

County of Santa Clara
Department of Planning and Development
"People Centered Services"

County Government Center, East Wing, 7th Floor
 70 West Hedding Street
 San José, CA 95110
 Phone: (408) 299-5700
 Website: plandev.santaclaracounty.gov



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	TAZ	APN(s)	Date
PLN24-118		779-08-001	6/25/2025
Project Name		Project Type	
California Avenue Two-Lot Subdivision		Minor Subdivision	
Person or Agency Carrying Out Project		Address	Phone Number
County of Santa Clara Department of Planning and Development		70 W Hedding St, 7 th Floor East Wing, San Jose, CA 95110	(408) 299-5795
Name of Applicant		Address	Phone Number
David Faria, Faria Engineering		1656 Cienaga Rd Unit 100, Hollister, CA 95023	(602) 515-7650
Project Location			
The subject property is in a rural area of the unincorporated Santa Clara County, outside of the Urban Service Area, in the unincorporated community of San Martin. The site is bound by California Avenue to the north, Harding Avenue to the west, and Colony Avenue to the east. State Route 101 is roughly one-mile east of the site, and the City of Morgan Hill is roughly 0.25-miles north of the site.			
Project Description			

The proposed project is a two-lot subdivision of a 10-gross-acre parcel into two lots (Parcel 1 and 2) of approximately five-gross-acres, each. The project site is surrounded by a mixture of agricultural and single-family residential uses. Grading the project site would involve approximately 80 cubic yards of cut and 74 cubic yards of fill on both future properties to establish the building pad for the residence and to construct a driveway on each lot. Future improvements would also include the construction of a shared well on Parcel 1, and septic system and fire protection improvements on each parcel. No tree removal is proposed.

Once the property is subdivided, Parcel 1 and Parcel 2 could be developed with a single-family residence, an accessory dwelling unit (ADU), and a junior accessory dwelling unit (JADU). Future home development would be served by a shared well and individual onsite septic systems. No construction of residences is proposed as a part of this subdivision.

Purpose of Notice

The purpose of the notice is to inform that the County of Santa Clara Department of Planning and Development has recommended a Mitigated Negative Declaration be approved for this project. The 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 initially 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).

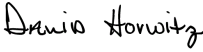
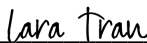
A public hearing for the proposed project is tentatively scheduled on August 7, 2025, hosted virtually by the County Government Center at 70 W. Hedding Street, San Jose, CA 95110. Please note that the approval of a Mitigated Negative Declaration does not constitute approval of the project under consideration. The decision to approve or deny the project will be made separately.

Public Review Period: 30 days	Begins: 06/30/2025	Ends: 07/30/2025
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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 to the attention of David Horwitz, Associate Planner at the **County of Santa Clara Department of Planning and Development, County Government Center, 70 W. Hedding Street, San Jose, CA 95110, Tel: (408) 299-5700.** A file containing additional information on this project may be reviewed at the Department of Planning and Development under the file number appearing at the top of this form. For additional information regarding this project and the Mitigated Negative Declaration, please contact David Horwitz, Associate Planner at (408) 299-5795 or david.horwitz@pln.sccgov.org.

The Mitigated Negative Declaration and Initial Study may be viewed at the following

- (1) Santa Clara County Department of Planning and Development, 70 West Hedding Street, East Wing, 7th Floor, San Jose, CA 95110
- (2) Planning & Development website <https://plandev.santaclaracounty.gov/services/planning-services/projects/current-planning-projects> (under “Projects” > “Current Planning Projects”).

Responsible Agencies sent a copy of this document		
Santa Clara Valley Habitat Agency California Department of Fish and Wildlife		
Mitigation Measures included in the project to reduce potentially significant impacts to a less than significant level:		
Refer to Attachment A.		
A reporting or monitoring program must be adopted for measures to mitigate significant impacts at the time the Negative Declaration is approved, in accord with the requirements of section 21081.6 of the Public Resources Code.		
Prepared by: David Horwitz, Associate Planner	<small>DocuSigned by:</small>  <small>7066FCE5977A4A3...</small>	6/25/2025
	Signature	Date
Approved by: Lara Tran, Senior Planner	<small>DocuSigned by:</small>  <small>747B96A85CB94DC...</small>	6/25/2025
	Signature	Date

Attachment A

Notice of Intent - Adopt a Mitigated Negative Declaration
Two-Lot Subdivision at California Avenue, San Martin
Mitigation Measures

Attachment A

Notice of Intent – Adopt a Mitigated Negative Declaration (MND)
Two-Lot Subdivision at California Avenue, San Martin

