Notice of Preparation

May 3, 2013

To: Reviewing Agencies

Re: Boulder Ridge Golf Club Fitness and Swim Center
SCH# 2013052012

Attached for your review and comment is the Notice of Preparation (NOP) for the Boulder Ridge Golf Club Fitness and Swim Center draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

David Rader
Santa Clara County
70 W. Hedding Street
7th Floor, East Wing
San Jose, CA 95110

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

[Signature]

Seul Morgan
Director, State Clearinghouse

Attachments
cc: Lead Agency
David,

I'm a resident of Almaden Estates, right below the golf course. I understand that Rocky Garcia has applied to change his use permit so that he can build a fitness center and swimming pool. I am fundamentally opposed to the change in the scope of the use permit as during our last round of negotiations with Rocky and the County there was an assurance there would be no further changes.

As to the swimming pool, Rocky has indicated that the pool will host swim meets several times per year. My daughter swam on the Junior Varsity and Varsity teams in High School and as such I am very familiar with what a swim meet entails. When considering the impact of this project please be aware that there will be:
1. Early morning starts for the meets with traffic along the road increasing significantly (count on at least one car per participant plus one per official).
2. Significant crowd noise as parents and participants cheer on their teammates.
3. Starting horns of 120dB to start every race.
4. P.A. announcements to instruct swimmers as to which events and heats are ongoing along with race results.
5. Tents and chairs set up to house the swimmers so that they can change, wait for their next event, relax, etc.
6. Food and beverage booths set up to feed the swimmers and their parents.
7. An exodus of traffic in the late afternoon as the participants make their way home from the meet.

Note that this is very different from the dance hall that Rocky put in both in terms of location, size of the events, and noise. The dance hall was on the far side of the hill and the noise was contained to the interior of the hall.

Please consider these factors in your study.

Sincerely,

Carl Orthlieb
1011 Mazzone Drive,
San Jose, CA 95120
This letter is in response to the county's notice seeking suggestions and information from the public on the scope of issues and alternatives that will be addressed by the County in the EIR.

The County has identified the new proposed Fitness and Swim Center at Boulder Ridge as a modification of the existing use permit for the existing golf course. The proposal is for a 19,000 square foot 3-story building to include locker rooms, fitness equipment, group instructional fitness classes, juice bar and daycare. *This proposed addition doubles in size the clubhouse and event center that currently exists on the property.* In addition, there is proposed a 25-yard outdoor swimming pool, a smaller child pool, and parking spaces to accommodate users of the new facilities.

There are a number of areas identified by the County as areas of impact to be addressed. However, as will be discussed further later in this document, we firmly believe that the County additionally *must* consider any impacts in the context of previous rulings, findings, and conditions placed on the property.

First, as to the areas already identified by the County, we would like to give our input. Five areas were identified in the proposed EIR: (1) Aesthetics, (2) Noise, (3) Traffic, (4) Cumulative Impacts, and (5) Alternatives.

As we believe was apparent at the public meeting, members of the community have significant concerns regarding noise, traffic and viewshed. Specifically, any conclusions in the EIR will be driven by the underlying “use model” for the proposed project. It is extremely important to us to understand what factors the County will consider when evaluating these issues and for the County to be transparent in its evaluation.

For example, the County's notice indicates that the proposal includes "hosting up to six dual meets that would take place between June and August." However at the meeting, Mr. Garcia indicated that while that was his intention, he didn't want to "lock themselves out" (in other words, there could be more). Moreover, he indicated that the swim meets would last from two and a half to four hours and would start fairly early. Our collective experience has been that swim meets frequently last much longer. In addition, Mr. Garcia did not address the timing and length of swim practices or whether starter buzzers or amplification would be used for practices. In the summer, many local swim teams have daily practices starting at 7 a.m. or earlier. Accordingly, the use model could indicate 6 “events” a year or if defined to include practices, the use model might indicate more than 100 “events” a year. Specificity will be important.

