UNIVERSITY OF CALIFORNIA
BLUE OAK RANCH RESERVE
MULTI-USE FACILITIES AND INFRASTRUCTURE PROJECT

Initial Study and
Mitigated Negative Declaration

The following Initial Study has been prepared in compliance with CEQA.

PREPARED BY:

UC BERKELEY PHYSICAL & ENVIRONMENTAL PLANNING
Capital Projects
300 A&E Building
Berkeley, California 94720-1382

August 2013

CONTACT: BETH PIATNITZA, ASSOCIATE DIRECTOR
510-643-2082
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University of California Blue Oak Ranch Reserve
Multi-use Facilities and Infrastructure Project
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1. PROJECT INFORMATION

Project title:

Blue Oak Ranch Reserve Multi-Use Facilities and Infrastructure Project

Lead agency’s name and address:

The Regents of the University of California
1111 Franklin Street
Oakland, California 94607

Contact person:

Beth Piatnitza, Associate Director
UC Berkeley Physical & Environmental Planning
Capital Projects
300 A&E Building
Berkeley, California 94720-1382
510-643-2082

Project location:

University of California Blue Oak Ranch Reserve
Santa Clara County

Project sponsor’s name and address:

UC Berkeley Physical & Environmental Planning
Capital Projects
300 A&E Building
Berkeley, California 94720-1382

Location of administrative record:

See lead agency.
2. INTRODUCTION

The mission of the University of California, Natural Reserve System’s (NRS) Blue Oak Ranch Reserve (hereafter, the Blue Oak Ranch Reserve or the Reserve), located on the west-facing slope of the Diablo Range in northern Santa Clara County, California, is to contribute to the understanding and wise stewardship of the Earth and its natural systems by supporting university-level teaching, research and public service at protected natural areas throughout California. The Reserve disseminates this knowledge to promote wise management and conservation of natural and cultural resources. Comprised of 3,260 acres of non-native grassland, mixed species oak, woodland and savanna, coastal chaparral, and extensive riparian habitat, the Reserve provides access to protected habitats, support facilities, and scientific equipment.

The University’s NRS draws scientists from around the world to conduct research in protected landscapes. The Blue Oak Ranch Reserve became part of the NRS in 2007 and has grown in its use in field courses and as a resource for researchers from many sectors – including academic, business, government agencies, and NGOs. Research activities range across a broad spectrum of biological and physical sciences, from population genetic studies and systematics to whole ecosystems and the effects of climate change. Due to the lack of housing facilities, students and researchers are on the Reserve only during dry months as campers. The proposed project, to be funded by California Proposition 84 funds, would construct residences for reserve staff and their families, group lodging and associated kitchen and dining facility for visiting researchers, tent platforms, a new well, septic systems, and a photovoltaic array. The development would be concentrated in the area of the Reserve that already experiences human activity near the one usable building on the site – a 5,000-square-foot cedar barn constructed in 1993. This structure currently serves as the director’s residence and office, and provides a common workshop, restroom, small classroom, and group kitchen for visiting students and researchers. With the proposed improvements, the Reserve would be able to accommodate an additional Reserve staff member and dependent and up to 100 temporary daytime users and up to 52 overnight users at a time. The new facilities will dramatically enhance the suitability of the Reserve for continuous research, instruction, public outreach, and resource stewardship.

2.1 Initial Study

Pursuant to Section 15063 of the California Environmental Quality Act (CEQA) Guidelines (Title 14, California Code of Regulations, Sections 15000 et seq.), an Initial Study is a preliminary environmental analysis that is used by the lead agency as a basis for determining whether an Environmental Impact Report (EIR), a Mitigated Negative Declaration, or a Negative Declaration is required for a project. The State CEQA Guidelines require that an Initial Study contain a project description, description of environmental setting, identification of environmental effects by checklist or other similar form, explanation of environmental effects, discussion of mitigation for significant environmental effects, evaluation of the project’s consistency with existing, applicable land use controls, and the name of persons who prepared the study.
2.2 Public and Agency Review

This Initial Study was circulated for public and agency review from July 8 to August 7, 2013. Copies of this document were made available for review at the following locations:

UC Berkeley Physical & Environmental Planning, Capital Projects, 300 A&E Building on the UC Berkeley campus

- Reserves at Doe Memorial Library on the UC Berkeley campus
- Alum Rock Branch Library
- Online at http://www.facilities.berkeley.edu/Projects_Info_Notices.htm

Comments on this Initial Study were due by 5:00 PM on August 7, 2013 to:

Beth Piatnitza
Associate Director
UC Berkeley Physical & Environmental Planning
Capital Projects
300 A&E Building
Berkeley, California 94720-1382

The University has reviewed the comments received on the Initial Study and prepared responses to those comments that relate to the environmental impacts of the project. The comments and responses are included in this Initial Study/Mitigated Negative Declaration.

2.3 Organization of the Initial Study

This Initial Study is organized into the following sections:

**Section 1 – Project Information:** provides summary background information about the proposed project, including project location, lead agency, and contact information.

**Section 2 – Introduction:** summarizes the scope of the document, the project’s review and approval processes, and the document’s organization.

**Section 3 – Project Description:** includes a description of the proposed project, including the need for the project, the project’s objectives, and the elements included in the project.

**Section 4 – Environmental Factors Potentially Affected:** identifies which environmental factors, if any, involve at least one significant or potentially significant impact that cannot be reduced to a less than significant level.

**Section 5 – Determination:** indicates whether impacts associated with the proposed project would be significant, and what, if any, additional environmental documentation is required.

**Section 6 – Evaluation of Environmental Impacts:** contains the Environmental Checklist form for each resource area. The checklist is used to assist in evaluating the potential environmental impacts of the proposed project with respect to the significance thresholds adopted by the University of California. This
section also presents a background summary for each resource area, the standards of significance, and an explanation of all checklist answers.

**Section 7 – Comments and Responses:** contains the comments received on the analysis contained in the draft Initial Study and the responses to those comments.

**Section 8 – Supporting Information Sources:** lists materials used in the preparation of this document.

**Section 9 – Initial Study Preparers:** lists the names of individuals involved in the preparation of this document.

**Appendix A – Mitigated Negative Declaration:** presents the Mitigated Negative Declaration for the project.

**Appendix B – Biological Resources Study Report:** presents the result of field studies and an evaluation of habitat conducted for the project site and its vicinity.

**Appendix C – Archaeological Resources Assessment Report:** presents the results of cultural resources archival and field studies for the project site and vicinity.

**Appendix D – Mitigation Monitoring and Reporting Program:** contains the implementation plan for each mitigation measure identified in the Mitigated Negative Declaration.
3. PROJECT DESCRIPTION

3.1 Regional Location

The 3,260-acre Blue Oak Ranch Reserve (Reserve) is located in Santa Clara County about 3 miles north of Mount Hamilton Road, 9 miles east of downtown San Jose, and 5 miles northwest of Lick Observatory on Mount Hamilton (see Figure 1).

3.2 Project Overview

The Reserve has been administered by the UC Berkeley campus as part of the University of California Natural Reserve System since 2007 and is used for university-level research, teaching, and outreach. The Reserve includes mixed species oak woodland and savanna, coastal chaparral, ponds, and riparian habitat including 2 miles of Arroyo Hondo, the primary water source for the Calaveras reservoir. Existing facilities on the Reserve include a 5,000-square-foot post-and-beam cedar barn, the 400-square-foot Amos White cabin, a 4,000-gallon water tank, a 5-kilowatt photovoltaic array on the roof of the barn, and approximately 15 miles of dirt two-track roads. The Amos White cabin was found to be uninhabitable and is used for storage only. The cedar barn is located in the west-central portion of the Reserve near the southwestern edge of the property. A 100+ year old barn was previously on the Reserve which had fallen over in a windstorm, and was subsequently dismantled in the mid-1990s following construction of the new barn in 1993.

The University is proposing minor upgrades to the existing cedar barn to serve as a maintenance and administrative building; construction of two three-bedroom residences for Reserve staff and their families (with a provision to construct a third residence); construction of group lodging for up to 32 short-term visitors with a common kitchen, dining and bathing area; construction of 10 camp shelters for up to 20 short-term visitors\(^1\) with a camp kitchen, and bathing area; infrastructure improvements (i.e., new septic system, well, and solar power); and re-graveling of the primary access road serving the Reserve facilities.

3.3 Project Site

The approximately 5-acre project site is located in the southwestern portion of the Reserve property near Big Lake (see Figure 2). The site is an open meadow dominated by coyote brush and dotted with oak trees. The only existing structures within the project site are the cedar barn, a photovoltaic array, and a water tank.

The cedar barn was built in 1993 when the Blue Oak Trust purchased the Reserve from a private owner. Since the time that the Reserve was donated to the University of California in 2007, the barn has served as the reserve director’s residence, office, workshop, restroom, small classroom, and group kitchen. The barn is connected to utilities, including electricity from the on-site photovoltaic array, propane from an above-ground storage tank about 50 feet north of the barn, domestic water piped underground from a nearby well, and a septic system.

\(^1\) Each camp shelter can accommodate a maximum of four occupants. Although not normally expected, the Reserve could accommodate up to 72 overnight users on rare occasions (once or twice a year). The Reserve expects to have less than 52 short-term visitors on the site at most times.
3.4 Project Elements

3.4.1 Proposed Improvements

The proposed project would construct improvements in six different categories: (1) existing barn, (2) camping platforms and facilities, (3) residences, (4) group lodging and facilities, (5) utility structures, and (6) maintenance (see Figure 3). Minimal improvements to the existing barn are proposed as part of the project, which is detailed below. A breakdown of new construction is presented in Table 1 below, followed by a description of all proposed improvements.

<table>
<thead>
<tr>
<th>Improvement Type</th>
<th>Conditioned Space (square feet)</th>
<th>Unconditioned Space (square feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Camping</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Covered Shelters</td>
<td>1,400</td>
<td></td>
</tr>
<tr>
<td>Camp Bath</td>
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<td>200</td>
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<tr>
<td>Camp Kitchen</td>
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<td>400</td>
</tr>
<tr>
<td>Observation Platform</td>
<td></td>
<td>200</td>
</tr>
<tr>
<td><strong>Utility Structures</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Battery Storage</td>
<td></td>
<td>100</td>
</tr>
<tr>
<td>Well House</td>
<td></td>
<td>200</td>
</tr>
<tr>
<td><strong>Group Lodging</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sleeping Rooms</td>
<td>1,400</td>
<td></td>
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<tr>
<td>Dining</td>
<td>600</td>
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<tr>
<td>Kitchen</td>
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<td></td>
</tr>
<tr>
<td>Bath House</td>
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<tr>
<td>Covered Porches</td>
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<td>Terrace</td>
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<td>700</td>
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<tr>
<td><strong>Staff Residences</strong></td>
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<td></td>
</tr>
<tr>
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<tr>
<td>Carports</td>
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<td><strong>Subtotal</strong></td>
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<td><strong>Total</strong></td>
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<tr>
<td>Parking</td>
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</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>42,700</td>
<td></td>
</tr>
</tbody>
</table>
Existing Barn

The improvements would include interior modifications of the barn, including converting the existing living space into space for storage and administrative uses, upgrading the restroom for better access, and recommended seismic upgrades.

Camping Shelters and Facilities

The improvements would include construction of a camp kitchen and bathroom, and approximately 10 140-square-foot raised tent platforms/camp shelters with canvas walls. An existing fire pit approximately 100 feet west of the barn would remain in place.

Group Lodging and Associated Facilities

The improvements would include construction of a 2,700-square-foot group lodging facility with a common kitchen, dining, and bathing area and screened porch.

Residences

The improvements would include a new driveway extending approximately 350 feet north from the existing road ending at one of the residences. The other residence would be located approximately two thirds of the way along the driveway to the east. An RV hookup would be located approximately one third of the way along the drive to the west. The potential site for a future third residence is located off of the existing road at the end of an approximately 100-foot driveway. Each residence would be approximately 1,200 square feet with a covered porch of approximately 730 square feet. Up to three carports would also be constructed near the residences. The only landscaping proposed as part of the project would be a garden and approximately 10 fruit trees located near the residences.

Utility Structures

The improvements would include a proposed well and pump station located to the north of the proposed parking spaces along the existing road and a new photovoltaic array and associated battery storage located approximately 200 feet along the northern existing road.

Maintenance

The improvements would include a new work yard about 70 feet by 30 feet established adjacent to the barn. This area would be restricted to loading and unloading, and parking of staff vehicles only.

3.4.2 Utilities

Two new 20,000-gallon water tanks (approximately 22 feet in diameter and 8 feet in height) would be built on-site, approximately 20 feet southeast of the project site access road and 1,300 feet northeast of the existing barn. The existing water tank located approximately 350 feet north of the barn would be decommissioned. The existing well would be decommissioned and a new well would be installed.

2 Although only two residences are proposed at this time, because the proposed project identifies a site for the third residence and the sewer capacity planned for the residence zone takes the third residence into account, this Initial Study analyzes the environmental impacts of all three residences.
An 8-inch underground pipe would extend from the water tanks to the pump house located approximately 200 feet to the northeast of the existing barn. A 4-inch pipe would convey water from the pump house to the barn, and a 6-inch pipe would convey water from the pump house to the residences.

Two new septic tanks would be installed to serve the residences, the group housing, and the barn. A 2,000-gallon tank (7 feet in diameter, 18 feet in length, and 8 feet below ground surface) and an approximately 1,500-square-foot leach field would serve the occupants of the full-time residences. The group lodging and the barn would be served by a 6,000-gallon tank (10 feet wide, 34 feet in length and 8 feet below ground surface) that would extend to an approximately 5,100-square-foot leach field immediately south of the access road.

### 3.4.3 Roadways and Parking

The proposed project includes repairs to the existing gravel road (which is an unnamed road and is referred to as the Reserve Access Road in this Initial Study), for approximately 1.5 miles from the Reserve gate on Mount Hamilton Road to the south entrance gate, at the Twin Tanks Gate. Repairs would consist of grading, compaction, and graveling, and would occur as the final phase of construction. The road would not be widened and no infrastructure would be installed along the road.

Thirty angled parking spaces would be provided along the site access road approaching the barn. Fifteen of these spaces would be located approximately 250 feet east of the barn and the remaining 15 spaces would be located along the road, approximately 550 feet east of the barn. In each of these locations, the road would be widened, compacted, and graveled to provide the parking. To the southeast of the group housing would be an ADA parking space and seven temporary parking spaces. Usage of the site access road west of the group housing would be restricted to staff vehicles only. The road, parking areas, driveways, and footpaths would be covered with permeable crushed granite to allow stormwater infiltration and reduce erosion.

### 3.4.4 Sustainable Design Elements

The proposed project would be consistent with the UC Sustainable Practices Policy. Applicable measures included in the UC Sustainable Practices Policy for new buildings require that new buildings exceed Title 24 requirements by at least 20 percent, buildings achieve a LEED certification of “Silver” at a minimum, and specific waste reduction goals be achieved. The sustainability goals of the proposed project also include use of energy-efficient building techniques and systems, and planting of low-water-use plants. The project will be independent from the electric grid due to construction of a 2,770-square-foot photovoltaic array included in the project.

The project has been designed to avoid the removal of any existing trees and all of the proposed facilities are located away from areas that contain sensitive resources.

### 3.4.5 Population

Currently, two Reserve staff and their dependents (one each) live on the project site. In addition, other users (including researchers) visit the site temporarily with overnight stays. The proposed project would increase the number of permanent and short-term accommodations available at the Reserve. This would allow for one additional Reserve staff and their dependent to live on the site, for a total of three year-round staff and their dependents. Therefore the project would result in a small permanent increase in population on the Reserve, as it would provide housing for up to six year-round residents.
Excluding Reserve staff and their dependents, all other Reserve users would be on-site temporarily, with a typical stay lasting from a few days to up to three months. With respect to visitors and Reserve users, the proposed project will provide short-term accommodations for up to 52 visitors to be on the Reserve overnight.

The Reserve estimates that taking these daytime and overnight visitors into account, over the course of a year there could be approximately 8,500 use days or an average of approximately 23 users on the site every day (8,500 use days divided by 365 days). The anticipated usage spread is 40 weekend overnight visits involving 52 visitors; five to eight days at the maximum 100 day users; and approximately 25 to 30 overnight users continuously for three months per year. This represents about 80 percent of the 8,500 use days.

3.5 Construction Schedule and Staging

Construction of the proposed project is anticipated to begin in summer 2014 and last for approximately 24 months. Grading and soil disturbance is restricted to the dry period between May and October 15. Staging and contractor parking associated with the proposed project would occur on-site, and away from known sensitive areas. Staging and phasing will be carefully considered to reduce the total disturbed area. The existing dirt track access road (Reserve Access Road) is adequate for trucks and trailers up to 30 feet in length. Height and width constraints are primarily due to vegetation which may require trimming depending upon vehicle height. However, the Reserve is considering the possibility of remote parking at the Reserve entry and shuttles to the project site for construction team members in order to minimize construction traffic. The only public road leading to the Reserve's access road that is suitable for larger vehicles is State Highway 130, which is restricted to trucks under 40 feet in length without a special use permit and traffic control.

3.6 Project Need and Objectives

The lack of adequate housing on the Reserve limits the ability of students and researchers to make extended stays and constrains the research that can be carried out at the Reserve. In addition, the existing barn has inadequate building systems for use as a residence (i.e., sprinkler system). The proposed project is needed to provide increased short-term housing for users and improved housing conditions for Reserve staff to further the Reserve’s mission of providing educational and research opportunities and conserving local resources.

The project objectives are to:

- Provide adequate seasonal and short-term housing for students and researchers using the Reserve;
- Minimize the impact of the project by consolidating new facilities near the existing barn;
- Maintain existing trees and natural areas around the barn area; and
- Minimize the effects of construction traffic on the access road.

3.7 Surrounding land uses and environmental setting

The Reserve is located within the Diablo Range of eastern Santa Clara County. It is bordered by publicly and privately owned open land on all sides. Land to the northwest is privately owned. The Nature Conservancy owns land to the north, the San Francisco Public Utilities Commission owns lands to the east, and land to the southwest is privately owned. There are a few widely scattered residences within the surrounding lands.
Approximately two-thirds of the Reserve is drained by tributaries of Arroyo Aguague, which is a tributary of Coyote Creek (via Penitencia Creek), which flows into Coyote Creek and then into the southern San Francisco Bay. The bowl-shaped Arroyo Aguague watershed is characterized by steep wooded slopes and meadows, and open flats dotted with oaks and coyote brush. The nearest rural residence is located off of the Reserve Access Road about two-thirds of a mile south of the project site.

