

County of Santa Clara

Department of Planning and Development

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San Jose, California 95110



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Notice of Intent to Adopt a Mitigated Negative Declaration

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

File Number	APN(s)	Date
PLN20-024	825-23-011	3/3/2021
Project Name	Project Type	
Lin Subdivision	Two-lot Subdivision and Grading Approval	
Person or Agency Carrying Out Project	Address	Phone Number
Lin Mon Fong	6197 McAbee Road, San Jose, CA 95130	(408) 605-2203
Name of Applicant	Address	Phone Number
Gary Carnes	9505 Sugar Babe Dr. Gilroy, CA 95020	(408) 847-2013
Project Location		
The subject property is located on 12400 Columbet Avenue, San Martin, CA, in the rural, unincorporated community of San Martin east of State Route 101 (see Project Site location figure).		
Project Description		
The project is a proposed subdivision of an approximately 10-gross-acre parcel into two lots (Parcels 1 and 2) of approximately 5-gross-acres each. An existing single-family residence, barn, and several other small buildings located on proposed Parcel 1 are proposed to be demolished. Two new residences with attached garages, two new driveways, and drainage improvements are proposed to be constructed. Each proposed residence would have a well and an on-site wastewater treatment system. Grading of the project site would involve approximately 28 square feet of cut, and 448 square feet of fill for the proposed driveways, other subdivision improvements, and for building pads for the new residences. Three non-native trees are proposed for removal with this project.		
Purpose of Notice		
The purpose of this notice is to inform you that the County Planning Staff has recommended that a Mitigated Negative Declaration be approved for this project. County of Santa Clara Planning Staff has reviewed the Initial Study for the project, and based upon substantial evidence in the record, finds that although the proposed project could have a significant effect on the environment, changes or alterations have been incorporated into the project to avoid or reduce impacts to a point where clearly no significant effects will occur. The project site is not on a list of hazardous material sites as described by Government Code 65962.5 (Cortese List).		
A public hearing for the proposed project is tentatively scheduled for the Zoning Administration on April 1, 2021. The hearing will be held by virtual teleconference only. No physical location will be available for this public meeting; however, members of the public will be able to participate in the public meeting by virtual teleconference. Meeting link for the Zoning Administration virtual teleconference will be posted on this County webpage https://www.sccgov.org/sites/dpd/Commissions/ZA/Pages/ZA.aspx , 7 days prior to the hearing date. Where a date is not given, a separate notice will be sent to you informing you of the hearing date. It should be noted that the approval of a Mitigated Negative Declaration does not constitute approval of the project under consideration. The decision to approve or deny the project will be made separately.		

Public Review Period: 20 days	Begins: 03/05/2021	Ends: 03/24/2021
Public Comments regarding the correctness, completeness, or adequacy of this negative declaration are invited and must be received on or before the above date. Such comments should be based on specific environmental concerns. Written comments should be addressed by e-mail to the attention of Charu Ahluwalia at charu.ahluwalia@pln.sccgov.org. A file containing additional information on this project may be requested from the Planning Office under the file number appearing at the top of this form. For additional information regarding this project and the Mitigated Negative Declaration, please contact Charu Ahluwalia at (408) 299-5740 or charu.ahluwalia@pln.sccgov.org		
The Mitigated Negative Declaration and Initial Study may be viewed at the following location:		
Planning & Development website www.sccgov.org/sites/dpd (under “Development Projects” > “Current Projects”)		
Responsible Agencies sent a copy of this document		
None		
Mitigation Measures included in the project to reduce potentially significant impacts to a less than significant level:		
A reporting or monitoring program must be adopted for measures to mitigate significant impacts at the time the Mitigated Negative Declaration is approved, in accord with the requirements of section 21081.6 of the Public Resources Code.		
Prepared by: Charu Ahluwalia, Planner	<i>Charu Ahluwalia</i> Signature	3/3/2021 Date
Approved by: Manira Sandhir, Principal Planner	DocuSigned by: <i>Manira Sandhir</i> 6BD23CC8C7554B3. Signature	3/3/2021 Date



Project Site Location

BIOLOGICAL RESOURCES MITIGATION:

- *To minimize the potential for loss of nesting raptors, tree removal activities will only occur during the nonbreeding season (September 1-January 31). If all suitable nesting habitat is removed during the non-breeding season, no further mitigation will be required.*
- *Prior to removal of any trees or other vegetation, or ground disturbing activities between February 1 and August 31, a qualified biologist shall conduct preconstruction surveys for nesting raptors and shall identify active nests within 500 feet of the site. The surveys will be conducted before the beginning of any construction activities between February 1 and August 31. A report of the completed survey shall be provided to the County Planning Office.*
- *Impacts to nesting raptors shall be avoided by establishing appropriate buffers around active nest sites identified during preconstruction raptor surveys. Activity shall not commence within the buffer areas until a qualified biologist has determined, in coordination with California Department of Fish and Wildlife (CDFW), that the young have fledged, the nest is no longer active, or reducing the buffer would not likely result in nest abandonment. CDFW guidelines recommend implementation of a 500-foot buffer for raptors, but the size of the buffer may be adjusted if a qualified biologist and the applicant, in consultation with CDFW, determine that such an adjustment would not be likely to adversely affect the nest. Monitoring of the nest by a qualified biologist during and after construction activities shall be required if the activity has potential to adversely affect the nest.*
- *Trees shall not be removed during the breeding season for nesting raptors unless a survey by a qualified biologist verifies that there is not an active nest in the tree during the breeding season in which the tree removal would occur.*

CULTURAL RESOURCES MITIGATION:

- *Prior to construction, the project applicant shall retain a project archaeologist (meeting or exceeding the Secretary of the Interior's standards) to prepare an Archaeological Monitoring Plan prior to ground disturbing activities that describes the procedures for the appropriate identification and treatment of archaeological resources if any are discovered during grading or construction activities. The Archaeological Monitoring Plan shall include provisions to halt work in the immediate area in the event of a discovery to allow for resource evaluation. The plan shall also identify the need for monitoring by a cultural resources specialist and provide detailed guidance outlining when and for what activities monitors must be present.*
- *The project applicant shall retain a qualified cultural resources monitor prior to the commencement of ground disturbing activities to monitor such activities as prescribed by the Archaeological Monitoring Plan. The monitor shall be granted stop-work authority in the event an unanticipated discovery is made. The monitor shall immediately evaluate the discovery to determine whether additional treatment is warranted, and notify the County. Construction activities may not resume in the area immediate to the discovery until authorized by the monitor.*
- *Prior to a final grading inspection, the project archaeologist shall prepare and submit to the County a report on the monitoring results*