland,” “Unique Farmland,” or “Farmland of Statewide Importance” according to the Farmland Mapping and Monitoring Program of the California Department of Conservation, Division of Land Resource Protection (2009).

A total of approximately 170+ orchard trees (roughly 140 orange and 30 mixed orchard trees) currently exist on the Stocklmeir property.

Discussion:

Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No Impact. There is no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance in the Project Area (California Department of Conservation 2011).

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. According to the Cupertino General Plan Land Use Map, the Stocklmeir property is designated “very low density” residential and zoned agricultural on the Cupertino zoning map (Cupertino 2010). None of the parcels are under Williamson Act contracts. While the project would result in the loss of orchard trees on the Stocklmeir property, it would not conflict with the existing zoning for agricultural use or a Williamson Act contract. The property may need to be rezoned in the future depending on the ultimate use of the property outside of the creek corridor; however this rezoning would be addressed in a future CEQA analysis.

Acquisition of the Stocklmeir property was motivated by City policy to acquire property adjacent to Stevens Creek to preserve the floodplain as open space and to develop a year-round trail along the creek corridor. The old orchard at the Stocklmeir property is not commercially farmed or maintained but the trees continue to bear fruit. Service groups occasionally harvest the orchard for food bank organizations.

As stated above, the preliminary tree removal count estimated that the proposed project would result in the removal of a number of trees as noted in Appendix D. In addition, an estimated 20 walnut trees in the orchard may be removed as they are diseased.

The orange orchard, for the most part, is in good condition and is still productive. However, the orchard is not currently maintained and could benefit from regular care. Some trees are past their prime or are dying. As much of the existing orchard would be retained as possible and would be actively maintained by the City to prevent further loss of orchard trees.

Historically, citrus orchards were not the main type of orchard in Santa Clara Valley, as stone fruits were the more predominant orchard type (e.g. plums, apricots, cherries). The orange orchard was a non-commercial “hobby” orchard planted by Mr. Stocklmeir. The loss of some of the orchard trees is not considered a significant impact under CEQA.

c) Conflict with existing zoning for, or cause rezoning of forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4536), or timberland zoned Timberland production (as defined by Government Code section 51104(g))?

No Impact. The proposed project would not conflict with zoning for, or cause the rezoning of forest land. The project site is not zoned for forest land, timberland, or timberland production.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. No forest land exists at the project site therefore the project would not result in the loss of forest land or the conversion of forest land to non-forest use.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

No Impact. The project site and the surrounding area do not contain any farmland or agricultural uses. No aspects of the project would result in conversion of farmland or forest land to non-agricultural or non-forest use.

	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact	Beneficial Effect
3.3 AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental and Regulatory Setting

Air quality is a function of pollutant emissions and topographic and meteorological influences. The physical features and atmospheric conditions of a landscape interact to affect the movement and dispersion of pollutants and determine its air quality.

The proposed project is located in the San Francisco Bay Area Air Basin (SFBAAB), an area of non-attainment for national and state ozone, state particulate matter (PM10), and national and state fine particulate matter (PM2.5) air quality standards (U.S. EPA 2011 and BAAQMD 2011a).

The Bay Area Air Quality Management District (BAAQMD) is responsible for maintaining air quality and regulating emissions of criteria and toxic air pollutants within the SFBAAB. The BAAQMD carries out this responsibility by preparing, adopting, and implementing plans, regulations, and rules that are designed to achieve attainment of state and national air quality standards. The BAAQMD currently has 12 regulations containing more than 100 rules that control and limit emissions from sources of air pollutants.

On September 15, 2010 the BAAQMD adopted the *Bay Area 2010 Clean Air Plan (CAP)*. This plan updates the BAAQMD's *2005 Ozone Strategy*, addresses ozone, PM, toxic air contaminants, and greenhouse gas emissions in a single, integrated document, and contains 55 control strategies that describe specific measures and actions that the BAAQMD and its partners will implement to improve air quality, protect public health, and protect our climate.

These measures focus on stationary and area sources, mobile sources, transportation control measures, land use, and energy and climate measures (BAAQMD 2010a).

In May 2011, the BAAQMD updated its CEQA significance thresholds for emissions resulting from short term, construction-related and long term, operations-related activities (BAAQMD 2011b). The BAAQMD considers projects that exceed the BAAQMD's CEQA thresholds to have a significant air quality effect. The BAAQMD's *CEQA Air Quality Guidelines* (2011b) also contain screening criteria to provide lead agencies with a conservative indication of whether a proposed project could result in potentially significant air quality impacts. Consistent with the BAAQMD's guidance, if a project meets all of the screening criteria then the project would not result in a significant air quality impact and a detailed air quality assessment is not required for the project. The BAAQMD's *CEQA Air Quality Guidelines* identify the construction and operational screening criteria for air quality impacts for a city park land use as 67 and 2,613 acres, respectively. For operational impacts the size of the proposed project is smaller than the BAAQMD's screening criteria, therefore a detailed air quality assessment is not necessary because the project is not expected to create significant adverse air quality effects due to its size. In addition, because of the project's size and that the project is implementing BAAQMD's construction best management practices, construction emissions would also be less than significant.

Existing Emissions Sources

The project site consists of a strip of land along the west side of the golf course, the Blue Pheasant/Golf Course parking lot, improvements along Stevens Creek Boulevard in the vicinity of Phar Lap Drive, and the Stocklmeir parcel which includes Stevens Creek along the eastern boundary, a home and converted garage near Stevens Creek Boulevard, and an approximately 2.5-acre orange/mixed fruit orchard on the remainder of the property. The existing home and garage are not occupied and do not generate emissions from vehicle trips or fuel combustion for heating purposes. The existing orchard is not managed and therefore is not assumed to generate emissions from any agricultural equipment operations. There are no permitted emissions generating units on-site. The closest permitted stationary source of emissions is located approximately 2,000 feet west of the proposed project (BAAQMD 2011c).

Proposed Emission Sources

Development of the five acre site would generate short-term construction emissions. Project construction activities would include: trail construction (1,300 feet) and installation of trail amenities, bridge installation stream channel restoration along 1,400 feet and widening along approximately 550 feet with fish and wetland habitat creation, 7,000 cubic yards (cu yds) of material transport, and plant restoration activities. The project would not involve demolition of the existing house and garage on-site. Project construction is expected to occur over a five to six month period in 2013. Table 3.3-1 below lists the type, amount, and expected duration of use for proposed construction equipment.

Equipment Type	No. on Site	No. of Days In Use
Crane	1	2
Dozer	1	110
Excavator	2	110
Screener/Separator	1	30

Equipment Type	No. on Site	No. of Days In Use
Water truck	1	110

Source: City of Cupertino 2011.

In addition to the off-road equipment listed above, project construction is expected to import and export approximately 2,000 and 5,000 cu yds of material, respectively, over a three-month period. The transport of 7,000 cu yds of material is estimated to generate approximately 1,170 total truck trips, or 18 total truck trips per day during an estimated three month period when material transport occurs (City of Cupertino 2011).

Project operation. i.e. visitor vehicles that drive to the site after the project is completed, is estimated to result in up to 13 total weekday vehicle trips and 34 total weekend vehicle trips (see Section 3.16 Transportation/Traffic), or approximately 6,920 trips per year.

Sensitive Receptors

A sensitive receptor is generically defined as a location where human populations, especially children, seniors, and sick persons, are located where there is reasonable expectation of continuous human exposure to air pollutants. These typically include residences, hospitals, and schools.

The site is surrounded by residential land uses. There are no hospitals or schools within 1,000 feet of the project boundary.

Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

Less Than Significant Impact. The proposed project would not conflict with or obstruct implementation of the BAAQMD's *2010 Clean Air Plan*. The 2010 CAP includes particulate matter and ozone pre-cursor pollutant emissions of reactive organic gases (ROG) and oxides of nitrogen (NO_x) generated from construction and mobile source activities throughout the BAAQMD in its emissions inventories and plans for achieving attainment of air quality standards.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Less Than Significant Impact. The proposed project would generate short-term construction and long-term operational emissions, however, these emissions would not violate air quality standards nor contribute to an air quality violation.

Short-Term Construction Emissions

The proposed project is below the BAAQMD's "city park" land use criteria air pollutant construction screening level size of 67 acres and would not require demolition activities, extensive site preparation, extensive material transport (i.e., greater than 10,000 cubic yards of soil import/export), or the simultaneous occurrence of more than two construction phases. Consistent with the BAAQMD's *CEQA Air Quality Guidelines*, projects that meet these screening criteria would result in a less than significant air quality impact and do not require a construction air quality assessment.

Per BAAQMD guidelines, the City would incorporate the following practices to further reduce the magnitude of potential construction emissions:

Construction Best Management Practices

1. Water exposed surfaces (e.g., unpaved parking areas, staging areas, soil piles, graded areas, and unpaved access roads) daily or as needed for dust control.
2. Cover haul trucks transporting soil, sand, or other loose material off-site.
3. Use vacuum street sweepers or other suitable method daily or as required to remove visible mud or dirt track-out onto adjacent public roads.
4. Vehicle speeds on unpaved roads shall not exceed 15 mph.
5. Roadways, driveways, and sidewalks to be paved shall be completed as soon as feasible.
6. Minimize equipment idling times to 5 minutes.
7. Properly maintain and tune all construction equipment in accordance with manufacturer's specifications.
8. Post a publicly visible sign with the telephone number and person to contact regarding dust problems.

Long-Term Operational Emissions

The proposed project would result in an anticipated up to 13 total vehicle trips per weekday and 34 vehicle trips per weekend day. The development of five acres of parkland is below the BAAQMD "city park" land use criteria air pollutant operational screening level size of 2,613 acres. Consistent with the BAAQMD's *CEQA Air Quality Guidelines*, projects that are below this screening criteria threshold would not result in emissions that exceed BAAQMD significance thresholds. The project, therefore, would not result in a significant impact to air quality from long-term operational emissions.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

Less Than Significant Impact. As discussed in a) and b) above, project would not result in construction or operational emissions that exceed BAAQMD thresholds of significance. In developing its CEQA significance thresholds, the BAAQMD considered the emission levels at which a project's individual emissions would be cumulatively considerable. The BAAQMD considers projects that result in emissions that exceed its CEQA significance thresholds to result in individual impacts that are cumulatively considerable and significant. Since the proposed project would not individually exceed any BAAQMD CEQA significance thresholds the proposed project would result in less than significant cumulative air quality impacts.

d) Expose sensitive receptors to substantial pollutant concentrations?

Less Than Significant Impact. The proposed project consists of expanded city park facilities. The proposed project is not located in an impacted community, as identified under the BAAQMD's Community Air Risk Evaluation (CARE) program, which the BAAQMD initiated in 2004 to identify locations with high levels of risk from toxic air contaminants (TACs) (BAAQMD 2011b).

The closest stationary source of emissions to the project is located approximately 2,000 feet to the west at 22510 Stevens Creek Boulevard (Facility ID 1032) (BAAQMD 2011c). The

closest highway to the project is California State Route (SR) 85, which is located approximately 3,000 feet east of the project site. Consistent with the BAAQMD's *Recommended Methods for Screening and Modeling Local Risks and Hazards*, the PM_{2.5}, carcinogenic, and non-carcinogenic risks and hazards from these sources are considered less than significant since they are located more than 1,000 feet away from the project (BAAQMD 2011d).

The closest surface street to the project is Stevens Creek Boulevard, which has an estimated average daily traffic volume of 10,850 trips per day east of Foothill Boulevard (City of Cupertino traffic count data, June 2009). Stevens Creek Boulevard is an east-west directional roadway located adjacent to the proposed trail at its closest point. According to the BAAQMD's *County Surface Street Screening Tables*, Stevens Creek Boulevard is estimated to produce annual average PM_{2.5} concentration of 0.12 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) at the trail and result in an incremental lifetime excess cancer risks of 2.85 per million population (BAAQMD 2011e). These values are below BAAQMD significance thresholds for PM_{2.5} concentrations (0.3 $\mu\text{g}/\text{m}^3$) and incremental cancer risks (10 per million population) and are considered less than significant.

The proposed project could result in an anticipated up to 34 vehicle trips per day and would not increase traffic volumes above BAAQMD carbon monoxide screening levels of 44,000 vehicles per hour or 24,000 vehicles per hour where horizontal or vertical mixing is limited due to features such as tunnels, garages, underpasses, canyons, or below grade roadways.

Project operation would not generate substantial pollutant concentrations from total vehicle trips up to 34 per day. Project-related construction activities would emit PM_{2.5} from equipment exhaust. Nearly all of the project's PM_{2.5} emissions from equipment exhaust would be diesel particulate matter, a TAC. Trail construction, bridge installation, and stream widening and restoration would occur intermittently during the daytime weekday period for up to five to six months. Although project construction would emit criteria and hazardous air pollutants, these emissions would be well below the BAAQMD's construction thresholds of significance. In addition, the short construction period for the project and the distance and vegetation between the construction sites and existing homes would further reduce the less than significant magnitude of project construction-related pollutant concentrations.

e) Create objectionable odors affecting a substantial number of people?

Less Than Significant Impact. Short-term odors resulting from project construction would be dissipated by vegetation and trees between the construction sites and surrounding sensitive receptor locations. The proposed project would not create long-term objectionable odors that would affect a substantial number of people.

	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact	Beneficial Effect
3.4 BIOLOGICAL RESOURCES -- Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Regulatory Setting

Federal Regulations

Federal Endangered Species Act

The federal Endangered Species Act (ESA) of 1973 (16 USC §§ 1531 et seq.) protects fish and wildlife species that are listed as threatened or endangered, and their habitats. “Endangered” refers to species, subspecies, or distinct population segments that are in danger of extinction in all or a significant portion of their range. “Threatened” refers to species, subspecies, or distinct population segments that are considered likely to become endangered in the future.

Federal ESA Section 9 protects federally listed endangered and threatened wildlife species from unlawful take (16 U.S.C. § 1538 (a)(1)). “Take” is defined to mean “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct” (16 U.S.C. § 1532 (19)). “Harm” is defined as an act that “actually kills or injures wildlife. Such act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering” (50 CFR 17.3). The ESA also prohibits removing, digging up, cutting, or maliciously damaging or destroying federally listed plants on federal land.

Section 7 of the ESA requires federal agencies, in consultation with and with the assistance of the Secretary of the Interior or the Secretary of Commerce, as appropriate, to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of threatened or endangered species or result in the destruction or adverse modifications of critical habitat for these species. Critical habitat is defined as specific geographic areas, whether occupied by listed species or not, that are determined to be essential for the conservation and management of listed species, and that have been formally described in the Federal Register. Section 10 of the ESA provides a means whereby a nonfederal action with a potential to result in the take of a listed species could be allowed under an incidental take permit. An incidental take permit is required when non-federal activities would potentially result in the take of a threatened or endangered species.

Under the ESA, the Secretary of the Interior and the Secretary of Commerce have the authority to list species as threatened or endangered. The ESA is enforced by the United States Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration National Marine Fisheries Service (NOAA Fisheries). NOAA Fisheries’ jurisdiction under ESA is limited to the protection of marine mammals, marine fishes, and anadromous fishes; all other species are subject to USFWS jurisdiction.

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) (16 USC §§ 703 et seq.) enacted the provisions of treaties between the United States, United Kingdom, Mexico, Japan, and the Soviet Union, and authorizes the Secretary of the Interior to protect and regulate take of migratory birds. The MBTA is administered by the USFWS. It establishes seasons and bag limits for hunted species, and renders taking, possession, import, export, transport, sale, purchase, and barter of migratory birds, their occupied nests, and their eggs illegal except when authorized by a federal permit. Take is defined more narrowly under the MBTA than under the ESA and includes only the death or injury of individuals of a migratory bird species or their eggs. As such, take under the MBTA does not include the concepts of harm and harassment as defined under the ESA.

More than 800 species of birds are protected under the MBTA. Specific definitions of migratory bird are addressed in the international treaties. In general, birds that migrate to complete different stages of their life history or to take advantage of different habitat opportunities during different seasons are “migratory birds” subject to the MBTA.

State Regulations

California Endangered Species Act

The California Endangered Species Act (CESA), administered by the California Department of Fish and Game (CDFG), protects wildlife and plants listed as “threatened” or “endangered” by the California Fish and Game Commission, as well as species identified as candidates for listing. CESA restricts all persons from taking listed species except under certain circumstances. The state definition of take is similar to the federal definition, except that CESA does not prohibit indirect harm to listed species by way of habitat modification. Under CESA, an action must have a direct, demonstrable detrimental effect on individuals of the species.

CDFG maintains lists of animal species of special concern (CSSC) that serve as “watch lists.” A CSSC is not subject to the take prohibitions of CESA. The CSSC are species that are declining at a rate that could result in listing under the federal ESA or CESA and/or have historically occurred in low numbers, and known threats to their persistence currently exist. This designation is intended to result in special consideration for these animals and is intended to focus attention on the species to help avert the need for costly listing under federal and state endangered species laws. This designation also is intended to stimulate collection of additional information on the biology, distribution, and status of poorly known at-risk species, and focus research and management attention on them (Comrack et al. 2008).

State agencies should not approve projects as proposed which would jeopardize the continued existence of any endangered or threatened 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 consistent with conserving the species or its habitat which would prevent jeopardy (Fish and Game Code § 2053). Under Sections 2080.1 or 2081(b) of the California Fish and Game Code, CDFG may permit incidental take of species listed under CESA, except for species that are designated as fully protected.

The California Fish and Game Code protects a variety of species, separate from the protection afforded under CESA. The following specific statutes afford some limits on take of named species: Section 3503 (nests or eggs), 3503.5 (raptors and their nests and eggs), 3505 (egrets, osprey, and other specified birds), 3508 (game birds), 3511 (fully protected birds), 4700 (fully protected mammals), 4800 et seq. (mountain lions), 5050 (fully protected reptiles and amphibians), and 5515 (fully protected fish).

Section 3503 simply states, “it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.” The exceptions generally apply to species that are causing economic hardship to an industry. Section 3503.5 states that it is “unlawful to take, possess, or destroy any birds in the order 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.” Section 3505 prohibits taking, selling, or purchasing egrets, osprey, and other named species or any part of such birds.

Fully protected species may not be taken or possessed except for scientific research. Various Fish and Game Code sections identify fully protected species.

California Native Plant Protection Act

The California Native Plant Protection Act (CNPPA) of 1977 preserves, protects, and enhances endangered and rare plants in California by specifically prohibiting the importation, take, possession, or sale of any native plant designated by the California Fish and Game Commission as rare or endangered, except under specific circumstances identified in the Act. Various activities are exempt from the CNPPA, although take as a result of these activities may require other authorization from CDFG under the California Fish and Game Code.

As a trustee agency, CDFG comments on the biological impacts of development projects reviewed under CEQA. CEQA gives CDFG jurisdiction to comment on the protection of habitats deemed necessary for any species to survive in self-sustaining numbers, but does not allow CDFG to govern land use. It stipulates that the state lead agency shall consult with, and obtain written findings from, CDFG in preparing an EIR on a project, as to the impact of the project on the continued existence of any endangered or threatened species (Public Resources Code § 21104.2).

Regulated Waters

Impacts to stream channels (bed and bank) are specifically addressed by the CDFG Code §§1600 et seq. and may fall under the jurisdiction of the Clean Water Act §404 and §401 permit process and the Porter-Cologne Water Quality Control Act. The Regional Water Quality Control Board enforces permit provisions of the Porter-Cologne Water Quality Control Act.

Clean Water Act, Section 401

Any applicant for a federal permit to impact wetlands under Section 404 of the Clean Water Act, including Nationwide Permits (NWP) where pre-construction notification is required, must also provide to the US Army Corps of Engineers (USACE) a certification from the State of California. The "401 Certification" is provided by the State Water Resources Control Board through the local Regional Water Quality Control Board.

The Regional Water Quality Control Board (RWQCB) recommends the application be made at the same time that any applications are provided to other agencies, such as the USACE or the USFWS. Application is not final until completion of environmental review under the California Environmental Quality Act (CEQA certification). The application to the RWQCB is similar to the pre-construction notification that is required by USACE (see discussion of Section 404, below). It must include a description of the type of wetland habitat that is being impacted, a description of how the impact is proposed to be minimized and proposed mitigation measures with goals, schedules, and performance standards. Mitigation must include a replacement ratio of 2:1, or twice as many acres of wetlands provided as are removed. The RWQCB looks for mitigation that is on site and in-kind, with functions and values as good as or better than the wetland that is being removed.

Clean Water Act, Section 404

As part of its mandate under the Clean Water Act, the Environmental Protection Agency (EPA) regulates the discharge of dredged or fill material into "Waters of the US" under Section 404 of the Act. "Waters of the U.S." include territorial seas, tidal waters, and non-tidal waters in addition to wetlands and drainages that support wetland vegetation, exhibit ponding or scouring, show obvious signs of channeling, or have discernible banks and high water marks. The EPA also regulates excavation and changes in drainage. The discharge of dredged or fill material into waters of the US is prohibited under the Clean Water Act except when it is in compliance

with Section 404 of the Act. Enforcement authority for Section 404 was given to the US Army Corps of Engineers, which it accomplishes under its regulatory branch.

Fish and Game Code Section 1600

Section 1600 requires an entity to notify CDFG of any proposed 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 or dispose of debris, waste, or other material containing pavement where it may pass into any stream, river, or lake. CDFG uses the USFWS definition of wetlands when regulating these activities. Where CDFG concludes that the activity will “substantially adversely affect an existing fish or wildlife resource,” the entity proposing the activity must negotiate a Streambed Alteration Agreement with CDFG that specifies terms under which the activity may be carried out in a way that protects the affected wildlife resource. Construction cannot begin until the Agreement is completed.

Local Regulations

There are four agencies with provisions or ordinances governing trees.

California Department of Fish and Game

CDFG recommends that certain tree species removed be replaced at a set ratio. For example, any coast live oak trees to be removed for the project should be replaced at a 3-to-1 ratio (3 trees planted for each tree removed). Ratios vary depending on the tree species. These ratios have been established in order to compensate for possible mortality in the replacement trees and to expedite the restoration of wildlife habitat.