### 3.8 Conservation Easement

The Nature Conservancy holds a Conservation Easement over the Reserve which is responsible for ensuring that the Reserve is in compliance with the Conservation Easement. Within the Reserve is a 10-acre area, referred to as the Compatible Use Zone. All Reserve land outside of this zone is referred to as the Wilderness Zone.

The Conservation Easement requires that any new facilities constructed on the Reserve by the University be limited to the Compatible Use Zone. Within the Compatible Use Zone, the University shall not construct more than 11,300 square feet of conditioned (i.e., enclosed, habitable) facilities in an area around and near the existing barn. The development area for the facilities shall not exceed 10 acres and the facilities shall not be constructed in more than three separate facility areas. The allowed facility uses include teaching, research activities, and non-commercial housing for Reserve resident staff and Reserve users. In addition to facilities, support infrastructure is allowed for storage, power, water, gas, septic, waste disposal, and communication systems.

The proposed project proposes to construct 7,700 square feet of conditioned space, which would be allowed under the Conservation Easement. In addition, all of the proposed facilities would be constructed in three areas within the Compatible Use Zone.

In addition, the Reserve is subject to an Open Space Easement agreement with Santa Clara County, which requires that the project obtain a Compatible Use Determination and undergo Enhanced Design Review. The Agreement restricts the size of the development to a total of 5 acres and the use of the proposed development to scientific, research and educational study of the environment. The total project development is less than 5 acres and is compliant with the Open Space Easement Agreement.

### 3.9 Project Approvals

As a public agency principally responsible for approving or carrying out the proposed project, the University of California is the Lead Agency under CEQA and is responsible for reviewing and certifying the adequacy of the environmental document and approving the proposed project. Approval of the proposed project has been delegated to the UC Berkeley Chancellor by The Board of Regents of the University of California. The approval of the project is expected to be considered by the Chancellor in September 2013.
4. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

- □ Aesthetics
- □ Agricultural and Forestry Resources
- □ Biological Resources
- □ Cultural Resources
- □ Greenhouse Gas Emissions
- □ Hazards & Hazardous Materials
- □ Land Use/Planning
- □ Mineral Resources
- □ Population/Housing
- □ Public Services
- □ Transportation/Traffic
- □ Utilities/Service Systems
- □ Air Quality
- □ Geology/Soils
- □ Hydrology/Water Quality
- □ Noise
- □ Recreation
- □ Mandatory Findings of Significance

5. DETERMINATION: (TO BE COMPLETED BY LEAD AGENCY)

On the basis of the initial evaluation that follows:

- □ I find that the proposed project WOULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

- ■ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made that will avoid or reduce any potential significant effects to a less than significant level. A MITIGATED NEGATIVE DECLARATION will be prepared.

- □ I find that the proposed project MAY have a significant effect on the environment. An ENVIRONMENTAL IMPACT REPORT will be prepared.
6. EVALUATION OF ENVIRONMENTAL IMPACTS

During the completion of the environmental evaluation, the lead agency relied on the following categories of impact noted as column headings in the IS checklist:

A) “Potentially Significant Impact” is appropriate if there is substantial evidence that the project’s effect may be significant. If there are one or more “Potentially Significant Impacts” a Project EIR will be prepared.

B) “Less Than Significant With Mitigation Incorporated” applies where the incorporation of Continuing Best Practices and LRDP Mitigation Measures and, if necessary, project-specific mitigation measures will reduce an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” All mitigation measures must be described, including a brief explanation of how the measures reduce the effect to a less than significant level.

C) “Less Than Significant Impact” applies where the project will not result in any significant effects. The project impact is less than significant without the incorporation of mitigation.

D) “No Impact” applies where a project would not result in any impact in the category or the category does not apply. “No Impact” answers need to be adequately supported by the information sources cited, which show that the impact 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 will not expose sensitive receptors to pollutants, based on a project specific screening analysis).
### Impact Questions and Responses

<table>
<thead>
<tr>
<th>Issues</th>
<th>(A)</th>
<th>(B)</th>
<th>(C)</th>
<th>(D)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Potentially Significant Impact</td>
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<tr>
<td>Less Than Significant with Mitigation Incorporated</td>
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<tr>
<td>No Impact</td>
<td></td>
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</tr>
</tbody>
</table>

#### 6.1 Aesthetics

Would the project:

a) Have a substantial adverse effect 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? □ □ □ ■

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

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

#### Relevant Elements of Project

The proposed project would construct camp shelters and an associated kitchen and bathroom, group lodging, up to three residences, associated driveways, parking areas, roadway improvements, and utility infrastructure. The developed area is a small portion of the Reserve and is surrounded by natural areas including oak woodlands, coyote bush, and Big Lake to the west.

#### Discussion of Potential Project Impacts

a) A scenic vista is defined as a publicly accessible viewpoint that provides expansive views of a highly valued landscape. The roads within the Reserve are not accessible to the public and the project site is not visible from publicly accessible viewpoints. Therefore, the proposed project would have no effect on a scenic vista.

b) There are no state scenic highways near the project site, and the project would therefore have no impact on scenic resources within a scenic highway.

c) The project consists of a series of small improvements. The addition of the proposed buildings would increase intensity of development on the project site but would be constructed at a comparable scale or smaller than the existing barn. The new facilities would be constructed so as to minimize disturbance to the natural landscape. No trees would be removed to construct the improvements. As discussed under item 6.1(a), above, the project is not visible to the public. For these reasons, it would have a less than significant impact on visual character and the quality of the project site and its surroundings.
d) The proposed residences and group lodging would include low-wattage exterior porch lights and interior lighting that would be visible at night only in the immediate vicinity. Glazed windows would also be a potential source of daytime glare. Because of the small scale of the project, it would add minimal new lighting and glazing and post-project conditions would be substantially similar to existing conditions on site. No new area lighting, such as streetlights or parking lot illumination, is planned. The proposed project would therefore have a less than significant impact related to light and glare.

**Project-Level Mitigation Measures**

No mitigation is required.

**Significance Determination**

Impacts would be less than significant.
<table>
<thead>
<tr>
<th>Issues</th>
<th>(A)</th>
<th>(B)</th>
<th>(C)</th>
<th>(D)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Potentially Significant Impact</td>
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<tr>
<td>Less Than Significant with Mitigation Incorporated</td>
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<tr>
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</tr>
<tr>
<td>No Impact</td>
<td></td>
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</tr>
</tbody>
</table>

### 6.2 AGRICULTURE AND FORESTRY RESOURCES

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?

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

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 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

d) Result in the loss of forest land or 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?

**Relevant Elements of Project**

The proposed project would construct residences, camp shelters, group lodging, and other minor improvements on the Reserve in an area that is not used for agriculture or timber production.

**Discussion of Potential Project Impacts**

a) There is no mapped Farmland on the project site, and the project would therefore have no impact on Farmland.

b) University of California-owned lands are state lands that generally are not eligible for Williamson Act agreements because the University is exempt from property taxation. The University is also not subject to local zoning controls. The project site is not within an area subject to a Williamson Act contract. The
The proposed project would not conflict with existing zoning for agricultural use or a Williamson Act contract, and no impact would occur.

c) Forest land is defined in PRC Section 12220(g) as “land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.” The proposed project site, like the majority of the Reserve, meets this definition, although the site itself is not forested and is currently developed with a barn. The proposed project would support and be consistent with the Reserve’s continuing use for management of forest resources including aesthetics, fish and wildlife, biodiversity, water quality, and other public benefits. The definitions of timberland found in PRC 4526 and Government Code 51104 are not relevant to the proposed project, as these apply to sites used for timber production and harvesting and projects where a timberland conversion permit is required.

The project site is designated Ranchland in the Santa Clara County General Plan. Therefore, there would be no conflict with forest land or timberland. No rezoning of Timberland is proposed or required for the project to proceed. There would be no impact with regard to this criterion.

d, e) The project would not have impacts related to loss or conversion of forest lands because no forest lands would be affected by construction of the project. The project would not involve conversion of timberland to another use. There is no Farmland on or in the immediate vicinity of the project site. For this reason and the reasons discussed under item 6.2(c), above, the project also would not involve changes to the existing environment that could cause conversion of Farmland or forest land to non-agricultural or non-forest use.

**Project-Level Mitigation Measures**

No mitigation is required.

**Significance Determination**

Impacts would be less than significant.
6.3 **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?
- b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
- 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)?
- d) Expose sensitive receptors to substantial pollutant concentrations?
- e) Create objectionable odors affecting a substantial number of people?

<table>
<thead>
<tr>
<th>Issues</th>
<th>(A)</th>
<th>(B)</th>
<th>(C)</th>
<th>(D)</th>
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<tbody>
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<tr>
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<tr>
<td>No Impact</td>
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</tr>
</tbody>
</table>

**Relevant Elements of Project**

The proposed project would construct up to three staff residences, group lodging, camp shelters, associated driveways, parking areas, roadway improvements, and utility infrastructure that would temporarily accommodate up to 52 additional short-term overnight users as well as an additional permanent Reserve staff and dependent on the Reserve site at a time. There would be an increase in vehicle trips, estimated at about five additional vehicle trips per day from the two new permanent residents. The temporary users could increase the trips per day as well. However, as described in Section 6.16, that number is expected to be low.

**Discussion of Potential Project Impacts**

a) The project site is located in the County of Santa Clara, which is situated in the southern portion of the San Francisco Bay and within the boundaries of the San Francisco Bay Area Air Basin (SFBAAB or
The Bay Area Air Quality Management District (BAAQMD) has jurisdiction over air quality issues in the Basin. The SFBAAB is currently designated as a nonattainment area with respect to the national ambient air quality standard for 8-hour ozone ($O_3$) and 24-hour fine particulate matter (PM2.5), and is designated as attainment or unclassifiable for all other pollutants. The Basin is designated as a nonattainment area with respect to the state ambient air quality standards for $O_3$, respirable particulate matter (PM10), and PM2.5, and is designated as attainment or unclassified for all other pollutants.

The Bay Area 2010 Clean Air Plan (CAP) provides a comprehensive plan to improve Bay Area air quality and protect public health. The 2010 CAP defines a control strategy that the District and its partners will implement to: (1) reduce emissions and decrease ambient concentrations of harmful pollutant; (2) safeguard public health by reducing exposure to air pollutants that poses the greatest health risk, with an emphasis on protecting the communities most heavily impacted by air pollution; and (3) reduce greenhouse gas emissions to protect the climate. The 2010 CAP is designed to update the most recent ozone plan, the BAAQMD 2005 Ozone Strategy, to comply with state air quality planning requirements as codified in the California Health and Safety Code. State law required the CAP to include all feasible measures to reduce emissions of ozone precursors and to reduce transport of ozone precursors to neighboring air basins. In addition, UC Berkeley’s Office of Sustainability tracks progress toward meeting emissions reduction goals of UC Berkeley’s 2009 Climate Action Plan.

It is the policy of UC Berkeley to implement Continuing Best Practices and control measures outlined in the Long Range Development Plan (LRDP) for all projects. The Continuing Best Practices and Mitigation Measures are consistent with the CAP. In addition, the project would not result in growth in population or vehicle use that would conflict or obstruct with implementation of the Ozone Attainment Plan or Clean Air Plan. The project is consistent with the growth expectations for the region, as it includes only minimal permanent housing and no commercial uses. The increase in permanent population residing in the County would be minimal and would not have a significant effect. Thus, the project would have a less than significant impact with regard to this criterion.

b) The project would construct group lodging, up to three residences, camp shelters, and a new well, pump station, and a photovoltaic (PV) array. However, this project is small enough to not produce substantial amounts of pollution during construction or operation. While construction activities would result in the emission of some air pollutants, this would only be on a short-term basis and not in significant amounts due to the very limited scope of construction associated with the project. The primary pollutant of concern during construction of the proposed project would be particulate matter (PM) in the form of fugitive dust. However, project construction would implement BORR Mitigation Measures AIR-1 through AIR-4 which specifically address fugitive dust emissions and diesel emissions and provides effective control measures to reduce emissions during construction activities such as demolition and earthmoving. Construction would therefore not exceed BAAQMD significance thresholds for air pollutants. Emissions from the operation of the project would also not exceed significance thresholds due to the limited number of residences and associated traffic. The residences, group lodging, and camp shelters would result in minor amounts of air pollutant emissions from vehicle trips and area sources such as water heaters, grills, and household cleaners. However, the total amount of emissions from the proposed project would be well below BAAQMD significance thresholds and would have a less than significant impact.

c) By its very nature, air pollution is largely a cumulative impact. As described above, the proposed project would not exceed the BAAQMD’s Thresholds for Significance. The BAAQMD established its thresholds in consideration of cumulative air pollution in the SFBAAB. Thus, projects that exceed the BAAQMD’s thresholds may significantly contribute to cumulative air quality impacts. Since the proposed project would not exceed the BAAQMD’s thresholds, the project would not result in a
cumulatively considerable net increase of a criteria pollutant. Therefore, the project has a less than significant impact.

d) There are no substantial sources of either toxic air contaminants (TACs) associated with the proposed project, nor is there the potential for the proposed project to produce carbon monoxide hotspots since such hotspots are the result of severe traffic congestion and the project will not result in substantial amounts of traffic. Diesel-powered construction equipment may result in the emission of diesel particulate matter (DPM), a known TAC. However, as mentioned construction activities will be short-term and very limited in scope. Consequently, construction will also not result in substantial emissions of TACs nor result in substantial pollutant concentrations. Therefore the proposed project will not cause existing sensitive receptors to be exposed to substantial pollutant concentrations.

Additionally, there are no sources of TACs near the residences included in the proposed project, so no new sensitive receptors would be exposed to substantial concentrations of TACs. Therefore, this impact would be less than significant.

e) The proposed project would not involve uses that could create significant odors. Minor sources of odors, such as those from construction vehicles and application of paint and roofing during construction or cooking odors during operation, would not affect significant numbers of people because of the site’s isolated location. There would be no impact with regard to this criterion.

**Project-Level Mitigation Measures**

The following measures shall be implemented to further reduce the project’s less than significant impacts.

**BORR MM AIR-1**: UC Berkeley shall include in all construction contracts the measures specified below to reduce fugitive dust impacts:

- All disturbed areas, including quarry product piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using tarps, water, (non-toxic) chemical stabilizer/suppressant, or vegetative ground cover.
- All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or (nontoxic) chemical stabilizer/suppressant.
- When quarry product or trash materials are transported off-site, all material shall be covered, or at least 2 feet of freeboard space from the top of the container shall be maintained.

**BORR MM AIR-2**: UC Berkeley shall implement the following control measure to reduce emissions of diesel particulate matter and ozone precursors from construction equipment exhaust:

- Minimize idling time when construction equipment is not in use.

**BORR MM AIR-3**: In addition, UC Berkeley shall include in all construction contracts the measures specified below to reduce fugitive dust impacts, including but not limited to the following:

- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
- When demolishing buildings, water shall be applied to all exterior surfaces of the building for dust suppression.
• All operations shall limit or expeditiously remove the accumulation of mud or dirt from paved areas of construction sites and from adjacent public streets as necessary. See also BORR Mitigation Measure HYD 2.

• Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions by utilizing sufficient water or by covering.

• Limit traffic speeds on unpaved roads to 15 mph.

• Water blasting shall be used in lieu of dry sand blasting wherever feasible.

• Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with slopes over one percent.

• To the extent feasible, limit area subject to excavation, grading, and other construction activity at any one time.

• Replant vegetation in disturbed areas as quickly as possible.

**BORR MM AIR-4**: UC Berkeley shall implement the following control measures to reduce emissions of diesel particulate matter and ozone precursors from construction equipment exhaust:

• To the extent that equipment is available and cost effective, UC Berkeley shall require contractors to use alternatives to diesel fuel, retrofit existing engines in construction equipment, and employ diesel particulate matter exhaust filtration devices.

• To the extent practicable, manage operation of heavy-duty equipment to reduce emissions, including the use of particulate traps.

**Significance Determination**

Impacts would be less than significant.
6.4 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 Wildlife or US Fish and Wildlife Service?

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 Wildlife or US Fish and Wildlife Service?

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?

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?

e) Conflict with any applicable policies protecting biological resources?

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

Relevant Elements of Project

The proposed project would construct camp shelters as well as camp kitchen and bathing area, group lodging, up to three residences, associated driveways, parking areas, and utility infrastructure. In addition, 1.5 miles of Reserve Access Road beginning at the Mount Hamilton Road Reserve gate would be improved.
The project site is an open meadow with gentle slopes that were heavily grazed by cattle for 100+ years prior to 1991. The site has a few small trees and coyote bush and is approximately 700 feet from the southeast bank of Arroyo Aguague, which is a tributary of Coyote Creek.

The project site is situated in a broad valley containing non-native grassland, with coyote bush scrub, and oak woodland. Non-native grassland is the most extensive natural community, occupying much of the valley floor and the more exposed south- and west-facing slopes. Most of the non-native grassland in the project site has been impacted by livestock grazing and contains few native grasses. The predominant species in the grasslands include soft chess (*Bromus hordeaceus*), annual fescues (*Festuca* spp.), filaree (*Erodium* spp.), and scarlet pimpernel (*Anagallis arvensis*). Some native herbs are present, such as yarrow (*Achillea millefolia*), violet (*Viola pedunculata*) and sanicle (*Sanicula crassicaulis*). Some moist areas contain stands of creeping wildrye (*Leymus triticoides*). Much less common are needlegrass species (*Stipa pulchra* and *S. lepida*), which are found on thinner soils on slopes at the periphery of the project site. The grasslands are regularly mowed within the project site. In general, the grasslands in the project site lack the noxious weeds typical of overgrazed sites, but contain fairly typical native and non-native species (Roberts 2013).

Coyote brush scrub is found on deeper, moist soils in the center of the project site. In the absence of fire or grazing, coyote brush scrub replaces grassland, a phenomenon occurring at the project site because livestock grazing has ceased on the Reserve. Coyote brush scrub is typically strongly dominated by one species, but also contains other shrubs in varying proportion, such as poison-oak (*Toxicodendron diversilobum*), bush monkeyflower (*Mimulus aurantiacus*), and California sage (*Artemisia californica*). This natural community is vital to many wildlife species, providing cover for species that forage in the grasslands. This important role for wildlife can be seen at the edges of coyote brush scrub, where a bare strip is often visible, the result of intense herbivory (Roberts 2013).

Oak woodland is found on the periphery of the project site, which was selected to largely avoid mature trees. Blue oak woodland is typically found on steeper north- and east-facing slopes, while valley oak predominates in the deeper alluvial soils of the valley bottom. Blue oak woodland often contains a grassy understory, similar to adjacent grasslands but often more diverse. Valley oak woodland may contain a variety of other trees, including coast live oak and some blue oak. In some sites valley oak may have a shrubby understory including poison-oak, ceanothus (*Ceanothus* spp.), and, in the case of the project area, encroaching coyote brush (Roberts 2013).