MITIGATION MEASURES

BIOLOGICAL RESOURCES

- **BIO – MIT 1: Workers Environmental Training.** A worker education program will be conducted about the special-status species that may be present at the site. The training shall consist of basic identification of each protected wildlife species that has moderate potential to occur. The program will cover the basic biology and behavior of each species, how they may be encountered in the work area, and procedures to follow when they are encountered. Any personnel joining the work crew later will receive the same training before beginning work. The penalties for non-compliance will be relayed to all project personnel. The education session will be presented by the project biologist. An educational brochure containing color photographs of all listed species in the work areas will be distributed to all employees working within the project sites. The original list of employees who attend the training sessions will be maintained by the applicant and be made available for review by the agencies upon request.
- **BIO – MIT 2: Pre-Construction Surveys.** A qualified biologist shall conduct pre-construction surveys within 48 hours before the onset of construction activities to identify any wildlife within the project area. The pre-construction survey will identify any burrows within the disturbance area to determine if burrows are suitable habitat for any special status species.
- **BIO – MIT 3: Open Trench/Hole Inspections.** All open section of trenches or holes will be inspected each morning prior to the start of work for the day and periodically during the course of the workday. If any animals are observed in a trench or hole, the on-call biologist will be called to assist all “non-sensitive” species in escaping from the bore pit or will relocate the animals to suitable habitat outside the work area. CDFW and/or USFWS will be informed if any special-status species are found. Any special-status animal will not be assisted or handled.
- **BIO – MIT 4: Open Trench/Hole Covering.** To prevent inadvertent entrapment of wildlife during construction, all excavated, steep-walled holes or trenches more than 1 foot deep shall be completely covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they will be thoroughly inspected by trapped animals.
- **BIO – MIT 5: Securing of Project Materials.** Because wildlife may take refuge in cavity-like and den-like structures and become trapped, all construction pipes, culverts, or similar structures that are stored any a construction site for one or more overnight periods will be either securely capped prior to storage or thoroughly inspected by the construction foreman/manager for these animals before the pipe is subsequently buried, capped, or

otherwise used or moved in any way.

- **BIO – MIT 6: Vehicular Inspection.** At the start of each work day, construction staff will check under the vehicles and their tires to ensure no wildlife species are utilizing the equipment as temporary shelter.
- **BIO – MIT 7: Designated Vehicular Traffic.** All project-related vehicular traffic will be restricted to established roads, construction areas, and other designated areas. These areas should be established in locations disturbed by previous activities to prevent further adverse effects.
- **BIO – MIT 8: Burrowing Owl Habitat Assessment.** A habitat assessment for burrowing owls shall be conducted within 30 days of grading, or construction activities that shall result in ground disturbance or vegetation removal, to confirm that habitat for burrowing owl is absent from the site. If the habitat assessment confirms that habitat for this species is absent from the site, then no further mitigation for burrowing owls would be required.
- **BIO – MIT 9: Burrowing Owl Pre-Construction Surveys.** Pre-construction surveys for burrowing owls shall be implemented if the above habitat assessment (BIO-MIT 8) results in presence of habitat for burrowing owls (i.e., California ground squirrel burrows or other burrows of sufficient size), then the following measures shall be implemented to ensure that the project does not impact this species:
 - A pre-construction survey shall be conducted by a qualified biologist for burrowing owls within 30 days of the on-set of grading, or construction activities. This survey shall be conducted according to methods described in the *Staff Report on Burrowing Owl Mitigation* (CDFW 2012).
 - If evidence of burrowing owls is found during the breeding season (February 1 – August 31), the project proponent shall avoid all nest sites that could be disturbed by project construction during the remainder of the breeding or while the nest is occupied by adults or young (occupation includes individuals or family groups foraging on or near the site following fledging). Avoidance shall include establishment of a 250-foot non-disturbance buffer zone around nests. Construction may occur outside of the 250-foot non-disturbance buffer zone. Construction may occur inside of the 250-foot non-disturbance buffer during the breeding season if the nest is not disturbed, and the project proponent develops an avoidance, minimization, and monitoring plan that shall be reviewed by the County and CDFW prior to project construction based on the following criteria:
 - The County and CDFW approves of the avoidance and minimization plan provided by the project applicant.
 - A qualified biologist monitors the owls for at least 3 days prior to construction to determine baseline nesting and foraging behavior (i.e., behavior without construction). The same qualified biologist monitors the owls during construction and finds no change in owl nesting and foraging behavior in response to construction activities.
 - If there is any change in owl nesting and foraging behavior as a result of construction activities, these activities shall cease within the 250-foot buffer.

Construction cannot resume within the 250-foot buffer until the adults and juveniles from the occupied burrows have moved out of the project site.