City of Cupertino

The City of Cupertino Tree Ordinance requires a permit to remove “heritage” and “protected trees.” Protected trees in this ordinance include five species of oak, California buckeye, California bay, western sycamore, big leaf maple, deodar cedar and blue atlas cedar tree species. To be considered a protected tree, the single-trunk diameter at 4-1/2 feet from natural grade is 10 inches while the multi-trunk diameter at 4-1/2 feet from natural grade (also known as Diameter at Breast Height, or DBH) is 20 inches. Protected trees also include trees required to be planted or retained as a part of an approved development application, building permit, tree removal permit, or approved privacy protection requirement in an R-1 zoning district.

Heritage trees include “any tree or grove of trees which, because of factors including, but not limited to, its historic value, unique quality, girth, height or species, has been found by the Planning Commission to have a special significance to the community.”

Policies under the City of Cupertino General Plan include:

Policy 5-8: Public Project Landscaping: Encourage public and quasi-public agencies to landscape their city area projects near native vegetation with appropriate native plants and drought tolerant, non-invasive, non-native plants.

Policy 5-10: Landscaping near Natural Vegetation: Emphasize drought tolerant and pest-resistant native and non-invasive, non-native, drought tolerant plants and ground covers when

landscaping properties near natural vegetation, particularly for control of erosion from disturbance to the natural terrain.

Policy 5-11: Natural Area Protection: Preserve and enhance the existing natural vegetation, landscape features and open space when new development is proposed.

Policy 5-13: Recreation in Natural Areas: Limit recreation in natural areas to activities compatible with preserving natural vegetation, such as hiking, horseback riding, mountain biking and camping.

Policy 5-14: Recreation and Wildlife Trails: Provide open space linkages within and between properties for both recreational and wildlife activities, most specifically for the benefit of wildlife that is threatened, endangered or designated as species of special concern.

Santa Clara Valley Water District

Santa Clara Valley Water District requires tree replacement per the Stream Maintenance Program. BMP 2.8 Replace Trees states that trees shall be replaced as follows:

1. Native trees that are lost to bank protection impacts shall be replaced at a 3:1 ratio and non-native trees that are lost shall be replaced at a 2:1 ratio.
2. Trees removed for installation of bank protection measures shall be replaced at the site, if feasible, or at the mitigation site created for that bank protection activity.
3. The Plant Selection Criteria, Planting Techniques, Maintenance, and Monitoring/Reporting protocols prescribed by the "Protocol for Revegetation Associated with Bank Protection" (Appendix E of the SMP) shall be implemented, as applicable to tree replacement. Local natives grown from on site sources are preferable to larger container grown stock which is typically not local.
4. Replacement of heritage-sized trees (greater than 18 inches dbh) would be consistent with local ordinances.
5. All trees lost to bank protection impacts would be replaced with local native tree species; oak trees shall be replaced by direct-seeding with acorns locally collected from the local watershed.

The proposed project will meet or exceed Santa Clara Valley Water District requirements for tree replacement.

Environmental Setting

A TRA biologist made a site visit on April 28, 2011 to assess current site conditions and observe what changes, if any, had occurred since wildlife and habitat surveys were performed in 2006. Wildlife surveys were also performed prior to and during construction for Phase 1 of this project.

Vegetation Communities

Habitats and vegetation within the project site include sycamore-oak riparian woodland, golf course turf, and orchard. Golf course turf dominates the area along the east creek bank of the riparian corridor and orchard dominates the area west of the riparian corridor. The dominant habitat type in the project site along the creek's west bank and the non-armored portion of its east bank is sycamore-oak riparian woodland, characterized as the California Sycamore Series in Sawyer, Keeler-Wolf, and Evens (2009). California sycamore (*Platanus racemosa*) and coast live oaks (*Quercus agrifolia*) dominate the riparian canopy, with a mixture of California buckeye

(*Aesculus californica*), valley oak (*Quercus lobata*), California bay (*Umbellularia californica*), black cottonwood (*Populus balsamifera* ssp. *trichocarpa*), and box elder (*Acer negundo*), among others. Understory vegetation includes Himalayan blackberry (*Rubus discolor*), willow species (*Salix* spp.), English ivy (*Hedera helix*), vinca (*Vinca major*), giant reed (*Arundo donax*), and blue elderberry (*Sambucus mexicana*) among others.

A number of the plants in this area are classified as noxious invasive plants by the California Invasive Plant Council (Cal-IPC). Giant reed (*Arundo donax*), for example, is a robust perennial grass that can grow 9-30 feet tall and form dense stands many meters across. It displaces native plants and associated wildlife. Unlike the native riparian plants it displaces, *Giant reed* provides little shading to the instream habitat, leading to increased water temperatures and reduced habitat quality for aquatic wildlife. *Giant reed* also adversely alters channel morphology by retaining sediments and constricting flows. Other nonnative plants found within the project site that are listed as invasive by Cal-IPC include vinca, English ivy, and Himalayan blackberry.

The Stocklmeir property supports an orchard, one vacant residence, and associated out buildings. The approximately 2.5-acre orchard contains roughly 140 orange trees and 30 other orchard trees (walnut, loquat, olive, lemon, and tangerine). The orange orchard, for the most part, is in fair to good condition and is still productive. However, the orchard is not currently maintained and some trees are past their prime or are dying. The walnut trees are almost all suffering from a viral disease and have been recommended for removal. Surrounding the trees in the orchard are annual, non-native grasses such as perennial non-native Johnson grass (*Sorghum halapense*), and other ruderal vegetation such as Bermuda buttercup (*Oxalis pes-caprae*).

The Blackberry Farm Golf Course, on the east side of Stevens Creek, is heavily landscaped and is dominated by lawn grass and sparse mature Monterey pine trees (*Pinus radiata*) and younger California redwood trees (*Sequoia sempervirens*). There are two pond areas on the golf course.

Intense residential development borders the project site to the east and Stevens Creek Boulevard borders the site to the north. The Phase 1 portion of this project (Blackberry Farm Park) borders the project site to the south.

Hydrology

The Stevens Creek watershed encompasses approximately 30 square miles in western Santa Clara County. Stevens Creek is part of the Lower Peninsula Watershed as identified by Santa Clara Valley Water District, which includes six other creeks including San Francisquito, Permanente, and Adobe Creeks, and encompasses a total of 98 square miles. The headwaters of Stevens Creek originates on the east slope of the Santa Cruz Mountains in the vicinity of Skyline Boulevard and Page Mill Road and flows for approximately eight miles through private, Midpeninsula Regional Open Space District (MROSD) and Santa Clara County park lands before reaching Stevens Creek Dam and Reservoir. Wetlands in the upper watershed include four ponds that drain into Stevens Creek Reservoir, and one pond downstream of the Reservoir within a former rock quarry. Downstream of the Reservoir, Stevens Creek returns to its channel and flows another 2.5 miles through Stevens Creek County Park, Deep Cliff Golf Course, McClellan Ranch Park, and Blackberry Farm Park before reaching the project site. Within the project vicinity, Stevens Creek flows about 1,400 feet to Stevens Creek Boulevard.

Downstream of the project site, Stevens Creek continues to flow through the City of Cupertino and then flows adjacent to Highway 85 through the cities of Los Altos, Sunnyvale,

and Mountain View. This portion of the creek is surrounded by urban development, and the lower reaches frequently go dry in the summer time. After passing under Highway 101, Stevens Creek flows into Whisman Slough and then empties into San Francisco Bay.

Within the project site, water flow through Stevens Creek is regulated at the Stevens Creek dam. Winter base flows (November to April) typically range from 10 to 30 cubic feet per second (cfs) and dry season base flows (May through October) are typically less than five cfs (SCVWD, Stream gauge #1482). The elevation of the channel within the section to be widened ranges from approximately 290 feet mean sea level at the upstream end to 282 feet at the downstream end. The majority of the banks within the project site are moderately steep, dropping between five and 10 feet in elevation from the top of bank to the creek channel. Much of the eastern creek bank within the project site has been modified using riprap, and/or concrete channel lining for flood control and erosion control purposes.

To determine water depth in areas within the stream corridor, trenching was done in November 2004 in various locations adjacent to the stream, including the Stockmeir property. This was done prior to the start of the rainy season. Groundwater was not encountered in trenches 12 feet deep (Balance, 2004), and conditions indicated that the creek was likely to be a "losing" system in that reach at that time. In February 2006, an area paralleling the creek bank was trenched for presence/absence of historic resources. Twelve trenches were dug to a maximum of eight feet, and groundwater was not encountered. These results indicate that riparian restoration/enhancement planting should be limited to the channel banks in order to ensure success of these species which thrive in damp conditions. Floodplain and upland plants would be planted further away from the stream channel. In 2010, Balance Hydrologics walked the site and observed that the channel conditions within the proposed project site appear substantially similar to the 2006 conditions.

Wildlife

On April 28, 2011, a site visit was made to the Phase 2 project area by a TRA biologist to assess current site conditions and observe what changes, if any, had occurred since wildlife and habitat surveys were performed in 2006 and to note any habitat changes since the installation of Phase 1 of the project, just upstream. The biologist noted general habitats and common species occurring within the project area. Extensive wildlife surveys were conducted for the original master planning and preliminary design of the Phase 1 project (2006). Surveys conducted for preconstruction and construction of the Phase 1 project detected no new or additional protected species present beyond those identified in 2006, except as noted below. The April 28, 2011 visit detected no habitat changes within the project area since Phase 1 surveys occurred.

Surveys conducted for Phase 1 (2006) detected the following native aquatic species in Stevens Creek within the vicinity of the project site (all fishes): threespine stickleback (*Gasterosteus aculeatus*), California roach (*Lavinia symmetricus*), Sacramento sucker (*Catostomus occidentalis*), and steelhead/rainbow trout (*Oncorhynchus mykiss*). These species were subsequently caught and relocated during the dewatering efforts in 2008 for the Phase 1 creek restoration project in Blackberry Farm Park just upstream of the project site. Surveys conducted by Santa Clara Valley Water District biologists in 2010 confirmed the continued presence of these species in this area of Stevens Creek. Nonnative aquatic species detected in the 2006 surveys included Louisiana red crayfish (*Procambarus clarkii*), signal crayfish (*Pacifastacus leniusculus spp. leniusculus*), bullfrog (*Rana catesbeiana*) and koi (*Cyprinus carpio*).

Stevens Creek is designated “critical habitat” for the federally threatened Central California Coast steelhead (*Oncorhynchus mykiss irideus*). The site of the restoration is located within Santa Clara Valley Water District’s designated “Cold Water Management Zone” that is intended to support steelhead spawning and rearing. Steelhead are known to inhabit this part of the creek as eggs, fry, young and mature adults returning to spawn.

Common animals observed in the Steven Creek corridor include raccoons (*Procyon lotor*), Pacific black-tailed deer (*Odocoileus hemionus*), striped skunk (*Mephitis mephitis*), bobcat (*Lynx rufus*), coyote (*Canis latrans*), Pacific gopher snake (*Pituophis catenifer*), feral cat (*Felis catus*), bat species noted below, and a variety of bird species.

Annual bird counts are performed by the Santa Clara Valley Audubon Society (SCVAS) and over 100 species are observed regularly in the Stevens Creek corridor. Year-round resident species present within the project area include Chestnut-backed Chickadee (*Poecile rufescens*), Oak Titmouse (*Baeolophus inornatus*), Black Phoebe (*Saynoris nigricans*), Nuttall’s Woodpecker (*Picoides nuttallii*), Bewick’s Wren (*Thryomanes bewickii*), White-breasted Nuthatch (*Sitta carolinensis*), and Belted Kingfisher (*Megaceryle alcyon*). Other bird species migrate to the area for breeding including Warbling Vireo (*Vireo gilvus*), Pacific-slope Flycatcher (*Empidonax difficilis*), Western Wood-Pewee (*Contopus sordidulus*), Western Bluebird (*Sialia mexicana*), Violet-green Swallow (*Tachycineta thalassina*), Bullock’s Oriole (*Icterus bullockii*), and Red-shouldered Hawk (*Buteo lineatus*) among many others (SCVAS 2010 and 2011). Bat species detected during previous surveys include big brown bats (*Eptesicus fuscus*), Mexican free-tailed bats (*Tadarida brasiliensis*), and Yuma myotis (*Myotis yumanensis*).

The Stevens Creek corridor supports a number of raptors. In recent years Red-shouldered Hawk (*Buteo lineatus*), Cooper’s Hawk (*Accipiter cooperii*), White-tailed Kite (*Elanus leucurus*), Barn Owl (*Tyto alba*) and Western Screech Owl (*Megascops kennicottii*) have nested here. In some years, the Stevens Creek corridor has supported two pairs of Barn Owls and two pairs of Red-shouldered Hawks. Other raptors including Peregrine Falcon (*Falco peregrinus*), Merlin (*Falco columbarius*), Sharp-shinned Hawk (*Accipiter striatus*), Red-tailed Hawk (*Buteo jamaicensis*), and Great Horned Owl (*Bubo virginianus*) are occasionally observed in the corridor.

Wildlife Movement Corridors

Habitat corridors facilitate wildlife migration and movement within landscapes, and are essential to the viability and persistence of many wildlife populations. Wildlife movement includes migration (i.e., usually one-way per season), inter-population movement (i.e., long-term genetic flow), and small travel pathways (i.e., daily movement corridors within an animal’s territory). While small travel pathways usually facilitate movement for daily home range activities, such as foraging or escape from predators, they also provide connection between outlying populations and the main corridor, permitting an increase in gene flow among populations. These linkages among habitats can extend for miles and occur on a large scale throughout California.

Stevens Creek is an important corridor for federally threatened Central California Coast steelhead and other aquatic species. Removal of barriers to fish passage, implemented with the Phase 1 creek restoration adjacent to the current project site, improved the connectivity between various reaches of Stevens Creek. The riparian habitat serves as a corridor for numerous birds, mammals, reptiles, and amphibians.

Special-status Species

Special-status species are those plants and animals that are legally protected or otherwise recognized as vulnerable to habitat loss or population decline by federal, state, or local resource conservation agencies and organizations. TRA conducted a California Natural Diversity Database (CNDDDB) search in April 2011 to complete this analysis. In this analysis, special-status species include:

- species that are state and/or federally listed threatened or endangered;
- species considered as candidates for listing as threatened or endangered;
- CDFG Species of Special Concern;
- fully protected species per California Fish and Game Code; and
- plants considered by the California Native Plant Society (CNPS) and the CDFG to be rare, threatened, or endangered [California rare plant ranked, (CRPR); e.g. CRPR 1B)].

Tables 3.4-1 and 3.4-2 include state and federally listed species as well as plants identified as rare by CNPS and CDFG and was prepared using information from the CNDDDB (2011), and the CNPS Rare Plant Inventory (2010). It contains information on regulatory status, habitat, and flowering period derived from the CNDDDB (2011) and CNPS Rare Plant Inventory (2010).

Special-status Plant Species

Seven special-status plants were documented within a 5-mile radius of the study area. Table 3.4-1 lists these species and their potential to be found within the project site. No rare plants have been found during field surveys conducted on the site.

Table 3.4-1. Special-status Plant Species Potentially Occurring within the Project Area

Species	Listing Status ¹	Flowering Period	Habitat	Potential on Project Site
Western leatherwood (<i>Dirca occidentalis</i>)	CRPR 1B.2	January – April	Broadleaved upland forest, closed cone coniferous forest, chaparral, cismontane woodland, North Coast coniferous forest, riparian scrub, riparian woodland/mesic; elevation 50-395 meters.	Low. Surveyed in 2006 during bloom period and not detected.
Ben Lomond buckwheat (<i>Eriogonum nudum</i> var. <i>decurrens</i>)	CRPR 1B.1	June – October	Chaparral, cismontane woodland, lower montane coniferous forest (ponderosa pine sandhills)/ sandy; elevation 50-800 meters.	No potential. Habitat not present.
Arcuate bush mallow (<i>Malacothamnus arcuatus</i>)	CRPR 1B.2	April – September	Chaparral; elevation 15-355 meters.	No potential. Habitat not present.
Loma Prieta hoita (<i>Hoita strobilina</i>)	CRPR 1B.1	May – October	Chaparral, cismontane woodland, riparian woodland; usually on serpentine soils, mesic; elevation 30-600 meters.	No potential. Habitat not present.
Robust spineflower (<i>Chorizanthe robusta</i> var. <i>robusta</i>)	CRPR 1B.2	May – September	Sandy places in coastal: scrub, dunes, strand	No potential. Habitat not present.

Species	Listing Status ¹	Flowering Period	Habitat	Potential on Project Site
Santa Clara red ribbons (<i>Clarkia concinna</i> ssp. <i>automixa</i>)	CRPR 4.3	April-July	Cismontane woodland and chaparral on slopes and near drainages	No potential. Habitat not present.
Woodland woollythreads (<i>Monolopia gracilens</i>)	CRPR 1B.2	February-July	Grassy sites (often on serpentine) in chaparral, valley and foothill grasslands, cismontane woodlands, broadleafed upland forests	No potential. Habitat not present.
¹ Listing Status Key: CRPR 1B: Plants rare, threatened, or endangered in California and elsewhere. CRPR Threat Code extensions and their meanings: 0.1 - Seriously endangered in California (over 80% of occurrences threatened / high degree and immediacy of threat) 0.2 – Fairly endangered in California (20-80% occurrences threatened) CRPR 4: Plants of limited distribution (a watch list) 0.3-Not very threatened in California Source: CNDDB April 2011, CNPS 2010				

Special-status Wildlife

Twelve special-status wildlife species were documented within a 5-mile radius of the study area. Table 3.4-2 lists these species and their potential to be found within the project site. Several rare wildlife species have been sighted within the Stevens Creek corridor including the project area during field surveys.

Table 3.4-2. Special-status Wildlife Species Potentially Occurring within the Project Area

Species Name	Listing Status ¹	Habitat	Potential to be Found at Project Site
California red-legged frog (<i>Rana draytonii</i>)	FT, CSSC	Pond, creek, riparian, grassland	Extremely Low Potential. Foraging/aestivation habitat present. Potential golf course pond breeding habitat is inhabited by bullfrogs which prey on this species. Not detected during 2005 field surveys and has not been observed since by area biologists (Banfield, pers. comm.)
California tiger salamander (<i>Ambystoma californiense</i>)	FT, ST, CSSC	Seasonal wetlands in grassland and oak-savannah	No potential. Habitat not present.
Western pond turtle (<i>Emys marmorata</i>)	CSSC	Ponds, creeks in woodlands, grassland	Potentially present. Not detected during 2005 field surveys, but found in spring of 2004 and one was observed upstream April 2008.

Species Name	Listing Status ¹	Habitat	Potential to be Found at Project Site
San Francisco garter snake (<i>Thamnophis sirtalis tetrataenia</i>)	FE, SE, FP	Found within the vicinity of freshwater marshes, ponds and slow moving streams in San Mateo County and extreme northern Santa Cruz County. Prefers dense cover and water depths of at least one foot. Requires upland areas near water.	No potential. Habitat not present.
Steelhead-Central California Coast DPS (<i>Oncorhynchus mykiss irideus</i>)	FT	Moderate to fast flowing, well oxygenated waters for breeding	Present year round.
American Peregrine Falcon (<i>Falco peregrinus anatum</i>)	FP	Nests on ledges in rock outcrops and needs open or edge areas for foraging	Present. Foraging habitat exists; however, breeding habitat not present
Cooper's Hawk (<i>Accipiter cooperii</i>)	Watch List	Dense stands of riparian habitat or live oak and deciduous forests near water	Present. Habitat present; breeds in the creek corridor, detected during recent SCVAS bird count surveys.
Burrowing Owl (<i>Athene cunicularia</i>)	CSSC	Open, flat sites such as vacant fields, golf courses and airports where ground squirrels provide nest burrows.	Very Low Potential. Project site adjacent to potential habitat, not detected during 2005 field surveys.
Long-eared Owl (<i>Asio otus</i>)	CSSC	Dense vegetation adjacent to more open areas such as grassland	Low Potential. Little suitable habitat present and not detected during 2005 field surveys.
White-tailed Kite (<i>Elanus leucurus</i>)	FP	Riparian habitats adjacent to open fields, oak woodland, and/or grassland habitats	Present. Breeding pair recorded at Blackberry Farm Golf Course and Park in recent years.
Pallid bat (<i>Antrozous pallidus</i>)	CSSC	Arid, low-elevation regions; roosts in deep crevices in rock faces, buildings, and bridges	Very Low Potential. Little foraging habitat present within project area.
San Francisco dusky-footed woodrat	CSSC	Variety of brushy and wooded habitats with dense understory	Present in corridor. Recently observed in McClellan Ranch and Blackberry Farm Park.
¹ Listing Status Key: FE – Federal Endangered FT – Federal Threatened SE – State Endangered ST – State Threatened CSSC – Calif. Species of Special Concern SFP – State Fully Protected Source: CNDDDB April 2011			

Wildlife species with a known presence in the project area or with a high or medium potential for presence are discussed below. While the potential for California red-legged frog to be present within the project area is extremely low, it is discussed below due to a regional awareness and concern for this species.

California Red-legged Frog

The California red-legged frog (*Rana draytonii*; CRLF), a federally threatened and California species of special concern, is known to occur in grassland, riparian woodland, oak woodland, and coniferous forest but prefers quiet pools, slow-flowing streams, and marshes with heavily vegetated shores for breeding. These frogs stay near the shore hidden in vegetation rather than in open water. Red-legged frogs frequently occupy seasonal bodies of water, and in some areas, these may be critical for persistence. It is speculated that CRLF may lie dormant during dry periods of the year or during drought. California red-legged frogs are thought to disperse widely during autumn, winter, and spring rains. Juveniles use the wet periods to expand outward from their pond of origin and adults may move between aquatic areas. Frogs disperse through many types of upland vegetation and use a broader range of habitats outside of breeding season.