**Noise** issues for an outdoor pool and accompanying "kiddie pool" are significant. The County seemingly was unaware of the various Cabana clubs in existence in Almaden Valley. The noise from these swim
clubs is significant -- from swim meets to swim practices to open swim lessons to recreational swim. Equally, if not more significant, would be the noise from outdoor swim parties. Will this new space also be used for parties? Will there be amplified sound or music? What are the limits on size of parties? Or hours? With the Event Center, the County mandated that all amplified noise be inside the center with all windows and doors closed and a maximum decibel level. Therefore, we think it is imperative in the study that the County investigate and consider the significant noise concerns related to an outdoor pool, sitting in extremely close proximity to a residential neighborhood. While one could look at the Cabana clubs and say that they too are near residential neighborhoods, the difference is that those home were purchased knowing they were next to a swim club. In contrast, our neighborhood, and surrounding neighborhoods, paid a premium for our homes because they were purchased next to open space with the understanding and promise that the land would not be developed beyond a golf course. As will be discussed later, this is a significant issue that must be considered by the County.

Traffic impacts will be very significant and must be considered in context of not only the new facility that is being proposed, but that it is a complete change in use. Currently, Boulder Ridge is a golf course, with clubhouse facilities for its members. The stated (by Mr. Garcia) goal of the new project would be to significantly increase membership by recruiting hundreds of new members into a new membership category. Not only will many more cars be travelling to and from the property, but also the use will be different and therefore the traffic patterns will change. Now, members typically travel to the property for golf, stay for a number of hours, and then leave the property. With a swim center and fitness center (particularly with swim lessons, group fitness lessons, and day care), the new members would be travelling to the property at all hours (depending on times of classes, hours of operation of the fitness center, social activities, and so on). The County should compare this use to the Almaden Valley Athletic Club (AVAC) that offers swim lessons and a fitness center with group classes. At AVAC, even though located on a major street away from residences, traffic and parking is consistently a problem, particularly in the summer months, as children and adults alike are travelling to and from classes.

Viewshed/Aesthetics - The use permit for the original clubhouse indicated that it was not to be seen by the Valley floor and mitigation measures were put in place to minimize any viewshed issues. However, despite this, the clubhouse can be seen from the floor. The fitness center is proposed to be a 3-story building which will be seen from the Valley floor and again impinge on the visual character of this open space area. We are happy to submit photos to show the view from the Valley floor.

Fire Hazard - An additional issue raised at the public meeting that does not fall into any of the areas identified by the County was the concern regarding fire hazard. Boulder Ridge does sit on a hillside that is heavy with brush and other naturally flammable materials. The increase in individuals at the property, the change in the use and the potential for parties could significantly increase the risk of fires that could spread quickly to the surrounding homes. We request that this issue be addressed in the EIR.

Cumulative Impacts and Alternatives - We address these together because we think to truly evaluate
the cumulative impacts and whether any alternatives for this project are available the County must take into account issues previously raised (and settled) on the property.

The Notice states that the EIR will include a discussion of potentially significant cumulative impacts of the proposed project when considered with past, present and foreseeable future projects in the area. In addition, it states that an analysis of a “No Project” alternative is required by law.

In analysis of past projects, the County must consider the fact that the original use permit (for which Mr. Garcia is seeking a modification) was originally rejected by the City of San Jose but then granted by the County. The original EIR and grant of the use permit was challenged in court and the court ordered the County to address all proposed mitigation measures to the impact on the loss of open space. Mr. Garcia’s use permit (again, for which this is a modification) was granted only on the condition that certain restrictions being met.

These conditions include the following:

“The Golf Club represents the maximum development allowable under the Hillside Zoning District and any incremental expansion or increase in use or intensity, would be inconsistent with the Hillside General Plan designation of the project as well as the County Zoning Ordinance and therefore could not be permitted, absent a General Plan Amendment and zoning amendment. Any such proposal would require the written approval of the City of San Jose or waiver of its rights therefor.”