**Discussion of Potential Project Impacts**

a) The project site is located in a natural reserve that provides habitat for numerous special-status wildlife and plant species. The proposed project would add facilities within a 10-acre portion of the Reserve in an area that is an open meadow that has been grazed and disturbed in the past. The potential of project construction to affect special-status plant and wildlife species is evaluated below.

**Special-Status Species Plant Species**

A review of the California Natural Diversity Database (CNDDB) records for the Lick Observatory and Mt. Day quadrangles identified 12 special-status plants and one sensitive natural community (Serpentine Bunchgrass) within the region of the project site (Roberts 2013).

Floristic surveys that have been carried out at the Reserve did not report any special-status plant species within the immediate vicinity of the project site, and the habitat assessment carried out in April 2013 indicated that suitable habitat for any special-status plant species was not present in the project site. As a
result, none of the special-status plant species known to occur within the Reserve would be subject to substantial adverse effects from the proposed project. Impacts related to special-status plant species would be less than significant and mitigation would not be required.

**Special-Status Wildlife Species**

The following special-status wildlife species are considered in this analysis due to the presence of suitable habitat at the project site, as well as known presence in the area recorded in the CNDDB or the species lists developed for the Reserve.

### Table 2

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Scientific Name</th>
<th>Federal Status</th>
<th>State Status</th>
<th>Potential Occurrence on Project Site</th>
</tr>
</thead>
<tbody>
<tr>
<td>California tiger salamander</td>
<td>Ambystoma californiense</td>
<td>Threatened</td>
<td>Threatened</td>
<td>Potential to occur</td>
</tr>
<tr>
<td>California red-legged frog</td>
<td>Rana draytonii</td>
<td>Threatened</td>
<td>Species of Special Concern</td>
<td>Potential to occur</td>
</tr>
<tr>
<td>Alameda whipsnake</td>
<td>Masticophis lateralis euryxanthus</td>
<td>Threatened</td>
<td>Threatened</td>
<td>Not expected</td>
</tr>
<tr>
<td>Foothill yellow-legged frog</td>
<td>Rana boylii</td>
<td>None</td>
<td>Species of Special Concern</td>
<td>Not expected</td>
</tr>
<tr>
<td>Western pond turtle</td>
<td>Clemmys marmorata</td>
<td>None</td>
<td>Species of Special Concern</td>
<td>Not expected</td>
</tr>
<tr>
<td>Coast horned lizard</td>
<td>Phrynosoma coronatum</td>
<td>None</td>
<td>Species of Special Concern</td>
<td>Not expected</td>
</tr>
<tr>
<td>California legless lizard</td>
<td>Anniella pulchra</td>
<td>None</td>
<td>Species of Special Concern</td>
<td>Not expected</td>
</tr>
<tr>
<td>Steelhead</td>
<td>Oocorhynchus mykiss</td>
<td>Threatened</td>
<td>None</td>
<td>Not expected</td>
</tr>
<tr>
<td>Townsend's big-eared bat</td>
<td>Corynorhinus townsendii</td>
<td>None</td>
<td>Species of Special Concern</td>
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<tr>
<td>Pallid bat</td>
<td>Antrozus pallidus</td>
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<td>Elanus leucris</td>
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<td>Burrowing owl</td>
<td>Athene noctua</td>
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<tr>
<td>Northern harrier</td>
<td>Circus cyanus</td>
<td>None</td>
<td>Species of Special Concern</td>
<td>Potential to occur</td>
</tr>
</tbody>
</table>

**Reptiles and Amphibians**

The Western pond turtle (*Clemmys marmorata*), coast horned lizard (*Phrynosoma coronatum*), and the California legless lizard (*Anniella pulchra*), are state herpetological species of special concern (SSC)\(^3\) that occur on the Reserve but no significant impacts to these species are expected due to the limited footprint of the project and the lack of suitable habitat in the project area (Roberts 2013).

The foothill yellow-legged frog (YLF) is almost fully aquatic and is found closer to streams or ponds, generally less than 165 feet (Nussbaum et al. 1983). Due to their distance from Arroyo Aguague and Big Lake, ground-disturbing activities associated with project construction are unlikely to result in impacts on YLF (Roberts 2013).

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\(^3\) A Species of Special Concern (SSC) is a species, subspecies, or distinct population of an animal native to California that is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status or has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for State threatened or endangered status.
Suitable habitat for the Alameda whipsnake (i.e., chaparral and rock outcrops) is not present at the project site. Moreover, the southern edge of subspecies range is generally considered to be at the northern edge of Santa Clara County, within which subspecies may intergrade, making identification difficult. Habitat exists for the Alameda whipsnake along Arroyo Hondo, but to date all specimens found on the Reserve have been of the chaparral whipsnake subspecies (*Masticophis lateralis*), which does not have special status.

Critical habitat\(^4\) for the California red-legged frog (CRLF) and California tiger salamander (CTS) is present on the Reserve, and includes the project site. At least eight ponds, considered breeding habitat for reptiles and amphibians on the Reserve, are within a mile of one or more of the project elements. Although no direct impacts on the ponds would result from the proposed project, both CTS and CRLF move considerable distances from their natal ponds. CTS have been found over a mile from aquatic breeding habitat (Orloff 2011); similarly CRLF have been observed to disperse over even greater distances (Fellers and Kleeman 2007). Both species disperse away from breeding sites during the non-breeding season and seek refugia in burrows and other shelters within upland areas. If present on the project site, CTS and CRLF could be exposed to the disturbances caused by project activities. This represents a potentially significant impact. Implementation of **BORR Mitigation Measure BIO-1** would reduce potential impacts to these two special-status wildlife species to a less than significant level.

**Fish Species**

Downstream of the project site, Arroyo Aguague is the focus of a California Department of Fish and Wildlife project to enhance steelhead (*Oncorhynchus mykiss*) populations. However currently, a natural fish barrier exists downstream of the Reserve within the boundaries of Alum Rock Park. This effectively blocks the passage of steelhead into the portion of Arroyo Aguague that lies within the Reserve. Steelhead, a federally Threatened species, would therefore not be affected by the project (Roberts 2013).

**Mammals**

Regarding special-status mammals, SSC Townsend's big-eared bat (*Corynorhinus townsendii*) is expected to occur on the Reserve, but the only suitable habitat in the project area is the existing barn, which is currently occupied by a colony of pallid bats (*Antrozus pallidus*). The existing pallid bat colony in the barn would probably exclude Townsend’s big eared bat from occupying the barn, although mixed-species roosts are not unknown. However, because the barn would remain in place, the proposed project would not affect any special-status mammal species (Roberts 2013).

**Birds**

The white-tailed kite (*Elanus leucris*) is a “Fully Protected” species\(^5\) in California, and is common throughout the Reserve in areas adjacent to open ground that is used by the kite for foraging. No nesting habitat would be affected by the project, and the reduction in foraging habitat would be negligible relative to the amount available on the Reserve as a whole. Nesting habitat for two ground-nesting SSC raptors, the burrowing owl (*Athene cunicularia*) and northern harrier (*Circus cyanus*) occurs on the project site. Although these species are considered rare or uncommon by Reserve staff, if they were present on the

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\(^4\) Critical Habitat is defined by the federal Endangered Species Act 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.

\(^5\) “Fully Protected” is a legal protective designation administered by the CDFW, intended to conserve wildlife species that risk extinction within the state of California.
project site, they could be at risk of nest destruction during earth-moving operations. The impact would be potential significant. Implementation of BORR Mitigation Measure BIO-1 would reduce this impact to a less than significant level (Roberts 2013).

Nesting Birds

All native birds and their nests, regardless of their regulatory status, are protected under the federal Migratory Bird Treaty Act and California Fish and Game Code. Development of the project would not result in tree removal and therefore would not directly affect a nest site. However, noise resulting from project site construction activities could disturb nesting birds, should any be present in close proximity of the project sites. Impacts to active bird nests due to construction noise would be considered a significant impact. BORR Mitigation Measure BIO-1 would require a preconstruction survey of the nearby trees for nesting birds and the establishment of no work zones if active nests are observed. With implementation of this measure, the proposed project would not adversely affect nesting birds and this impact would be reduced to a less than significant level.

b) No riparian habitat would be impacted by the project. As noted above, one sensitive natural community, Serpentine Bunchgrass, is known to occur within the Reserve but does not occur near the project site and would not be affected. Oak woodlands are not a designated sensitive habitat by the California Department of Fish and Wildlife (CDFW), but are a conservation concern, as evidenced by the state Oak Woodlands Conservation Act of 2001, which provides some protection to oak woodlands. They are therefore considered to be sensitive natural communities for the purposes of this analysis. Implementation of BORR Mitigation Measure BIO-2 would reduce any potential impacts to oak woodlands to a less than significant level.

c) There are no wetland areas on or within the immediate vicinity of the project site. There would be no impact with respect to this criterion.

d) Streams on the Reserve support stands of riparian vegetation which are important habitat for migratory birds and may be migratory corridors for numerous aquatic and terrestrial animal species. The Reserve as a whole is an important link in the movement corridor which comprises protected land between the Henry Coe State Park and the Joseph D. Grant County Park on the south and the Sunol Regional Wilderness on the north. The project would not block wildlife access to the surrounding areas and would not create a barrier to wildlife movement through the extensive surrounding open areas or inhibit wildlife use of these areas. No significant impacts on wildlife movement are anticipated.

e) The project would be consistent with federal and state policies regarding protection of biological resources. Although the University is not subject to land use control, the project would not conflict with any of the provisions of the Santa Clara County Tree Ordinance (Division C-16 of the Santa Clara County Code). No tree removal is anticipated.

f) The cities of Gilroy, Morgan Hill, and San Jose, the County of Santa Clara, the Santa Clara Valley Transportation Authority, and the Santa Clara Valley Water District have prepared a Habitat Conservation Plan (HCP) for the Santa Clara Valley (SCV) in association with the US Fish and Wildlife Service (USFWS) and CDFW. This plan is designed to protect and enhance ecological diversity and function within a large section of Santa Clara County. The project site is located within the Santa Clara Valley Habitat Conservation Plan (SCVHCP) boundary. Although UC is not included as a plan signatory, UC plans to enter into an agreement with the SCVHCP Agency to comply with the relevant terms and conditions of the SCVHCP and obtain coverage under the incidental take authorization granted to the SCVHCP for covered species. Terms and conditions in the SCVHCP related to listed wildlife species
have been incorporated into the Blue Oak Ranch Reserve (BORR) mitigation measures listed below. The project would not conflict with any of the provisions of the SCVHCP.

Project-Level Mitigation Measures

BORR MM BIO-1: Special-Status Wildlife Species and Nesting Birds

The following measures will be implemented to avoid and minimize impacts to special-status wildlife species and nesting birds.

Special-Status Wildlife

- A pre-construction survey shall be conducted by a qualified biologist for California tiger salamander, California red-legged frog, burrowing owl, and northern harrier in annual grasslands within the project disturbance area. Any burrows within the project area shall either be avoided or be observed with an endoscope or excavated by a qualified biologist to ensure no California tiger salamanders or red-legged frogs are present within the project area. In the event any of these species is found in the project area and is at risk from project activities, work shall be halted in the immediate area and USFWS and CDFW shall be contacted for further guidance. Moving of any listed species may be done only by holders of the appropriate handling permits and authorization by CDFW and USFWS.

- Directly after the pre-construction survey, an exclusion fence shall be installed around the project area to prevent movement of California tiger salamander or red-legged frog into work areas. The fence shall be constructed of geotextile fabric with a minimum 3.5-inch overlap between panels, and fence panels shall be attached to wooden or steel fence posts and sunken to a minimum of 6 inches below grade. The barrier shall remain in place until all construction activities have been completed, and the exclusion sites and fences shall be monitored daily.

- Project earthwork with potential to affect habitat shall be limited to the period from June 15 to October 31 (except for woody vegetation removal, which does not involve ground disturbance). This will avoid the period when the species are in transit to upland refugia or breeding sites. In the event that ground disturbance with the potential to result in habitat disturbance is necessary outside of this window to complete the project, Reserve staff shall consult with CDFW and USFWS to identify additional measures to minimize the potential for impacts to special-status species.

- Final construction specifications shall specify that plastic monofilament netting (erosion control matting) will be prohibited in the project area where California red-legged frogs or California tiger salamanders may become entangled or trapped.

Nesting Birds

- Removal of woody vegetation (predominantly coyote brush) shall be done during the non-breeding season preceding construction (i.e., between October 15 and March 15) to avoid conflicts with nesting birds. Also, removal of woody vegetation will allow more complete coverage for the pre-construction surveys described above.

- The nests of any ground-nesting birds encountered in the pre-construction survey shall be avoided with a buffer suitable to minimize disturbance (to be determined in consultation with CDFW), until birds have fledged and left the nest.
For tree nesting birds in areas adjacent to but outside the project’s area of ground disturbance, a pre-construction survey for tree-nesting birds will be conducted immediately before construction, out to a distance of 300 feet from the project perimeter. In the event that active nests are observed, all trees with active nests will be marked to indicate a 250-foot buffer zone within which no project activities shall take place until the birds have fledged.

**General Protective Measures (Construction and Operations)**

- Any annual grassland habitats temporarily impacted shall be graded, re-vegetated, and otherwise restored to pre-project conditions.
- Construction personnel shall remain within designated work zones and not venture beyond the temporary construction easement, and construction activities shall be limited to within the project area.
- Traffic outside the project area is prohibited and shall be kept to a minimum within grasslands inside the project area.
- A maximum speed of 15 miles per hour shall be allowed while driving to and from the project site.
- The contractor shall provide restroom facilities and closed garbage containers for the disposal of all food-related trash items (e.g., wrappers, cans, bottles, food scraps). All garbage shall be removed at the end of each workday. Construction personnel shall not feed or otherwise attract wildlife to the project area.
- Pets and firearms shall not be allowed in the project area.
- Vehicles and construction equipment shall be serviced and refueled only at designated staging areas.
- Any excavation of more than 1 foot in depth shall be covered at night or have suitable escape ramps to avoid inadvertent entrapment of wildlife.
- Alternatively, the Campus may implement one or more other measures that would achieve the same result, if recommended by the USFWS or the CDFW.

**BORR MM BIO-2: Oak Trees and Oak Woodland**

The following measures will be implemented to avoid impacts to oak trees.

- No mature oak trees shall be removed by the project, and ground disturbance shall be prohibited within the dripline of the crown. Canopy thinning of mature trees, if necessary, will be limited to 30 percent of the crown volume.
- The project shall avoid to the maximum extent possible irrigating in and around oaks, and, for septic tank installation, leach fields shall not result in trees receiving more water than under pre-project conditions.

**Significance Determination**

Impacts would be less than significant.
6.5 CULTURAL RESOURCES

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?
   □   ■   □   □

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

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

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

Relevant Elements of Project

The proposed project would construct camp shelters as well as a camp kitchen and bathing area, group lodging, up to three residences, associated driveways, parking areas, roadway improvements, and utility infrastructure. The project site is an open meadow with gentle slopes that were heavily grazed by cattle for 100+ years prior to 1991. The site is approximately 700 feet from the southeast bank of Arroyo Aguague, which is a tributary of Coyote Creek.

Discussion of Potential Project Impacts

a) The Native American Heritage Commission (NAHC) was contacted for a search of the Sacred Lands Inventory. The NAHC sacred lands search was negative for Native American resources in or adjacent to the project site.

The Northwest Information Center was contacted to conduct a records search of the California Historical Resources Information System (CHRIS) for the project site and the surrounding area. The records search showed that there are two prehistoric archaeological resources and one historic period resource present in the project area.

The historic period resource, P-43-002250, consists of a developed spring with an 8-inch steel casing driven into the ground. Water was pumped by a 60-foot high windmill (Aeromotor, patented in 1938) which was removed in 2008. The site location was reconfirmed during a project site survey conducted by Dr. Colin I. Busby, RPA and Ms. Melody Tannam (AB) in May 2013 for the proposed project. This site does not satisfy any of the criteria for listing on the California Register of Historic Resources (CRHR) as defined in Section 15064.5 of the State CEQA Guidelines. The criteria defined are: (1) it is associated with events that have made a significant contribution to the broad patterns of California’s history and
cultural heritage; (2) it is associated with the lives of persons important in California’s past; (3) it embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic value; or (4) it has yielded or is likely to yield information important in prehistory or history.

The existing cedar barn is a replacement barn that was built in the 1990s following the dismantling of the previous barn. The original barn was built over a hundred years ago and was knocked over during a windstorm. The barn is not included in the historic property directory maintained by the California Office of Historic Preservation. Based on this information, the existing barn does not meet the definition of a historical resource as defined in Section 15064.5 of the State CEQA Guidelines.

Previously unknown historic resources could be exposed during ground disturbing construction operations associated with roadway, utility, drainage improvements, or building construction. Construction operations could result in the inadvertent exposure of historical resources that could be eligible for inclusion on the CRHR. This impact is potentially significant. Implementation of BORR Mitigation Measures CUL-3, CUL-5, CUL-6, and CUL-7 would reduce the impact. The proposed project would have a less than significant impact on historic resources with mitigation. The cultural resources report is included as Appendix C.

b) The CHRIS report also indicated that the project area contains two prehistoric archaeological resources. One of the recorded prehistoric archaeological resources, CA-SCL-330, is a large occupation site on a low mound with a midden deposit (culturally affected soil), burnt faunal bone, fire-cracked rock, chert debitage, groundstone, and shell beads and ornaments. Human bone fragments from possibly two individuals are present. The site location was reconfirmed during the project site survey in May 2013 conducted by Dr. Busby and Ms. Tannam. This site satisfies criterion 4 of the CRHR and is therefore a historic resource. In addition, it is considered a unique archaeological resource. However, the project would not disturb the site and there would be no impact. However to ensure no inadvertent impacts to this site, BORR Mitigation Measure CUL-1 will be implemented.

The other recorded prehistoric archaeological resource, P-43-002249, comprises a light scatter of Francisco chert flakes. The site was relocated during a project site survey in May 2013 conducted by Dr. Busby and Ms. Tannam. Inspection suggested that they were non-cultural as they had no indication of human modification, and that the chert may be naturally occurring, introduced by road construction, or erosion. This site does not satisfy any of the criteria for listing on the CRHR as defined in Section 15064.5 of the State CEQA Guidelines. Because the site is determined not to be a historic resource or a unique archaeological resource, any project-related disturbance in the area of this resource would result in no impact on a unique or historic resource. However to ensure no inadvertent impacts to this site, BORR Mitigation Measure CUL-1 will be implemented.

