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 seq.) that the following project will not have a significant effect on the environment.

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<th>File Number</th>
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**Project Name**
Shafer Ave 2-Lot Subdivision

**Owner**
Sean and TaShana Burke

**Project Location**
2460 Shafer Ave, Morgan Hill

**Project Description**
The proposed project is a two-lot subdivision of an approximately 58-acre parcel at 2460 Shafer Avenue in unincorporated Morgan Hill (see Figure 1). A new 12,487 square-foot residence would be constructed on the proposed Parcel A (38 acres) along with a septic system, two new barn structures, driveways, and fire truck turnaround areas (see Figure 2). The existing residence and septic system on the proposed Parcel B (20 acres) would be maintained. Both residences would share an existing well. No trees would be removed as part of the proposed development. No buildings would be demolished.

**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 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.

A public hearing for the proposed project is tentatively scheduled for a Board of Supervisors hearing at 9 a.m. on Tuesday, November 15 in the Board Chambers at the County Government Center, 70 W. Hedding Street, San Jose. 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: October 26, 2016 | Ends: November 14, 2016

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 Rader at the County of Santa Clara Planning Office, County Government Center, 70 W. Hedding Street, San Jose, CA 95110 (david.rader@pln.sccgov.org). A file containing additional information on this project may be reviewed at the Planning Office under the file number appearing at the top of this form. For additional information regarding this project, please contact Mark Connolly at (408) 299-5786 or mark.connolly@pln.sccgov.org.
CULTURAL RESOURCES:
To mitigate potential construction impacts on cultural resources, the following mitigation measure shall be required:

- Prior to the issuance of a grading permit, a contract with a registered Archaeologist for grading monitoring shall be submitted and approved by the Planning Department.
- Prior to grading activities commencing a registered Archaeologist shall monitor grading activities until it can be demonstrated that earthwork activities cannot impact any sensitive cultural resources.
- If evidence of any archaeological, cultural, and/or historical deposits are found, hand excavation and/or mechanical excavation will proceed to evaluate the deposits for determination of significance as defined by the CEQA Guidelines. The archaeologist shall submit reports, to the satisfaction of the Planning Department, describing the testing program and subsequent results. These reports shall identify any program mitigation that the applicant shall complete in order to mitigate archaeological impacts (including resource recovery and/or avoidance testing and analysis, removal, reburial, and curation of archaeological resources.)
- In the event that human remains and/or cultural materials are found, all project-related demolition shall cease within a 50-foot radius in order to proceed with the testing and mitigation measures required.
- In the event of the discovery of human remains during demolition, there shall be no further disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.
- If archaeological resources are encountered, a final report shall be submitted to the Planning Department prior to activities proceeding in the affected area. This report shall contain a description of the mitigation programs and its results including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusions, and a description of the disposition/curation of the resources.

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 M. Rader, Senior Planner

Approved by:
Carolyn Walsh, Principal Planner