Furthermore, it was stated “As and for a further condition of the use permit, no further development of the remaining portion of the property shall be permitted” and “As and for a further condition of the permit, consistent with the finding of the Board of Supervisors that this project maximizes the development potential of the site under the existing General Plan and zoning designation, the construction of homes, overnight accommodations, the expansion of the clubhouse or other facilities or the introduction of new uses on the property, such as pools, tennis course, or any other uses permitted with the Hillside zoning district, shall be prohibited.

At the public meeting, the County indicated that while it was aware of these restrictions, they would not be considered in the EIR. That position seems nonsensical when it is the requirement of the County to consider the cumulative effect of the development based on past projects in the area. The original lawsuit was filed based on the County’s original EIR not properly considering all factors. The same mistake should not be made again.

Policy considerations previously identified by the Board of Supervisors as to this specific property have not changed. Restrictions placed on the original use permit were identified to “mitigate the loss of open space” as well as meet objectives (as stated by the Board) including “(a) Permanent preservation of as much open space as is constitutionally permissible, (b) Development restrictions over portions of the site that shall prohibit physical expansion of the golf course, (c) Development restrictions over portions of the site that shall prevent intensification of uses within the existing boundaries of the golf course, (d) Disincentives to abandon the golf course use and develop the site for more intensive uses, and (e) Prevention of any increase in allowable housing density as a result of the grading of the site.”
The proposed “modification” is clearly an increase in use and intensity that has already been declared by the Board of Supervisors to be inconsistent with the Hillside General Plan designation as well as the County Zoning Ordinance and therefore could not be permitted, absent a General Plan Amendment and zoning amendment. Per Mr. Eastwood at the public meeting, there has never been a change or Amendment to the Hillside General Plan designation. Therefore this “modification” would be improper.

**Zoning Ordinance Initiative** - The County indicates that the proposed project would include a County initiated Zoning Ordinance Amendment to “clarify” the use of a fitness and swim center as an ancillary use to a golf club. This suggestion seems preposterous. The County suggested there was precedence for this based on other projects approved in the County. However, the County did not clarify whether those other projects contained *pools* and fitness and day care centers. The County did not clarify whether the areas where these golf courses are located are surrounded in such close proximity by a residential neighborhood. The County did not clarify why it believes it can justify swimming pools with swim meets and outdoor noise to be considered “ancillary” to a golf course. Finally, the County does not (and cannot) square the suggestion that a swim center be considered an ancillary use on this property when the Board has previously stated that new uses on the property, such as pools . . . or any other uses permitted with the Hillside zoning district, shall be prohibited. These issues must be thoroughly addressed in the EIR.

Boulder Ridge Golf Course is uniquely situated in an area of open space surrounded by residential homes. It sits on property with substantial wildlife and was built in an area where Native American remains were previously found. The County should not ignore the significant impact this proposal will have to its surrounding area. In the conditional granting of the original use permit, the Board identified “site specific project impacts” that were required to be addressed such as “The development of a property listed among the top priorities for preservation in the Preservation 2020 Plan, prepared by the County of Santa Clara” and “the close proximity of the neighboring community, and the need to create a physical buffer between commercial and residential uses.”

In summary, changing Boulder Ridge from a golf club for a few hundred members to a golf club, fitness center, swim club and day care facility for potentially a thousand members is not a modification to the current use, but a complete change in use. The EIR must fully address this major change in use of this property by incorporating the above delineated issues, including consideration of the history of development on this site.

Thank you for your consideration of this important matter.
Thanks George, confirming receipt of your comments and suggestions.

-Rob

Rob Eastwood, AICP
Principal Planner, County of Santa Clara
(408) 299-5792
rob.eastwood@pln.sccgov.org

Dear Rob,
Thank you for presenting information at the Almaden Community Center last month about an EIR that will be necessary for the Boulder Ridge Golf Club. It appears through my correspondence with other neighbors that many of the important issues needed on the Environmental Impact Report have already been highlighted.

Three other areas of importance to our Homeowners Association would be a complete discussion on growth inducing impacts namely, what impact will result if Mr. Garcia is granted further land use on this parcel when a previous EIR has already outlined these impacts and shown that the previous application of development will fully utilize the parcel given constraints in the Hillside Zoning District.