The general project area is located within a sensitive archaeological area due to the presence of recorded archaeological resources and various sources of flowing water. Watercourses and immediately adjacent areas were a key point of prehistoric occupation in the Santa Clara Valley with Native American groups exploiting a variety of ecological niches in the vicinity of riparian, lacustrine, and riverine resources. Therefore, previously undocumented cultural resources could be encountered during construction activities. Disturbance or destruction of such resources would be a potentially significant impact but would be reduced to a less than significant level through implementation of BORR Mitigation Measures CUL-3, CUL-5, CUL-6, and CUL-7, described below, which are incorporated in the proposed project. The archaeological resources report is included as Appendix C.

c) There were no paleontological resources, or unique geologic features identified on the site. However, if paleontological resources or unique geologic features are discovered and damaged during project
construction, the impact would be potentially significant. However, implementation of BORR Mitigation Measure CUL-2 described below would reduce this potential impact to less than significant.

d) As indicated in the response to item 6.4(b), above, human remains have been identified in the project area. However, the proposed project would not disturb the site where human remains are located and there would be no impact. As noted above, the general project area is located within a sensitive archaeological area due to the presence of recorded archaeological resources and various sources of flowing water. If previously unknown human remains are discovered and damaged during project construction, the impact would be potentially significant. However, implementation of BORR Mitigation Measure CUL-4 described below would reduce this potential impact to less than significant.

Project-Level Mitigation Measures

BORR MM CUL-1: Temporary visible barrier fencing shall be installed 50 feet from the probable site boundaries defined for CA-SCL-330 and P-43-002249 for a sufficient distance to prevent entry/use of the resources by construction personnel. The areas shall be designated as Environmentally Sensitive and off-limits for construction staging, use, and other disturbance to avoid resource damage.

BORR MM CUL-2: In the event that paleontological resource evidence or a unique geological feature is identified during project planning or construction, the work would stop immediately and the find would be protected until its significance can be determined by a qualified paleontologist or geologist. If the resource is determined to be a “unique resource,” a mitigation plan would be formulated and implemented to appropriately protect the significance of the resource by preservation, documentation, and/or removal, prior to recommencing activities.

BORR MM CUL-3: In the event resources are determined to be present at a project site, the following actions would be implemented as appropriate to the resource and the proposed disturbance:

- UC Berkeley shall retain a qualified archaeologist to conduct a subsurface investigation of the project site, to ascertain the extent of the deposit of any buried archaeological materials relative to the project’s area of potential effects. The archaeologist would prepare a site record and file it with the California Historical Resource Information System.

- If the resource extends into the project’s area of potential effects, the resource would be evaluated by a qualified archaeologist. UC Berkeley as lead agency would consider this evaluation in determining whether the resource qualifies as a historical resource or a unique archaeological resource under the criteria of State CEQA Guidelines section 15064.5. If the resource does not qualify, or if no resource is present within the project area of potential effects, this would be noted in the environmental document and no further mitigation is required unless there is a discovery during construction (see below).

- If a resource within the project area of potential effect is determined to qualify as an historical resource or a unique archaeological resource in accordance with CEQA, UC Berkeley shall consult with a qualified archaeologist to mitigate the effect through data recovery if appropriate to the resource, or to consider means of avoiding or reducing ground disturbance within the site boundaries, including minor modifications of building footprint, landscape modification, the placement of protective fill, the establishment of a preservation easement, or other means that would permit avoidance or substantial preservation in place of the resource. If further data recovery, avoidance or substantial preservation in place is not feasible, UC Berkeley shall implement BORR Mitigation Measure CUL-7, outlined below.
• A written report of the results of investigations would be prepared by a qualified archaeologist and filed with the University Archives/Bancroft Library and the Northwest Information Center.

**BORR MM CUL-4:** In the event human or suspected human remains are discovered, UC Berkeley would notify the County Coroner who would determine whether the remains are subject to his or her authority. The Coroner would notify the Native American Heritage Commission if the remains are Native American. UC Berkeley would comply with the provisions of Public Resources Code Section 5097.98 and State CEQA Guidelines Section 15064.5(d) regarding identification and involvement of the Native American Most Likely Descendant and with the provisions of the California Native American Graves Protection and Repatriation Act to ensure that the remains and any associated artifacts recovered are repatriated to the appropriate group, if requested.

**BORR MM CUL-5:** Prior to disturbing the soil, contractors shall be notified that they are required to watch for potential archaeological sites and artifacts and to notify UC Berkeley if any are found. In the event of a find, UC Berkeley shall implement **BORR Mitigation Measure CUL-4.**

**BORR MM CUL-6:** If a resource is discovered during construction (whether or not an archaeologist is present), all soil disturbing work within 35 feet of the find shall cease. UC Berkeley shall contact a qualified archaeologist to provide and implement a plan for survey, subsurface investigation as needed to define the deposit, and assessment of the remainder of the site within the project area to determine whether the resource is significant and would be affected by the project, as outlined in BORR Mitigation Measure CUL-3. UC Berkeley would implement the recommendations of the archaeologist.

**BORR MM CUL-7:** If, in furtherance of the educational mission of the University, a project would require damage to or demolition of a significant archaeological resource, a qualified archaeologist shall, in consultation with UC Berkeley:

• Prepare a research design and archaeological data recovery plan that would attempt to capture those categories of data for which the site is significant, and implement the data recovery plan prior to or during development of the site.

• Perform appropriate technical analyses, prepare a full written report and file it with the appropriate information center and provide for the permanent curation of recovered materials.

**Significance Determination**

Impacts would be less than significant.
6.6 GEOLGY AND SOILS

Would the project:

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

1) 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.

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

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?

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?

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?
**Relevant Elements of Project**

The proposed project would construct residences for the Reserve staff and their families, and group lodging, and camp shelters on the site that would accommodate up to 52 short-term overnight users on-site at a time. In addition, parking spaces would be constructed near the new facilities and 1.5 miles of the Reserve Access Road beginning at the Reserve gate on Mount Hamilton Road would be improved. However, the increase in the permanent population would be up to two additional full time residents. The project would be served by two new septic systems.

**Discussion of Potential Project Impacts**

a)(i) The project site is located near the Calaveras fault. The project site is in an area where the Alquist-Priolo (AP) Earthquake Fault Zone for the Calaveras fault has not been mapped. AP earthquake fault zones, as defined in the Alquist-Priolo Earthquake Fault Zoning Act, are designed to prohibit the construction of structures for human occupancy across active faults. Santa Clara County also establishes earthquake fault hazard zones that are wider than the AP earthquake fault zones. However, no structures for human occupancy would be constructed within 900 feet of the Calaveras fault and the project facilities would be located outside both zones. Therefore, the risk to people and structures from fault rupture would be less than significant.

a)(ii) The California Division of Mines and Geology lists the Calaveras fault as an active fault capable of producing an earthquake up to 7.25 magnitude. The San Andreas fault is located approximately 20 miles west of the project site. The Northern California region is a seismically active area that could experience strong ground shaking during an earthquake. According to the California Geological Survey’s Probabilistic Seismic Hazard Assessment for the State of California, in most parts of the San Francisco Bay Area, the peak ground acceleration is 0.5 g or greater. This ground acceleration correlates to a modified Mercalli intensity of VII to VIII, strong to very strong. Likely effects of ground shaking during a probable maximum intensity earthquake for the area could include damage to average as well as poorly constructed or weak masonry; falling walls, chimneys, stucco, and facades; collapse of chimneys; and movement of frame houses from their foundations if not bolted down, which could expose people to risks associated with falling objects and potential building collapse.

As required by **BORR Mitigation Measure GEO-1**, the Campus minimizes hazards associated with damage or destruction to buildings and other structures by reviewing and approving all draft building plans for compliance with the California Building Code (CBC), which includes specific structural seismic safety provisions. The Campus also adheres to the University of California Seismic Safety Policy, which requires anchorage for seismic resistance of nonstructural building elements such as furnishings, fixtures, material storage facilities, and utilities that could create a hazard if dislodged during an earthquake. Implementation of the continuing best practice and adherence to the Seismic Safety Policy would maintain the project-level impact associated with risks due to seismic ground shaking at a less than significant level.

a)(iii) Liquefaction in soils and sediments occurs during earthquake events, when soil material is transformed from a solid state to a liquid state, generated by an increase in pressure between pore space and soil particles. Earthquake-induced liquefaction typically occurs in low-lying areas with soils or sediments composed of unconsolidated, saturated, clay-free sands and silts, but it can also occur in dry, granular soils or saturated soils with partial clay content. In addition to necessary soil conditions, the ground acceleration and duration of the earthquake must be of sufficient energy to induce liquefaction. The Liquefaction Hazard Maps prepared by the US Geologic Survey indicate that the area is underlain by bedrock and has a 5 to 10 percent probability of liquefaction on the project site. The impact related to ground failure or liquefaction hazard at the project site is therefore considered less than significant.
a)(iv) The building sites are fairly flat and therefore would not be subject to landslides. The adjacent hillsideconsist of moderate slopes that are not susceptible to landsliding. Impacts to the building sites from landsliding would be less than significant.

b) Site soils consist of very shallow or shallow, well-drained soils of the Gaviota-Los Gatos complex with 30 to 50 percent slopes and Gaviota loam with 5 to 15 percent slopes. These soils formed in material weathered from sandstone and meta-sandstone. Runoff is slow to medium and erosion of the Gaviota loam is considered to be slight to moderate and. Runoff of the Gaviota-Los Gatos complex is rapid and the hazard of erosion is high. The proposed project would require ground disturbance that would affect over 1 acre. Because the project would disturb more than 1 acre, coverage under the state National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction Activity would be required. As part of its standard construction practices, the University would implement Best Management Practices (BMPs) to prevent erosion and sedimentation and to keep construction pollutants from coming into contact with storm water. This is further discussed in the discussion under item 6.9(a). Implementation of these BMPs would maintain potential erosion impacts at a less than significant level.

c) See the discussion under items 6.6(a)(ii) through (iv), above. Impacts related to unstable soils or geologic units would be less than significant.

d) Expansive soils contain mixed-layer clay minerals that increase and decrease in volume upon wetting and drying, respectively, and can destabilize building foundations. The Gaviota-Los Gatos complex and Gaviota loam have a low potential for expansion. There would be no impact from expansive soils.

e) There is an existing septic system on the project site and the project site is fairly flat and soils can support septic systems. Therefore, the project site can support the proposed two septic tanks and leach fields. Based on these factors, installation of the new septic system would have a less than significant impact.

**Project-Level Mitigation Measures**

The following mitigation measures shall be implemented to further reduce the project’s less than significant impacts.

**BORR MM GEO-1**: UC Berkeley will continue to comply with the CBC and the University Policy on Seismic Safety.

**BORR MM GEO-2**: Site-specific geotechnical studies will be conducted under the supervision of a California Registered Engineering Geologist or licensed geotechnical engineer and UC Berkeley will incorporate recommendations for geotechnical hazard prevention and abatement into project design.

**BORR MM GEO-3**: The site-specific geotechnical studies conducted under **BORR Mitigation Measure GEO-2** will include an assessment of landslide hazard, including seismic vibration and other factors contributing to slope stability.

**Significance Determination**

Impacts would be less than significant.
### 6.7 Greenhouse Gas Emissions

Would the project:

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

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

#### Relevant Elements of Project

The proposed project would construct residences, group lodging, and camp shelters on the site that would temporarily accommodate up to 52 short-term overnight users as well as an additional Reserve staff and dependent on site at a time for a total of two additional permanent residents. There would be a minor increase in vehicle trips associated with project operation, estimated at about 5 additional vehicle trips per day from the additional permanent residents. The temporary users may also increase the vehicle trips per day. However, as described in Section 6.16, that number is expected to be low. In addition, parking spaces would be constructed near the new facilities and 1.5 miles of the Reserve Access Road beginning at the Reserve gate on Mount Hamilton Road would be improved.

#### Discussion of Potential Project Impacts

a) The project will generate greenhouse gases (GHG) from additional vehicle trips as well as from energy use, solid waste generation, and other utility use. The very small number of residences and additional buildings would result in very minor amounts of GHG emissions. The BAAQMD GHG thresholds are not currently recommended to be used to determine significance but the amount of GHG emissions the proposed project would produce would be well below the draft greenhouse gas thresholds. The proposed project is well below the BAAQMD’s GHG emissions screening criteria of 56 dwelling units for operational GHG emissions or 114 dwelling units for construction GHG emissions. Therefore, the proposed project’s impact would be less than significant with regard to this criterion.

b) The primary regulation on GHG emissions in California is AB 32. The BAAQMD draft GHG thresholds were developed in order to ensure that the SFBAAB is in compliance with AB 32, so that projects that do not exceed the draft thresholds will not conflict with AB 32. As the proposed project would have very minor GHG emissions and would not exceed the BAAQMD GHG thresholds, the proposed project is in compliance with AB 32. This impact is less than significant.
Project-Level Mitigation Measures

No mitigation is required.

Significance Determination

Impacts would be less than significant.
6.8 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?

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?

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?

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?

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 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?

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?

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

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?
Relevant Elements of Project

The proposed project would construct residences, group lodging, and camp shelters on the site that would temporarily accommodate up to 52 additional short-term overnight users as well as an additional Reserve staff on-site at a time as well as utility and road improvements. However, the increase in the permanent population on the project site would be two full time residents.

Discussion of Potential Project Impacts

a) The proposed project would not involve routine use, storage, transport, and disposal of hazardous materials in any significant quantities. Small quantities of hazardous materials, including fuel, lubricants, paint, and cleaning products, would be used on-site during project construction. Compliance with state and federal transportation regulations, which is standard for all UC Berkeley projects, would minimize risks associated with the routine transport, use, or disposal of hazardous materials. The occupancy and use of the proposed short-term and permanent housing would not involve the routine transport, use or disposal of hazardous materials, other than very small quantities of household cleaning products and maintenance materials, and propane for use on-site as fuel. As under current conditions, the storage of propane on the project site would comply with applicable regulations including 29 CFR 1910.110, which pertains to storage and handling of liquefied petroleum gases. Impacts with regard to the routine transport, use, or disposal of hazardous materials would be less than significant.

b) The project would be constructed on a site that has been disturbed by past grazing. There is no known soil contamination associated with the past uses of the site that could be released into the environment through ground-disturbing activities during construction and there is no record of soil or groundwater contamination on the site. Occupancy and use of the proposed housing would not involve use of hazardous materials in quantities that could create a hazard to the public or the environment if they were to be released into the environment. Impacts would be less than significant.

c) The proposed project is not located within 0.25 mile of a school. There would be no impact.

d) The project site is not included on any list of hazardous materials sites maintained by local and state agencies. There would be no impact.

e, f) There are no public airports or private airfields located within 2 miles of the project site. There would be no impact.

g) The project is not expected to interfere with the Santa Clara County Operational Area Emergency Operations Plan. The project would not interfere with any designated evacuation routes. There are two unpaved routes that lead to the project site which could serve as evacuation routes in case of closure of one of the routes. There would be no impact.

h) The project site and the remainder of the Reserve are located in a wildland area and the project could therefore expose people and structures to risks related to wildland fires. The area is considered to be within a high fire hazard severity zone as determined by Cal Fire. As is current practice at the Reserve, the following measures would continue to be implemented at the project site to reduce fire risk:

- Maintenance of cleared areas to serve as fire breaks around the buildings.
- Provision of adequate fire suppression water storage from the existing water storage tanks near the project site.
• Use of spark arrestors on heating vents.

In addition, the Reserve, the Nature Conservancy, the San Francisco Public Utilities Commission, and the private landowners participate in ongoing road maintenance, including firebreaks, along the Reserve Access Road and fire roads within the Reserve and adjacent areas to provide emergency access for firefighting equipment. With these measures and practices in place, the impact related to wildland fires would be less than significant.

**Project-Level Mitigation Measures**

No additional mitigation is required.

**Significance Determination**

Impacts would be less than significant.
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**6.9 HYDROLOGY AND WATER QUALITY**

Would the project:

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

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)? □ □ ■ □

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? □ □ ■ □

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? □ □ □ ■

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? □ □ ■ □

f) Otherwise substantially degrade water quality? □ □ ■ □

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? □ □ □ ■

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

j) Inundation by seiche, tsunami, or mudflow? □ □ □ ■
Relevant Elements of Project

The proposed project would construct residences, group lodging, and camp shelters on the site that would temporarily accommodate up to 52 short-term overnight users as well as an additional Reserve staff on-site. However, the increase in the permanent population on the project site would be two full time residents. Thirty parking spaces would be provided along the site access road approaching the barn. In addition, 1.5 miles of the Reserve Access Road beginning at the Reserve gate on Mount Hamilton Road would be improved. The road, parking areas, driveways, and footpaths would be covered with permeable crushed granite to allow stormwater infiltration and reduce erosion.

Discussion of Potential Project Impacts

a) The Bay Area Regional Water Quality Control Board (RWQCB) Water Quality Control Plan for the San Francisco Bay Region (the Basin Plan) establishes water quality objectives and requirements for control of stormwater runoff to surface waters, including Arroyo Aguague which drains into Coyote Creek. The requirements focus on control of sediment from erosion as well as pollutants that can be carried by stormwater.

Construction of the project would require removal of ground cover and some grading to create building pads and drainage swales. These activities, if not subject to stormwater runoff controls, have a potential to cause erosion that could result in discharge of sediments to Arroyo Aguague which drains into Coyote Creek. In addition, development of the proposed project would result in a small increase in impermeable surface area associated with new buildings and additional driveway and parking areas, which would result in a minor increase in stormwater runoff that may contain both sediment and other contaminants associated with developed areas.

The proposed project would disturb more than 1 acre and thus would be subject to National Pollutant Discharge Elimination System (NPDES) requirements. Permit conditions include preparing a site-specific stormwater pollution prevention plan, and monitoring and record-keeping requirements. In addition, the project would be subject to BORR Mitigation Measures HYD-1 and HYD-2. Measures during construction would include the use of barriers (e.g., hay bales or sandbags) to direct site runoff away from the arroyo and toward swales and other open areas where it would be allowed to infiltrate the soil.

