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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Project Name
Bear Creek LLC Grading Approval
Owner
Bear Creek LLC

Project Location
The site is in a hillside area of unincorporated Los Gatos (See Figure 1 Project Location). There is one existing residence each on Parcels B and C, which are proposed to be demolished.

The subject property are three parcels located off the north side of Bear Creek Road, approximately half mile west of Highway 17 in an unincorporated area of the County outside the Town of Los Gatos. Black Creek runs along the rear of the site on Parcel A (south) that is not impacted.

Project Description
This application is for a County of Santa Clara Grading Approval for three new residences located on Bear Creek Road in the unincorporated area of Los Gatos (see Figure 1). The site plan is shown on Figure 2. Two existing homes of approximately 1,440 sq. ft., and 1,200 sq. ft. would be demolished and replaced with larger homes (up to 5,000 sq. ft in size) with attached garages on Parcels B and C. One new maximum size 5,000 sq. ft. residence with attached garage is proposed on Parcel A with a new main access driveway and fire emergency driveway off Bear Creek Road. The proposed project includes 3,717 cubic yards of cut and 2,848 cubic yards of fill for the building pads of the homes, regrading of driveways for Parcels B and C, and construction of new access and emergency access driveway on Parcel A. The proposed project would require the removal of 163 healthy native trees 12 inches or more in diameter with a significant portion being oaks and redwoods as shown on tree removal plans (See Figure C – tree removal plans).

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.

Final Action on the proposed project is tentatively scheduled for the Grading Approval on April 19, 2017 in the County Government Center, Planning Dept. Where a date is not given, a separate notice will be sent to you informing you of the action 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 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 Colleen Tsuchimoto, Senior Planner at the County of Santa Clara Planning Office, County Government Center, 70 W. Hedding Street, San Jose, CA 95110, Tel: (408) 299-5797. 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 and the Negative Declaration, please contact Colleen Tsuchimoto, Senior Planner at (408) 299-5797 or Colleen.Tsuchimoto@pln.sccgov.org

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

1. Santa Clara County Planning Office, 70 West Hedding Street, East Wing, 7th Floor, San Jose, CA 95110
3. Los Gatos Library -100 Villa Avenue Los Gatos, CA 95030

**Responsible Agencies sent a copy of this document**

N/A

**Mitigation Measures included in the project to reduce potentially significant impacts to a less than significant level:**

**Aesthetics:**

- A final landscape plan prepared by a certified landscape architect or other landscape professional shall be submitted for approval prior to final grading permit issuance, providing proposed landscaping surrounding the new development to provide screening to reduce visibility of the homes from the surrounding area (show location, type, and species, and irrigation/maintenance details on plans).

**Biological Resources:**

The impact of tree removal shall be mitigated as follows

a) Trees shall be replaced on the locations on-site per the recommendations of the Forest Management Plan by Vaughan Forestry (April 26, 2016). All tree replacement shall be with in-kind species (minimum 15 –gallon boxed trees) consistent with the County Tree Preservation Guidelines. Prior to the issuance of a final grading permit, a Tree Planting and Maintenance Plan shall be submitted to the County for review and approval. The Tree Planting and Maintenance Plan shall include a detailed discussion of the site-specific factors for placing new trees on-site. It should also include detailed plans showing the species, size, spacing and location of plantings, as well as the location and species of established vegetation. These plans shall be prepared by a Licensed Landscape Architect and is subject to approval by the County Planning Office. Once approved, they shall be implemented fully by the project applicant.

b) As not all the trees required can be planted on-site, the remainder that cannot be replaced shall be mitigated through a recorded conservation easement to protect existing oak woodland habitat on the project site at a ratio of 2:1 preserved to size (sq. ft.) affected. The easement is required to be a minimum of 73,000 sq. ft. on comparable habitat proposed to be removed, and may be divided up among the 3 parcels of land.

Land offered as mitigation must be configured in such a manner as to best preserve the integrity of the trees’ ecosystem. Priority shall be given to conserving oak woodland habitat adjacent to public lands or open space lands. The easement shall be recorded prior to issuance of the grading permit. Submit conservation easement to Planning Office for review and verification prior to final grading permit issuance.
To mitigate the potential impact of tree removal on nesting raptors, the following mitigation measure shall be required:

If possible, tree removal and construction should be scheduled between October and December (inclusive) to avoid the raptor nesting season. If this is not possible, pre-construction surveys for nesting raptors shall be conducted by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation. Between January and April (inclusive), pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree removal. Between May and August (inclusive), pre-construction surveys more than thirty (30) days prior to the initiation of these activities. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist, shall, in consultation with the California Department of Fish & Wildlife, designate a construction free buffer zone (typically 250 feet) around the nest. The applicant shall submit a report indicating the result of the survey and any designated buffer zones to the satisfaction of the Planning Office prior to the issuance of the final grading permit.

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:
Colleen A. Tsuchimoto, Senior Planner

Approved by:
Manira Sandhir, Principal Planner