Secondly, a complete discussion of the cumulative effects of this project and their effects on the peace and quiet and visual impacts on the surrounding homeowners. Given the very unique horseshoe shaped hillside that surrounds our homes the valley is a natural amphitheater that only amplifies sound.

The accuracy of an EIR is usually not known until after the project is complete. Because projections and estimates are used to measure potential impacts, reality now can be examined. As an example: if you were to examine the previous EIR done before the Golf Course was constructed, you will note extensive research on visual impacts. The EIR was not even close with its estimates and the final project!

A reasonable discussion should be expected about inconsistencies of the previous EIR and the completed project or the EIR should not be certified. We would like to see the previous EIR discussed in parallel with the new one. Everything in the findings of the previous EIR will only be intensified in the new EIR.

Sincerely Yours,

George & Marti Bettisworth
1045 Mazzone Dr
San Jose, CA  95120
408 927-9184
pistol or air horn used and a P.A. system to announce winners, races, awards ceremonies, etc. All of this noise will care across the valley floor and will affect the residents of Almaden Valley.

- When asked about swim parties and other pool side events, Mr. Garcia would not rule them out. This is a clear indication that there could be receptions, parties and other social events, possibly with amplified music, held around the pool area, particularly at night.
- The proposal of a children's swimming pool and play area is particularly concerning. Children don't play and swim in the same way adults do. It's there nature to scream, yell and make other loud noise, particularly when playing at a swimming pool. Again, there are no noise barriers surrounding the pool area that would damper the noise from residence living in the valley below.

**LIGHT IMPACT**

- In order to ensure safety around the open pool area, the entire area, approximately 12,000 square feet of pool and decking, will have to be completely and brightly light. This is going to create a new and unsightly light source on the hill that will impact residence living nearby and will be an eyesore across the entire valley. This light is completely different than the accent lights that currently exist on the outside of the clubhouse and it will be unlike any light source currently in existence on the Almaden Hill sides.

**TRAFFIC IMPACT**

- Mr. Garcia indicates that he plans to substantially increase the number of memberships he sells as the results of the Swim and Fitness Center. During the meeting in February that he held at the site of the proposed center, Mr. Gracie said that he hoped to "double the number of memberships." This will significantly increase the traffic on the road adjacent to our neighborhood. Not only will there be more members driving up and down the hill, but unlike the golf memberships, these members will create different traffic patterns.
  - Golfers may visit the club once or twice a week to play a round of golf. Health club members and swimming pool users will probably visit the site every day. In fact, several family members may travel up and down the road each day, one to use the gym, another to going swimming, another to take the kids to the kids' pool, etc. This is a very different and a much heavier traffic pattern than what we see today with the golfers.
  - Young adults, ranging in ages from 16 years and up, whose family has a membership, will be going to the pool and club with their friend, in their own cars or motorcycles. Unlike adults, we're all aware of the sorts of driving problems that occur with young adults, particularly when they have other young adults in their car.
    - Because the road leading up to the course is private and there is no restriction on speed, constant speeding up and down the hill will be a major problem.
    - Young adults tend to play their music loud and with the windows down. Because the road is parallel and above our neighborhood, this will be a constant noise nuisance for the residents who live in our neighborhood. And neither Mr. Garcia nor the County Sheriffs Office will be able to do anything about it.
VIEW SHED IMPACT

- Again, there can be no argument that a three story, 19,000 square foot building, with a 12,000 square foot deck area, sitting on the periphery overlooking our neighborhood and most of the Almaden Valley, will have a significantly negative impact on the view shed. This building will not blend into the hillside, but instead it will stand out from its surroundings and above the ridge line, detracting from the natural beauty of the hills. It will be an eyesore.

- Most of us bought our homes in this area, with the county’s assurance that there would be no more building on the hillside, as stated in the current use permit and as stated by the Planning Commission and the County Board of Supervisors. This proposed development violates that agreement, one which was partially reached after several long and difficult lawsuits. Any further development on the hillside, in my opinion, would violate those agreements and would be ground for further litigation against the County.