The breeding season generally begins in January and lasts through March. Minimum breeding age appears to be two years in males and three years in females (Jennings and Hayes, 1985). Females lay 750-4000 eggs in clusters attached to aquatic vegetation, two to six inches below the water surface. Eggs hatch in two to three weeks. Once hatched, the tadpoles generally take between 11 and 20 weeks to metamorphose, doing so between May and August. Although most tadpoles are expected to transform in the summer, they can also over-winter, and therefore transformation can take anywhere from about four to 13 months. CRLF typically require a permanent water source with a minimum depth of 0.7 meters (2.5 feet) (USFWS, 2004). Successful breeding has been observed in sub-optimal habitats with little or no emergent vegetation present (USFWS, 2004). In the absence of vegetation, CRLF will attach their eggs to rocks, wood, or other debris.

CRLF have been unofficially documented less than 1.2 miles from the project area. However Stevens Creek is not within the mapped critical habitat for this species and there is extremely low potential for them to be present within the greater biological area. This is due to 1) the lack of any CRLF observations during the past six years; 2) the dominance of bullfrogs within the golf course ponds which are known to prey upon and out-compete CRLF, and 3) the fact that lotic (stream) systems such as Stevens Creek do not provide optimal breeding habitat for CRLF. Lotic systems such as Stevens Creek where flows are relatively consistent and strong are not typically utilized as breeding habitat by CRLF because there is a lack of instream aquatic vegetation for CRLF to deposit egg masses, and high stream flows can easily wash out egg masses. Stream systems that do support CRLF breeding habitat are typically low-elevation, slow moving streams that support dense aquatic vegetation. CRLF cannot be ruled out from occurring within Stevens Creek, and may still be detected within the creek due to the high mobility of this species. CRLF can move readily within streams as well as across upland terrain during the rainy season in search of refugia and/or breeding habitat.

Western Pond Turtle

The Western pond turtle (*Emys marmorata*; WPT) is a California species of special concern. Western pond turtles range in size from 3.5 to 7 inches and are the only freshwater turtle native to the San Francisco Bay Area. This reptile occurs in ponds and small lakes with abundant vegetation. It is also found in marshes, streams, rivers, reservoirs, and occasionally brackish water. The Western pond turtle feeds on aquatic plants, aquatic invertebrates, fishes,

frogs, and carrion. It uses basking sites such as partially submerged logs, rocks, mats of floating vegetation or open mud banks, as well as underwater retreats to hide from predators and humans. Females deposit their eggs in nests in banks or in the case of foothill streams, in upland areas away from the stream. Nests have been observed in many soil types, from sandy to very hard, and have been found up to 400 meters (1300 feet) from the water. Certain fish species, bullfrogs, garter snakes, wading birds and some mammals prey on hatchlings and juveniles.

The Stocklmeir property serves as potential pond turtle nesting habitat and there is some likelihood they are present within the study area in very low numbers. Turtles have been occasionally observed by the City Naturalist with the most recent confirmed sighting occurring in 2009 (Banfield, pers. comm.).

Steelhead

The Steelhead (*Oncorhynchus mykiss irideus*) Central California Coast Distinct Population Segment (DPS) is designated federally threatened. The Central Coast DPS is bounded by the Russian River in the north, south to Soquel Creek and up to, but not including, the Pajaro River. Stevens Creek supports a steelhead population and is considered "Critical Habitat" by NOAA Fisheries.

Factors causing the decline of steelhead populations include widespread degradation of freshwater and estuarine habitats, continuing habitat destruction, changes in ocean production, disease prevalence, predation, and changes in life history characteristics (NMFS, 1996). Urbanization, water impoundment, and water diversion have also adversely impacted steelhead populations. Generally, spawning habitat is not thought to limit steelhead production; quality of rearing habitat is more limiting.

Populations of steelhead require cool perennial streams of good water quality and moderately complex habitat, with unimpeded access to the ocean during winter and spring months of the year. Steelhead spawn during late winter and spring and typically begin their migration from the ocean during the first high flows of the fall or winter and in most cases attempt to return to their natal stream. It is not unusual for them to return to the same point in the stream from which they emerged as fry. Successful steelhead spawning requires areas of clean gravel with moving water (riffles); eggs typically hatch in about four weeks (dependent upon water temperature). Pools and lagoons low in the watershed can also provide important rearing habitat.

Juvenile steelhead require low velocity stream margins for initial rearing and then riffles and pools for feeding and cover. Juvenile steelhead will spend one to three years in freshwater, often slowly migrating downstream, before becoming smolts and entering the ocean. In general, the larger the smolt at the time of emigration to the ocean, the greater the chances are that it will return as an adult to spawn. Steelhead typically spend one or two years in the ocean before returning to spawn. Only a small percentage of juvenile steelhead typically survives to maturity. Unlike salmon, steelhead usually do not die after spawning and can return to the ocean to repeat their spawning migration again in the next year(s).

Cool, clean water is essential for all stages of the steelhead life cycle. Elevated water temperatures in excess of 70° can highly impair the growth rate of juveniles, if adequate food is not available. Steelhead habitat can be adversely affected by erosion and water diversion. For example, erosion could increase sediment in the creek which could bury spawning gravels; lower flows could impede movement or reduce summer rearing habitat.

Cooper's Hawk

The Cooper's Hawk (*Accipiter cooperii*) is on CDFG's Watch List and along with the sharp-shinned hawk (*Accipiter striatus*) and Northern Goshawk (*Accipiter gentilis*) is a member of the genus *Accipiter*. These hawks have relatively short wings and long tails and are often difficult to distinguish from one another (Sibley, 2000). Cooper's Hawks inhabit dense stands of riparian habitat or live oak and deciduous forests near water. They can be found up to 9000 feet in elevation. For the most part, this species is non-migratory; however, some individuals particularly at higher elevations and in the northern parts of its range will move down slope or south in the winter months. Their diet consists mainly of small birds captured during aerial pursuit, but they may also feed on small mammals, reptiles and amphibians. Both parents help raise 4 to 5 young with the male providing most of the food during the incubation and early nestling stages (Ehrlich, 1988). A pair of Cooper's Hawks has nested along Stevens Creek at the McClellan Ranch/Blackberry Farm parcels each spring for the last several years.

White-tailed Kite

The White-tailed Kite (*Elanus leucurus*) is a California species of special concern and is a year-round resident and breeder throughout much of California. They are typically found in low elevation agricultural, grassland, oak woodland, wetland, or savannah habitats along with riparian habitats adjacent to open fields. Vegetation structure and prey abundance play an important role in habitat suitability (Dunk, 1995). White-tailed Kites hunt rodents in open fields by hovering and then dropping straight to the ground (Sibley, 2000). Both sexes contribute to nest building in the upper third of trees ranging from 10 feet to 150 feet tall. Nest trees, typically found on habitat edges, may be isolated or parts of contiguous forested areas. Average clutch size is four eggs. Chicks fledge approximately four to five weeks after hatching (Dunk, 1995).

During 2005 raptor surveys, a pair of White-tailed Kites was observed nesting in a Monterey pine tree at the Blackberry Farm Golf Course and a pair has nested here three of the five subsequent years.

American Peregrine Falcon

The American Peregrine Falcon (*Falco peregrinus anatum*) is a California fully protected species. Like Bald Eagles, the Peregrine Falcon was added to the federal endangered species list due to the effects of dichloro-diphenyl-trichloroethane (DDT). After decades of work to aid in its recovery, including extensive re-introduction efforts, the Peregrine Falcon has recovered to the extent that it was removed from the federal endangered species list in 1999 and removed from the California endangered species list in 2009.

One of the most widespread species, the Peregrine Falcon occurs on every continent except Antarctica. The Peregrine Falcon nests on high cliffs and on bare ledges. A nearby water source is required during breeding season. Peregrines forage most commonly in open habitats such as marshes, open grasslands, coastal strands, and bodies of water where prey cannot easily escape attack. The Peregrine Falcon primarily eats songbirds that were captured in flight and occasionally can be found eating rodents. Breeding times vary depending on latitude. In southern California, the first egg is laid mid- to late-February, while in northern California the first egg is laid usually in May but replacement clutches occur as late as September (White et al. 2002).

Peregrine Falcons are observed infrequently in McClellan Ranch Park. The most recent recorded observation was in April 2011 by members of SCVAS. It would be unlikely for this species to nest in the area.

San Francisco Dusky-footed Woodrat

San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*) is a California Species of Special Concern. The San Francisco dusky-footed woodrat is a subspecies of the dusky-footed woodrat that occurs in the Santa Cruz Mountains and in the East Bay. The dusky-footed woodrat is a generally nocturnal mammal that occurs in a variety of brushy and wooded areas. The woodrat builds stick structures up to 2 meters long and a meter in height for nesting. These elaborate dwellings help protect the woodrat from seasonal temperature extremes and predators. The dusky-footed woodrat eats primarily woody plants, including leaves, flowers, nuts, and berries.

Evidence of woodrat presence was found along the west bank during surveys prior to construction of Phase 1. Woodrats have been observed in multiple locations in the corridor since this time, primarily at McClellan Ranch Park.

Discussion:

Would the project:

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

Less Than Significant with Mitigation. This section discusses the significance of potentially significant impacts to occurring or potentially occurring special status species within the project area, including nesting birds, bats, special status plant species, special status wildlife species are discussed in this section. Impacts from the introduction of on-leash dogs within the trail corridor are also analyzed. All impacts would be avoided or reduced to less than significant levels with the incorporation of Best Management Practices (BMPs) (listed below and in Chapter 2.6) and Mitigation Measures (listed below).

CRLF, WPT, and Woodrat

As previously described, there is extremely low potential for the CRLF to occur on the project site. However, as stated above, because of the presence of bullfrog (a major predator of CRLF) in the ponds at the golf course and other factors, CRLF is not expected to be present in this section of Stevens Creek. Ten CRLF occurrences within a five-mile radius of the project area were reported to the CNDDDB between 1939 and 2000. Three from 1939 are considered historic, while three of the remaining seven records are from outside the Stevens Creek watershed and are separated by urban development. The closest CRLF sighting was approximately 1.2 miles west of the site (CNDDDB 2011). CRLF were not detected during surveys completed in 2005 and it was concluded that there is low potential for CRLF to be present within the Stevens Creek Corridor project area. None were detected during implementation of Phase 1 of the Stevens Creek Corridor project in 2008-09. Surveys by Santa Clara Valley Water District have also not found CRLF in this portion of the creek. It is considered extremely unlikely, but conceivable, that individual CRLF could be detected within the creek or in upland terrain during the rainy season, due to the high mobility of this species.

There is higher potential for WPT and dusky-footed woodrat to occur on the project site. Three recorded sightings of WPT occurred within a half mile of the site as recently as 2004. The woodrat and WPT were not detected during surveys completed in 2005, and it was concluded at that time that there was a low to moderate potential for woodrat and WPT to be present within

the Stevens Creek Corridor Park area. The City Naturalist, however, has observed woodrats in McClellan Ranch Park in recent years and one at Blackberry Farm Park. In addition, indications of woodrat presence were found along the west creek bank prior to construction of Phase I of the Stevens Creek Corridor Park project. The City Naturalist sighted a WPT on the banks of the creek at McClellan Ranch in 2009. There are no recent sightings to confirm that WPT is still present in the Stevens Creek corridor; however, it is assumed that WPT could potentially occur.

The project could result in the loss of a very small amount of potential habitat for woodrat and WPT, although the proposed plantings would enhance the quality of habitat in the long-term. In the unlikely event that individual CRLF, woodrats, or WPT and/or their nests are present on the site during construction, ground disturbing activities and operation of heavy equipment and vehicles have the potential to directly impact these species.

Impact BIO-1: If present within the creek or adjacent upland habitat, CRLF, WPT, and/or woodrats could be impacted by construction-related and long-term project activities, including human access.

Implementation of the following measures would reduce potential impacts to WPT, CRLF, and woodrats to a less than significant level:

Mitigation Measure BIO-1a: Preconstruction Survey and Construction Phase Actions. Four days or fewer prior to the start of project activities, a qualified biologist shall perform one daytime survey for CRLF, WPT, and San Francisco dusky-footed woodrat. The entire work area, including any burrows, rocks, and woodpiles that may be disturbed by construction activities, shall be inspected for CRLF, WPT, and woodrat. If CRLF is detected, work shall be delayed and the USFWS shall be contacted on how to proceed. If during this survey WPT or woodrat are detected, the CDFG should be contacted on how to proceed.

If at any time during construction CRLF is detected, work shall be suspended in the vicinity, the contractor shall immediately notify the City and USFWS shall be contacted on how to proceed. If at any time during construction WPT or woodrat are detected, work in the vicinity shall be suspended, the contractor shall immediately notify the City. The City shall provide a biologist or qualified monitor to assist in providing proper guidance and protection of the animal(s). In the past, CDFG has approved protocols for the western pond turtles stating that if a turtle is detected, the turtle will be observed to determine if it is moving through the area in which it was detected or if the animal is occupying the habitat for nesting, foraging, or basking. During construction activities within the immediate area of the turtle detection, a city-provided biologist or qualified monitor will work with construction crews. If the animal is relocated during construction activities, the monitor will observe the turtle and alert work crews to delay work if it is within the work area or begins to move toward or into the work area. If the turtle appears to be traveling from upland habitat to a nearby aquatic site, work shall cease until the turtle has traveled a safe distance from the immediate project site. The monitor shall observe the animal from a distance to ensure it does not wander back into the work area. If the turtle is relocated and appears to be occupying the habitat within the project footprint for activities such as nesting, basking, or foraging, the City or its representatives will contact CDFG for guidance.

If at any time during construction San Francisco dusky-footed woodrats are detected, work shall be suspended in the vicinity and the contractor shall immediately notify the City. The City shall provide a biologist or qualified monitor to assist in providing proper guidance and protection of the animal(s). CDFG has generally accepted the following guidelines for avoidance/minimization of effects on San Francisco dusky-footed woodrat houses, listed in order of priority and implementation:

- a) The project work will be rerouted to avoid the woodrat house by at least 50 feet.
- b) If the work cannot be rerouted at least 50 feet from the house, it will be rerouted as far away from the house as possible but not closer than 5 feet from the house. Safety and/or silt fencing (for houses downslope) will be erected around all houses within 25 feet of the construction activity to avoid impacts during construction.
- c) If the project footprint must go directly through or within 5 feet of a house, CDFG should be consulted with one of the two following options:
 - i. If the house appears inactive, seek approval from CDFG to dismantle the house and replace the lost resource by building an artificial house. One artificial house should be built for every one existing inactive house.
 - ii. If the house appears active, approval will be sought from CDFG to: 1) trap the occupant(s) of the house, 2) dismantle the house, 3) construct a new artificial house with the materials from the dismantled house, and 4) release the occupant into the new artificial house. The new house should be placed as close to its original location as feasible and as far from the project footprint as necessary to be protected from construction activities. If the house is to be moved downslope of the project footprint, extra precautions should be taken, such as a plywood barrier, to stop falling/sliding materials from impacting the new house. Houses should only be moved in the early morning during the non-breeding season (October through February). If trapping has occurred for three consecutive nights and no woodrats have been captured, the house should be dismantled and a new house constructed.

Mitigation Measure BIO-1b: Employee Education Program. An employee education program shall be conducted prior to the initiation of project activities. The program shall consist of a brief presentation by persons knowledgeable in federally listed and state special status species biology and legislative protection to explain concerns to contractors and their employees. The program would include the following: a description of CRLF, WPT, and woodrat and their habitat needs; an explanation of the status of CRLF, WPT, and woodrat and their protection under state and federal laws; and a list of measures being taken to reduce impacts to CRLF, WPT, and woodrat during project activities. Crews shall be instructed that if a CRLF is found, it is to be left alone and the project foreman, City, and the USFWS must be notified immediately. Likewise, if a WPT or woodrat nest is found, it is to be left alone and the project foreman, City, and CDFG must be notified immediately.

Mitigation Measure BIO-1c: Speed Limit. Vehicles shall not drive more than 5 miles per hour within the project area. If any WPT, CRLF, or woodrat are seen in the path of a vehicle, the vehicle shall stop until the animal is out of the path. Parked vehicles within the construction site shall be checked underneath before they are moved to ensure that no WPT, CRLF, or woodrat are on the ground below the vehicle.

Implementation: Qualified biologists, project supervisor and all crew members.
Timing: Prior to construction and during construction as specified above.
Monitoring: (a) Survey biologists to submit a letter report of survey results to project manager; (b) Project crew to sign a sheet for receipt of CRLF, WPT, and woodrat training; sign-in sheet held by project supervisor; (c) Project supervisor to enforce speed limit and parked vehicle check.

Steelhead

Construction activities that could potentially impact steelhead include creek widening/channel construction/restoration, trail construction, and revegetation of the creek banks. Creek restoration activities would require the creek to be dewatered. During this dewatering process, pools would form in the existing channel that may contain steelhead. There is potential for steelhead to become stranded in these isolated pools. Stranded steelhead would

need to be captured and relocated to upstream and downstream areas along the creek as designated in a fish relocation plan to be reviewed by NOAA Fisheries. Relocation activities have the potential to take steelhead.

The proposed project will require a Streambed Alteration Agreement with CDFG as it involves work within a creek area that contains fish and wildlife resources. A Section 7 consultation with the National Oceanic and Atmospheric Administration National Marine Fisheries Service (NOAA Fisheries) through the Army Corps of Engineers (USACE) was initiated in 2007 to address potential impacts to steelhead for the Stevens Creek Corridor Park Master Plan and Restoration Plan. NOAA Fisheries issued a Biological Opinion (April 2008) and an incidental take permit. This Biological Opinion included minimization measures to reduce impacts to steelhead. The proposed Phase 2 project was anticipated in the Biological Opinion for Phase 1; however, a new Biological Opinion and incidental take permit will be required. It is anticipated that similar minimization measures may be involved since the measures implemented for Phase 1 resulted in a successful process and a successful outcome.

The USACE would be determining impacts to existing wetlands and Waters of the U.S. The City of Cupertino will be consulting with the USACE and the USACE will either issue a Nationwide Permit or an Individual Permit, although an Individual Permit is deemed more likely.

The project is planned to incorporate several construction-phase features and practices to avoid and/or minimize impacts to protected biological resources (e.g., a channel bypass system acceptable to NOAA Fisheries, USACE, and CDFG), dewatering monitoring by qualified biologist(s) and, as needed, relocation of individual organisms, as approved by permit conditions). Additionally, all other Terms and Conditions of the Biological Opinion will be implemented.

Impact BIO-2: Potential take of steelhead could occur due to creek widening and dewatering activities.

Mitigation Measure BIO-2: Best Management Practices (BMPs) from the Santa Clara Valley Water District (District) 2005 BMP Handbook and Stream Maintenance Program would be included in the project construction documents and used during project implementation as applicable to avoid impacts to steelhead due to dewatering or sediment filled runoff entering the creek because of trail construction, bank layback and/or, erosion stabilization structure removal (see Appendix A for BMPs).

These measures may be modified depending on the outcome of the NOAA Fisheries Biological Opinion.

Excerpted from the 2005 SCVWD BMP Handbook:

- WQ-12 Dewater/ Bypass Water at Non-tidal Sites
- WQ-16 Avoid Erosion When Restoring Flows
- WQ-18 Erosion and Sediment Control Measures
- WQ-3 Pump/Generator Set Operations and Maintenance
- WQ-5 Soil Stockpiles
- WQ-10 Concrete Use Near Waterways
- WQ-15 Groundwater Management
- BI-7 Minimize Stream Access Impacts
- BI-2 Salvage Native Aquatic Vertebrates from Dewatered Channels
- BI-3 Conduct In-Channel Work During the Dry Season
- BI-8 Remove Temporary Fills as Appropriate

WQ-6 Stabilized Construction Entrance
 HM-10 Vehicle and Equipment Fueling
 HM-11 Vehicle and Equipment Maintenance

Migrating steelhead would also be protected through implementing BMPs and Limited Operating Periods (LOPs) (see Section d below). Restored creek banks would be planted and stabilized to minimize the effects of bank erosion during the first rains after the completion of construction.

Implementation: Project manager and qualified biologist as required
Timing: Prior to project approval
Monitoring: Monitoring requirements required by the USACE permit and NOAA Fisheries Biological Opinion would also be followed.

Although the steelhead critical habitat area would be temporarily affected by project construction, the project would result in important long-term improvements of the critical steelhead habitat by removing a barrier within the creek that is restricting movement through the stream system and the improvement of riverine and riparian habitat conditions in the creek corridor for steelhead.

Additional impacts to steelhead include a temporary loss of in-stream habitat due to the creek widening. To compensate for the temporary loss of existing fish refugia, the restoration activity proposes to improve existing refugia by creating three pool-riffle sequences, an anticipated log crib wall, four log jam fish habitat structures, and the proposed backwater area with two buried log habitat structures.

In the long term, the creek widening would be beneficial. Steelhead habitat would improve as a result of the removal of barriers that hinder steelhead movement during summer low flows within the project site, enhancement of rearing habitat through the increase of in-stream habitat complexity including cover and pool habitat and enhancement of spawning habitat through increasing the number and size of riffles and the amount of suitable sized gravels within the riffles. Removal and control of exotic species would enhance habitat for other native species found within the project area, including sensitive wildlife species.

Nesting Birds

A variety of birds could nest or forage on the project site, including but not limited to the species listed in Table 3-1. The proposed project would temporarily impact a very small amount of potential foraging habitat for these species. Although occasional foraging individuals may be temporarily displaced during construction, they are not expected to be permanently impacted by the project. Because the project area is already disturbed by development and urban use, the increase in human activity along the proposed trail connection is not expected to significantly impact bird habitats or usage by birds within the stream corridor. For these reasons, the project would not cause long-term effects on regional populations of protected bird species.

Project construction activities, including trail construction and vegetation removal, could potentially result in disturbance to protected birds. Given the local and regional abundance of these bird species and the low magnitude of potential effects, project construction is not expected to result in significant impacts to special-status birds. However, direct impacts to active nests, eggs, young, or individuals during construction would be a significant impact.