Following completion of each phase of the project, disturbed areas around the building sites would be restored with native vegetation to reduce the potential for erosion, and the use of gravel for driveways, parking, and footpaths would promote stormwater infiltration in these areas. No landscaping that would require the use of fertilizers or pesticides is planned. The small increase in daily vehicular traffic is not expected to generate significant volumes of leaked or spilled petroleum products, and the project would not include major sources of solid debris that could be entrained in stormwater runoff. Runoff from the site would be directed into vegetated drainage swales, including both planned new swales and the existing roadside swale, which would filter or trap waterborne sediment and pollutants. Routing stormwater runoff through vegetated swales is consistent with current BMPs for stormwater pollution control, and implementation of these measures would maintain impacts at a less than significant level.

b) The proposed project would create several small areas totaling about 14,600 square feet of impervious surface that would be insignificant in comparison to the extent of the Reserve and surrounding open area. In addition, as stated above, stormwater runoff would be directed to swales, which would promote infiltration. Therefore, the project’s impact on groundwater recharge would be less than significant. The project site is currently served by a groundwater well which will be decommissioned. With the increase in on-site population, additional water would be needed and it is anticipated that a new well will be installed.
to provide water to the students and researchers at the Reserve. The additional temporary users (up to 52 persons) would use the short-term housing on the Reserve intermittently and two to three additional residents and their dependents would be on the site full-time. This increase in the number of people on-site and intermittent occupancy would result in a minor increase in the total annual demand for water. Pumping of groundwater to serve the project demand would not result in a significant effect on groundwater levels in the area and the nearby private domestic wells at properties along Reserve Access Road would not be affected. The impact to groundwater levels from the withdrawal of groundwater would be less than significant.

c) The project would not substantially alter the existing drainage patterns of the site or the surrounding area, and would not affect the course of a stream or river. As discussed under item 6.9(a), above, the project would include drainage features (vegetated swales) that would reduce the potential for erosion or siltation. Impacts would be less than significant.

d) The project would not affect the course of a stream or river and, as discussed under item 6.9(a), above, would not substantially increase the rate or quantity of surface runoff. There is currently no risk of flooding in the project vicinity, and there would be no change in conditions related to flooding as a result of the project. There would be no impact.

e) As discussed under item 6.9(a), above, the project would cause a minor increase in stormwater runoff and would include to detain and infiltrate runoff. It would not include substantial additional sources of polluted runoff. The impact would be less than significant.

f) The project would include a new septic system which could have the potential to affect water quality. However, septic systems are permitted on the project site and the septic systems would be built according to County specifications. Therefore, the impact to water quality from the septic systems would be less than significant.

g, h) The project site is not within the 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map. It would therefore not place housing in a flood hazard area or impeded flood flows.

i) The proposed project is not within an area susceptible to flooding, and is not downstream of a levee or dam. It would therefore not expose people or structures to risks related to flooding.

j) The proposed project is located several miles inland from the ocean and is not near an enclosed body of water in which a seiche could occur. The project site is adjacent to moderate slopes that lack both the soil cover and significant water source that could reasonably create an inundation by mudflow. It would therefore not expose people or structures to risks related to tsunami, seiche, or mudflow.

Project-Level Mitigation Measures

The following mitigation measures shall be implemented to further reduce the project’s less than significant impacts.

**BORR MM HYD-1:** During the plan check review process and construction phase monitoring, UC Berkeley (EH&S) will verify that the proposed project complies with all applicable requirements and BMPs.
BORR MM HYD-2: UC Berkeley will comply with the NPDES stormwater permitting requirements by implementing construction and post construction control measures and BMPs required by the project-specific Storm Water Pollution Prevention Plan. The Stormwater Pollution Prevention Plan would be prepared as required by the appropriate regulatory agencies including the Regional Water Quality Control Board and where applicable, according to the UC Berkeley Stormwater Pollution Prevention Specification to prevent discharge of pollutants and to minimize sedimentation resulting from construction and the transport of soils by construction vehicles.

Significance Determination

Impacts would be less than significant.
6.10 LAND USE AND PLANNING

Would the project:

a) Physically divide an established community? □ □ □ ■

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 LRDP, general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? □ □ □ ■

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

d) Create other land use impacts? □ □ □ ■

Relevant Elements of Project

The proposed project would construct residences, group lodging, and camp shelters for use by researchers and students in the Reserve.

Discussion of Potential Project Impacts

a) There is no established community in the site vicinity, which is located on a remote nature reserve. The project would place up to three small residences and short-term housing and related infrastructure on a site that is already used by the University for similar research uses. There would be no impact with regard to this criterion.

b) As discussed under item 6.2(c), above, the project site is designated Ranchland in the Santa Clara County General Plan. As a State entity, the University of California is not subject to local zoning controls, and a substantial portion of the Reserve is subject to a conservation easement that precludes commercial uses. In addition, the Reserve is subject to an Open Space Easement agreement with Santa Clara County, which requires that the project obtain a Compatible Use Determination and undergo Enhanced Design Review. The Agreement restricts the size of the development to 5 acres total and the use of the proposed development to scientific, research and educational study of the environment. The total project development is less than 5 acres and the uses of the proposed improvements are scientific research and education. Therefore the proposed project is compliant with the Open Space Easement Agreement. The University has no plans to use the Reserve other than as a reserve, and no change in use is proposed as part of the project. The proposed project, therefore, would not conflict with any zoning.
c) The project is within the Santa Clara Valley Habitat Plan area which is subject to the SCVHCP adopted by the County of Santa Clara, the Santa Clara Valley Transportation Authority, the Santa Clara Valley Water District, and the cities of Gilroy, Morgan Hill, and San Jose. UC plans to enter to an agreement with the SCVHCP Agency to comply with the relevant terms of the HCP and obtain coverage under the HCP’s take authorization for covered species. By complying with the agreement, the proposed project would not conflict with the HCP.

d) The proposed project is consistent with surrounding land uses and with the current and long-term planned uses of the Reserve, and there would be no other land use impacts associated with the project.

**Project-Level Mitigation Measures**

No mitigation is required.

**Significance Determination**

Impacts would be less than significant.
### Issues

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#### 6.11 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?

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?

#### Relevant Elements of Project

The proposed project would construct residences, group lodging, camp shelters, and related infrastructure on the project site on a number of small construction sites located within a 10-acre portion of the Reserve.

#### Discussion of Potential Project Impacts

a, b) There are no known mineral resources on the project site, and neither the site nor any other location within the Reserve is used for mineral extraction. The project would involve only minor trenching and excavation for project construction and would not affect the availability of mineral resources.

#### Project-Level Mitigation Measures

No mitigation is required.

#### Significance Determination

Impacts would be less than significant.
### 6.12 Noise

Would the project result in:

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

- [ ] Potentially Significant Impact
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- [ ] Less Than Significant Impact
- [ ] No Impact

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

- [ ] Potentially Significant Impact
- [ ] Less Than Significant with Mitigation Incorporated
- [ ] Less Than Significant Impact
- [ ] No Impact

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

- [ ] Potentially Significant Impact
- [ ] Less Than Significant with Mitigation Incorporated
- [ ] Less Than Significant Impact
- [ ] No Impact

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

- [ ] Potentially Significant Impact
- [ ] Less Than Significant with Mitigation Incorporated
- [ ] Less Than Significant Impact
- [ ] No Impact

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 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?

- [ ] Potentially Significant Impact
- [ ] Less Than Significant with Mitigation Incorporated
- [ ] Less Than Significant Impact
- [ ] No Impact

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?

- [ ] Potentially Significant Impact
- [ ] Less Than Significant with Mitigation Incorporated
- [ ] Less Than Significant Impact
- [ ] No Impact

**Relevant Elements of Project**

Construction on the project site would last about 18 months starting spring of 2014.

**Discussion of Potential Project Impacts**

a) Santa Clara County’s exterior noise standards include research and nature reserve uses such as the Reserve in the categories of uses for which noise standards have been established. According to the County Noise Compatibility Standards, noise levels up to 55 dB(A) Ldn are considered satisfactory (or acceptable) for parks, open space reserves, wildlife refuges, etc., and noise levels in excess of 55 dB(A) Ldn are considered cautionary. Similarly for residential land uses, noise levels up to 55 Ldn are considered satisfactory, levels between 55 and 65 dB(A) Ldn are considered cautionary, and levels above 65 dB(A) Ldn are labeled critical. One- and two-family residences are also subject to exterior noise limit
standards of 45 A-weighted decibels (dB(A)) from 10:00 PM to 7:00 AM and 55 dB(A) from 7:00 AM to 10:00 PM.

The proposed project does not include any substantial noise-generating activities or operations that would substantially increase ambient noise levels on the Reserve. Furthermore, the project site is located approximately 0.66 mile from the nearest neighboring residence. Therefore, the minimal noise from on-site activities is unlikely to affect these receptors. The project would involve an increase in the number of visitors to the Reserve and associated vehicle trips. The increase in vehicle trips is estimated at five additional vehicle trips per day as a result of the increase in the number of on-site Reserve staff and their dependents. Additional vehicle traffic would be generated by the Reserve users who would travel to and from the Reserve periodically. Although the proposed project provides short-term housing for up to 52 additional overnight users, there would be very few times in the year that all these users would come to the site. In reality, a substantially smaller number of researchers and students are expected to travel to and from the Reserve on a daily basis. Consequently, there would be a small increase in traffic and traffic-related noise along Reserve Access Road as a result of the proposed project. The increase would not elevate the ambient noise levels to exceed 55 dB(A) Ldn which is considered satisfactory for facilities such as the County park and the Reserve. With respect to residential receptors, the nearest residence to Reserve Access Road is two thirds of a mile away and the nearest residence to Mount Hamilton Road is over 150 feet away. Because of the distance and the small increase in traffic due to the proposed project, the project’s traffic-related noise increase would not be perceptible at the receptor that is nearest to Reserve Access Road. Although the sensitive receptors are located closer to Mount Hamilton Road than Reserve Access Road, there are higher volumes of existing traffic on that road and the noise increase from the project traffic would not be perceptible (generally a doubling of traffic is required in order for the noise levels to increase by 3 decibels which is the increase that is perceptible to the average receptor). Therefore, the impact would be less than significant.

b) Construction of the project would not require pile-driving, blasting, or other activities that could cause substantial groundborne vibration or noise. Operation of the project would include only residential uses and a small increase in vehicle traffic; these are not sources of significant groundborne vibration or noise. The impact would be less than significant.

c) As noted above, the main source of noise associated with the proposed project is vehicles using Mount Hamilton Road and Reserve Access Road to access the Reserve. However due to the distance at which the nearest sensitive receptor is located relative to the roads and the small increase in traffic, the impact would be less than significant.

d) Construction activities and traffic would cause temporary increases in noise due to site grading, use of construction equipment, and operation of construction vehicles. Construction equipment would be operated intermittently over the course of each project construction phase. Routine noise levels from conventional construction activities (with a typical mix and number of pieces of equipment operating on the site) range from 75 to 86 dB(A) equivalent continuous noise level (Leq) at a distance of 50 feet, from 69 to 80 dB(A) Leq at a distance of 100 feet, from 55 to 66 dB(A) Leq at a distance of 500 feet, and 48 to 60 dB(A) Leq at a distance of 1,000 feet (although noise levels would likely be lower due to additional attenuation from ground effects, air absorption, and shielding from intervening topography). Noise levels at the nearest sensitive receptors are likely to be considerably lower because the small size of the project would require few pieces of construction equipment and they would be operating for a relatively short time during the total construction period. There is no direct line of sight to the nearest receptor, which is two thirds of a mile away from the project site and shielded by topography and trees. Furthermore, construction activities would be subject to BORR Mitigation Measures NOI-1 through NOI-3, which would require noise controls and coordination with the community. Therefore, construction noise would result in a less than significant impact.
e, f) There are no public airports or private airstrips in the vicinity of the project site and no airport land use plan is applicable to the project vicinity. There would be no impact with regard to these criteria.

**Project-Level Mitigation Measures**

The following mitigation measures shall be implemented to further reduce the project’s less than significant impacts.

**BORR MM NOI-1:** The following construction noise measures shall be included:

- Construction activities will be limited to a schedule that minimizes disruption to uses surrounding the project site as much as possible.
- As feasible, construction equipment will be required to be muffled or controlled.
- The intensity of potential noise sources will be reduced where feasible by selection of quieter equipment (e.g., gas or electric equipment instead of diesel powered, low noise air compressors).
- Functions such as concrete mixing and equipment repair will be performed off-site whenever possible.

**BORR MM NOI-2:** UC Berkeley will precede construction activities with community outreach and notification, with the purpose of ensuring that the mutual needs of the particular construction project and of those impacted by construction noise are met, to the extent feasible.

**BORR MM NOI-3:** UC Berkeley will develop a comprehensive construction noise control specification to implement additional noise controls, such as noise attenuation barriers, siting of construction laydown and vehicle staging areas, and the measures outlined in **BORR Mitigation Measure NOI-1** as appropriate to specific projects. The specification will include such information as general provisions, definitions, submittal requirements, construction limitations, requirements for noise and vibration monitoring and control plans, noise control materials and methods. This document will be modified as appropriate for a particular construction project and included within the construction specification.

**Significance Determination**

Impacts would be less than significant.
6.13 **POPULATION AND HOUSING**

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)?

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

| □ | □ | □ | ■ |

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

| □ | □ | □ | ■ |

**Relevant Elements of Project**

The proposed project would construct residences, group lodging, camp shelters and related infrastructure on the project site that would accommodate up to 52 short-term overnight users on a temporary basis as well as an additional Reserve staff and dependent on-site on a permanent basis. The increase in the permanent population on the project site would be two full time residents.

**Discussion of Potential Project Impacts**

a) The proposed project would substantially increase the amount of short-term housing for visitors to the Reserve. The project would provide permanent housing for an additional Reserve staff member and existing Reserve staff. Additional infrastructure would be added to support the expanded housing such as a new well, septic systems, and PV array but the infrastructure would be sized for the project and would not be growth inducing. The project would not provide new roads, or access to undeveloped areas. There would be an increase in the permanent population of two individuals as a result of the project. The increase would not result in a substantial increase in the population in the County. Therefore, the project would have a less than significant impact.

b) The project would not displace housing. The existing barn would be maintained during construction of the project. No impact would occur with regard to this criterion.

c) The project would not displace people. There are no permanent residents at the Reserve other than a Reserve staff member, the Reserve Steward and their dependents, who live within the existing barn which will not be disturbed, and thus no residents would be affected. No impact would occur with regard to this criterion.
**Project-Level Mitigation Measures**

No mitigation is required.

**Significance Determination**

Impacts would be less than significant.
6.14 Public Services

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:

a) Fire protection?

b) Police protection?

c) Schools?

d) Parks?

e) Other public facilities?

f) Create other public service impacts?

Relevant Elements of Project

The proposed project would construct residences, group lodging, camp shelters, and related infrastructure on the project site that would accommodate up to 52 short-term overnight users and two permanent residents on the Reserve. In addition, new parking spaces would be provided, utilities improved, and 1.5 miles of the Reserve Access Road beginning at the Reserve gate on Mount Hamilton Road would be improved.

Discussion of Potential Project Impacts

a) Fire protection services in the Reserve area are provided by the California Department of Forestry and Fire Protection (Cal Fire) during the fire season from May through November of each year. The nearest station is Cal Fire Smith Creek Station 12 which is approximately 8.2 miles to the southeast. The station has a four-wheel drive fire engine to be used for wildland and structure fires. The station would continue to provide services to the Reserve (pers. comm. K. Lewis). The project site is within the jurisdiction of the Santa Clara County Fire Department. However, there are no nearby fire stations. Therefore, during the off season when service from Cal Fire is not available, fire protection would be provided by the nearest City of San Jose Fire Department station, Station 2 located at 2949 Alum Rock Avenue. Station 2 would continue to provide services to the Reserve during the off season (pers. comm. T. Thierry). As discussed
under item 6.8(h), above, the project site and the remainder of the Reserve are located in a wildland area. The project would include measures to reduce fire risk, including maintenance of firebreaks around buildings and provision of adequate fire suppression water storage. The UC Fire Marshal will review project plans for compliance with applicable regulations and policies and to verify that the project includes adequate fire suppression water capacity. The project would also implement BORR Mitigation Measures PUB-1 and PUB-2. With these measures in place, the impact related to fire service would be less than significant.

b) Police services are provided by the Santa Clara County Office of the Sheriff. The nearest station is the headquarters division located in San Jose. The Sheriff’s Office responds to calls from the Reserve on an as-needed basis. The Sheriff’s Office has confirmed that the increase in staff and temporary users would not affect existing service or response time (pers. comm. J. Brown). The impact to police services would be less than significant.

c) The proposed project would increase the permanent population on the site by two residents. The increase in population is not substantial compared to growth in the County of Santa Clara and would not create a substantial demand for school services. Therefore this impact is less than significant.

d) The proposed project would provide short-term housing for up to 52 visitors to the Reserve and permanent housing for an additional permanent Reserve staff and dependent. These residents and additional temporary users would be at the Reserve and would not use local parks or other recreational facilities. There would be no impact.

e, f) Emergency medical services would be called in by the responding agency either Cal Fire or the City of San Jose Fire Department. Both agencies have confirmed that they would continue to do so with the addition of the proposed facilities. During a medical emergency a helicopter would reach the individual faster than an ambulance or other emergency vehicle. There are no other public facilities or services that would be affected by the increase in the number of Reserve staff and visitors to the Reserve.

Reserve staff are trained annually in the use of hand-held fire extinguishers, as well as the deployment and use of the Reserve’s water hydrant, fire hoses, and portable water pump systems for suppression of a potential fire in the Cedar Barn and its vicinity. The local Cal Fire station on Mount Hamilton has inspected and approved the Reserve’s existing fire suppression equipment.

**Project-Level Mitigation Measures**

The following mitigation measures shall be implemented to further reduce the project’s less than significant impacts.

**BORR MM PUB-1:** UC Berkeley would continue to comply with Title 19 of the California Code of Regulations, which mandates firebreaks of up to 100 feet around buildings or structures in, upon or adjoining any mountainous, forested, brush- or grass-covered lands.

**BORR MM PUB-2:** UC Berkeley would continue to plan and implement programs to reduce risk of wildland fires, including plan review and construction inspection programs that ensure that campus projects incorporate fire prevention measures.

**Significance Determination**

Impacts would be less than significant.
### 6.15 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?

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#### 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?

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### Relevant Elements of Project

The proposed project would construct residences, group lodging, camp shelters and related infrastructure on the project site that would temporarily accommodate up to 52 additional short-term overnight users as well as an additional permanent Reserve staff on-site at a time. In addition, new parking spaces would be provided, utilities improved, and 1.5 miles of the Reserve Access Road beginning at the Reserve gate on Mount Hamilton Road would be improved.