- Lastly, this proposed facility is incompatible with the county’s Design Guidelines for Golf, updated on 2/25/2013.
  - The guidelines state that it is the county’s intent to "...preserve its natural environment...." This proposed project doesn’t preserve the environment, but instead turns the beautiful hillside into a commercial party zone.
  - The guidelines, when describing where and how buildings may be located, states "The clubhouse should not be sited on a ridge or knoll top highly prominent or visible off-site or from the Valley floor or public open space areas." The proposed three story, 19,000 building, which would sit on the leading edge of ridge, would clearly be in violation of the agreed upon guidelines. It will be visible for a mile or more.

Because this project, if approved, would impact the immediate neighborhoods and most of Almaden Valley by creating unacceptable levels of noise, adding significant traffic issues and producing a visual eyesore for good part of south San Jose, it must be investigated carefully in the EIR process and reported correctly. In addition, this project not only violates the county’s own golf course design standards, but it also violates prior legal agreements between our neighborhood and the county.

Please let me know if you have any questions or if I can clarify any of my concerns.

Best regards,

Alex Fraser
Regarding the EIR for the proposed Boulder Ridge Swim and Fitness Center, I’d like to suggest that the County include and study the following impacts when developing the Environmental Impact Report:

**NOISE IMPACT**

- There can be no argument that an outdoor swimming pool, located 250’ above the valley floor and with no noise screening or other blockage, will create a significant amount of additional noise that will be heard over a long distances.

- Although Mr. Garcia says that he will only host half a dozen swim meets a year, there is nothing to prevent him from hosting ten times that number. And given Mr. Gracias history for stating one thing and then doing something else, it’s quite possible there will be many more meets than he claims. This has to be considered when evaluating the noise impact to the surrounding community.

- Hosting swim meets isn’t isolated to the single event of the meet. In order to host a home teams, there would be have to be many practice secessions with home the home teams, including use of starter pistols, PA systems and by-stander yelling. All of these increases the number of noise events to could occur, by at least ten fold, if not more.

- During a meet with just two teams, you can expect that there will be hundreds of spectators, family members, officials and swimmers at the outdoor pool, yelling. There will be a starter
**Project Title**: Boulder Ridge Golf Club Fitness and Swim Center

**Lead Agency**: Santa Clara County

**Type**: NOP Notice of Preparation

**Description**: The proposed project is a modification of an existing use permit to allow construction of a fitness and swim center at the Golf Club at Boulder Ridge. The project would involve construction of a 3-story fitness center, a 25-yard swimming pool, a smaller children's instructional pool, parking spaces to accommodate users of the new facilities, and associated landscaping. The project would also include a County-Initiated Zoning Ordinance Amendment to clarify the use of fitness and swim center in a golf club as an ancillary use.

**Lead Agency Contact**

- **Name**: David Rader
- **Agency**: Santa Clara County
- **Phone**: 408 299 5779
- **Email**:
- **Address**: 70 W. Hedding Street
  7th Floor, East Wing
- **City**: San Jose
- **Fax**
- **State**: CA
- **Zip**: 95110

**Project Location**

- **County**: Santa Clara
- **City**: San Jose
- **Region**:
- **Cross Streets**: Alamaden Expressway and Blossom Hill Road
- **Lat / Long**: 696-01-025
- **Parcel No.**:
- **Township Range Section Base**

**Proximity to:**

- **Highways**: Hwy 85 & 87
- **Airports**:
- **Railways**:
- **Waterways**:
- **Schools**:
- **Land Use**: Gold Club / HS-d1, R1-2.5s-d1 / Hillside

**Project Issues**: Aesthetic/Visual; Noise; Traffic/Circulation; Cumulative Effects

**Reviewing Agencies**: Resources Agency; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Wildlife, Region 3; Native American Heritage Commission; California Highway Patrol; Caltrans, District 4; Air Resources Board, Transportation Projects; Regional Water Quality Control Board, Region 2

**Date Received**: 05/03/2013

**Start of Review**: 05/03/2013

**End of Review**: 06/03/2013