Impact BIO-3: The removal or trimming of shrubs and trees on the site could impact nesting birds, if present.

Implementation of the following measure will reduce potential impacts to birds to a less than significant level:

Mitigation Measure BIO-3: Vegetation removal activities within the project area shall be scheduled to take place outside of the nesting season (February 1 to August 31) if possible to avoid impacts to nesting birds. In order to avoid impacts to existing raptor nests during the non-nesting season, a preconstruction survey of all on site trees that could support raptor nests shall be completed by a qualified biologist. Every attempt shall be made to protect trees that contain raptor nests.

If construction is unavoidable during the nesting season, a qualified biologist shall conduct a survey for nesting raptors and other birds within five days prior to the start of construction activities. If active nests are not present, construction activities can take place as scheduled. If more than five days elapse between the initial nest search and the beginning of construction activities, another nest survey shall be conducted. If any active nests are detected, a qualified biologist shall determine the appropriate buffer to be established around the nest. CDFG generally accepts a 50-foot radius buffer around passerine and non-passerine land bird nests, and up to a 250-foot radius for raptors, however the biologist shall have flexibility to reduce or expand the buffer depending on the specific circumstances.

Implementation: Qualified biologists

Timing: During the construction phase of the project

Monitoring: Project manager to schedule removal and/or trimming outside of nesting season. If not feasible, project manager shall ensure that removal/trimming is completed within five days of the completion of nest surveys. If nests are found, project manager and implementation biologist would ensure that buffer is maintained until chicks have fledged. The biologist would provide a memo report on the results of the nest survey to project manager.

Bats

The Biotic Report for the 2006 Stevens Creek Corridor Master Plan reports the big brown bat population found along the creek in Blackberry Farm to likely be the largest occurring on the Santa Clara Valley floor. It is estimated at 30 to 40 females and between 60 and 80 males. About 20 females were also observed to regularly night roost under the Stevens Creek Boulevard bridge during the warm months of the year. A maternity roost colony was discovered during surveys in the summer and fall of 2005. This roost colony was located in a tree in the Horseshoe Bend area of the project (TRA 2006). Since this tree was not affected by the construction activities in Phase 1, it is most likely that this bat colony, high up in the tree, is still present and active. Mexican free-tailed and Yuma myotis bats have also been detected foraging in the Stevens Creek corridor (H.T. Harvey and Associates 2005).

The big brown bat colony may still use the roost tree that is located approximately ¼ mile upstream of the project site or may have moved to another roost within the Stevens Creek corridor that is closer to the Phase 2 project site. Mitigation Measure BIO-4 will reduce potential impacts of any roosting bat species potentially found on the project site to less than significant.

Impact BIO-4: Project construction could result in the loss or abandonment of a bat roost or colony.

Implementation of the following measure will reduce potential impacts to bats to a less than significant level:

Mitigation Measure BIO-4: The following avoidance measures shall be implemented as necessary and as determined by a qualified biologist:

- a) Preconstruction surveys. Because the big brown bats could move their maternity colony or day roost to a tree within the project site, and because other species of bats could form a new roost within the project site, a preconstruction survey for roosting bats shall also be conducted prior to any construction or large tree removal. The survey shall be conducted by a qualified biologist.
- b) Temporal avoidance and construction buffer zones. Construction buffer zones will be established around active maternity colonies or a protected non-breeding bat roost to avoid disturbance impacts. The buffer distance will be established in consultation with CDFG and will be dependent upon the species, roost type and the nature of the construction disturbance. Construction activities proposed within this buffer distance shall commence only after young are volant (flying, after July 31) and end before maternity colonies form, unless other suitable avoidance or protective measures are recommended by the biologist, and are acceptable to CDFG for protected species or protected roosts. CDFG considers the maternity season to occur from March 1 to August 31.

Implementation: Qualified biologist.

Timing: Prior to construction

Monitoring: Project manager to schedule construction activities near a maternity roost tree, if present, outside of maternity season. If not feasible, project manager shall ensure that measures listed above are followed. Biologist completing work would submit a letter to CDFG and project manager of avoidance or protective measures taken, and as applicable any monitoring activities and results.

User Access and Dogs

Upon project completion, the entire project area would be open to recreational users via the multi-use trail. There are some potential long-term effects associated with this change in use such as the loss of vegetation due to a significant amount of recreational users traveling off-trail and trampling or destroying riparian vegetation. A decrease in vegetation cover could contribute to bank erosion and incrementally increase sediment-containing runoff entering the creek during the rainy season, which could in turn affect water quality and conditions for aquatic wildlife. Furthermore, aquatic wildlife and their associated in-stream habitat may be more directly impacted by users moving off trail and into the low-flow channel if that were to occur. Potential for the spread of noxious weeds may increase with the amount of users along a trail. Seeds can be carried on clothing and/or shoes and become dislodged while walking the trail.

Another recreational use within the project area would be allowing visitors to walk the multi-use trail with leashed dogs. Impacts from permitted dog use in the project area include dog waste not being properly disposed of and a higher concentration of dog waste along areas adjacent to the trail. The accumulation of dog waste could result in increased degradation of water quality. Off-leash dogs could potentially impact wildlife by chasing, biting, barking, digging, and/or otherwise harassing and injuring animals. Off-leash dogs could also potentially impact native habitat through digging up and/or trampling vegetation. Off-leash dogs could go in the stream, potentially affecting aquatic resources such as spawning gravels, micro-organisms, and/or could disturb sediment.

To offset these potential long-term user and dog related impacts, operational measures listed below which are already in place for the completed trail built in Phase 1 will be incorporated into the project.

- Post signs. The City shall post signage on the trail to inform the public to stay on the trail, clean up dog waste, and obey leash law requirements.
- Patrols. The City-supervised ranger service shall complete patrols of the project area to help ensure compliance the leash law provisions, and educate the public.
- Creek Use. Recreational use of the creek, such as wading, will be prohibited in the portion of Stevens Creek along the golf course and the Stockmeir property.
- Park Cleanup. Ranger staff, park maintenance crews, or other City employees as designated by the Recreation Supervisor and/or the Public Works Dept. will clean up accumulated dog waste found within the project area. Dog waste pickup bags will be provided for use by visitors that walk their dogs on the trail.
- Adaptive Management. If it is determined that operational measures are not sufficiently minimizing impacts to the native flora and fauna and restored habitats, the City may discontinue permitting dogs within the project area. If decreased steelhead survivorship or disturbance to other protected wildlife is determined to be a direct impact from visitor misuse, appropriate measures will be implemented, such as closing or fencing off portions of the site, to avoid further impacts.

The design of the proposed project incorporates a restoration element including the installation of over one acre of new native riparian, wetland and oak woodland plants. This new planting will improve wildlife refuge and foraging opportunities and will provide additional screening of the creek from the trail. The impacts of expanded visitor and new dog use will be avoided or reduced to less than significant levels by this new native planting and implementation of the operational measures already in place for Stevens Creek Trail as part of Phase 1 (noted above).

Special-status Plants and Restoration

As documented in Table 3.4-1 and discussed above, there is only one special-status plant species that could potentially be present within the project site: western leatherwood. As this species has never been found within the project area, no significant impacts to this special-status plant species are expected.

The restoration portion of the project includes several longer-term monitoring activities that would evaluate the success of the restoration goals to provide improved habitat for steelhead and other sensitive species. If it is determined through monitoring that the restoration goals are not being reached, changes would be made to the management program to increase the effectiveness (i.e. adaptive management).

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

Tree Removal

Less Than Significant Impact. Appendix D is a preliminary tree removal count for the project. Since the final trail location and creek restoration details are not yet determined the removal numbers are subject to modification. Final design of the trail and creek restoration will strive to minimize all tree impacts. In addition, the City intends to maintain at least two rows of

orchard trees as a buffer between the trail and adjacent residences and also a native planting zone from the top of bank of Stevens Creek along most of the orchard edge of the Stocklmeir parcel to maintain a riparian buffer area. The riparian buffer is expected to be variable in width, with likely narrower areas near the areas of the planned backwater, footpath, and the proposed pedestrian bridge. It is estimated that the proposed project would result in the removal of trees as noted in Sections 3.1 and 3.10 of this document.

Efforts would be made to site the trail outside of any native tree drip line. An arborist certified by either the International Society of Arboriculture (ISA) or the American Association of Consulting Arborists (ASCA) will provide recommendations for project-specific tree protection during the preparation of the construction documentation. The arborist would use either the City's Standards of Protection During Construction, the Guidelines and Standards for Land Use Near Streams, by the Water Resources Protection Collaborative for Santa Clara County, or Trees and Development by Nelda Matheny and James Clark, or a combination of these or other applicable resources to provide appropriate protection to trees within the project area and help ensure that no substantial adverse effects on riparian habitat or other sensitive natural community would occur.

Habitat types identified within the project area as characterized by Sawyer and Keeler-Wolf (1995) are California sycamore riparian forest, orchard, and non-native annual grassland. Of these habitats, the California sycamore riparian forest is considered to be a sensitive natural community by CDFG.

Project activities including trail construction and creek widening would remove approximately two city-protected trees including one coast live oak and one protected California buckeye. Coast live oak trees are not considered riparian trees; the discussion of the loss of these trees is found in the answer for question e) below. Mitigation Measure BIO-7 requires any coast live oak trees removed during project construction be replaced at the CDFG required 3:1 replacement ratio.

The project contains a restoration element that would enhance habitat functions and values within this reach of the Stevens Creek Corridor. The restoration element includes the installation of approximately $\frac{3}{4}$ acre of riparian and wetland plants at the backwater wetland habitat and upper banks and along the restored stream channel and approximately $\frac{1}{2}$ acre of oak woodland plants and understory to create edge habitat along the riparian habitat. As stated in the Project Description, areas of concrete channel lining, rock riprap and other hardscape would be removed as much as possible, as would areas of nonnative plants that have become established in riparian areas. This removal would then create more area to be enhanced and revegetated, and would result in a beneficial effect.

Sudden Oak Death (SOD)

The County of Santa Clara has confirmed the presence of Sudden Oak Death (SOD), a virulent tree disease caused by *Phytophthora ramorum*. This pathogen thrives in moist coastal forests. This disease has resulted in widespread dieback of several tree species within the County including tan oaks, coast live oaks, and black oaks. The California bay laurel tree is believed to host the pathogen. The disease is not known to occur within the Stevens Creek corridor from McClellan Road to Stevens Creek Boulevard; however, the disease has been confirmed upstream of Stevens Creek reservoir within Stevens Creek County Park and several Midpeninsula Regional Open Space District preserves (www.oakmapper.org). Coast live oaks and California bay laurels are present within the corridor. The project site is within the area regulated for SOD by the California Board of Forestry and Fire Protection. Any new trees with

the potential to be infected with SOD will not be brought into the project to reduce the potential for transporting disease into the project site.

Impact BIO-5: Construction equipment has the potential to carry infected soil from other sites into the Stevens Creek corridor. Mitigation measures to minimize the unintended movement of host materials to or from the site shall be implemented.

Mitigation Measure BIO-5: To prevent the spread of Sudden Oak Death from soil and plant material (adapted from the California Oak Mortality Task Force, 2008):

- Conduct operations during the dry season if feasible to minimize wet soil, mud, and plant material adhering to vehicles, equipment, and boots.
- Contractor shall be required to inspect material and equipment arriving at the site from areas where SOD exists to ensure that no host material is being transported into the site.
- Clean mud from shoes, boots, vehicles, and heavy equipment arriving from SOD areas prior to arrival at the site.

Implementation: City of Cupertino

Timing: During preparation of construction documents and project construction

Monitoring: City of Cupertino Public Works Department

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Beneficial Effect. Based on the wetland delineation that was conducted within the project site and reviewed by the USACE in November 2007, Stevens Creek, within the project area, contains an estimated 2,865 square feet (0.07 acre) of in-stream seasonal jurisdictional wetland dominated by bulrush and willow-leaved dock.

As discussed above, in question a), the City will need to consult with the USACE and CDFG for permits to perform the restoration component of the project. Existing conditions will be documented for these permits. The restoration component includes the following activities, which are considered beneficial to improving the overall habitat functions of values of Stevens Creek within this area:

- a) The project would create cobble and/or gravel bars and/or other substrate within the creek channel that would provide habitat to support in-stream seasonal jurisdictional wetland and riparian bank vegetation.
- b) Any native bank vegetation that is removed during project activities would be replaced with native vegetation to provide similar or improved riparian functions and values to the section of bank impacted.
- c) The proposed project would increase the width of the creek low-flow floodplain, and aims to retain existing wetland habitats to the extent feasible. These improvements are intended to increase the overall amount of jurisdictional wetland within the creek channel, as well as increase the amount of riparian vegetation on the banks and the upper flood plain.
- d) Bank stabilization and wetland and wildlife values would be improved through the removal and control of exotic plant species.

- e) The proposed project would create a new backwater area on the west side of the creek, approximately 90 feet long, which would increase the quantity of wetlands at the site.

Compensatory mitigation is not required by the USACE for activities authorized under certain types of permits, provided the authorized work results in a net increase in aquatic resource functions and values in the project area. This project and implementation of the restoration planting coupled with appropriate plant ratios and compliance and effectiveness monitoring as specified by the regulatory permits that would be applied for would result in a net increase in aquatic resource functions and values in the project area.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Beneficial Effect. To avoid any potential impacts to migratory steelhead within the Stevens Creek corridor, NOAA Fisheries permitted work windows will be followed. NOAA Fisheries protects migrating steelhead by requiring work within the creek channel to be completed outside of the migratory season (typically November 1 to June 15 of any given year). If, for any reason, the project is unable to adhere to the approved schedule, minimization measures, determined by NOAA Fisheries in the Biological Opinion, will be followed reducing impacts to steelhead, including migratory steelhead, to less than significant levels.

One of the overall goals of the project is to improve year-round passage for steelhead, resulting in a beneficial effect. The project would not cut off any wildlife corridors, or inhibit movement of terrestrial wildlife through the Stevens Creek Corridor. Upstream of the project reach, Stevens Creek is bordered by open space and includes Blackberry Farm, McClellan Ranch, and Stevens Creek County Park, whereas downstream of the project reach, the surrounding land use is primarily residential and riparian setbacks are minimal. Wildlife such as black-tailed mule deer, bobcat, coyote, skunk, raccoon are known to utilize the Stevens Creek corridor. Urban adapted wildlife species such as raccoon are likely to also use areas downstream of the project reach. Temporary fencing would be erected around restoration zones during the construction phase of the project, however; open areas surrounding the work zones would still provide corridors for terrestrial wildlife movement in both upstream and downstream directions within the Stevens Creek corridor.

The project is intended to improve the value of the project area as a corridor for wildlife. The riparian restoration component of the project would improve habitat within the corridor for terrestrial wildlife through increasing the quantity and quality of native riparian habitats along the floodplain. It is for these reasons then that the project activities would result in beneficial effects.

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

Less Than Significant with Mitigation. Several organizations (City of Cupertino, Santa Clara Valley Water District, and California Department of Fish and Game) have policies regarding tree removal. Discussion of these policies is below.

Creek Restoration and Tree Removal

California Department of Fish and Game

CDFG recommends that certain tree species removed be replaced at a set ratio. For example, any coast live oak trees to be removed for the project should be replaced at a 3-to-1

ratio (3 trees planted for each tree removed). Ratios vary depending on the tree species. These ratios have been established in order to compensate for possible mortality in the replacement trees and to expedite the restoration of wildlife habitat.

Consistency: One city-protected coast live oak tree will be removed due to project activities including trail construction and creek widening. Mitigation Measure BIO-7 requires all coast live oak trees removed during project construction be replaced at the CDFG required 3:1 replacement ratio.

City of Cupertino

The City of Cupertino Tree Ordinance requires a permit to remove heritage and protected trees. Protected trees in this ordinance include five species of oak, California buckeye, California bay, western sycamore, big leaf maple, deodar cedar and blue atlas cedar tree species. To be considered a protected tree, the single-trunk diameter at 4-1/2 feet from natural grade (Diameter at Breast Height, or DBH) is 10 inches while the multi-trunk diameter at 4-1/2 feet from natural grade (DBH) is 20 inches. Protected trees also include trees required to be planted or maintained as a part of an approved development application, building permit, tree removal permit, or approved privacy protection requirement in an R-1 zoning district. Heritage trees include “any tree or grove of trees which, because of factors including, but not limited to, its historic value, unique quality, girth, height or species, has been found by the Planning Commission to have a special significance to the community.”

The City's normal replacement ratio is one new 24-inch box tree for removal of a protected tree up to 12 inches DBH. The replacement ratio is two 24-inch box trees for removal of a protected tree 12 to 18 inches DBH; two 24-inch box trees or one 36-inch box tree for removal of a protected tree 18 to 36 inches DBH; and one 36-inch box tree for removal of a protected tree over 36 inches DBH.

No heritage trees have been designated within the project area. The project proposes to remove approximately two protected trees: one California buckeye and one coast live oak. A tree removal permit would be obtained from the City of Cupertino prior to the start of construction activities for the actual number of trees to be removed and the permit would determine the size and quantity of replacement trees that would be necessary. Since the native trees listed here (California buckeye, coast live oak) would be planted in greater numbers in the newly constructed reaches and restored areas, the removal of this buckeye and the coast live oak is not considered a significant impact. Potential impacts to all other protected trees due to construction activities would be minimized by implementing Mitigation Measure BIO-6 and by implementing applicable measures from City Ordinance Chapter 14.18 Appendix A: Standards for the Protection of Trees during Grading and Construction Operations of the City of Cupertino Tree Ordinance, or other tree protection measures as recommended by an arborist and described elsewhere herein.

Consistency: A tree removal permit will be obtained and on file with the City of Cupertino and applicable tree replacement requirements will be included in the project planting plan, thus ensuring consistency.

Impact BIO-6: The proposed trail may affect the root zones of native trees if it is placed within the dripline of a native tree.

Mitigation Measure BIO-6: Prior to preparation of construction documents, an arborist certified by either the International Society of Arboriculture (ISA) or the American Association of Consulting Arborists (ASCA) will provide recommendations for tree protection during the

preparation of the construction documentation. The arborist would use the City's Standards of Protection During Construction, the Guidelines and Standards for Land Use Near Streams by the Water Resources Protection Collaborative for Santa Clara County, or Trees and Development by Nelda Matheny and James Clark, or a combination of these or other applicable resources to provide appropriate protection to root zones of native trees within the project area.

Implementation: City of Cupertino
Timing: During trail design
Monitoring: City of Cupertino

Impact BIO-7: Tree trimming or removal could violate City of Cupertino and CDFG policies regarding protected trees.

Implementation of the following measure will reduce potential impacts to wildlife to a less than significant level:

Mitigation Measure BIO-7: The following measures would be implemented to ensure that no significant impacts would occur as a result of tree removal activities:

- a) To satisfy the requirements of CDFG, all coast live oak trees removed from the project area would be replaced at a 3:1 ratio (3 trees planted for each tree removed). These trees are to be replaced within the creek corridor on the project site. Oak trees would be replaced using direct-seeded acorns collected from the Stevens Creek Watershed from as close to the project site as possible.
- b) In the event that construction activities require the removal of heritage or protected trees, an additional tree removal permit would have to be obtained from the City of Cupertino. All requirements for removal including replacement requirements as stated in the tree removal permit would be followed.
- c) Planting activities shall be compatible with the Guidelines and Standards for Land Use near Streams (SCVWRPC 2005), including guidelines regarding landscaping near natural vegetation such as "Use of Locally Native Species" and "Use of Ornamental or Non-native Landscaping".

Implementation: Project manager would apply for and obtain permits; contractor would remove trees.
Timing: Appropriate permits would be obtained for tree removal prior to project approval. Trees would be replaced at required ratios as a part of construction activities.
Monitoring: Project manager to supervise tree removal contractor. City shall keep permits with the project file.

Related Policies under the City of Cupertino General Plan:

Policy 5-8: Public Project Landscaping: Encourage public and quasi-public agencies to landscape their city area projects near native vegetation with appropriate native plants and drought tolerant, non-invasive, non-native plants.

Policy 5-10: Landscaping Near Natural Vegetation: Emphasize drought tolerant and pest-resistant native and non-invasive, non-native, drought tolerant plants and ground covers when landscaping properties near natural vegetation, particularly for control of erosion from disturbance to the natural terrain.

Policy 5-11: Natural Area Protection: Preserve and enhance the existing natural vegetation, landscape features and open space when new development is proposed.

Policy 5-13: Recreation in Natural Areas: Limit recreation in natural areas to activities compatible with preserving natural vegetation, such as hiking, horseback riding, mountain biking and camping.

Policy 5-14: Recreation and Wildlife Trails: Provide open space linkages within and between properties for both recreational and wildlife activities, most specifically for the benefit of wildlife that is threatened, endangered or designated as species of special concern.

Consistency: All restoration plantings would be native, and bank protection hardscape being removed and replaced by native plantings would provide habitat enhancement and more connectivity within the project area and the entire watershed.

Santa Clara Valley Water District

Santa Clara Valley Water District implements tree replacement for trees that are removed to install creek bank protection per its current approved Best Management Practices (BMPs). . BMP 2.8 Replace Trees states that the District shall replace trees as follows:

1. Native trees that are lost to bank protection impacts shall be replaced at a 3:1 ratio and non-native trees that are lost shall be replaced at a 2:1 ratio.
2. Trees removed for installation of bank protection measures shall be replaced at the site, if feasible, or at the mitigation site created for that bank protection activity.
3. The Plant Selection Criteria, Planting Techniques, Maintenance, and Monitoring/Reporting protocols prescribed by the "Protocol for Revegetation Associated with Bank Protection" shall be implemented, as applicable to tree replacement. Local natives grown from on site sources are preferable to larger container grown stock with is typically not local.
4. Replacement of heritage-sized trees (greater than 18 inches DBH) would be consistent with local ordinances.
5. All trees removed for bank protection installation would be replaced with local native tree species; oak trees shall be replaced by direct-seeding with acorns locally collected from the watershed.