### Discussion of Potential Project Impacts

#### a) The proposed project would provide permanent housing for an additional Reserve staff and short-term housing for up to 52 temporary visitors to the Reserve. The increase in permanent increase in the residents on the project site is unlikely to increase the use of existing parks and recreational facilities such as the Joseph D. Grant County Park because the Reserve provides adequate passive recreational facilities for the Reserve staff. The temporary visitors to the Reserve would also be unlikely to use local parks or other recreational facilities. The impact would be less than significant.

#### b) The proposed project does not include recreational facilities, nor does it require the construction or expansion of recreational facilities. There would be no impact.

### Project-Level Mitigation Measures

No mitigation is required.

### Significance Determination

Impacts would be less than significant.
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### 6.16 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?  □ □ ■ □

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? □ □ □ ■

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? □ □ □ ■

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

e) Result in inadequate emergency access? □ □ □ ■

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? □ □ □ ■

### Relevant Elements of Project

**Construction:** Construction of the proposed project is anticipated to begin in summer 2014 and last for approximately 24 months. Staging and contractor parking associated with the proposed project would occur on-site.
**Project Operation:** The proposed project would construct up to three residences on the project site to house Reserve staff members and their dependents. An increase of approximately 5 vehicle trips per day would occur upon completion of the project.

With respect to visitors and Reserve users, the proposed project would provide short-term accommodations for up to 52 visitors to be on the Reserve overnight. In addition to the 52 overnight visitors, there could be an estimated 48 day users on the Reserve. Therefore at peak, there could be up to 100 visitors on the site during the daytime, and a maximum of 52 persons during the nighttime. These Reserve users and visitors would be on site temporarily, with a typical stay lasting from a few days to up to three months. Visitors expected to be on the Reserve for a few days (up to 52 persons) are mostly expected to arrive on Friday and depart on Sunday. Visitors on the Reserve for longer terms (i.e., up to 32 persons who would reside on the Reserve for up to 3 months) would travel to San Jose only once or twice a week. Given this pattern of Reserve use, the visitors and other Reserve users are expected to add a very small number of daily vehicle trips to the roadways serving the project site.

**Discussion of Potential Project Impacts**

a) Approval of the proposed project would result in a temporary increase in local traffic along local roadways, including Mount Hamilton Road and Reserve Access Road. Due to the nature of the proposed improvements and the small scale of the proposed project, construction of the project would not involve a significant number of construction vehicles. Construction vehicles and equipment would remain on the project site, if possible, which would reduce the traffic to and from the project site. These roadways are lightly traveled in the vicinity of the project site and the addition of construction truck and worker trips would not cause a substantial increase in traffic that could affect roadway or intersection operations.

The new residences would result in an increase of 5 vehicle trips per day as determined using the ITE Trip Generation Rates. Group lodging and camp shelters would be used by temporary users, such as students and researchers, which would also increase the vehicle trips per day. However, as noted earlier, the additional Reserve staff and temporary users would primarily remain on the project site. The permanent residents and temporary users would live and work at the Reserve, reducing the trips generated. The City of San Jose is the nearest location with amenities and is approximately 10 miles away and can only be reached by using one of the unpaved roadways leading to the project site. The estimated vehicle trips per day of the likely daily traffic that would result from project implementation is expected to be low. There would be additional vehicle trips from the temporary users. However, the number of additional trips during project operations would not have a significant effect on local roadway and intersection operations. Impacts would be less than significant.

b) Santa Clara County prepared a Draft Congestion Management Plan (CMP) in October 2009 and a Valley Transportation Plan 2030 in February 2005. The additional trips due to the project would have no measurable effect on Santa Clara County CMP facilities. There would be no impact with regard to this criterion.

c) The number of new trips to the project site would be made by vehicle and would not affect air traffic levels. The project does not involve any change in air traffic patterns. There would be no impact with regard to this criterion.

d) The proposed project would repair 1.5 miles of the Reserve Access Road starting at the Reserve gate on Mount Hamilton Road to the south entrance gate, at the Twin Tanks Gate. The road would be graded, compacted, and graveled which would improve the quality of the existing road access to the Reserve. The project would not introduce incompatible uses along the roadway. The increase in vehicle traffic along the
road would not substantially increase road hazards. The impact would be less than significant with regard to this criterion.

e) The proposed project would not affect local or regional emergency access routes. The proposed new residential units would be located close to the Reserve Access Road, which provides the only vehicle access to the Reserve and would continue to provide adequate emergency access to the project site. There would be no impact with regard to this criterion.

f) There are no adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities that are relevant to the proposed project. The project site is not served by any public transit system and the proposed project would have no effect on transit service. There are no bicycle or pedestrian facilities on the Reserve or along the Reserve Access Road and the project site is not readily accessible by bicycle or on foot. There would be no impact with regard to this criterion.

**Project-Level Mitigation Measures**

No mitigation is required.

**Significance Determination**

Impacts would be less than significant.
6.17 UTILITIES AND SERVICE SYSTEMS

Would the project:

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

- 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? □ □ ■ □

- 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? □ □ ■ □

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

- 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? □ □ □ ■

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

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

- h) Create other utility and service system impacts? □ □ ■ □

Relevant Elements of Project

The proposed project would construct group lodging, camp shelters, up to three residences and associated driveways, parking areas, and infrastructure to accommodate two additional permanent residents and 52 temporary overnight users. In addition, new parking spaces would be provided, utilities improved as
described below, and 1.5 miles of the Reserve Access Road beginning at the Reserve gate on Mount Hamilton Road would be improved.

As discussed in the Section 3, Project Description, two new 20,000-gallon water tanks would be built on-site and the existing water tank would be decommissioned. The existing well would be decommissioned and a new well would be installed. Underground pipe would extend from the water tanks to the pump house located approximately 200 feet to the northeast of the existing barn, and underground pipes would convey water from the pump house to the barn and the residences.

Two new septic tanks would be installed to serve the residences, the group lodging, and the barn.

A new photovoltaic array and associated utility shed would also be constructed to serve the project site.

Discussion of Potential Project Impacts

a) The proposed project would include on-site wastewater disposal through two septic tanks and leach fields, and would not discharge wastewater to a wastewater treatment plant. There would be no impact.

b) The proposed project would be served by a new on-site water well. The proposed project would also include on-site wastewater disposal through two septic tanks and leach fields, and would not require a connection to a wastewater treatment provider. The physical impacts of constructing the well and septic systems are addressed throughout this Initial Study. The project would not require the construction of new water or wastewater treatment facilities, and the impact would be less than significant.

c) The project would include construction of new stormwater drainage facilities on-site, consisting of vegetated swales that would collect stormwater runoff and detain it for infiltration. The swales would be sized to handle the small potential increase in runoff from the increase in impervious surfaces due to project construction. There would be no impacts to any storm drain system as none is present on the Reserve. The other physical impacts of constructing on-site stormwater improvements are addressed throughout this Initial Study.

d) The proposed project would cause an increase in demand for domestic water. The increased demand can be served by the new well on-site. There is adequate groundwater available on the site serve the permanent residents and temporary users of the Reserve. Given the small additional amount of demand and the ready availability of groundwater on the Reserve site, impacts would be less than significant.

e) The proposed project would dispose of wastewater in two on-site septic systems and would not be connected to an outside wastewater treatment provider. There would be no impact.

f) The proposed project would result in a small increase in solid waste generated on the Reserve. Solid waste produced at the Reserve is collected by GreenWaste Recovery, Inc., which hauls waste to the Kirby Canyon Recycling and Disposal Facility in Morgan Hill. The Kirby Canyon landfill has a permitted capacity of 36.4 million cubic yards (CalRecycle 2013). Based on this information, impacts related to solid waste disposal would be less than significant.

g) Solid waste on the Reserve is and would continue to be handled in accordance with applicable federal, state, and local statutes and regulations, as required by UC Berkeley policy and standard practice. The project would be included in ongoing recycling and reuse practices at the Reserve that are intended to reduce the amount of solid waste transported to landfills. The impact would be less than significant.
h) The proposed project would be served by a new photovoltaic array. The project site would not need to be connected to electrical grid. There are no other public utilities that serve the Reserve, and impacts would be less than significant.

**Project-Level Mitigation Measures**

No mitigation is required.

**Significance Determination**

Impacts would be less than significant.
6.18 **Mandatory Findings of Significance**

The lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur. Where prior to commencement of the environmental analysis a project proponent agrees to mitigation measures or project modifications that would avoid any significant effect on the environment or would mitigate the significant environmental effect, a lead agency need not prepare an EIR solely because without mitigation the environmental effects would have been significant (per Section 15065 of the State CEQA Guidelines):

**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, substantially 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?

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

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

**a)** As discussed in Sections 6.4 and 6.5, above, the proposed project includes mitigation measures to avoid or reduce significant effects on special status wildlife species and cultural resources, and would have less than significant impacts with these measures in place.

**b)** The proposed project’s potential impacts are discussed in the topical sections above. With the incorporation of BORR mitigation measures, the project would have minimal effects. Furthermore, there are no other past, present and reasonably foreseeable future projects in the vicinity of the proposed project that would result in impacts that could cumulate with the minimal impacts of the proposed project. There would be no significant cumulative impacts.
c) The project would construct group lodging, up to three residences, tent pads, a new well, pump station, and a PV array within an open meadow of the Reserve. It does not included elements that could cause substantial direct or indirect adverse effects on humans.
7. COMMENTS AND RESPONSES

The public comment period for the Mitigated Negative Declaration prepared for the proposed Multi-Use Facilities and Infrastructure Project extended from July 8 to August 7, 2013. Two comment letters were received. The commenters are listed below.

- Santa Clara County
- Bay Area Ridge Trail Council

All comments received are reproduced below followed by responses to each comment.
County of Santa Clara  
Department of Planning and Development  
Planning Office  
County Government Center, East Wing, 7th Floor  
70 West Hedding Street  
San Jose, California 95110-1705  
(408) 299-5770 FAX (408) 288-9198  
www.socplanning.org

August 7, 2013

Beth Piatniza, Associate Director  
Physical and Environmental Planning  
300 A&E Building, UC Berkeley  
Berkeley, CA 94720-1382

RE: Comments regarding Notice of Intent to Adopt a Mitigated Negative Declaration for Blue Oak Ranch Reserve Multi-use Facilities and Infrastructure Project

Dear Ms. Piatniza:

Please find enclosed comments from the County regarding the Notice of Intent to Adopt a Mitigated Negative Declaration for Blue Oak Ranch Reserve Multi-use Facilities and Infrastructure Project. These include comments from Parks & Recreation, and Planning.

The attached comments include concerns the County has regarding impacts to parks, and recreational trails, construction traffic, County's open space easement, compliance with Santa Clara Valley Habitat Plan and acknowledgement of County General Plan noise thresholds.

If you have any questions regarding coordination of comments on the NOI from the County, please contact Antoinette Romeo at (408) 355-2235, in Parks & Recreation; or the following contacts from Planning: Sylvia Ornelas Wise at (408) 299-5759 for Open Space Easement issues, Ken Schreiber for Habitat Plan issues at (408) 299-5789, or Colleen Oda at (408) 299-5797 for General Plan noise threshold issues.

Sincerely,

Ignacio Gonzalez  
Director of Planning and Development

cc:  
Rob Eastwood, Kirk Girard, Colleen Oda, Sylvia Ornelas-Wise, Ken Schreiber - Planning  
Jane Mark, Antoinette Romeo – Parks & Recreation  
Cindy Chavez - Board of Supervisors District 2  
Sylvia Gallegos – Deputy County Executive, County Executive Office

Board of Supervisors: Mike Wasserman, District 2 Vacant, Dave Cortese, Ken Yeager, S. Joseph Simitian  
County Executive: Jeffrey V. Smith
August 2, 2013

Beth Piatnitzka, Associate Director
Physical and Environmental Planning
300 A&E Building
U.C. Berkeley, CA 94720-1382

RE: Notice of Intent to Adopt a Mitigated Negative Declaration for the Blue Oak Ranch Reserve Multi-use Facilities and Infrastructure Project

Dear Ms. Piatnitzka,

The County of Santa Clara Parks and Recreation Department (County Parks Department) has received a copy of the Draft Initial Study and Proposed Mitigated Negative Declaration (IS/MND) for the proposed University of California Blue Oak Ranch Reserve ("Reserve") Multi-use Facilities and Infrastructure Project located approximately three miles north of Mount Hamilton Road, and five miles northwest of Lick Observatory in Santa Clara County. The IS/MND describes the project as minor upgrades to the existing cedar barn, and construction of two residences, a group lodging facility, camp shelters, infrastructure improvements, and improvements to the primary access road serving the Reserve facilities.

The County Parks Department has reviewed the IS/MND and submits comments primarily focused on potential impacts related to land use, regional parks, public access, recreation, and trails. Since the Reserve is adjacent to Joseph D. Grant County Park, the County Parks Department’s comments focus on the potential impacts that the project may have on park facilities, access, land uses, recreational uses, and park trails.

General Comments
The IS/MND should acknowledge that the Reserve’s southern boundary borders Joseph D. Grant County Park (Grant Park) and identify the main entry road to the Reserve, as Alum Rock Ranch Road, as crossing through Grant Park. In addition, the IS/MND incorrectly identifies the main entry road to the Reserve and project site as Alum Rock Ranch Road ("Resévé entry road"). This road which begins at the Reserve Gate at Mount Hamilton Road is an un-named road which crosses through Grant Park before entering the Reserve. Alum Rock Ranch Road lies to the south and west of the Reserve, where the segment that parallels the road is identified as the secondary access located within the Reserve boundary.

Mount Hamilton Road bisects Grant Park and provides the primary access to the park and park

Board of Supervisors: Mike Wasserman, Dave Cortese, Ken Yeager, S. Joseph Similien

County Executive: Jeffrey V. Smith
facilities. While the project is not expected to directly impact Mount Hamilton Road, construction related traffic could affect access to and use of the park. Therefore, the County Parks Department requests that Reserve project staff notify and coordinate with County Parks staff on the timing, duration, and start of construction activities so that parks staff can notify park visitors of potential traffic delays.

Section 6.15 RECREATION

Potential Impacts to Park Facilities, Existing land uses, Recreational Uses, and Park trails
The area of Grant Park adjacent to the Reserve contains several park trails designated as hiking, equestrian, and bicycle use. Washburn trail and Canada de Pala trail are the two main trails located in the vicinity of the Reserve and connect to the park’s internal trail system. The Reserve main entry road connects to a segment of the Washburn trail which is located along the Reserve’s southwest boundary. Currently the Reserve road has been used as an extension of Washburn trail to connect to the park’s trail system on the west side of Mount Hamilton Road. This entry road provides access to a park entry gate which is adjacent to the Reserve entry gate, and other Park facilities located in vicinity, including historic structures.

Under a current lease agreement, cattle grazing is an existing use that occurs in Grant Park which includes the area in the vicinity of the Reserve. Potential impacts of construction related activities to the cattle grazing operation and infrastructure should be considered.

Section 6.16 TRANSPORTATION/TRAFFIC

The IS/MND should also consider potential construction traffic impacts to nearby park facilities such as regional trails, public access, recreation, and existing land uses as a result of construction related activities including proposed improvements to the entry road. In addition, construction staff should be made aware of the cattle grazing activities and recreational uses in the vicinity particular along the entry road. County Parks would be willing to work with Reserve project staff to notify park visitors, trail users, and lessees of construction activities and requests advance notification of the start, timing and duration of construction activities.

The County Parks Department appreciates the opportunity to comment on the IS/MND for the proposed Blue Oak Ranch Reserve Multi-use Facilities and Infrastructure Project. If you have any questions regarding these comments, please feel free to contact me at (408) 355-2235 or by email at Antoinette.Romeo@prk.sccgov.org.

Sincerely,

Antoinette Romeo
Park Planner III

Cc: Julia Mark, Deputy Director, County Parks Department
    Jane Mark, Senior Planner, County Parks Department
    Colleen A. Oda, Planner III, County Planning Office

Board of Supervisors: Mike Wasserman, Dave Cortese, Ken Yager, S. Joseph Similjan

County Executive: Jeffrey V. Smith
August 7, 2013

Beth Piatniza, Associate Director
Physical and Environmental Planning
300 A&E Building, UC Berkeley
Berkeley, CA 94720-1382

RE: Comments regarding Notice of Intent to Adopt a Mitigated Negative Declaration for Blue Oak Ranch Reserve Multi-use Facilities and Infrastructure Project

Dear Ms. Piatniza:

This letter is written in response to the Notice of Intent to Adopt a Mitigated Negative Declaration for Blue Oak Ranch Reserve Multi-use Facilities and Infrastructure Project.

County Permitting Requirements
The property is located within rural, unincorporated Santa Clara County, and normally all land development projects are subject to land use, building, and grading permitting requirements under the County’s Department of Planning and Development. However, as described within the MND, the proposed project will be constructed and managed by the University of California and as such is not subject to the County’s zoning regulations, building, or grading permitting requirements.

Open Space Easement Agreement
Please contact Sylvia Ornelas-Wise at (408) 299-5759, Sylvia.Ornelas-Wise@pln.sccgov.org regarding the following:

The subject property is under a Type III Open Space Easement Agreement (OSE-2007.005) executed by the County of Santa Clara on September 11, 2007. An Open Space Easement Agreement restricts land to open space and compatible uses pursuant to the Open Space Easement Act of 1974 - which is to preserve and maintain open space lands, allowing limited compatible uses and development. The total compatible use development on a Type III Open Space Easement Agreement is restricted to 5 acres, and the remainder of the parcel must be maintained in open space.

Prior to undertaking any development or use on Open Space Easement Agreement land, County Ordinance Code Section C13-40 requires the owner to apply for and obtain an Open Space Easement Compatible Use Determination (CUD) from the County.
Therefore an Open Space Easement Agreement Compatible Use Determination will be required prior to any proposed development on the subject parcel. Please make an appointment to submit for the Open Space Easement Compatible Use Determination with Sylvia Ornelas-Wise at (408) 299-5759. See enclosed checklist and fees brochure.

Another option would be to file for Abandonment of the existing Open Space Easement Agreement with the Clerk of the Board. For additional information on the abandonment of the Open Space Easement Agreement please contact Curtis Boone at (408) 299-5078.

**Santa Clara Valley Habitat Plan**

Please contact the Interim Executive Director Ken Schreiber, at (408) 299-5789 or ken.schreiber@ceo.sccgov.org regarding the following:

Per correspondence from Joseph Terry of the U.S. Fish and Wildlife Service, the proposed project may require endangered species permits due to potential direct and indirect impacts to several Federally listed wildlife and plant species. The proposed project is located within the Santa Clara Valley Habitat Plan permit area, and as such may apply to the Santa Clara Valley Habitat Agency to obtain endangered species permits as a Participating Special Entity under the Plan, at the discretion of the Habitat Agency.