- During the non-breeding season, (September 1 – January 31), the project proponent shall establish a 250-foot non-disturbance buffer around occupied burrows as determined by a qualified biologist. Construction activities outside of this 250-foot buffer are allowed. Construction within the non-disturbance buffer is allowed if the following criteria are met in order to prevent owls from abandoning important overwintering sites:
 - A qualified biologist monitors the owls for at least 3 days prior to construction to determine baseline foraging behavior (i.e., behavior without construction).
 - The same qualified biologist monitors the owls during construction and find no change in owl foraging behavior in response to construction activities.
 - If there is any change in owl nesting and foraging behavior as a result of construction activities, these activities shall cease within the 250-foot buffer.
 - If the owls are gone for at least one week, the project proponent may request approval from the County that a qualified biologist excavates usable burrows to prevent owls from re-occupying the site. After all usable burrows are excavated, the buffer zone shall be removed and construction may continue. Monitoring must continue as described above for the non-breeding season as long as the burrow remains inactive.
- **BIO – MIT 10: Burrowing Owl Buffer Zones.** Based on the avoidance, minimization, and monitoring plan developed (as required in BIO-MIT 9), during construction, the non-disturbance buffer zones shall be established and maintained if applicable. A qualified biologist shall monitor the site consistent with the requirements described above to ensure that buffers are enforced and owls are not disturbed. The biological monitor shall also conduct training of construction personnel on the avoidance procedures, buffer zones, and protocols in the event that a burrowing owl flies into an active construction zone.
- **BIO-MIT 11: Burrowing Owl Passive Relocation Plan.** Any passive relocation plan would need to be approved by the County and CDFW, and would only occur during the non-breeding season (September 1 – January 31) if the other measures described above do not allow work to continue. Passive relocation would only be proposed if the burrow needed to be removed, or had the potential of collapsing (e.g., from construction activities), as a result of the covered activity. If passive relocation is eventually allowed, a qualified biologist can passively exclude birds from heir burrows during non-breeding season only by installing one-way doors in burrow entrances. These doors shall be in place for 48 hours to ensure owls have left the burrow, and then the biologist shall excavate the burrow to prevent reoccupation. Burrows shall be excavated using hand tools. During excavation an escape route shall be maintained at all times. This may include inserting an artificial structure in to the burrow to avoid having the overburden collapse into the burrow and trapping owls inside. Any exceptions to passive relocation prohibitions would be subject to the approval of the County and CDFW.
- **BIO-MIT 12: Santa Clara Valley Habitat Plan.** Alternative to mitigations BIO-MIT 8 through BIO-MIT 11, the project can opt-in to the Santa Clara Valley Habitat Plan and

follow the mitigation measures for burrowing owls included under Condition 15 of the Habitat Plan.

- **BIO-MIT 13: American Badger Pre-Construction Surveys.** During the course of the pre-construction surveys for other species, a qualified biologist shall determine the presence or absence of badgers prior to the start of construction. If badgers are found to be absent, no other mitigations for the protection of badgers shall be warranted.
- **BIO-MIT 14: American Badger Buffer Areas.** If an active badger den is identified during pre-construction surveys within or immediately adjacent to an area subject to construction, a construction-free buffer of up to 300 feet shall be established around the den. Once the biologist has determined that badger has vacated the burrow, the burrow can be collapsed or excavated, and ground disturbance can continue.
- **BIO-MIT 15: American Badger Natal or Reproductive Dens.** Show the burrow be determined to be a natal or reproductive den, and because badgers are known to use multiple burrows in a breeding burrow complex, a biological monitor shall be present onsite during construction activities in the vicinity of the burrows to ensure the buffer is adequate to avoid direct impact to individuals or natal/reproductive den abandonment. The monitor shall be required to be present until it is determined that young are of an independent age and construction activities would not harm individual badgers.
- **BIO-MIT 16: Nesting Birds Pre-Construction Surveys.** If construction is scheduled during the nesting period (January 15 through August 14), a qualified wildlife biologist shall conduct a pre-construction bird survey to confirm the presence active nests in the vicinity of proposed construction activities. The survey area will include the complete project area and adjacent areas up to 300 feet for raptors. If project construction is halted for more than 14 days during the nesting season, another survey shall be conducted to assure nests are not built within that time period.
- **BIO-MIT 17: Nesting Birds Deferred Construction.** If active nests are encountered, the biologist will prepare and implement species-specific measures to prevent abandonment of the active nests. At a minim, construction in the vicinity of a nest's tree or burrow shall be deferred until the young birds have fledged, and a construction-disturbance within a distance determined by the biologist will be provided based on the species, visual and auditory buffers, and presence of non-project activity disturbance. Grading or other project-related disturbance in the vicinity of the nest will not be permitted until the biologist confirms that the young birds have fledged.