Consistency: It is highly unlikely that any trees would be lost to bank protection impacts given that no additional bank protection structures would be installed as a result of this project. As stated in the Project Description, existing bank protection structures such as rip-rap and hardscaped banks would be removed and planted with native vegetation. The project is consistent with District tree replacement standards.

Various plants and some of the orchard trees at the Stockmeir site would be removed as part of the project. Per Appendix D, one protected buckeye and one protected coast live oak tree may be removed as part of the restoration and trail installation. The removals are not associated with bank protection measures.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. The project would not conflict with any local conservation plans.

	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact	Beneficial Effect
3.5 CULTURAL RESOURCES -- Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The text contained in the setting and mitigation measures of this section is excerpted from the Cultural Resources Assessment prepared for the Stevens Creek Corridor Park Master Plan project by Basin Research Associates (2006) (see full report in Appendix B). As the site conditions, both surface and subsurface, have not changed since this report was published, this report and the recommendations it contains are still applicable.

Regulatory Setting

The regulatory framework that mandates consideration of cultural resources in project planning includes federal, state, and local governments. Cultural resources include prehistoric and historic archaeological sites, districts, and objects; standing historic structures, buildings, districts, and objects; and locations of important historic events or sites of traditional and/or cultural importance to various groups. Cultural resources may be determined significant or potentially significant in terms of national, state, or local criteria either individually or in combination. Resource evaluation criteria are determined by the compliance requirements of a specific project.

California Environmental Quality Act

The California Environmental Quality Act (CEQA) requires a review to determine if the project will have a significant effect on archaeological sites or properties of historic or cultural significance to a community or ethnic group eligible for inclusion in the California Register of Historic Resources (CRHR). The CRHR (Section 5024.1) is a listing of those properties that are to be protected from substantial adverse change, and it includes properties that are listed, or have been formally determined to be eligible for listing in, the NRHP, State Historical Landmarks, and eligible Points of Historical Interest. A historical resource may be listed in the CRHR if it meets one or more of the following criteria:

- it is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;
- it is associated with the lives of persons important to local, California, or national history;

- it embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values; or
- it has yielded or has the potential to yield information important in the prehistory or history of the local area, California, or the nation.

Historical Resources

Public Resources Code (PRC) Section 21084.1 stipulates that any resource listed in, or eligible for listing in, the CRHR is presumed to be historically or culturally significant. Resources listed in a local historic register or deemed significant in a historical resource survey (as provided under PRC Section 5024.1g) are presumed historically or culturally significant unless the preponderance of evidence demonstrates they are not. A resource that is not listed in or determined to be eligible for listing in the CRHR, not included in a local register or historic resources, or not deemed significant in a historical resource survey may nonetheless be historically significant (PRC Section 21084.1). This provision is intended to give the Lead Agency discretion to determine that a resource of historic significance exists where none had been identified before and to apply the requirements of PRC Section 21084.1 to properties that have not previously been formally recognized as historic.

CEQA equates a substantial adverse change in the significance of a historical resource with a significant effect on the environment (PRC Section 21084.1) and defines substantial adverse change as demolition, destruction, relocation, or alteration that would impair historical significance (PRC Section 5020.1).

Archaeological Resources

Where a project may adversely affect a unique archaeological resource, PRC Section 21083.2 requires the Lead Agency to treat that effect as a significant environmental effect. When an archaeological resource is listed in or is eligible to be listed in the CRHR, PRC Section 21084.1 requires that any substantial adverse effect to that resource be considered a significant environmental effect. PRC Sections 21083.2 and 21084.1 operate independently to ensure that potential effects on archaeological resources are considered as part of a project's environmental analysis. Either of these benchmarks may indicate that a project may have a potential adverse effect on archaeological resources.

Other California Laws and Regulations

Other state-level requirements for cultural resources management appear in the California PRC Chapter 1.7, Section 5097.5 "Archaeological, Paleontological, and Historical Sites," and Chapter 1.75 beginning at Section 5097.9 "Native American Historical, Cultural, and Sacred Sites" for lands owned by the state or a state agency.

The disposition of Native American burials is governed by Section 7050.5 of the California Health and Safety Code and sections 5097.94 and 5097.98 of the PRC, and falls within the jurisdiction of the NAHC.

City of Cupertino

The Land Use Element of the Cupertino General Plan (2005) has several policies to protect historically and archaeologically significant structures, sites and artifacts. These are:

Policy 2-62B: Commemorative Sites. Projects on Commemorative Sites shall provide a plaque, reader board, and/or other educational tool on the site to explain the historical

significance of the resource. The plaque shall include the city seal, name of resource, date it was built, a written description and photograph and shall be placed in a location where the public can view the information. For projects on public and quasi-public sites, coordinate with the property owner to allow public access to the historical site to foster public awareness and provide educational opportunities.

Policy 2-63: Archaeologically Sensitive Areas. Protect archaeologically sensitive areas.

Strategy: Development Investigation. Require an investigation for development proposed in areas likely to be archaeologically sensitive, such as along stream courses and in oak groves, to determine if significant archaeological resources may be affected by the project. Also require appropriate mitigation measures in the project design.

Policy 2-64: Native American Burials. Protect Native American burial sites.

Environmental Setting

Findings:

Record Search Results

One prehistoric site was recorded in the project site, described as a “low visibility earth midden”. No historic era sites were recorded or reported adjacent to the project. One site, the Blackberry Farm Site has been informally noted on the California Historical Resource Information System, Northwest Information Center (CHRIS/NWIC) Cupertino, California topographic map. No known ethnographic or contemporary Native American resources, including villages, known trails, sacred places, traditional or contemporary use areas, have been identified in or adjacent to the project.

A plaque at McClellan Ranch about 0.5 mile south of the project site states, “Lt. Colonel Juan Bautista de Anza and party crossed this area...”. No other Hispanic era ranch dwellings or features have been identified in or adjacent to the project as a result of research conducted for this project.

No Historic Era archaeological resources have been formally recorded or reported in or adjacent to the project. One historic era site, “Blackberry Farm Site” has been informally recorded in the project area by CHRIS/NWIC.

No California Register of Historical Resources (CRHR) or National Register of Historic Places (NRHP) listed historic properties have been identified in or immediately adjacent to the proposed project area. One California Point of Interest is present (Blackberry Farm) and five properties within or near the project are listed either on various Santa Clara County Heritage Resource Inventory(ies) and/or are identified as City of Cupertino Historic or Commemorative Sites according to the City’s 2005 General Plan. These include Blackberry Farm - Site of Elisha Stephens’ homestead, Louis Stocklmeir home, Doyle winery site foundation, McClellan Ranch Nature Preserve (including Baer’s replica blacksmith shop and Enoch Parrish tank house), and the Nathan Hall Tank House.

Archaeological Field Inventory and Presence/Absence Testing Results

An archaeological field inventory of selected areas within the project area was completed by a Basin Research Associates' archaeologist in February 2006. The inventory focused on the proposed route of the proposed trail, including the trail alignment within the Stockmeir orchard. Basin also attempted to locate previously recorded prehistoric site CA-SCI-715. Basin was unable to locate it during the field work or during the exploratory trenching described below. No prehistoric or significant historic era archaeological materials were observed during the archaeological field inventory.

Exploratory trenching was performed in February 2006 along the proposed creek restoration in the vicinity of CA-SCI-715 to determine the presence or absence of culturally significant deposits. As stated above, since the nature of buried resources does not change, and since no new development has occurred at the Stockmeir site since this trenching was performed, the results of this trenching are still valid. Twelve backhoe test units (BTUs), generally located near the area of proposed improvements and CA-SCI-715, were excavated and screened for cultural resources. The exploratory trenching concluded there was no significant prehistoric or historical cultural material either on the surface or observed in the twelve BTUs suggesting that CA-SCI-715 is not present within the area tested. Observed findings included a thin charcoal lens and oyster shell fragment in BTU 4, two charcoal flecks (one BTU 8 and one in BTU 9) and a clam shell was recovered near the entrance of a squirrel burrow. All of these materials were in a highly disturbed area. Standard archaeological recordation, including written description, sediment profile, and photographs, were completed for each unit; soil/charcoal samples were also collected from selected units. All BTUs were backfilled and wheel-rolled.

Unknown Cultural Resources in the Project Areas

The research suggests a low potential for archaeological resources at the project location based on past earth disturbance and the low to moderate regional archaeological sensitivity suggested by the few locations of recorded prehistoric and historic archaeological sites within a quarter-mile of each project area.

There appears to be locally moderate potential for inadvertent discoveries of buried archaeological deposits during subsurface construction at the project site. However, any archaeological deposits exposed during subsurface construction could contain potentially significant buried prehistoric and/or historic cultural materials, including Native American human remains. Disturbance could result in the loss of integrity of the cultural deposit and subsequent loss of scientific information, which would be a potentially significant impact.

Discussion:

Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?**

No Impact. While the Louis Stockmeir homesite is a City of Cupertino Commemorative Site according to the City's General Plan, none of the project elements associated with extending the Stevens Creek Trail and providing creek restoration at the project site would affect any structure that is eligible for inclusion in the California Register of Historic Places or the National Register of Historic Places.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

Less Than Significant with Mitigation:

Impact CUL-1: Even though no significant archaeological resources were recovered in the presence/absence testing for CA-SCI-715, the proposed project could reveal as yet unknown prehistoric or historic archaeological resources, therefore the following mitigation measures are proposed.

Mitigation Measure CUL-1: Prior to the initiation of construction or ground-disturbing activities, the City of Cupertino Project Manager shall conduct a tailgate meeting to inform all construction personnel of the potential for exposing subsurface cultural resources and to recognize possible buried cultural resources. Personnel shall be informed of the procedures that will be followed upon the discovery or suspected discovery of archaeological materials, including Native American remains and their treatment.

Implementation: City – Public Works Dept.

Timing: During a pre-construction field meeting with contractors

Monitoring: City – Public Works Dept.

Mitigation Measure CUL-2: Upon discovery of possible buried prehistoric and historic cultural materials (including potential Native American skeletal remains)¹, work within 25 feet of the find shall be halted and the City of Cupertino's Project Manager shall be notified.

The Project Manager shall retain a qualified archaeologist to review and evaluate the find. Construction work shall not begin again until the archaeological or cultural resources consultant has been allowed to examine the cultural materials, assess their significance, and offer proposals for any additional exploratory measures deemed necessary for the further evaluation of, and/or mitigation of adverse impacts to, any potential historical resources or unique archaeological resources that have been exposed.

If the discovery is determined to be a unique archaeological or historical resource, and if avoidance of the resource is not possible, the archaeologist shall inform the Project Manager of

¹ Significant prehistoric cultural resources may include:

- a. Human bone – either isolated or intact burials
- b. Habitation (occupation or ceremonial structures as interpreted from rock rings/features, distinct ground depressions, differences in compaction (e.g., house floors)
- c. Artifacts including chipped stone objects such as projectile points and bifaces; groundstone artifacts such as manos, metates, mortars, pestles, grinding stones, pitted hammerstones; and shell and bone artifacts including ornaments and beads.
- d. Various features and samples including hearths (fire-cracked rock; baked and vitrified clay), artifact caches, faunal and shellfish remains (which permit dietary reconstruction), distinctive changes in soil stratigraphy indicative of prehistoric activities.
- e. Isolated artifacts

Historic cultural materials may include finds from the late 19th through early 20th centuries. Objects and features associated with the historic period can include:

- a. Structural remains or portions of foundations (bricks, cobbles/boulders, stacked fieldstone, postholes, etc.).
- b. Trash pits, privies, wells and associated artifacts
- c. Isolated artifacts or isolated clusters of manufactured artifacts (e.g., glass bottles, metal cans, manufactured wood items, etc.
- d. Human remains

In addition, cultural materials including both artifacts and structures that can be attributed to Hispanic, Asian, and other ethnic or racial groups are potentially significant. Such features or clusters of artifacts and samples include remains of structures, trash pits, and privies.

the necessary plans for treatment of the find(s) and mitigation of impacts. The treatment plan shall be designed to result in the extraction of sufficient non-redundant archaeological data to address important regional research considerations. The Project Manager shall insure that the treatment program is completed. The work shall be performed by the archaeologist, and shall result in a detailed technical report that shall be filed with the California Historical Resources Information System, Northwest Information Center, CSU Rohnert Park. Construction in the immediate vicinity of the find shall not recommence until treatment has been completed.

If human remains are discovered, they shall be handled in accordance with State law including immediate notification of the County Medical Examiner/Coroner.

Implementation: City – Public Works Dept.

Timing: During construction

Monitoring: City – Public Works Dept.

Mitigation Measure CUL-3: All excavation contracts for the project shall contain provisions for stop-work in the vicinity of a find in the event of exposure of significant archaeological resources during subsurface construction.

In addition, the contract documents shall recognize the need to implement any mitigation conditions required by the permitting agency. In general, the appropriate construction conditions should be included within the General Conditions section of any contract that has the potential for ground disturbing operations.

Implementation: City – Public Works Dept.

Timing: Include in Plans and Specifications document

Monitoring: City – Public Works Dept.

Mitigation Measure CUL-4: Archaeological monitoring on a spot-checking basis shall be undertaken during significant subsurface construction within, and within a 100-foot buffer zone of, the recorded boundary of CA-SCI-715. Actions that potentially require monitoring include excavation of the new backwater area, construction of the pedestrian/bicycle bridge abutments, or similar significant earthwork activities.

Implementation: City – Public Works Dept.

Timing: During significant subsurface construction activities within CA-SCI-715. Spot checking shall be done at the onset of construction and at least once again during the construction process.

Monitoring: City – Public Works Dept.

Mitigation Measure CUL-5: Archaeological monitoring of subsurface construction shall be available on an on-call basis for areas outside of the recorded boundary of CA-SCI-715 and the 100-foot buffer zone.

Implementation: City – Public Works Dept.

Timing: During construction

Monitoring: City – Public Works Dept.

Impacts to cultural resources will be reduced to a less-than-significant level with the implementation the above mentioned mitigation measures.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

No Impact. There are no known unique paleontological resources or sites or unique geologic features in the project area.

d) Disturb any human remains, including those interred outside of formal cemeteries?

Less Than Significant with Mitigation. Mitigation measures are provided above (CUL-1 through CUL-5) will guide subsurface construction and specifies actions to be taken in the event that significant or potentially significant unknown cultural resources are discovered during construction.

	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact	Beneficial Effect
3.6 GEOLOGY AND SOILS -- Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

Soils

The soil within the Stevens Creek Corridor is classified as Sorrento Fine Sandy Loam, recent alluvium from sedimentary rocks. This alluvium has been deposited by Stevens Creek,

as the entire project corridor is within the Stevens Creek floodplain. The permeability of both the surface soils and subsoil is moderate, as is the water-holding capacity, and the erosion hazard is negligible. The valley floor slopes are mild, and generally vary from 1 to 3 percent. The sideslopes from the valley floor are classified as Pleasanton gravelly loam with steep slopes to the top of bank, with permeability and erosion hazard classified as moderate, and generally are within 20 to 30 percent grade (U.S. Department of Agriculture 1956).

Regional Geology and Geologic and Seismic Hazards.

The City's General Plan (2005) states that "the primary geologic hazards within Cupertino are landslides and seismic impacts related to local active fault traces. Seismically induced groundshaking, surface fault rupture, and various forms of earthquake-triggered ground failure are anticipated within the City during large earthquakes. These geologic hazards present potential impacts to property and public safety."

The General Plan also states that "Cupertino is located in the seismically active San Francisco Bay region, which hosts several active earthquake faults... One of the largest and most active faults in the world, the San Andreas fault, crosses the western portion of Cupertino's planning area. In addition, two other faults that are closely associated with the San Andreas fault, the Sargent-Berrocal and Monte Vista-Shannon fault systems, cross the west portion of the City. These faults manifest in a variety of displacement styles. Movement on the San Andreas fault is predominantly right-lateral strike-slip, where the earth ruptures in a horizontal fashion with the opposite sides of the fault moving to the right with respect to each other. Movement on the Sargent-Berrocal and Monte-Vista-Shannon faults is more variable in style. Both of these faults are characterized by "thrust" faulting, where a significant amount of vertical "up-down" displacement occurs on an inclined plane, and one side is elevated (i.e., thrust over) the other side" (City of Cupertino 2005).

Several categories of Geologic Hazards are within the project area. The Monte Vista fault rupture zone is located within 0.25 miles of the project area near McClellan Ranch and could be subject to intense groundshaking in the event of an earthquake. This area is also a mapped zone of potential earthquake induced landsliding (Santa Clara County 2002). The project area also has characteristics that indicate a potential for liquefaction under seismic conditions. Flood inundation is also a concern as the area is within the 100-year floodplain.

The City of Cupertino General Plan Policy 6-1 provides a process to reduce risks associated with geologic and seismic hazards. This process requires all development proposals within mapped potential hazard zones to use a formal seismic/geologic review process.

Discussion:

Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

No Impact. A review of geologic maps for the project area indicates that the site is not located within an Alquist-Priolo Earthquake Fault Zone. According to the Cupertino General

Plan Geologic and Seismic Hazards map, the project area is within 0.25 miles of the Monta Vista Fault zone as shown in Figure 6-B (Cupertino General Plan, Health and Safety Chapter, Cupertino 2005).

ii) Strong seismic ground shaking?

Less Than Significant Impact. As stated in the Existing Conditions of this section, the project site is located in Santa Clara County within a seismically active area. As stated above, the Monta Vista fault is located about 0.25 mile southwest of the project site, resulting in the high probability that the project site would be subject to very strong seismic shaking during the next major earthquake on this fault or the San Andreas fault. However, with the exception of placing a prefabricated clear-span bridge across Stevens Creek and improving/restoring creek banks that have been shored up with concrete and other building materials, no structures will be built as part of this project.

iii) Seismic-related ground failure, including liquefaction?

No Impact. Areas near creeks and streams are susceptible to liquefaction as shown on the geologic hazard map by the City (Figure 6-B of the City's General Plan). City policy requires a seismic/geologic review of project plans prior to project approval. Since all structures within the project are on City-owned land, they would be reviewed for adequacy by the City to ensure that they are not susceptible to ground failure.

iv) Landslides?

No Impact. Areas near creeks and streams are susceptible to liquefaction as shown on the geologic hazard map by the City (Figure 6-B of the City's General Plan). City policy requires a seismic/geologic review of project plans prior to project approval. Since the project is the extension of a recreational trail which will be set back from the creek bank, and creek restoration, it is not expected that the project would cause landslides or put recreationalists in dangerous areas susceptible to landslides. Therefore, there is no impact.

b) Result in substantial soil erosion or the loss of topsoil?

No Impact. The project would be constructed using the Santa Clara Valley Water District's (District) BMPs as appropriate (see Appendix A) and be consistent with guidelines or BMPs set forth by the Bay Area Stormwater Management Agencies Association and the Santa Clara Valley Urban Runoff Pollution Prevention Program (Blueprint for a Clean Bay 2004) as described elsewhere in this document to protect areas from substantial soil erosion and loss of topsoil during and after construction.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

No Impact. The project would be designed by a licensed professional and subject to geologic/seismic review and grading plan review by the City to help ensure the proposed improvements would not cause instability of the project site or result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

No Impact. The project would be designed by a licensed professional and be subject to City geologic/seismic and engineering review and conformance with applicable Building Code requirements.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

No Impact. The project does not propose the installation of new septic tanks.

	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact	Beneficial Effect
3.7 GREENHOUSE GAS EMISSIONS -- Would the project:					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental and Regulatory Setting

Gases that trap heat in the atmosphere and affect regulation of the Earth’s temperature are known as greenhouse gases (GHG). Common GHG include carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), and sulfur hexafluoride (SF₆).

GHG emissions from human activities contribute to overall GHG concentrations in the atmosphere and climate scientists have become increasingly concerned about the effects of these emissions on global climate change. Human (anthropogenic) production of GHGs has increased steadily since pre-industrial times and atmospheric CO₂ concentrations have increased from a pre-industrial value of 280 ppm to 387 ppm in 2010 (NOAA 2010). The United Nations’ International Panel on Climate Change (IPCC) fourth assessment report (AR4) concluded that recent regional climate changes, particularly temperature increases, are affecting many natural systems including water, ecosystems, food, coasts, and health (IPCC 2007). The AR4 concluded that most of the observed increase in global average temperature since the mid-20th century is very likely due to the observed increase in anthropogenic GHG concentrations (IPCC 2007a).

GHGs can remain in the atmosphere long after they are emitted. The potential for a GHG to absorb and trap heat in the atmosphere is considered its global warming potential (GWP). The reference gas for measuring GWP is CO₂, which has a GWP of one. By comparison, CH₄ has a GWP of 21, which means that one molecule of CH₄ has 21 times the effect on global warming as one molecule of CO₂. Multiplying the estimated emissions for non-CO₂ GHGs by their GWP determines their carbon dioxide equivalent (CO₂e), which enables a project’s combined global warming potential to be expressed in terms of mass CO₂ emissions. Table 3.7-1 below presents the GWPs of common GHGs.

In 2006, the California State Legislature adopted the California *Global Warming Solutions Act of 2006*, Assembly Bill (AB) 32, which required the California Air Resources Board (ARB) to: 1) determine 1990 statewide GHG emissions, 2) approve a 2020 statewide GHG limit that is equal to the 1990 emissions level, 3) adopt a mandatory GHG reporting rule for significant GHG emission sources, 4) adopt a Scoping Plan to achieve the 2020 statewide GHG emissions limit, and 5) adopt regulations to achieve the maximum technologically feasible and cost-effective reductions.

Table 3.7-1. GHG Global Warming Potentials

Compound	Global Warming Potential (GWP) Relative to CO₂
Carbon Dioxide (CO ₂)	1
Methane (CH ₄)	21
Nitrous Oxide (N ₂ O)	310
Hydrofluorocarbons (HFCs)	--
HFC-23	11,700
HFC-134a	1,300
HFC-152a	140
HCFC-22	1,700
Sulfur Hexafluoride (SF ₆)	23,900

Source: ARB 2009.