**Noise**

Please contact Colleen Oda at (408) 299-5797, Colleen.Oda@pln.sccgov.org regarding the following:

One minor comment to note on the Initial Study; pg. 50 of the Noise section indicates that Santa Clara County’s exterior noise standards do not include research and nature reserve uses such as the Reserve in the categories of uses for which noise standards have been established. This statement is incorrect. The County’s General Plan Noise Section (see attached page) has established noise compatibility standards for category - parks, open space reserves, wildlife refuges. The County General Plan noise thresholds should be acknowledged in the Environmental Assessment.

Thanks for the opportunity to comment on UC Berkeley’s Mitigated Negative Declaration.

Sincerely,

Colleen A. Oda
Planner III

cc:   Planning - Rob Eastwood, Kirk Girard, Sylvia Ornelas-Wise, Ken Schreiber
### Noise Compatibility Standards for Land Use in Santa Clara

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Exterior Noise Compatibility Standards (Noise level - Ldn Value in Decibels)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>![Noise Level Graph]</td>
</tr>
<tr>
<td>Commercial</td>
<td>![Noise Level Graph]</td>
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<tr>
<td>Hotel</td>
<td>![Noise Level Graph]</td>
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<tr>
<td>Other</td>
<td>![Noise Level Graph]</td>
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<tr>
<td>Industrial</td>
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<tr>
<td>Public or Semi-Public Facilities</td>
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<tr>
<td>Church, Hospital, and Nursing</td>
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<tr>
<td>Home</td>
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<tr>
<td>Schools and Libraries</td>
<td>![Noise Level Graph]</td>
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<tr>
<td>Civic Buildings and Other</td>
<td>![Noise Level Graph]</td>
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<tr>
<td>Open Space*</td>
<td>![Noise Level Graph]</td>
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<tr>
<td>Agriculture</td>
<td>![Noise Level Graph]</td>
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<tr>
<td>Parks, Open Space Reserves, Wildernesses, Etc.</td>
<td>![Noise Level Graph]</td>
</tr>
</tbody>
</table>

Maximum noise for undisturbed sleep - EPA: 45

Voice level which permits normal conversation at 3 meters (10 ft.): 50

Potential y hazardous: 65

Normal: 70

Raised: 75, 80

**Noise Compatibility Evaluation**

- Satisfactory
- Cautionary
- Critical

* For open space use, there are no critical noise levels listed. Homes in agricultural areas are not subject to the "Residential" standards. Public buildings in parks and open space areas shall meet noise standards as listed under "Public of Semi-Public facilities." For open space use, the maximum level of noise which a new land use may impose on neighboring open space shall be the upper limit of the "Satisfactory Noise Level."

Several types of noise are common in the vicinity of airports. Noise generated during take-off and landing operations is most commonly the focus of neighborhood concerns, but other types of aircraft-generated noise can be a problem. Planes in flight, engine "run-up", the low frequency "rumble" of jet aircraft, or helicopter noise can be intrusive to some individuals.

The Community Noise Equivalent Level (CNEL) contours have been mapped and are used to evaluate the compatibility of various types of land uses within the noise environment surrounding the airport. These contours are also called noise zones and illustrate the reduction in acoustical energy which can be expected to occur as sound travels away from the airport.

There are, however, limitations to using just the CNEL values in this case. CNEL measures noise over a 24 hour period, placing a 5 dB penalty on noises occurring from 7:00 p.m. to 10:00 p.m. and a 10 dB penalty on all noises occurring from 10:00 p.m. to 7:00 a.m. Single events may be 40 or 50 dB higher than the overall average of sounds in a given area and therefore constitute a nuisance even though the CNEL is acceptable.
Open Space Easement Compatible Use Determination (OSE)

The following is a list of documentation required by the Planning Office in order to process your application for an Open Space Easement Compatible Use Determination. Your application will not be accepted unless the property owner or authorized representative signs the Acknowledgements and Agreements Form, and the application is accompanied by the current filing fee and all the pertinent items described below. Following initial distribution and review of submitted materials additional information may be required.

Questions? Contact: Planning Office (408) 299-5770

Checklist of Required Application Materials

The documents listed below are **required** for your application for an Open Space Easement Compatible Use Determination.

*All plans must be legibly drawn to an appropriate scale (sheet size 18” x 24” minimum to 24” x 36” maximum).*

- 1 Acknowledgements and Agreements Form signed by owner or authorized representative.
- 1 Copy of Assessor’s Parcel Map available at the Assessor’s Office - 5th floor, County Government Center.
- 1 Written Description of all existing and proposed use(s) of the property.
- 2 Sets of Site Plans with the following content:
  - Square footage calculations of the footprints of all existing and all proposed structures, hardscape and associated improvements. Computations must be calculated, verified, signed and stamped by either a registered civil engineer, licensed land surveyor or licensed architect.
  - Grading quantities in a table format detailing the amount of cut and fill in cubic yards associated with each individual proposed improvement (e.g. building pad, driveway, access road, accessory structures, and other improvements) and the total amount of cut and fill. Include the maximum height and depth of cut and fill.
  - Proposed retaining walls, including wall height and top/bottom of wall sections.
  - All existing trees at least 12 inches in diameter within 20 feet of the development area with size and type indicated.
  - All existing trees proposed for removal with a companion tree removal table.
- 2 Sets of Exterior Elevations for all proposed structures
- 2 Sets of Floor Plans for all proposed structures.
- 2 Sets of Materials (Product Specifications) and/or Color Samples for all proposed structures.

Additional Application Materials That May Be Required

The documents listed below may be required for your application for an Open Space Easement Compatible Use Determination. Please consult staff for a complete determination of submittal requirements for your project.

- 1 Copy of Current Recorded Grant Deed
- 1 Copy of Evidence showing legal creation of lot
- 2 Preliminary Landscape Plans with the following content:
  - Existing and proposed on-site landscaping.
  - Existing and proposed fencing and/or screening.
- 2 Perspective Views showing how the development will be viewed as seen from various angles.
- Other Reports/Studies
County of Santa Clara Williamson Act Program

GUIDELINE FOR
POLICIES GOVERNING THE EXCHANGE OF
AN EXISTING WILLIAMSON ACT CONTRACT FOR AN
OPEN SPACE EASEMENT

Definition of Open Space

Open space land that is subject to a Santa Clara County Open Space Easement is any parcel or area of land which is essentially unimproved and devoted to an open space use defined as any of the following:

A. Open space for the preservation of natural resources, including but not limited to, the preservation of plant and animal life, including habitat for fish and wildlife species; rivers, streams, bays and estuaries; and banks of rivers and streams and watershed lands.

B. Open space used for the managed production of resources including but not limited to, forest lands, rangeland, agricultural lands, and areas of economic importance for the production of food or fiber.

C. Open space for outdoor recreation, including but not limited to, areas of outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes, including access to rivers and streams; and areas which serve as links between major recreation and open space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors.

D. Open space for public health and safety, including but not limited to, areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, floodplains, watersheds, areas presenting high fire risks, areas required for the protection of water quality, water reservoirs, and areas required for the protection and enhancement of air quality.

E. Open space for the protection of places, features and objects pertaining to Native American historical, cultural and sacred sites.

Easement Duration

Easement must be for a term of at least 15 years or in perpetuity. Like Williamson Act contracts, easements for a term of years automatically renew each year for an additional year unless notice of non-renewal is provided. The

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only ways to terminate an easement for a term of years are through non-renewal or abandonment.

**Required Easement Findings**

The Board of Supervisors must find, by resolution, that preservation of the land as open space is:

A. Consistent with the County of Santa Clara General Plan;
B. A minimum of 20 acres; and
C. In the best interest of the County of Santa Clara because of one or more of the following:
   1. Land is essentially unimproved and, if retained in its natural state, has either scenic value to the public, is valuable as a watershed or wildlife preserve, and the easement contains appropriate restrictions to ensure this;
   2. Is in the public interest because the land will either add to the amenities of living in neighboring urbanized areas or will help preserve the rural character of the area in which the land is located; and/or
   3. The public interest will otherwise be served consistent with the Open Space Easement Act of 1974 or Article XIII, Section 9 of the California Constitution.

**Development Restrictions**

Holder of easement must effectively preserve for public use or enjoyment the natural or scenic character of such open space land (*Source: Government Code Section 51075(d)*) and shall not carry out or allow any activity, use or action, which could impair the open space character of the land. **Easement does not require public access to open space land.**

**Limitation of Uses**

A. Single-family Residential Uses and Residential Accessory Structures.
   1. Subdivision is prohibited.

B. Accessory structures related to the maintenance, enjoyment or operation of the open space use, including but not limited to, storage and maintenance facilities, bathrooms, trail markers, and informational displays.

C. Agricultural Uses related to the production of agricultural commodities
   1. Short-Term and Long-Term Agricultural Employee Housing, which is defined as dwellings occupied by employees primarily engaged in agricultural operations on land owned or rented by the agricultural

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operator. Family members of such agricultural employees may also live in the same unit.

2. Agricultural Accessory Structures ancillary to and supporting on-site agricultural operations including barns and sheds, corrals, wells, compost storage, machinery storage, and small offices.

3. Small Scale Agricultural Processing, which is defined as the handling, processing, packing, packaging, storing, and shipping of agricultural commodities grown primarily in Santa Clara County and neighboring counties, not including processing of meat, poultry, or animal products. Use must be limited to 2,400 square feet or less of covered space devoted to processing activity.

4. Limited Agricultural Sales, which is defined as facilities for the retail sale of agricultural commodities grown predominately on-site or on other property within Santa Clara County and operated by a single proprietor on a seasonal basis. May include a stand or similar sales structure not exceeding 400 square feet in area. Includes operations where customers have access to growing areas and pick the product themselves, such as Christmas tree farms, pumpkin patches, and apple or other fruit picking.

5. Agriculturally-related Entertainment and Commercial Uses which are defined as visitor-oriented services, sales and attractions with an agricultural theme that are conducted in conjunction with on-site agricultural uses. Such uses include food and retail sales, tasting rooms, and reception facilities.

D. Recreational Uses

1. Hunting and Fishing Preserves, which are defined as natural or improved open space areas and related facilities specifically designated for hunting and fishing.

2. Public or private riding or hiking trails.

3. Riding stables, and boarding of horses or other livestock, including associated stables and pastures.

4. Camps and Retreats, which are defined as outdoor-oriented recreational, meeting, lodging, and associated facilities, which have a low population density, are a low intensity use, and which minimally alter the natural environment. Includes hostels, guest ranches, lodges, and educational and group retreats, but does not include tourist-oriented resorts or hotels or motels.

5. Bed and breakfast inns, which are defined as commercial establishments providing short-term overnight accommodations with a maximum of six (6) guest rooms, including kitchen and dining facilities for guests.

E. Utilities

1. The erection, construction, alteration or maintenance of gas, electric, water, alternative power production (such as windmills) or
communication utility facilities; and radio, television or microwave antennas, and transmitters and related facilities up to 35 feet in height.

**Limitation of Development**

Three types of easements are proposed with three different levels of development restrictions. The most restrictive easement will prohibit all development. A second type of easement will restrict the size of any proposed residence to 1,000 square feet and prohibit secondary dwellings. The third type of easement will not restrict the size of any proposed residence.

A. For parcels between 20 and 39 acres:
   1. Total development of limited uses, including residential, restricted to 5% total coverage of parcel.
   2. 95% of the parcel must be maintained in open space use.

B. For parcels between 40 and 99 acres:
   1. Single-family residential uses and residential accessory structures limited to 2 acres.
   2. Total development of limited uses, including residential, restricted to 5% total coverage of parcel.
   3. 95% of the parcel must be maintained in open space use.

C. For parcels 100 acres and over:
   1. Total development of limited uses, including residential, restricted to 5 acres.
   2. Remainder of parcel must be maintained in open space use.

D. Owners of parcels may choose a "no-development option".

"Development" includes erecting or placing structures or objects on the land, grading, or otherwise altering the land for non-agricultural purposes. "Development" does not include use of the land in its natural state for activities such as hunting, fishing, hiking, or outdoor games or sports.

For purposes of calculating the maximum permissible 5% development maximum (parcel coverage) of a parcel, the square footage of the footprint of all hardscape including residences, accessory structures and recreation facilities (i.e. tennis courts, swimming pools) shall be aggregated, with the exception the following:

A. Sub-surface utility systems and facilities such as leachfields, leachlines and septic tanks shall be exempt from the five (5) percent maximum development Open Space Easement calculation;

B. Roadways, driveways and required turn arounds serving the primary residence shall be exempt from the five (5) percent development maximum; and

Approved by BOS 10/18/11
C. Landscaping (softscape) that is in keeping with the natural setting and that is composed of natural features and vegetation generally found in the area of land in question shall be exempt from the five (5) percent development maximum.

**Siting Criteria for Development of Limited Uses**

Development of limited uses, including roads and driveways, shall:

A. Conform to all applicable goals and policies of the General Plan.

B. Be subject to enhanced Design Review, focusing on:
   1. Maintenance of the open space in large, contiguous areas capable of serving the various purposes of such open space, including but not limited to recreation and trails, agriculture, viewshed protection, habitat preservation and wildlife corridors.
   2. Avoiding those noteworthy and most valuable natural features of the land, such as rock outcroppings, historic or archaeological sites, significant stands of mature trees, and riparian areas.
   3. Being located based on a consideration and balancing of factors as topography, visual impacts and conservation of natural resources and landscape features, while also minimizing the need for grading and earthwork to the maximum extent possible.
   4. Being clustered on the property to the maximum extent possible.

Approved by BOS 10/18/11
**FEES**

**IMPORTANT**

[Additional text and tables regarding fees and important information are present on the page.]

---

**University of California Blue Oak Ranch Reserve**

**Multi-Use Facilities and Infrastructure Project**

---

[Contact information and logos are also present on the page.]
<table>
<thead>
<tr>
<th>Administrative Permit Fees</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Bingo</td>
<td>$1,013</td>
</tr>
<tr>
<td>Dances Class A and B</td>
<td>$863</td>
</tr>
<tr>
<td>Day Care Centers-Large</td>
<td>$1,124</td>
</tr>
<tr>
<td>Entertainment/Circus</td>
<td>$1,197</td>
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<tr>
<td>Fortune Telling</td>
<td>$804</td>
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<tr>
<td>$10,000 bond or cash deposit required prior to issuance</td>
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<tr>
<td>Temporary Off-Road Vehicle Recreational Use</td>
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<tr>
<td>Agricultural Exemptions</td>
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<tr>
<th>Airport Land Use Commission</th>
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<tbody>
<tr>
<td>Major Project</td>
<td>$3,500</td>
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<tr>
<td>Minor Project</td>
<td>$700</td>
</tr>
<tr>
<td>Appeals</td>
<td></td>
</tr>
<tr>
<td>Single family residence</td>
<td>$916</td>
</tr>
<tr>
<td>All others</td>
<td>$1,359</td>
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<tr>
<td>Appeals to Director - Vehicle Ordinance</td>
<td>$890</td>
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<tr>
<td>Application Reactivation</td>
<td>10% of current fee</td>
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</table>

<table>
<thead>
<tr>
<th>Architectural &amp; Site Approval</th>
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<tr>
<td>All ASA except as indicated below</td>
<td>$8,588</td>
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<td>Airport Fixed Base Operator</td>
<td>$5,257</td>
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<td>Duplex or single family residence</td>
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<tr>
<td>Signs</td>
<td>$1,698</td>
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<td>Administrative approval, minor project or minor modification</td>
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<tr>
<td>Wireless Telcom facilities</td>
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<td>All others</td>
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<table>
<thead>
<tr>
<th>Building Permit (Planning) Plan Review Fee</th>
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</thead>
<tbody>
<tr>
<td>a. Demolition (structures less than 50 years old)</td>
<td>$208</td>
</tr>
<tr>
<td>b. Demolition (detached structures 50 years or older)</td>
<td>$255</td>
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<tr>
<td>c. Demolition (residences 50 years or older)</td>
<td>$305</td>
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<tr>
<td>d. Minor permits; plan check or permit revision</td>
<td>$234</td>
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<tr>
<td>e. Minor detached structures and additions</td>
<td>$457</td>
</tr>
<tr>
<td>f. Additions/detached structures (250-499sf)</td>
<td>$514</td>
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<tr>
<td>g. Some additions to SFD; detached structures</td>
<td>$607</td>
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<tr>
<td>Construction, addition, conversion or alteration with</td>
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<tr>
<td>h. DR or SP &lt;500 sf</td>
<td>$611</td>
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<tr>
<td>i. DR or SP 500 sf or more or with UP or ASA &lt;500 sf</td>
<td>$947</td>
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<tr>
<td>j. New Residence; Mobile Home; Addition to residence 500 sf or more</td>
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<td>k. UP or ASA 500 sf or more</td>
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<th>Building Site Approval</th>
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<tbody>
<tr>
<td>Urban (Inside Urban Service Area)</td>
<td>$4,502</td>
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<tr>
<td>Rural (Outside Urban Service Area)</td>
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<td>Pre-application</td>
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<tr>
<td>Pre-application (mandatory)</td>
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<tr>
<td>Exception to minimum lot size, Planning Commission hearing in addition to application</td>
<td>$4,325</td>
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<tr>
<td>Certificate of Compliance, Basic</td>
<td>$1,243</td>
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<tr>
<td>Certificate of Compliance (deed prior to 1925)</td>
<td>$1,547</td>
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<tr>
<td>Certificate of Compliance, Conditional</td>
<td>$2,976</td>
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<tr>
<td>Cluster Permit (see Subdivision)</td>
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<tr>
<td>Design Review (fences, walls)</td>
<td>$1,664</td>
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<td>Design Review (scenic road)</td>
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<td>Design Review (all others)</td>
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<td>Design Review Tier III</td>
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<td>Design Review - Administrative Approval, Discretionary</td>
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<td>Exemption or Minor Modification</td>
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<td>Document Certification (per page)</td>
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<tr>
<th>Environmental Review</th>
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<tbody>
<tr>
<td>Environmental Assessment</td>
<td>$3,803</td>
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<tr>
<td>Categorical Exclusionian</td>
<td>$452</td>
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<tr>
<td>Petition for use of prior CEQA document</td>
<td>$581</td>
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<tr>
<td>Environmental Impact Report (Consultant prepared)</td>
<td></td>
</tr>
<tr>
<td>15% of document cost + 15% Mgmt fee $1,539</td>
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<tr>
<td>Extension of Time</td>
<td>50% of current application fee</td>
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<tr>
<td>File Retrieval (archival storage)</td>
<td>$35</td>
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| General Plan Amendment                                          | $12,545 |
| Pre-application                                                 |       |
| General Plan Conformity-Interpretation                          | $3,916 |
| Geologic Report Review (in-depth report)                        | $1,641 |
| Geologic Report Review (letter report)                          | $635 |
| Grading Abatement                                               | $7,315 |
| If filing fee $3,305; violation investigation fee $4,006        |       |
| Grading Approval                                                |       |
| If concurrently filed with other land use application            |       |
| Grading Small                                                   |       |