In 2007, the ARB approved a statewide 1990 emissions level and corresponding 2020 GHG emissions limit of 427 million metric tons of carbon dioxide equivalents (MMTCO₂e) (ARB 2007). In 2008, the ARB published its *Climate Change Scoping Plan*, which projects, absent regulation or under a “business as usual” (BAU) scenario, 2020 statewide GHG emissions levels of 596 million MTCO₂e and identifies the numerous measures (i.e., mandatory rules and regulations and voluntary measures) that will achieve at least 169 MMTCO₂e of reductions and reduce statewide GHG emissions to 1990 levels by 2020 (ARB 2008). Also in 2007, the ARB adopted its Regulation for the Mandatory Reporting of Greenhouse Gas Emissions (Title 17, CCR, Section 95100 – 95133 (17 CCR §95100 – 95133)), which requires facilities that emit greater than or equal to 25,000 metric tons of CO₂ annually to report their GHG emissions to the ARB.

Regionally, the BAAQMD has also adopted regulations and guidelines to track and reduce GHG emissions from stationary sources. In 2005, the BAAQMD established its Climate Protection Program to reduce pollutants that contribute to the global climate change. In 2008, the BAAQMD adopted a GHG fee of 4.4 cents per metric ton of GHG emissions that applies to permitted industrial facilities and businesses. In 2010, the BAAQMD released an updated inventory of Bay Area GHG emissions for base year 2007. The Bay Area emitted 95.8 MMTCO₂e in 2007, with Santa Clara County contributing 18.8 MMTCO₂e to this total (BAAQMD 2010b).

The BAAQMD’s *CEQA Air Quality Guidelines* contain guidance for lead agencies to assess and mitigate GHG emissions impacts. The BAAQMD has not adopted a threshold of significance for construction-related GHG emissions, but the BAAQMD does encourage lead agencies to quantify and disclose construction-related GHG emissions, determine the significance of these emissions, and incorporate best management practices to reduce construction-related GHG emissions.

The BAAQMD maintains a CEQA GHG threshold of significance for land use projects such as residential developments of 1,100 metric tons of carbon dioxide equivalents (MTCO₂e) (BAAQMD 2011b) or 4.6 MT CO₂e per service population per year. The BAAQMD defines service population to be the total number of residents and employees that the project would serve. The BAAQMD considers projects that exceed the BAAQMD’s CEQA thresholds to have a significant air quality effect.

The BAAQMD's *CEQA Air Quality Guidelines* also contain screening criteria to provide lead agencies with a conservative indication of whether a proposed project could result in potentially significant air quality impacts. Consistent with the BAAQMD's guidance, if a project meets all of the screening criteria then the project would result in a less than significant air quality impact and a detailed air quality assessment is not required for the project. The operational GHG screening criteria for "city park" land uses is 600 acres. Since the proposed project is less than 600 acres, it is not expected to result in significant air quality impacts. Further discussion is below.

Existing GHG Emission Sources

As described in Section 3.3, Air Quality, the proposed site does not contain any features or land use activities that generate GHG emissions.

Proposed GHG Emissions Sources

As described in Section 3.3, site development would generate short-term construction emissions and result in an estimated up to 13 total weekday and 34 total weekend vehicle trips.

Discussion:

Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Global climate change is the result of GHG emissions worldwide; individual projects do not generate enough GHG emissions to influence global climate change. Thus, the analysis of GHG emissions is by nature a cumulative analysis focused on whether an individual project's contribution to global climate change is cumulatively considerable.

Less Than Significant Impact. The proposed project would produce GHG emissions from construction- and vehicle trip-related fuel combustion, however, these emissions would not exceed applicable BAAQMD significance thresholds and would therefore not have a significant impact on the environment.

As described in Section 3.3, Air Quality the proposed project is below the BAAQMD's "city park" land use criteria air pollutant construction screening level size of 67 acres. The BAAQMD, however, encourages lead agencies to quantify and disclose construction-related GHG emissions. As estimated using URBEMIS2007 V 9.2.4, project construction could emit approximately 176 metric tons of carbon dioxide (MTCO₂) over an approximately five month construction period; emissions of CH₄ and N₂O from construction-related fuel combustion would be negligible. The BAAQMD does not have an adopted GHG significance threshold for construction activities but as reference the project's construction-related GHG emissions (375 MTCO₂) would not exceed the BAAQMD's GHG significance thresholds for land use projects of 1,100 MTCO₂e per year and are therefore considered less than significant.

The proposed project would result in an increase in vehicle trips to and from the site, however, the proposed five acre development is below the BAAQMD's "city park" land use GHG operational screening level size of 600 acres. Consistent with the BAAQMD's *CEQA Air Quality Guidelines*, projects that are below this screening criteria threshold would not result in emissions that exceed BAAQMD significance thresholds. The project, therefore, would not result in a significant impact to air quality from long-term operational GHG emissions.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less Than Significant Impact. The proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. GHG emissions from off-road equipment and transportation are identified and planned for in the BAAQMD's 2010 Clean Air Plan as well as the BAAQMD's Source Inventory of Bay Area Greenhouse Gas Emissions (BAAQMD 2010a and 2010b). A primary objective of the 2010 Clean Air Plan is to reduce greenhouse gas emissions to 1990 levels by 2020 and 40% below 1990 levels by 2035. The 2010 Clean Air Plan considers an increase in off-road and transportation GHG emissions and identifies control measures designed to achieve regional GHG reduction goals.

	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact	Beneficial Effect
3.8 HAZARDS AND HAZARDOUS MATERIALS -- Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

A material is considered hazardous if it appears on a list of hazardous materials prepared by a federal, state, or local agency, or if it has characteristics defined as hazardous by such an agency. Chemical and physical properties such as toxicity, ignitability, corrosivity, and reactivity, cause a substance to be considered hazardous. These properties are defined in the California Code of Regulations (CCR), Title 22, Sections 66261.20-66261.24. A "hazardous waste" is any hazardous material that is discarded, abandoned, or to be recycled. The criteria that render a material hazardous also make a waste hazardous (California Health and Safety Code, Section 25117).

According to this definition, fuels, motor oil, and lubricants in use at a typical construction site and lead built up along roadways could be considered hazardous. Excavation may expose buried hazardous materials resulting from prior use of the proposed site or adjacent property.

There are no known hazardous material sites identified in the project area based on a review of the Cortese List (pursuant to Government Code Section 65962.5).

The creek restoration portion of the project would be implemented using Best Management Practices (BMPs) developed for the District's 2005 BMP Handbook. These BMPs include (see Appendix A for the full text of these BMPs):

- HM-1 Herbicide Use Requirements
- HM-2 Types of Pest Control
- HM-7 Herbicide Use in Upland Areas
- HM-8 Herbicide Use in Aquatic Areas
- HM-9 Vehicle and Equipment Cleaning
- HM-10 Vehicle and Equipment Fueling
- HM-11 Vehicle and Equipment Maintenance
- HM-12 Hazardous Materials Management
- HM-13 Spill Prevention
- HM-14 Spill Kit Location

Discussion:

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

No Impact. If the above listed BMPs are implemented for this project, the risk of creating a significant hazard to the public or environment through the routine transport, use or disposal of hazardous materials during construction would be minimized. The proposed changes in operations in the area as a result of the project do not represent an increased risk from hazards or hazardous materials compared to existing conditions.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

No Impact. The only hazardous materials to be used at the project site during construction are the fuels, oils and lubricants associated with various on-site vehicles and construction machinery, and as stated above, the use of BMPs would minimize the risk of

reasonably foreseeable upset and accident conditions involving the release of hazardous materials

Herbicides may be used to control exotic species as part of the restoration. A licensed herbicide applicator either employed by the City or contracted by the City would be responsible for the proper handling of all herbicides. If the herbicides are stored onsite, all material would be stored in containers as required by applicable codes. BMPs are also provided in Appendix A for dealing with the handling and application of herbicides and pesticides within the stream corridor.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or hazardous waste within one-quarter mile of an existing or proposed school?

No Impact. The changes proposed by the project would not cause the emissions of hazardous materials. Air quality impacts from construction and construction related vehicles are addressed in the Air Quality Section.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Less Than Significant with Mitigation. A search of the California Department of Toxic Substances Hazardous Waste and Substance Site List (Cortese List) did not yield properties in the project area or in the immediate vicinity. The only result for the City of Cupertino was at 10910 N. Tantau Avenue which is about 4 miles east of the project site. This Tantau Avenue site would not be impacted by project activities, nor would that site impact the Stevens Creek Corridor site.

A Phase 1 report was completed for the Stocklmeir Property in May 1999 (City of Cupertino 1999). Because the property had been a commercial orchard until the late 1960s, this report recommends that a soils report be completed prior to any major disturbance of soil at the project site, to determine if hazardous levels of pesticide residue may exist in the soil. Since much of the rest of the creek corridor was also in orchards at one time in the past, areas where major soil disturbance would occur would be subject to the following mitigation measure:

Impact HAZ-1: Major disturbance of soil at the project site would occur as a result of this project. This disturbance could uncover pesticide residue in the soil if it exists, which would potentially cause impacts to terrestrial and aquatic species.

Mitigation Measure HAZ-1: Perform soil testing for pesticide residue where major soil disturbance will occur (such as areas of excavation for creek restoration). If pesticides are detected, follow the appropriate contaminated material handling and disposal protocol prior to and during any soil disturbance.

Implementation: City of Cupertino – Public Works Department

Timing: During construction design

Monitoring: City of Cupertino – Public Works Department

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

No Impact. The project is not located in an airport land use plan and is not located within two miles of a public airport or public use airport. The nearest airport is Moffett Federal Air Field on the border of Sunnyvale and Mountain View approximately seven miles north of the project site.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

No Impact. There are no private airstrips in the project vicinity.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No Impact. The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The project was reviewed by the Fire Marshal to ensure that emergency access is sufficient.

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

No Impact. The project would not expose people or structures to a significant risk or loss, injury or death involving wildland fires. There are no wildland areas with a fire risk adjacent to the project site. The nearest wildland urban interface fire area is approximately $\frac{3}{4}$ mile west and south of the project site.

	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact	Beneficial Effect
3.9 HYDROLOGY AND WATER QUALITY -- Would the project:					
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact	Beneficial Effect
redirect flood flows?					
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

The Stevens Creek watershed is located along the eastern slopes of the Santa Cruz Mountains in the western portion of Santa Clara County, west of the City of Cupertino. The watershed encompasses approximately 30 square miles at its outlet to the San Francisco Bay, and includes a mixture of urbanized and natural habitats. Stevens Creek has been a regulated stream since 1935 when the Stevens Creek Reservoir was completed and it is now operated by the Santa Clara Valley Water District (District). The reservoir holds 3,452 acre feet of water with a surface area of 475 acres when full. The project site is located in the upper watershed of Stevens Creek near the mountain front, approximately two and a half miles downstream from the Stevens Creek Reservoir, between McClellan Road and Stevens Creek Boulevard. Stevens Creek runs the length of the project site. Upstream from the project site, in the Santa Cruz Mountains, the watershed is relatively non-urbanized.

Surface water originating in, or passing through, Cupertino ultimately discharges into San Francisco Bay. Runoff is collected in an underground storm drainage system that discharges into the creeks within the City. The system is intended to accommodate at least 10-year flow. Although the City has not conducted a detailed study of the existing system since 1993, it is assumed that it could accommodate runoff from a 10-year flow or higher with some overflow along the street gutters that would ultimately dissipate into the major storm drainage channels and creeks able to accommodate a 100-year flow.

Cupertino's climatic conditions are characterized by warm, dry summers and relatively cool, wet winters. The year-round average temperature is approximately 58° F, and the normal annual rainfall, which occurs mostly during the period from October to May, is 23 inches (City of Cupertino 2011).

Historical Land Use and Stream Conditions

Aerial photographs from 1948 and 2003 and topographic maps from 1953, 1968, and 1977 were used to assess post-settlement land use along the Stevens Creek corridor at the vicinity of the project site. The dominant land use at the project site and surrounding areas during the 1940s was orchards.

The creek channel planform (how the creek appears from above) has remained relatively stable since the 1940s. Little to no natural large-scale changes, such as meander cut-offs or channel migration across the floodplain, are apparent. However, streambed changes attributable to human activities are visible at two locations, both in Blackberry Farm, when comparing the 1948 and 2003 aerial photographs and the 1953 topographic map. Channel

alterations have occurred in the recent past throughout the length of Stevens Creek, including the placement of riprap and concrete along the channel banks at the Blackberry Farm Golf Course, and creek restoration included in Phase 1 of the project which included the removal of three low-flow road crossings and a diversion dam in Blackberry Farm and removal, replacement and installation of pedestrian bridges. In addition, Phase 1 included the installation of over 6,000 riparian and upland plants along the creek and in the Blackberry Farm area.

Existing Stream Conditions

Channel Conditions

Several site reconnaissance visits were conducted by Balance Hydrologics (Balance) along the Stevens Creek corridor during the winter of 2010-11 to qualitatively assess stream conditions within Phase 2. Within the Phase 2 project site, Stevens Creek generally exhibits a relatively stable channel planform, i.e. shape of the channel when viewed from above, although bank erosion has previously occurred at several locations (primarily on the east bank) and the toe of bank is undercut at various locations. Most of the bank erosion sites are where vegetation was removed from the banks, in some cases by storm flows or flood events, and is now replaced by concrete channel lining, riprap and other stabilization materials. Incised channels with these types of banks offer very little habitat for salmonids or terrestrial wildlife. In areas free of channel lining and man-made materials, the channel bed has a more natural profile which is generally steeper through riffles (rapids) and more gentle through pools.

Channel Corridor Hydrology

Creek flows are regulated by the Stevens Creek Reservoir, which retains low and moderate stormflows for the first part of each winter. Runoff from late winter storms and large flood events generally passes through the reservoir rapidly due to the limited storage capacity, which is usually maximized by late winter. Winter baseflows (November through April) typically range from 10 to 30 cubic feet per second (cfs) during the active rainy season, while summer baseflows (May through October) are generally less than 5 cfs based on flow data from the stream gage at Stevens Creek Dam (Gage No. 1482, operated by the District).

An informal estimate of the existing channel capacity at the most constricted point, near the south end of the 9th fairway, is approximately 700 to 800 cfs currently based on observations by Balance Hydrologics during the storms and high flows that occurred in March 2011. The existing channel's design flow capacity just upstream at Blackberry Farm is now approximately 1,500 cfs. Flows exceeding this value overtop the channel banks inundating the upper floodplain. The estimated 100-year flow through the project reach is 5,500 cfs.

The channel flow capacity through the site and just upstream in Blackberry Farm was exceeded several times during the past 48 years including during water years 1963, 1965, 1969, 1986, 1995 and 1998 at flow rates of at least 2,090 cfs, 1,370 cfs, 1,460 cfs, 5,250 cfs, 1,060 cfs, and 1,390 cfs, respectively.

Regional Ground Water

The project site is located within the unconfined aquifer of the Santa Clara Valley Subbasin and serves as a recharge area for the County's water supply aquifers. The Santa Clara Valley Subbasin has a surface area of 225 square miles with an estimated capacity of 350,000 acre-feet of water and extends from the Coyote Narrows to the northern County boundary, bounded on the east by the Diablo Range and on the west by the Santa Cruz

Mountains. The general ground-water gradient is from the edges of the subbasin toward the San Francisco Bay, roughly following surface topography.

The District manages surface water and seeks to increase ground water storage by using reservoirs, percolation ponds, and stream channels for recharge. Monitoring conducted by the District shows that ground water storage in the Santa Clara Valley Subbasin increased by 11,000 to 13,000 acre-feet in 2002 and by 15,000 to 17,000 acre-feet in 2003. During the years 2002 and 2003, approximately 100,000 acre-feet of ground water is extracted each year for municipal and industrial uses in the County. Stevens Creek is currently managed by the District to provide additional managed recharge to the deep aquifer during the dry season (Santa Clara Valley Water District 2005).

Regulatory Setting

The California State Water Resources Control Board (SWRCB) and the nine Regional Water Quality Control Boards (RWQCBs) have the authority in California to protect and enhance water quality, both through their designation as the lead agencies in implementing the Section 319 non-point source program of the Federal Clean Water Act and from the State's primary water-pollution control legislation, the Porter-Cologne Act. The San Francisco Bay RWQCB Region 2 office guides and regulates water quality in streams and aquifers within portions of the nine counties surrounding the San Francisco Bay through designation of beneficial uses, establishment of water-quality objectives, administration of the National Pollution Discharge Elimination System (NPDES) permit program for stormwater and construction site runoff, and Section 401 water-quality certification where development results in fill of jurisdictional wetlands or waters of the U.S.

The 1987 amendments to the Clean Water Act [Section 402(p)] provided for U.S. Environmental Protection Agency (U.S. EPA) regulation of several new categories of non-point pollution sources within the existing NPDES program. Phase I of the stormwater runoff program relied on NPDES permit coverage to address urban runoff discharges from "medium" to "large" municipal separate storm systems (MS4s) located in cities or counties with populations of 100,000 or more, from plants in industries recognized by the U.S. EPA as being likely sources of stormwater pollutants, and from construction activities that disturb more than five acres. The U.S. EPA has delegated management of California's NPDES permit program to the SWRCB and the RWQCB. The Phase II Final Rule, which took effect on March 10, 2003, extended permit coverage to certain regulated "small" MS4s and construction sites that disturb one or more acres, including smaller sites that are part of a larger common plan of development or sale.

For those projects that result in the disturbance of more than one acre of land during construction, the applicants of those projects are required to apply for coverage under the NPDES Construction Activities general permit by submitting a Notice of Intent to the State Board. Administration of these permits has not been delegated to cities, counties, or the RWQCBs but remains with the SWRCB.

San Francisco Bay Water Quality Control Plan

In addition to the NPDES permitting program, the RWQCB regulates water quality in the Bay Area in accordance with the 1995 Water Quality Control Plan (Basin Plan). The Basin Plan presents the beneficial uses that the RWQCB has designated for significant surface waters, aquifers, and wetlands, as well as the water-quality objectives and criteria that must be met to protect these uses. The Basin Plan designates specific existing beneficial uses for the Central San Francisco Bay, including: a) ocean, commercial, and sport fishing, b) estuarine habitat, c)

industrial service supply, d) fish migration, e) navigation, f) preservation of rare and endangered species, g) non-contact water recreation, h) shellfish harvesting, i) fish spawning, and j) wildlife habitat. Project storm runoff would be discharged to the existing stormwater drainage system and subsequently to San Francisco Bay.

Provision C.3 Municipal Stormwater Permit

The Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP), a consortium of thirteen municipalities, Santa Clara County, and the Santa Clara Valley Water District, was first issued a county-wide NPDES permit in 1990, and reissued most recently in 2009 that requires the submission of an Urban Runoff Management Plan and to reduce pollution in urban runoff to the “maximum extent practicable.” The C.3 provisions of the recently-amended NPDES permit further enhances these requirements by requiring all new and redevelopment projects that result in the addition or replacement of impervious surfaces totaling 10,000 sq ft or more to 1) include storm water treatment measures; 2) ensure that the treatment measures be designed to treat an optimal volume or flow of storm water runoff from the site; and 3) ensure that storm water treatment measures are properly installed, operated and maintained.

Since the project is larger than one acre, it would require a Storm Water Pollution Protection Program (SWPPP). It will require a Stormwater Management Plan (SWMP) if it includes 10,000 square feet of new or replaced impervious surfacing per the regulations. The City of Cupertino will oversee preparation of construction documents that contain the requirements for these documents.

Discussion:

Would the project:

a) Violate any water quality standards or waste discharge requirements?

Less Than Significant Impact. As stated in the Project Description section of this document, the project will create riparian and backwater wetland habitat by laying back and widening the east bank and excavating a backwater channel off the west bank of Stevens Creek. The newly excavated creek banks will be secured with boulder toe protection and a variety of logjam fish habitat structures, using the same techniques that were successfully implemented in Phase 1 of Cupertino’s Stevens Creek Park and Restoration project completed in 2009. These actions will remove an obstruction to fish passage and improve conditions for federally threatened steelhead and a variety of other special-status species. The newly created habitat will be planted and the existing tree canopy interplanted with approximately 50 plant species native to the Stevens Creek watershed, as was done in Phase 1 of this project. These new plants represent wetland, sycamore-cottonwood riparian forest and oak woodland species. The total area to be planted is estimated to be approximately 1 ¼ acres. The proposed planting would help ensure that any slope areas subject to this habitat creation would not increase erosion or turbidity. This methodology would reduce risk of erosion from the newly constructed banks. The construction and planting work will be performed during the dry season and thus new significant amounts of erosion and resulting turbidity increases in the creek are not expected to occur.

The Phase 2 project also includes activities that will remove failing riprap, gunite and concrete lining. Portions of the concrete lining have collapsed into the channel, creating scour and a vertical drop. This vertical drop has worsened and is now believed to be limiting juvenile steelhead movement during summer flows within spawning and rearing habitat (See Figure 2-5

Site Photos in the Project Description section of this document), as well as smaller size individuals of the other three native fish species that inhabit the creek. The Phase 2 project will remove the failing hardscape materials and create deep pool and riffle habitat with gravel beds to support spawning and will add large woody debris and native plants to support rearing.

In addition to the revegetation measures listed above, conventional construction Best Management Practices (BMPs) for erosion and sediment control would be installed as needed. These measures, such as placement of silt fencing or fiber rolls at the top of the existing creek banks to prevent discharges of runoff from construction areas into the creek, would be detailed in the SWPPP submitted to the City by the contractor prior to the start of construction. Another example of construction BMPs would be to install natural fiber erosion control fabric on side slopes in the creek sections subject to the construction activities. This erosion control fabric would help withstand creek flows while new vegetation is establishing. A different suite of BMPs would be used to prevent erosion and water-quality impacts when the restored channel segment is connected to the existing stream channel and receives flows for the first time. Proposed BMPs are found in Appendix A of this document.

The new bridge crossing Stevens Creek is planned to be similar to and compatible with the existing bridge to the west bank group picnic area at Blackberry Farm Park installed as part of Phase 1. This existing bridge at Blackberry Farm is a clear span bridge made of painted steel with a wood plank deck and an inside width of approximately ten feet.

Due to the nature of the trail and creek project, no post-construction issues related to water quality are anticipated. As previously stated, the project will prepare a SWPPP and potentially a SWMP. These documents would contain further measures to ensure that water quality standards and Non-Point Source (NPS) requirements per the San Francisco Regional Water Quality Control Board (SFRWQCB) would be met.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local ground water table level (for example, the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

Beneficial Effect. The creek and channel restoration as part of this project, especially the operation of the new backwater wetland and replacement of concrete creek banks with natural earth banks, is expected to increase groundwater recharge. This is a beneficial effect of the project.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

Less Than Significant Impact. The existing drainage pattern will not be altered from the current configuration as a result of creek restoration and/or trail construction. The slight alterations of the bank along Stevens Creek, including the removal of failing bank stabilization, will beneficially affect the area as channel capacity will increase from an estimated 700 to 800 cfs to an anticipated 1,500 cfs.

The project, however, will not change the broader floodplain that defines the valley floor, and therefore the existing drainage pattern of the overall area would not be altered. Implementation of the proposed project would not result in substantial erosion or siltation on- or

off-site, because BMPs and other avoidance protocol, such as using erosion control fabric on the creek slopes and constructing the project during the dry season.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

Less Than Significant Impact. As stated above, the proposed creek bank restoration efforts and channel reconfiguration will result in an increase channel capacity through this reach (to an anticipated 1,500 cfs). As with the Phase 1 project, the proposed Phase 2 project is not expected to adversely affect flooding conditions off-site, either upstream from McClellan Ranch Road or downstream from Stevens Creek Boulevard during this flow event. Aside from the ¼ mile extension of the Stevens Creek Trail, no new paved or hardened surfaces are proposed.

However, due to its location in a flood plain, the entire park, including the trail, would close during seasonal flooding events. To ensure that trail users are not substantially impacted from heavy flood flows, the City will continue to implement the following operational measure to ensure human safety:

- In the event of significant flood events, the City would close the trail corridor and would post signage at the Stevens Creek Boulevard, McClellan Road, and other park and trail entrances alerting trail users of this closure.

This operational measure is already in place for the open portions of the trail and creek corridor.

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Less Than Significant Impact. As stated above, the proposed Phase 2 project is not expected to adversely affect flooding conditions off-site, either upstream from McClellan Ranch Road or downstream from Stevens Creek Boulevard during this flow event. Aside from the 0.25 mile extension of the Stevens Creek Trail, no new paved or hardened surfaces are proposed.

f) Otherwise substantially degrade water quality?

Less Than Significant Impact. As stated above, the proposed Phase 2 project will involve preparation of a SWPPP and potentially a SWMP. These documents will describe how water quality control measures will be designed and operated to avoid impacts to downstream venues and maintain the quality of storm runoff during construction. The long-term effects of the project are expected to be beneficial and enhance and protect the creek's water quality through implementation of natural and biotechnical channel restoration materials and methods, increased shading of the channel by new native vegetation to reduce summer temperature rise, increase in the hydraulic capacity of the channel to an anticipated 1,500 cfs, and reduction of scour and vertical drops currently present within the creek.

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

No Impact. The project does not involve construction of housing.

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

Less Than Significant Impact. Since the entire site is within the 100-year flood hazard areas, the new pedestrian bridge will be placed within this 100-year flood zone. However, the proposed bridge would not impede or redirect flood flows in a manner which significantly differs from that which occurs at the site currently. The proposed bridge would be similar to the existing clear span bridge at Blackberry Farm with abutments or footings set back approximately 3 feet from the top of bank (upper floodplain elevation). The footing width and bridge transition would be designed to avoid obstructing overbank flow. The bridge would also be slightly arched to provide additional clearance above the water surface. The proposed bridge design would accommodate the improved channel capacity estimated to be 1,500 cfs and will allow for the beneficial increase in channel capacity.

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

Less Than Significant Impact. The proposed project does not create more risks of flooding, and implementation of operational measure described above will ensure that recreationalists are not using this 0.25 mile trail extension during possible flood events.

The Stevens Creek Reservoir located upstream of the project site is owned and operated by the District. In 1985, the reservoir was successfully seismically retrofitted to meet current design standards put forth by the Division of Dam Safety. The design earthquake utilized for the retrofit was an 8.3 earthquake centered on the San Andreas fault zone, and has been modeled under these conditions with no catastrophic failure. The reservoir has a total capacity of 3,138 acre-feet of water. The project does not include any modifications to the dam and, therefore, would not change the amount of risk associated with the upstream reservoir. The project impact would be less than significant.

j) Inundation by seiche, tsunami, or mudflow?

No Impact. The project site is not located in area that is subject to inundation by seiche, tsunami, or mudflow.

	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact	Beneficial Effect
3.10 LAND USE AND PLANNING -- Would the project:					
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

The Stocklmeir property is zoned A (Agricultural), and the rest of the project area is zoned PR (Public Park or Recreational) on the Cupertino zoning map (Cupertino 2011). The surrounding residential areas are zoned Single Family Residential and Single Family Residential Cluster. A single family home exists between the Blue Pheasant golf course and Stocklmeir property, however no project activities would occur at this property.

Currently, the Stevens Creek Corridor Park has a total of three designated parking areas that serve the existing facilities: 1) the Blackberry Farm Park parking lot, 2) the McClellan Ranch Park parking lot, and 3) the Blackberry Farm Golf Course/Blue Pheasant restaurant parking lot. The Blackberry Farm parking lot consists of 175 parking spaces, 8 of which are accessible (ADA) spaces. The McClellan Ranch Park parking lot has 24 striped spaces on asphalt (2 of which are ADA spaces) and capacity for an additional 7 spaces within an unstriped area near the 4-H barns, which includes an ADA space. The Blackberry Farm Golf Course/Blue Pheasant restaurant parking lot currently includes 91 parking spaces.

Discussion:

Would the project:

a) Physically divide an established community?

No Impact. The project would not physically divide an established community. The project proposes to restore a portion of Stevens Creek and install a trail along the west edge of the Blackberry Farm Golf Course and through the Stocklmeir property. This would not divide an established community. New features proposed under the project such as the recreational trail, a bus pullout, a pedestrian crossing, and various other improvements would not divide the community. The project site is surrounded by residential neighborhoods and public meetings were held during the master planning process to gather community input into the plan and to

ensure community concerns were considered in the proposal. The project would not divide the surrounding residential communities.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

No Impact. There are numerous Federal, State, Regional and Local plans, policies and regulations that apply to this project. The project would be subject to review by agencies summarized in Table 3.10-1. The review by these agencies will ensure the project is consistent with their various regulations.

Table 3.10-1. Applicable Regulations for the Stevens Creek Corridor Project

	Regulatory Agency	Permit/Certification/Consistency
Federal	US Army Corps of Engineers (USACE)	Nationwide Consultation and Permit
	NOAA Fisheries Service (NOAA Fisheries)	Endangered Species Act Section 7 Consultation for Steelhead
State	California Department of Fish and Game (CDFG)	Section 1601, Streambed Alteration Agreement
	San Francisco Bay Regional Water Quality Control Board (SFBRWQCB)	Clean Water Act (Water Quality Certification) Section 401 Permit
		National Pollution Discharge Elimination System (NPDES) Permit
Local	Santa Clara Valley Water District (SCVWD)	Joint Use Agreement and possible Encroachment/Construction Permit
	City of Cupertino	Streamside Permit
	City of Cupertino	Construction documents review
	Cupertino Sanitary District	Cupertino Sanitary District review

Local Regulations

Santa Clara Valley Water District (District)

The District is a special purpose governmental agency with a Board composed of five publicly elected and two appointed Directors and authority to levy assessments to fund its activities. The District's jurisdiction and authority is generally independent of the jurisdiction and authority of other local public agencies, including the general purpose governments, the cities and the County of Santa Clara. The District does not have the authority to directly control the land use actions of the county or cities even though they may affect District responsibilities for flood protection and maintenance.

All creeks, channels, and floodways that are within the District's boundaries are subject to the District's jurisdiction, but the ability of the District to perform maintenance activities may be affected by District ownership, easements, or right to access. The District generally owns either a fee simple interest or an easement in the channels; however, the right of way on a creek varies greatly. Land rights on natural channels usually include 20 feet from the top of the bank. On modified channels, right of way is usually several feet outside of the maintenance

road. The District also has jurisdiction and generally land rights over its water supply and conveyance facilities including canals. The District and the City of Cupertino entered into a collaborative agreement for the Steven Creek Restoration Project in July 2004, and prior to that executed a Joint Use Agreement in 1999.

Under the Water Resources Protection Ordinance, the District requires an encroachment permit for any modification on or within a District Facility or District Easement or use of any such Facility or District Easement. The project would obtain encroachment/construction permits from the District as necessary prior to any work within the creek corridor. Therefore, the project is consistent with this ordinance.

Santa Clara Countywide Trails Master Plan

The Santa Clara Countywide Trails Master Plan (1995) contains Strategies, Policies and Implementation recommendations that have been adopted and incorporated into the Parks and Recreation Chapters of the Santa Clara County General Plan (both the Countywide and Rural Unincorporated sections of the General Plan). The Countywide Trails Master Plan lists the Stevens Creek Trail as a sub-regional trail crossing the cities of Mountain View, Sunnyvale, Los Altos, and Cupertino linking the San Francisco Bay Trail with the Bay Area Ridge Trail.

Trails policies contained in the Master Plan guide continued planning, define processes for implementing trails and coordinating their implementation with property owners, establish priorities, mitigate environmental impacts, and address design, operations, and management.

Consistency: In addition to the Strategies, Policies and Implementation recommendations, the Countywide Trails Master Plan includes Design Guidelines and Management Guidelines. The Design Guidelines address characteristics for siting and designing trails for a variety of land uses and landscapes that could be present when implementing trail routes shown on the Countywide Trails Master Plan Map. The Management Guidelines outline scenarios regarding use, operations, and maintenance of trails.

Cupertino's portion of Stevens Creek Trail falls generally on the edge of the urbanized-nonurbanized county area. A number of the Master Plan guidelines are not applicable to Cupertino's unique trail segment and setting. However, the spirit and intent of the applicable guidelines will be considered during the design process. The trail as implemented is anticipated to be harmonious with the overall goals of the Master Plan such as providing regional trail connections, supporting multiple users, providing a safe experience for visitors, compatibility with wildlife, and tree and habitat preservation.

City of Cupertino

General Plan and Zoning Designations of the Corridor

The Cupertino General Plan Land Use Map designates the Stocklmeir property as Very Low Density Residential. The rest of the project site adjacent city lands including Blackberry Farm Park and Golf Course and McClellan Ranch Park are designated as Parks and Open Space, except for the Blue Pheasant Restaurant site which is designated Commercial/Residential (Cupertino 2010). The surrounding residential areas are designated as Low Density Residential and Low/Medium Density Residential.

The Stocklmeir property is zoned A (Agricultural) and the rest of the project area is zoned PR (Public Park or Recreational) on the Cupertino zoning map (Cupertino 2010). The

surrounding residential areas are zoned Single Family Residential and Single Family Residential Cluster.

Consistency: The proposed trail and creek restoration plan is consistent with the General Plan and Zoning designations. The Stockmeir property may need to be rezoned from Agricultural once future plans for property have been decided as a potential legacy farm or other use. Since this rezoning is not included as part of this project, additional CEQA review would be warranted at the time of rezoning.

City of Cupertino General Plan Policies

The City of Cupertino adopted a new General Plan in December 2005, and the Land Use section and the Historic Preservation Policy were updated in June 2010. Overall, the project is consistent with the Policies of the General Plan. The Stevens Creek Corridor Phase 2 project is discussed in the General Plan (p.2-48 & 2-51):

The Stevens Creek Flood Plain is Cupertino's most prominent urban open space/trail resource. The land is designated for recreation and farming, with adjoining properties set aside for low-density residential use. The Stevens Creek Trail plan retains open space character of the Stevens Creek Flood Plain between the Stevens Creek reservoir and Stevens Creek Boulevard. Since the late 1950s, many jurisdictions have advocated a formal urban trail following Stevens Creek, extending from the San Francisco Bay to the Pacific Ocean. Cupertino's 1964, 1972 and 1993 General Plans have all proposed an ambitious plan to lands for this purpose. The City's acquisition of Linda Vista Park, McClellan Ranch, Blackberry Farm and the Simms and Stockmeir properties support these plans. The City's master plan for this 60-acre corridor will connect these latter properties via a trail/linear park.

This Phase 2 project, located primarily at the Stockmeir property supports these plans by connecting to the Phase 1 project which has already been completed and completing the trail/linear park. The Stevens Creek Trail Feasibility study concluded that it is feasible to construct miles of on-street and separated multi-use paths connecting Rancho San Antonio and Stevens Creek County Parks. A public trail easement through the 150-acre former quarry property located off Stevens Canyon Road would be necessary to link Linda Vista Park to Stevens Creek County Park. The former quarry haul road connects Linda Vista Park to McClellan Road, the present terminus of the Stevens Creek Trail.

Two elements of the General Plan, Land Use/Community Design and Environmental Resources, contain specific policies that are relevant to the proposed project. The relevant policies from these General Plan elements include:

Land Use/Community Design

Policy 2-69: Increase community park acreage, and consider the financial implications of this transition.

Policy 2-73: Dedicate or acquire open space lands and trail linkages to connect areas and provide for a more walkable community.

Policy 2-74: Provide parkland equal to a minimum of three acres for each 1,000 residents.

Policy 2-75: Ensure that each household is within a half-mile walk of a neighborhood park or community park with neighborhood facilities, and that the route is reasonably free of physical barriers, streets with heavy traffic. Wherever possible, provide pedestrian links between parks.

Policy 2-79: Design parks to utilize the natural features and topography of the site and to keep long-term maintenance costs low.

Environmental Resources

Policy 5-8: Encourage public and quasi-public agencies to landscape their city area projects near native vegetation with appropriate native plants and drought tolerant, noninvasive, non-native plants.

Policy 5-10: Emphasize drought tolerant and pest-resistant native and non-invasive, nonnative, drought tolerant plants and ground covers when landscaping properties near natural vegetation, particularly for control of erosion from disturbance to the natural terrain.

Policy 5-13: Limit recreation in natural areas to activities compatible with preserving natural vegetation, such as hiking, horseback riding, mountain biking and camping.

Policy 5-14: Provide open space linkages within and between properties for both recreational and wildlife activities, most specifically for the benefit of wildlife that is threatened, endangered or designated as species of special concern

Policy 5-27: Retain and restore creek beds, riparian corridors, watercourses and associated vegetation in their natural state protect wildlife habitat and recreation potential and assist groundwater percolation. Encourage land acquisition dedication of such areas.

Consistency: The project is consistent with the above land use policies as the project would dedicate open space lands and trail linkages to connect areas of the City by providing a trail connection through the corridor between Stevens Creek Boulevard and Blackberry Farm. The project would also help the City further its goals of providing three acres of parkland for every 1,000 City residents and providing a park that is a half mile walk from each City household by opening up a new trail corridor to the public.

The project is also consistent with the above Environmental Resource policies. The proposed project would provide open space linkages for both recreational and wildlife activities, would provide recreational use compatible with preserving natural vegetation, use native vegetation in the restoration of Stevens Creek, and restore Stevens Creek back to a more naturally sustainable and healthy condition.

Where applicable, other General Plan policies are discussed in the relevant environmental sections as they relate to other environmental issues (e.g. General Plan Noise policies will be discussed in the Noise section).

Protected Tree Ordinance

As stated in the Biology Section of this document, the City of Cupertino Protected Tree Ordinance requires a permit to remove heritage and protected trees. Protected trees include five oak species, California buckeye, California bay, Western sycamore, and big leaf maple, and two cedar species-- Deodar cedar and blue atlas cedar trees. The single-trunk diameter at 4-1/2 feet from natural grade is 10 inches for protected trees. The multi-trunk diameter at 4-1/2 feet from natural grade is 20 inches for protected trees. Protected trees also include trees required to be protected as a part of a zoning, tentative map, use permit or privacy protection requirement in an R-1 zoning district. Heritage trees include "any tree or grove of trees which, because of factors including, but not limited to, its historic value, unique quality, girth, height or species, has

been found by the Planning Commission to have a special significance to the community.” No heritage trees have been designated within the project area.

As stated in the Aesthetics section, a preliminary tree removal count was prepared by the City. Since the final trail location and creek restoration details are not yet determined the following numbers are subject to modification. Final design of the trail and creek restoration will strive to minimize all tree impacts. Tree permits will be obtained as necessary. In addition, the City intends to maintain at least two rows of orchard trees as a buffer between the trail and adjacent residences and also a zone of riparian and native plantings along the top of bank of Stevens Creek as described elsewhere in this document.

It is estimated that the proposed project would result in the removal of up to approximately 31 orange trees (*Citrus sinensis*) within the Stockmeir orchard. It is also estimated the proposed trail and creek restoration project would also result in removing one 15" diameter oak tree (*Quercus agrifolia*), two buckeyes (*Aesculus californica*) (between 15-18" diameter), three walnut trees (*Juglans spp.*) (between 14-16" diameter), and one willow (*Salix spp.*) (11" in diameter). One of the buckeyes is growing on the creek bank within the large stand of nonnative giant reed (*Arundo donax*), which would be removed as part of the project. In addition, an estimated 20 walnut trees in the orchard may be removed as they are diseased.

Consistency: A tree removal permit will be obtained and on file with the City of Cupertino, thus ensuring consistency.

Grading and Building Ordinances

The project would require that grading plans be prepared for all of the grading required for trail construction, creek restoration and other improvements. The City's Public Works Department would review these grading plans to ensure consistency with the City's Grading Ordinance. In addition, building permits would be required by the City's Building Department if new features are proposed that require building permits, this would ensure conformance with the City's Building Code.

Consistency: Review of the grading and plans by the Public Works Department, and Building Department, as required, would ensure that the project is in compliance with the City's Grading Ordinance and Building Code.

Parking

As stated above, the Stockmeir property is zoned A (Agricultural Residential) and the rest of the project area is zoned PR (Public Park or Recreational) on the Cupertino zoning map (Cupertino 2011). The City of Cupertino's Zoning Code does not contain parking requirements for these zones, however parking is of concern and interest. After the first season (2009) in operation, after completion of Phase 1 of the Stevens Creek Corridor Park and Restoration, it was reported by City staff (in Staff Report dated October 1, 2009) that the largest operational challenge was parking. The report stated that the Blackberry Farm parking lot did not meet the parking demand and overflow conditions occurred approximately 8 times between the months of July and September, 2009.

In response to this issue, the City of Cupertino staff made the recommendation to reduce the total capacity of the group picnic sites at the Blackberry Farm Park from 800 to 525 people per day to reduce parking demand and overflow instances. After implementation of the reduced total capacity of the group picnic sites at the Blackberry Farm Park, City staff reported (in Staff Report dated March 3, 2011) that during the 2010 season (May through September), the

parking demand at the Blackberry Farm parking lot exceeded the available parking supply only once. In addition to reducing the maximum picnic sites' capacity, other measures also were implemented to ensure minimal traffic impact to the neighborhood. These measures included strongly encouraging carpooling, requiring staff to park at Monta Vista High School on days with high expectancy of patrons, and hiring Deputy Sheriffs on event days to help control parking and traffic congestion.

As part of this project analysis, Hexagon Transportation Consultants, Inc. (Hexagon) was hired to analyze the projected parking supply to ensure that this amount of parking would be enough to satisfy demand and thus not cause more parking lot overflow at the Blackberry Farm lot. Hexagon estimated that the final segment of the trail proposed under Phase 2 would generate approximately the same amount of traffic that the current trail generates at the other two parking locations. Therefore, the additional parking demand at the Blackberry Farm Golf Course/Blue Pheasant restaurant parking lot attributable solely to the extension of the existing trail would be approximately 7 parking spaces on a weekday and approximately 14 parking spaces on a weekend day.

The proposed project includes the addition a total of 8-10 new passenger vehicle parking stalls and 2 bus parking spaces along Stevens Creek Boulevard. Additionally as part of this project, the Blackberry Golf Course/Blue Pheasant parking lot would be reconfigured to provide an additional 9 parking spaces, for a total of 100 parking spaces. No changes to the parking supply at the Blackberry Farm and McClellan Ranch parking lots are being proposed. The total net increase in parking spaces with the Phase 2 project would therefore be 17-19 passenger vehicle parking stalls and 2 bus parking spaces.

Furthermore, information provided by the City of Cupertino to Hexagon (2011) indicates an increase in the proportion of usage of the Stevens Creek Corridor facilities by local residents versus visitors that are not local. The percentage of the total pool users that were local residents rose from approximately 38% in 2009 to 47% in 2010. The percentage of the group picnic reservations made by City residents rose from approximately 40% in 2009 to 46% in 2010. Greater percentages of local visitors to the facility potentially could result in less vehicular trips to the site. A higher percentage of the visitors may now live close enough to walk or bicycle to the site. With the continued monitoring of the facilities usage and restriction of the allowable daily maximum capacities for the group picnic sites, it is estimated that sufficient parking will be provided to serve all facilities along the Stevens Creek Corridor Park and Trail.