<table>
<thead>
<tr>
<th>Historic Preservation</th>
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<tbody>
<tr>
<td>Ripel or Amendment of Landmark Designation</td>
<td>$900</td>
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<tr>
<td>Landmark Alteration Permit</td>
<td>$742</td>
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<tr>
<td>Small Project Review</td>
<td>$495</td>
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<td>Determination of Hardship</td>
<td>$805</td>
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<tr>
<td>Home Occupation Interpretation</td>
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<tr>
<td>Written opinion by Zoning Administrator</td>
<td>$473</td>
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<tr>
<td>Public hearing by Zoning Administrator</td>
<td>$1,428</td>
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<table>
<thead>
<tr>
<th>Land Use Violation Fee</th>
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</thead>
<tbody>
<tr>
<td>$0 for first 30 days. After 30 days $1,110 plus 25% of the land use permit fees</td>
<td></td>
</tr>
</tbody>
</table>

| Landscape Project Review                                        | $25  |
| Lot Line Adjustment                                             | $1,646 |
| Pre-application Meeting (mandatory)                             | $339  |
| Planning Commission Review                                      | $4,292 |
| Lot Margin                                                     | $1,241 |

<table>
<thead>
<tr>
<th>Modification of Use Permit, ASA or Subdivision</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Application, major</td>
<td>50%</td>
</tr>
<tr>
<td>Application, minor</td>
<td>25%</td>
</tr>
<tr>
<td>Approval, major</td>
<td>100%</td>
</tr>
<tr>
<td>Approval, minor</td>
<td>75%</td>
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</table>

<table>
<thead>
<tr>
<th>Modification of Building Site Approval or Grading</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Application, major</td>
<td>50%</td>
</tr>
<tr>
<td>Application, minor</td>
<td>25%</td>
</tr>
<tr>
<td>Approval, major</td>
<td>100%</td>
</tr>
<tr>
<td>Approval, minor</td>
<td>50%</td>
</tr>
</tbody>
</table>

| Outdoor Amplified Sound Permit                                  | $1,077 |
| Parcel-Specific Research & Written Response (per hour)         | $143/hr |
| Pre-application (unless otherwise noted)                       |       |
| Pre-screening meeting                                          | $554 |
| Public Hearing Continuance, Planning Commission                | $162 |
| Public Hearing Continuance, staff hearing                      | $100 |
| Reversion to Acreage                                           | $4,701 |

<table>
<thead>
<tr>
<th>Septic Tank Permit</th>
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</thead>
<tbody>
<tr>
<td>System on slopes &lt; 20%</td>
<td>$2,027</td>
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<tr>
<td>System on slopes &gt; 20%</td>
<td>$2,903</td>
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<tr>
<td>Repair/reconstruction</td>
<td>$767</td>
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<table>
<thead>
<tr>
<th>Special Permit</th>
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</thead>
<tbody>
<tr>
<td>Mobile homes (agricultural and temporary)</td>
<td>$5,551</td>
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<tr>
<td>All others</td>
<td>$2,564</td>
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<tr>
<td>Renewal</td>
<td>100% of application fee</td>
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<tr>
<td>Staff Consulting &amp; Research (per staff person)</td>
<td>$143/hr</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>State License Clearance</th>
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<tbody>
<tr>
<td>Standard (ABC or DMV)</td>
<td>$1,332</td>
</tr>
<tr>
<td>Public Convenience or Necessity</td>
<td></td>
</tr>
<tr>
<td>Planning Director decision</td>
<td>$2,389</td>
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<tr>
<td>Board of Supervisor decision</td>
<td>$3,305</td>
</tr>
</tbody>
</table>
### SANTA CLARA COUNTY PLANNING DEVELOPMENT APPLICATION

<table>
<thead>
<tr>
<th>PROPERTY OWNER'S NAME</th>
<th>Phone</th>
<th>Email</th>
<th>Prefer correspondence: Email</th>
<th>Mail</th>
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</thead>
<tbody>
<tr>
<td>Mailing Address</td>
<td>City</td>
<td>Zip</td>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>APPLICANT OR APPELLANT NAME</th>
<th>Phone</th>
<th>Email</th>
<th>Prefer correspondence: Email</th>
<th>Mail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mailing Address</td>
<td>City</td>
<td>Zip</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**ADDRESS OF SUBJECT PROPERTY:**

**APN:**

**EXISTING USE OF PROPERTY:**

**ACCESS RESTRICTIONS (gate, dog, etc.):**

The ACKNOWLEDGEMENTS AND AGREEMENTS FORM on the reverse side of this application must be completed and signed by the property owner(s).

---

### FOR DEPARTMENT USE ONLY

**FILE NUMBER:**

**PROJECT DESCRIPTION:**

---

### APPLICATION TYPES

<table>
<thead>
<tr>
<th>APPLICATION TYPES</th>
<th>FEE(S)</th>
<th>COMMENTS / SUBMITTAL MATERIALS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Architecture and Site Approval / ASX</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Site Approval / BA (Urban / Rural)</td>
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<tr>
<td>Certificate of Compliance</td>
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<td></td>
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<tr>
<td>Design Review / DRX</td>
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<td></td>
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<tr>
<td>CEQA (EA / Cat Ex / Prior CEQA / EIR)</td>
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<td></td>
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<tr>
<td>Compatible Use Determination (WA / OSE)</td>
<td></td>
<td></td>
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<tr>
<td>Geologic Report / Letter</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grading Approval / Abatement</td>
<td></td>
<td></td>
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<tr>
<td>Lot Line Adjustment / Lot Merger</td>
<td></td>
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<tr>
<td>Pre-Screening</td>
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<td></td>
</tr>
<tr>
<td>Special Permit</td>
<td></td>
<td></td>
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<tr>
<td>Subdivision</td>
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<tr>
<td>Use Permit</td>
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</tr>
<tr>
<td>Variance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL FEES**

Application fees are not refundable.

Coordinates: X _______ Y _______

USA / SOI

Zoning: ____________________________

WA / OSE / HCP

General Plan: ____________________________

Supervisory Dist: ____________________________

Parcel Size: ____________________________

Previous Files: ____________________________

---

University of California Blue Oak Ranch Reserve
Multi-Use Facilities and Infrastructure Project
ACKNOWLEDGEMENTS AND AGREEMENTS

FILE NUMBER: ________________________________

I. INDEMNITY
Applies to all Planning applications.

As it relates to the above referenced application, pursuant to County of Santa Clara Ordinance Code Section A33-6, except where otherwise expressly prohibited by state or federal law, I hereby agree to defend, indemnify and hold harmless the County and its officers, agents, employees, boards and commissions from any claim, action or proceeding brought by any person or entity other than the applicant ("third party") against the County or its officers, agents, employees, boards and commissions that arises from or is in any way related to the approval of this application, including but not limited to claims, actions or proceedings to attack, set aside, void or annul the approval. If a third party claim, action or proceeding is filed, the County will promptly notify the applicant of the claim, action or proceeding and will cooperate fully in the defense. Notwithstanding the above, the County has the right to participate in the defense of any claim, action or proceeding provided the County bears its own costs and attorney fees directly associated with such participation and defend the action in good faith. The applicant will not be required to pay or perform any settlement unless the applicant agrees to the settlement.

II. FEES
Applies to hourly billable application types. Refer to Department of Planning and Development fee schedule.

a. We the Owner(s) of the subject property understand that my/our application requires payment of a minimum non-refundable fee, plus additional funds when staff hours devoted to the application exhaust the initial payment. Staff hours are billed at the hourly rate in effect at the time the staff hours are accrued.

b. Typical tasks charged to an application include, but are not limited to, the following: intake and distribution of application, staff review of plans and other relevant materials; correspondence; discussions/meetings with owner, applicant and/or other interested parties; visits to the project site by authorized agency staff; file maintenance; environmental assessment; staff report preparation; agenda and meeting preparation; meeting attendance; presentations to boards, commissions, and community groups; contract administration.

c. The minimum nonrefundable fees for development applications are based on staff billing rates and staff hours needed to process a typical application. Staff hours may exceed a base application fee (requiring additional billing) due to project complexity and public interest on a project. This could include the need to review technical reports, conduct several meetings with the owner/applicant, and respond to public inquiries.

d. Invoiced fees are due within 30 days of the date on the billing letter. Fees not paid within 30 days are considered late and are subject to collection at the expense of the Owner. While such fees are outstanding, the Planning Office reserves the right to cease all work on a project until said fees are paid in full.

e. Any fees not paid within 45 days of invoicing shall be subject to interest charged at a rate equal to that earned by the County Treasury investment pool for that period.

f. The owner and applicant are encouraged to periodically check on the status of their projects and fees. Questions regarding the status of hours charged to an application may be addressed to the planner assigned to the project.

g. For more information on Planning Office application fees and how they are calculated, visit the County Planning Office website at www.scpplanning.org.

III. APPLICATION AUTHORIZATION AND AGREEMENT TO PAY
I (We), the Owner(s) of the subject property, hereby authorize(s) the filing of this application and on-site visit by authorized staff. In addition, I (We) acknowledge and understand the information above related to fees and agree to pay all application fees. I (We) certify and accept the terms and conditions as described above.

OWNER’S NAME(S) (Please Print) _______________________________________________________

OWNER’S SIGNATURE(S) _______________________________________________________________________

DATE: __________________________________________________________________________

Revised 3/19/2014
Santa Clara County Planning Office
Response to County Comment No. 1

The commenter requests that the IS/MND acknowledge that the Reserve’s southern boundary borders Joseph D. Grant County Park and identify the main entry road to the Reserve crossing through the County park as Alum Rock Ranch Road. In addition, the commenter states that Alum Rock Ranch Road lies to the south and west of the Reserve.

The main access road to the Reserve crossing through Joseph D. Grant County Park is unnamed and Alum Rock Ranch Road does not exist. Figure 2 of the IS/MND erroneously labeled the Reserve’s main access road as Alum Rock Falls Road. This facility is actually located approximately 1 mile to the west and south of the Reserve. Figure 2 of the IS/MND has been revised to show the correct names of the roadways on the figure. All incorrect references to the Alum Rock Falls Road in the Initial Study have been revised to refer to the Reserve Access Road. The relationship between the Reserve and Joseph D. Grant County Park is explained throughout the IS/MND.

Response to County Comment No. 2 – Construction Notification

The commenter states that construction related traffic associated with the proposed project along Mount Hamilton Road could affect access to and use of Joseph D. Grant County Park and requests that Reserve Project staff notify and coordinate with County Parks staff on the timing, duration, and start of construction activities so that County Parks staff can notify park visitors of potential delays.

As requested, Reserve staff will notify and coordinate with County Parks staff prior to the commencement of the construction of the proposed project.

Response to County Comment No. 3 – Cattle Grazing

Cattle grazing occurs in the vicinity of the Reserve in Joseph D. Grant County Park. The commenter requests that potential impacts of construction-related activities to the cattle grazing operation and infrastructure be considered in the IS/MND.

Planned improvements along the existing gravel road that passes through Joseph D. Grant County Park and provides access to the Reserve would be of limited duration and would involve minor re-gravelling of the roadway. As discussed above in Response to County Comment No. 2, Reserve staff will notify and coordinate with County Parks staff prior to commencement of construction of the proposed project thus minimizing conflicts between road construction activities and existing uses within the County Park, including cattle grazing. For these reasons, the construction of limited improvements along the existing gravel road that passes through the Joseph D. Grant County Park would not adversely affect cattle grazing within the park.

Response to County Comment No. 4 – Transportation/Traffic

The commenter requests that the IS/MND consider potential construction traffic impacts to nearby park facilities such as regional trails, public access, recreation, and existing land uses as a result of construction related activities including proposed improvements to the Reserve access road.

As noted above, planned improvements along the existing gravel road that passes through Joseph D. Grant County Park would be minimal and would be of limited duration. As discussed above in Response to Parks and Recreation Comment No. 2, Reserve Project staff will notify and coordinate with County Parks staff prior to commencement of construction of the proposed project thus minimizing conflicts between road construction and existing recreational uses within the park. For these reasons, the construction of improvements along the existing gravel road that passes through the Joseph D. Grant County Park would not adversely affect County park facilities and use.
Response to County Comment No. 5 – County Permitting Requirements
The commenter concurs with the discussion contained in the IS/MND stating that since the proposed project will be constructed and managed by the University of California it is not subject to the County’s zoning regulations, building or grading requirements.

Response to County Comment No. 6 – Open Space Easement Agreement
The commenter states the Reserve is under a Type III Open Space Easement Agreement (OSE-2007.005) executed by Santa Clara County on September 11, 2007. As indicated by the commenter, prior to undertaking any development or use on Open Space Easement land, County Ordinance Code Section C13-40 requires the owner to apply for and obtain an Open Space Easement Compatible Use Determination (CUD) from the County.

Reserve staff will apply for and obtain a CUD from the County for the proposed project prior to commencement of construction.

Response to County Comment No. 7 – Santa Clara Valley Habitat Plan
As discussed above in Subsection 6.4, Biological Resources, the proposed project could affect federally protected wildlife species. As a result, the University is required to obtain Endangered species take permits before it can proceed with construction. The proposed project is located within the Santa Clara Valley Habitat Plan permit area and the commenter states that the Reserve may apply to the Santa Clara Valley Habitat Agency to obtain the necessary Endangered species permits as a Participating Special Entity under the plan.

The Reserve will work with the Santa Clara Valley Habitat Agency to obtain the necessary Endangered species permits.

Response to County Comment No. 8 – Noise
Section 6.12, Noise, states that Santa Clara County’s exterior noise standards do not include research and nature reserves such as the proposed Reserve in the categories of uses for which noise standards have been established. The commenter indicates that this statement is not true. According to the County’s General Plan, exterior noise levels between 45 and 55 dB(A) Ldn are considered “satisfactory” for open space preserves while exterior noise levels between 55 and 80 dB(A) Ldn are considered “cautionary” for this same use.

The text in Section 6.12 Noise has been corrected to state that the County’s exterior noise standards include nature reserves and parks as a category of land use and exterior noise levels up to 55 dB(A) Ldn are considered satisfactory for these uses. As discussed in Section 6.12, the project would involve an increase in the number of visitors to the Reserve and associated vehicle trips and the increase in the number of daily trips is expected to be low. Therefore traffic added by the project to the Reserve Access Road is unlikely to elevate ambient noise levels on the County park and the Reserve such that they would exceed 55 dB(A) Ldn. As a result, noise generated by project traffic would fall with the “satisfactory” noise range for open space reserves according to the County’s General Plan, and noise impacts associated with the proposed project would be less than significant.
Beth Piatnitza  
UC Berkeley Physical & Environmental Planning  
Capital Projects - 300 A&E Building  
Berkeley, California 94720-1382  
Re: Blue Oak Ranch Reserve Multi-use Facilities and Infrastructure Project  
Draft Initial Study and Proposed Mitigated Negative Declaration  

Dear Ms Piatnitza –

The Bay Area Ridge Trail Council’s mission is to create a continuous 550+-mile trail for hikers, mountain bicyclists, and equestrians along the ridgelines overlooking San Francisco Bay.

The Council works in close partnership with agencies and local government, parks, land trusts, and other stakeholders and volunteers to plan, acquire, design, build, care for, and promote the Ridge Trail. To date, over 340 miles of Ridge Trail are dedicated and open to the public, including 78 miles in Santa Clara County, where the Ridge Trail is adopted in the County’s General Plan.

Blue Oak Ranch Reserve (BORR) is perfectly positioned to host a significant section of the Ridge Trail in northern Santa Clara County. 6 miles of the Ridge Trail alignment are open to the public in Sierra Vista Open Space Preserve (immediately west of BORR), and another 5 Ridge Trail miles are open in Joseph Grant Ranch County Park (immediately south of BORR).

On pg 38 of your Draft Initial Study you suggest that the cumulative effect of added traffic (resulting from additional visitors and residents traveling to BORR) would be negligible. And on pg 57 you suggest that the additional BORR residents and visitors would not increase recreational use of Grant Ranch. However, the projected future trips along Alum Rock Falls Rd lead you to propose upgrading the road through Grant Ranch and BORR. Taken together, the additional trips and road upgrades could certainly have an impact on the recreational experience for all County Park visitors (not just BORR visitors).

As mitigation for potential impacts to park visitors, the Ridge Trail Council recommends adopting a Ridge Trail alignment along the western edge of BORR, connecting from Sierra Vista OSP to Grant Ranch County Park. This could diffuse recreational trail users at both park facilities, and would create a crucial long-distance trail connection, running roughly 20 miles, from the western end of Alum Rock Park to the south end of Grant Ranch. The Ridge Trail Council has abundant expertise and can help BORR with all phases of trail planning and construction.

Thank you for your consideration.

Regards -

Bern Smith, South Bay Trail Director
Response to Bay Area Ridge Trail Council Comment No. 1

The commenter states that additional trips along the road leading to the Reserve and road upgrades between the Reserve and Mount Hamilton Road would have an impact on the recreational experience for all visitors to Joseph D. Grant County Park. As mitigation for potential impacts to park visitors, the commenter recommends adopting an alignment of the Ridge Trail along the western edge of the Reserve, connecting the Ridge Trail segment in the Sierra Vista Open Space Preserve to the west with the Ridge Trail segment in Joseph D. Grant County Park to the south.

As discussed above in **Subsection 6.16, Transportation/Traffic**, the increase in trips associated with the proposed project is expected to be low. In addition, road upgrades planned between the Reserve and Mount Hamilton Road involve minor re-graveling of the roadway and would be of limited duration. As discussed above in **Response to County Comment No. 2**, Reserve staff will notify and coordinate with County Parks staff prior to commencement of construction of the proposed project thus minimizing conflicts between operational traffic and construction traffic and recreational users. For these reasons, operational traffic and road construction would not have an adverse impact on recreational users who utilize the road to access facilities in Joseph D. Grant County Park. It is unclear how the recommended mitigation would address the project’s largely temporary and less than significant impact on County park recreation facilities and activities.
8. SUPPORTING INFORMATION SOURCES


Thierry, Captain Tremaine. City of San Jose Fire Department. 2013. Personal communication with Caitlin Gilleran of Impact Sciences. May 21.
9. INITIAL STUDY PREPARERS

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