Finally, research was performed to see if there were any previous studies of other trail extensions in the South Bay that could determine if users were from the surrounding community and what their mode of transportation was to get to the trail. The Final Environmental Impact Report (FEIR) documentation for the City of Mountain View's Stevens Creek Trail Reach IV (City of Mountain View, 2004) was most relevant. The City of Mountain View conducted extensive user surveys to determine if users were from the surrounding community and what their mode of transportation was to get to the trail. The Stevens Creek Trail in Mountain View shares similarities to the trail in Cupertino, in that it is surrounded by existing uses, mostly residential. Approximately 650 users were interviewed over three days in July 1999, 700 users in May 2000, 2,900 users June and 600 users in July 2000 for a total of 4,850 user surveys. These surveys were conducted at various access points to open reaches of the built creek trail, at different times of the day, and at different days of the week (weekday and weekend). While these surveys are over ten years old, the surrounding land uses have not changed, and the land uses are similar to those surrounding the Phase 2 Stevens Creek Trail (mostly residential). The findings of the user surveys show that the "majority" user is 'a neighbor who uses the trail for recreation as an extension of a jog, walk, skate, skateboard, or bike outing. Overall, the users did not drive, and on average, one to five percent of peak hour trail users drove and parked at

the trailheads and three to four percent of daily trail users drove and parked at the trail. This means that “an average of three percent of the peak hour and daily trips would arrive and depart the Project by car. Assuming a conservative auto occupancy value of one person per car, it was estimated that the Project would generate approximately two *peak hour* vehicle trips and approximately 10 to 15 *daily* vehicle trips at each of the access points.” The findings in this FEIR also state that “[t]he estimated project contribution of traffic to local streets, on a peak hour or daily basis, would be negligible compared to existing traffic volumes, and realistically would not even be noticeable, even if all access were focused on one location.”

The proposed Stevens Creek Trail Phase 2 project is only an 0.25 mile long extension, parking is provided at either end of this extension, and operational parking issues within the past year have been substantially resolved. For these reasons, it is expected that parking will not be an issue as a result of implementing this project.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

No Impact. The project site is not located in a habitat conservation plan or natural community conservation plan area.

	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact	Beneficial Effect
3.11 MINERAL RESOURCES -- Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

Mineral resources found and extracted in Santa Clara County include construction aggregate deposits such as sand, gravel, and crushed stone. The Santa Clara County General Plan (1995) does not identify any significant mineral resource area in the urbanized areas of the County. The Mineral Resources figure on page 5-14 of the City of Cupertino General Plan (2005) identifies the project area as “Urban/Suburban Developed-Unsuitable for Extraction”.

Discussion:

Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact (a & b). Construction of the project would not result in the loss of availability of known mineral resources of regional or state-wide importance. No regional or state-wide important mineral resources are designated in the project area. No locally important mineral resources are designated at this site in the City of Cupertino General Plan (2005). The project would not result in the loss of availability of any locally-important mineral resources.

	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact	Beneficial Effect
3.12 NOISE -- Would the project result in:					
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

Noise is generally defined as unwanted sound. Sound levels are usually measured and reported in decibels (dB), a unit which describes the amplitude, or extent, of the air pressure changes which produce sound. The major noise sources in the vicinity of the Stevens Creek Corridor are traffic on roadways including Stevens Creek Boulevard, Byrne Avenue, and McClellan Road, and large picnic or swimming groups at Blackberry Farm during the summer.

Regulatory Setting

According to the Cupertino General Plan (2005), the maximum normally acceptable Community Noise Exposure CNEL (dB) level for outdoor recreation areas is 70 dB for playgrounds and neighborhood parks and 75 dB for other uses such as golf courses, riding

stables, water recreation and cemeteries. The City of Cupertino has a noise ordinance which regulates both temporary (construction) and permanent noise levels that are allowed within the City. The project would be required to comply with this noise ordinance.

Discussion:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less Than Significant Impact. Short-term noise levels would be generated by heavy equipment during project construction. Construction would be limited to daytime hours as set forth by Cupertino Municipal Code, Monday through Friday, between 7:00 a.m. and 8:00 p.m. and Saturday and Sunday, between 9:00 a.m. and 6:00 p.m. Construction, grading and demolition activities are further limited to weekdays and non-holidays for construction in areas within 750 feet of residences except as otherwise provided under the Code. The project would not generate or expose people to a permanent increase in noise levels or to noise levels in excess of standards and would adhere to the Cupertino Municipal Code as follows:

10.48.053 Grading, Construction and Demolition

A. Grading, construction and demolition activities shall be allowed to exceed the noise limits of Section 10.48.040 during daytime hours; provided, that the equipment utilized has high-quality noise muffler and abatement devices installed and in good condition, and the activity meets one of the following two criteria:

1. No individual device produces a noise level more than eighty-seven dBA at a distance of twenty-five feet (7.5 meters); or

2. The noise level on any nearby property does not exceed eighty dBA.

B. Notwithstanding Section 10.48.053A, it is a violation of this chapter to engage in any grading, street construction, demolition or underground utility work within seven hundred fifty feet of a residential area on Saturdays, Sundays and holidays, and during the nighttime period, except as provided in Section 10.48.030.

C. Construction, other than street construction, is prohibited on holidays, except as provided in Sections 10.48.029 and 10.48.030.

D. Construction, other than street construction, is prohibited during nighttime periods unless it meets the nighttime standards of Section 10.48.040.

E. The use of helicopters as a part of a construction and/or demolition activity shall be restricted to between the hours of nine a.m. and six thirty p.m. Monday through Friday only, and prohibited on the weekends and holidays. The notice shall be given at least twenty-four hours in advance of said usage. In cases of emergency, the twenty-four hour period may be waived. (Ord. 1871, (part), 2001).

Helicopters would not be used in the construction of this project.

b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?

No Impact. There are no existing or proposed sources of ground vibration, such as may occur from railroad lines or blasting activity at the project site.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Less Than Significant Impact. Once construction is completed, the project would not significantly affect ambient noise levels. The trail would be open to the public year-round, however, the use of the trail is not expected to generate a significant amount of noise over existing levels.

d) A substantial temporary or periodic increase in ambient noise levels in the project above levels existing without the project?

Less Than Significant Impact. The project would not create a substantial temporary or periodic increase in ambient noise levels. Construction of the trail, creek restoration and other project improvements would result in short-term, localized increases in ambient noise levels from equipment used during demolition, building, grading, and channel construction. Construction traffic is estimated to result in 18 truck trips per day during construction. Averaged over an 8-hour work day, this results in 2.25 trips per hour. The majority of construction traffic associated with Phase 2 is expected to enter the project site through the Blue Pheasant parking lot or the Stockmeir property, although some construction traffic may also arrive through Blackberry Farm for certain tasks. In addition, the City is limiting construction vehicle idling time to 5 minutes, per the BMPs listed in the Project Description. Construction of the project would adhere to the City of Cupertino's Noise Ordinance and the Cupertino Municipal Code Section 10.48.053 Grading, Construction and Demolition as discussed above.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The nearest airport to the project site is the Moffett Federal Air Field located seven miles north of the project site. The proposed project site is outside of the airport safety zone and overflight area of airport traffic. The Rancho Rinconada neighborhood in the northeast corner of Cupertino is the only neighborhood affected by air traffic to Moffett Federal Air Field. The project would not expose people to excessive noise levels associated with the Moffett Federal Air Field.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The proposed project is not within the vicinity of a private airstrip and would not expose people to excessive noise levels from private air strips.

	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact	Beneficial Effect
3.13 POPULATION AND HOUSING--					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

No Impact. The project is an extension of the Stevens Creek trail and associated creek restoration, as such would not affect population projections, housing supply, or induce substantial growth in the area. The project would not induce population growth in the community. No new roads or other infrastructure supporting new development is proposed.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

No Impact. The project involves building a trail, and restoring the reach of Stevens Creek within the project site. While there is a house on the Stocklmeir property, it is uninhabited and not a part of this project. Development of the project would not displace any existing housing.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

No Impact. The project is located at the Stocklmeir property in Cupertino, adjacent to Stevens Creek Boulevard and the Blackberry Farm golf course. No residential housing structures on the Stocklmeir property would be altered by the construction of the project. The development proposed at the project site would not displace people or require replacement housing elsewhere.

	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact	Beneficial Effect
3.14 PUBLIC SERVICES --					
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Setting:**Discussion:**

a) **Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:**

i) Fire protection?

No Impact. The proposed project is the construction of a trail and restoration of this reach of Stevens Creek. The Santa Clara County Fire Department's Monta Vista Fire Station, located on Stevens Creek Blvd (just west of South Foothill Boulevard) is located about one mile away from the project area. The project does not increase the need for fire protection services or create an adverse impact on fire protection services. Adequate fire and emergency access would be maintained on the project site during and after construction.

The Countywide Trail Master Plan Uniform Interjurisdictional Trail Design Use and Management (1999) Guideline UD – 4.9 would be followed:

UD – 4.9 Fire Suppression: During preparation of design plans for specific trail alignments, the implementing agency should:

- review in conjunction with local fire protection services, available water sources at the site to allow fire suppression equipment access to emergency water supplies;
- to the extent feasible, select plant materials and or seed mixes utilized at staging areas or along trails for their low maintenance and drought and fire resistant characteristics to minimize additional fuel available.

ii) Police?

Less Than Significant Impact. The proposed project is the construction of a trail and restoration of Stevens Creek. The Santa Clara County Sheriff's Department provides police patrol services, criminal investigation, traffic enforcement, accident investigation and tactical teams for the City of Cupertino. The project as a 0.25 mile extension of the existing Stevens Creek Corridor trail would not increase the need for police protection services because the trail would connect the existing trail at Blackberry Farm to Stevens Creek Blvd, areas already subject to patrol by the Sheriff's Department. Therefore, implementing this project would not result in the need for new police facilities to be constructed or new officers. The City already has a ranger service that patrols the park and trail at Blackberry Farm, which would also offset the potential increase in need of police protection services.

In order to ensure a safe design of the trail, the project would incorporate the following design measure:

Sight Distance

Clearing widths and trail curvature design should be provided to assure an optimum sight distance consistent with the design speed for cyclists where possible. If sight distance on curves, around hills or through densely vegetated areas are inadequate, safety signs and/or reduced speed limits should be considered.

iii) Schools?

No Impact. The proposed project is the construction of a trail and restoration of this reach of Stevens Creek. The project would not result in increased number of students served by local schools.

iv) Parks?

No Impact. The proposed project is the construction of a trail and restoration of Stevens Creek and would provide year round access to a community park.

v) Other public facilities?

Less Than Significant Impact. The proposed trail entry and trail segment would result in an increase in the need for maintenance by the City of Cupertino. The trail would require regular maintenance such as litter and dog waste pickup, emptying trash receptacles, sweeping the trail after flooding, and repairs. Lack of maintenance of the trails results in the degradation of the facilities and could result in safety or security issues. The City has hired a City maintenance worker that performs maintenance duties at the park and on the existing trail. Rangers also perform routine maintenance activities such as litter removal, trash disposal, sweeping and similar tasks.

The following practices would help ensure that the proposed project would be adequately maintained:

- Vegetation growth shall be cleared and obstacles shall be removed where necessary. Good pruning practices along trails shall be followed. Desirable native ground cover plants and low shrubs shall be left intact and allowed to grow along the creek and in restoration areas. Noxious plants (e.g. star thistle) shall be controlled along the trail in a regular manner.
- Corrective work for drainage or erosion problems shall be performed within a reasonable amount of time. Where necessary, barriers to prevent further erosion shall be erected until problems are corrected. Missing or damaged signs shall be replaced as soon as possible. Damaged gates, fences, and barriers shall be replaced as soon as possible. Trail shall be closed if corrective work cannot be accomplished within a reasonable amount of time.
- Trail paving should be swept periodically to keep it free of debris, broken glass, and other litter. Damaged pavement should be replaced as soon as possible.
- Maintain trail in a manner that meets defensible space and fuel modification standards for fire protection.

While the proposed trail and parking area modification would result in an additional area to be maintained, the existing maintenance facilities of the City of Cupertino would be adequate to serve the project. There would be no need for any new or additional maintenance facilities. City maintenance staff and ranger services are in place to operate and provide maintenance in the manner that is used for the existing trail.

	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact	Beneficial Effect
3.15 RECREATION --					
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

Would the project:

a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No Impact (a & b). The trail would connect Blackberry Farm Park, a 365 day-a-year community park, to Stevens Creek Blvd. to provide recreationalists with a linkage from neighborhoods to the north of the site. There would be no fees charged to enter the park. The project would increase existing recreational opportunities by increasing trail connections in the City. It is not anticipated that these changes would result in the accelerated or substantial deterioration of the existing park facilities. The Project does not require the construction or expansion of off-site recreational facilities. The implementation of the project would not require the expansion of other recreational facilities that might have an adverse physical effect on the environment.

	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact	Beneficial Effect
3.16 TRANSPORTATION/TRAFFIC -- Would the project:					
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

The Stevens Creek Phase 2 Trail extension would connect the existing trail at Blackberry Farm Park to Stevens Creek Blvd. Stevens Creek Blvd. is a major arterial that connects the northwestern portion of the City of Cupertino to Highway 85 and the major government, commercial and retail sections of the City that are located to the east of Highway

85. Stevens Creek Blvd. is a six-lane roadway (three lanes in each direction) east of Highway 85, a four-lane roadway at Bubb Road and becomes a two-lane roadway (one lane in each direction) west of Imperial Avenue on the west side of Bubb Road and the railroad tracks that cross Stevens Creek Blvd. Traveling west from Bubb Road along Stevens Creek Blvd., the road dips in elevation, and then crossing Phar Lap Drive, the road curves to the south while rising in elevation. Across Phar Lap Drive to the south is the entrance to the Blue Pheasant Restaurant and the Blackberry Farm Golf Course. Stevens Creek Blvd. continues west for approximately a mile, crossing Foothill Blvd, another arterial roadway, and then ending at the Lehigh Quarry and Cement Plant in the hills west of Cupertino.

The parking lot at the Blue Pheasant is currently able to accommodate 91 vehicles, and this lot can be configured to allow for 9 additional vehicles, for a total of 100 spaces. The parking lot has adequate driveway width and gradient to accommodate emergency vehicle access.

Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit?

No Impact. The increase in traffic along Stevens Creek Blvd. as a result of the opening of this 0.25 mile long trail connection to Blackberry Farm is not expected to be substantial. Hexagon Transportation Consultants, Inc. prepared a report for the Stevens Creek Corridor project (Hexagon 2005) that contained information about predicted traffic in relation to implementing the entire trail from McClellan Ranch to Stevens Creek Blvd. The 2005 Traffic Report concluded that the Stevens Creek Corridor project's increase in traffic was minor and it would not contribute substantially to cumulative traffic impacts. Since the Phase 2 project is a portion of the overall Stevens Creek Corridor project and existing traffic counts and conditions have not changed substantially, no substantial cumulative increases in the construction or operation of extending the trail ¼ mile to Stevens Creek Blvd. are expected.

The City of Mountain View conducted user surveys in 1999 and user counts in 2000 along open stretches of the trail in Mountain View for the Stevens Creek Trail Reach 4 Segment 2 project. The Final Environmental Impact Report (FEIR) for the project states that in July 1999, approximately 650 users were interviewed over three days. A snapshot of the "majority" user was found to be a neighbor who uses the trail for recreation as an extension of a jog, walk, skate, skateboard, or bike outing. Surveys were also done to determine the mode of access for these trail users. Overall, the majority of trail users accessed the trail by bike or on foot (either walking or jogging). On average, only about one to five percent of peak hour users drove and parked at the trail and three to four percent of daily trail users drove and parked at the trail (City of Mountain View 2004). The proposed project anticipates a similar user profile with most users accessing the trail on foot or by bicycle and not by car. In addition, if the Stevens Creek Park and Restoration Phase 2 project is completed, the entire length of the Stevens Creek Corridor Park trail in Cupertino would measure about 5,250 feet (about 1 mile) from McClellan Ranch to Stevens Creek Boulevard. This length of trail is expected to attract users from surrounding neighborhoods accessing the site on foot or on bikes rather than with cars.

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards

established by the county congestion management agency for designated roads or highways?

No Impact. Stevens Creek Blvd. at the location of Stevens Creek is not within the County of Santa Clara's Congestion Management Program (CMP); therefore, there is no potential for the project to conflict with the County's CMP.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

No Impact. The proposed project is not near a private or public airport and would not affect air traffic patterns (Cupertino 2005).

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less Than Significant Impact. The trail alignment is expected to include a sharp turn where the current driveway on the Stockmeir site exits the property onto Stevens Creek Boulevard. At that point, the pathway will angle from the property onto the sidewalk that exists on the south side of Stevens Creek Boulevard and connects to an existing pedestrian bridge spanning Stevens Creek. This location could involve safety hazards for cyclists if not designed properly. This location will receive special design features to ensure that cyclists exiting the Stockmeir site will be aware of, and will safely maneuver, this area. The design features will be as engineered by the civil engineer of record and as acceptable to the City Public Works Department. Design features at this location may include elements such as signage, safety fencing, chicane-style offsets, or other measures.

The pedestrian/bicycle crossing on Stevens Creek Blvd. could create safety hazards if it is not designed properly. The following discussion focuses on this new feature. No other safety hazards have been identified. Final designs of the parking lot modifications at the Blue Pheasant/Golf Course would be prepared according to the applicable City of Cupertino standards.

As described in the Project Description, a pedestrian/bicycle crossing at Stevens Creek Boulevard at Phar Lap Drive is proposed in order to provide pedestrian/bicycle access to the new trail and project site, and to connect the new trail segment with the existing bicycle lane on the north side of Stevens Creek Boulevard. Residents living to the north of Stevens Creek need a pedestrian/bicycle crossing to reach the project area and the Stevens Creek trail. Bicyclists leaving the Phase 2 project site on Stevens Creek Boulevard who wish to travel west toward Foothill Boulevard must use the existing bicycle lane on the north side of Stevens Creek Boulevard.

The crossing at Stevens Creek Boulevard would be located on the west side of the Phar Lap intersection. As space allows, a median island with a pedestrian refuge would be installed near the center of Stevens Creek Boulevard to provide some traffic calming in this area. Flashing motorist warning lights would also be installed on Stevens Creek Boulevard on both down grades that approach the crossing to alert motorists of crosswalk use.

The safety hazards associated with this crossing will be less than significant as the crossing would be designed and constructed according the requirements of the City of Cupertino Public Works Director. It would be similar to other existing intersecting crossings in the City such as the one on Mary Avenue between Memorial Park and The Oaks Shopping Center. As described above, the crossing would be designed to give motorists warning of the

crosswalk and to provide a clearly identified crosswalk with a possible median island for a pedestrian refuge.

e) Result in inadequate emergency access?

No Impact. Emergency access to the project site would be available via the parking lots at the Blue Pheasant and Blackberry Farm. Existing driveways and parking areas at both of these lots are able to accommodate emergency vehicles.

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

No Impact. The Phase 2 trail is consistent with policies in the Cupertino General Plan regarding bicycle transportation and encouraging alternatives to the use of the automobile. This ¼ mile long trail would link the Phase 1 trail at Blackberry Farm with Stevens Creek Blvd. and thus would provide trail users with a trail along the entire Stevens Creek Corridor. The project would provide a pedestrian sidewalk on Stevens Creek Boulevard to connect this project with other portions of the Stevens Creek Trail and the existing bicycle lane on Stevens Creek Boulevard. Bike racks are provided in various areas of Blackberry Farm and McClellan Ranch to accommodate visitors who bike to the facilities offered in the project site.

Generally, construction traffic is not considered significant because it is temporary. An estimated 18 truck trips per day are estimated during construction of the project. Averaged over an 8-hour day, this results in 2.25 trips per hour and is not considered significant. Noise resulting from this construction traffic is addressed in the Noise section (3.12).

	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact	Beneficial Effect
3.17 UTILITIES AND SERVICE SYSTEMS -- Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

No Impact. No wastewater generating activities are proposed by the project that would require treatment by the local wastewater treatment provider. No new restrooms will be built as a result of this project.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

No Impact. The project involves trail installation and creek restoration. The project would not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Less Than Significant Impact. The project would install a new approximately 8 to 10-foot wide by 0.25-mile (1,300-foot) long trail extension along Stevens Creek in Cupertino. The trail itself would not require the construction of new stormwater drainage facilities. The parking lot at the Blue Pheasant is not being expanded, but rather being repaved and reconfigured to accommodate more vehicles. The overall impervious surface at the parking lot would remain unchanged and the project would not affect existing stormwater drainage facilities. The impact is considered less than significant.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

No Impact. The project would construct a trail and restore a reach of Stevens Creek. Irrigation of the restoration planting would come from existing water entitlements and resources.

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

No Impact. The proposed project is not expected to change the demand for wastewater treatment. The capacity of the local wastewater treatment plant serving the local community is not affected by the proposed project.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

No Impact. Users of the trail would generate new garbage which would be collected at trash bins located throughout the trail and park areas. The total amount of trash generated would not impact the solid waste disposal system.

g) Comply with federal, state, and local statutes and regulations related to solid waste?

No Impact. The project would comply with federal, state and local statutes and regulations related to solid waste.

	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact	Beneficial Effect
3.18 MANDATORY FINDINGS OF SIGNIFICANCE --					
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (Cumulatively considerable means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Less Than Significant Impact with Mitigation. One of the primary purposes of the project is to improve wildlife habitat conditions along the Stevens Creek Corridor. Steelhead which are listed as Threatened under the Federal Endangered Species Act and other aquatic wildlife would benefit from the removal of barriers within the creek that are restricting movement through the stream system. Implementation of mitigation measures are included in the Initial Study/Mitigated Negative Declaration. These measures would ensure that all potentially significant impacts from the project will be avoided or reduced to less than significant levels and that vegetation and wildlife will not be significantly impacted by the project. Overall the project would benefit native vegetation and wildlife.

b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Less Than Significant Impact. This project would not have cumulative impacts on water quality, wildlife and or vegetation as the mitigation measures listed in the document would avoid or reduce identified impacts to less than significant levels.

c) Does the project have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly?

Less Than Significant Impact with Mitigation Incorporated. The project would not have environmental effects that will cause substantial adverse effects on humans, either directly or indirectly. Implementation of mitigation measures are included in this IS/MND. These measures would ensure that all potentially significant impacts from the project would be avoided or reduced to less than significant levels.