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, with incorporation of mitigation measures, will not have a significant effect on the environment.

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Project Type</th>
<th>Date</th>
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<tbody>
<tr>
<td>South County Animal Services Center</td>
<td>County Capital</td>
<td>October 23, 2018</td>
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Owner: Applicant
County of Santa Clara

Project Location:
The proposed project is located at 90 Highland Avenue, San Martin, CA 95406 (see Figure 1 below).

Project Description:
The project proposes to construct a new 37,000-square-foot animal services center with a 2,500-square-foot livestock barn at 90 Highland Avenue, Assessor’s Parcel Number (APN) 779-53-012 at the corner of Monterey Road and Highland Avenue in San Martin, in the unincorporated area of Santa Clara County. Figure 1 shows the location of the project site, which is located on a County-owned parcel (Assessor’s Parcel Number 779-53-012). As shown on Figure 2, the proposed animal services center would be at the southeastern portion of the parcel and includes a one-story building, parking, a livestock barn and pasture, and play yards spanning approximately 4.5 acres. Primary vehicle access would be from Monterey Road through an existing driveway. Access would also be available from Highland Avenue. As shown on Figure 3, the one-story building would house functions such as the adoption area, animal holding and housing areas, medical exam and support areas, administrative areas, and a community multi-use center. The center would have the capacity to accommodate approximately 60 dogs and 110 cats. The project would connect to the existing utility connections for water, electricity/gas, sewer, and storm water. The existing utility connections have sufficient capacity to serve the project without expansion of the utilities. Stormwater runoff from the project would be directed to an existing stormwater retention pond within the project parcel.

The current operations of the South County Animal Services Center are in a facility located at 12370 Murphy Avenue, San Martin, which would be relocated to this new animal services center once construction is completed. This relocation is needed because the existing center is aging, outdated, and does not meet the County’s current and projected needs and goals for providing animal services. The existing center does not have adequate space and has limited natural light, poor ventilation, and other concerns affecting its ongoing usability. The existing center would be left in place after the relocation to the new animal services center. Any future work at the existing center is outside of this project’s scope and would be considered and analyzed in a separate County action.

Purpose of Notice:
The purpose of this notice is to inform you that the County of Santa Clara Planning Department (“Department”) has recommended that a Mitigated Negative Declaration be approved for this project. The Department 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 would occur.
A public hearing for the proposed project is scheduled for the Board of Supervisors meeting on November 20, 2018 in the Board of Supervisors Chambers; County Government Center, 70 W. Hedding Street, San Jose, CA 95110. 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

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<tr>
<th>Begins: October 23, 2018</th>
<th>Ends: November 11, 2018</th>
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Public Comments regarding the correctness, completeness, or adequacy of this mitigated negative declaration are invited and must be received on or before the end of public review period. Such comments should be based on specific environmental concerns. Written comments should be addressed to David Rader (david.rader@pln.sccgov.org) at the County of Santa Clara Planning Department, County Government Center, 70 W. Hedding Street, 7th Floor, East Wing, San Jose, CA 95110. For additional information regarding this project, please contact Emily Chen at (408) 993-4635, Emily.F.Chen@faf.sccgov.org.

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

1. Santa Clara County Planning Department, 70 West Hedding Street, East Wing, 7th Floor, San Jose, CA 95110
3. Santa Clara County Animal Services Center Website: https://www.sccgov.org/sites/asc/about/news-and-events/Pages/news-animal-services-center.aspx
4. Morgan Hill Library, 660 W Main Ave, Morgan Hill, CA 95037
5. Gilroy Library, 350 W 6th St, Gilroy, CA 95020

Agencies sent a copy of this document:

City of Gilroy, City of Morgan Hill, Central Coast Regional Water Quality Control Board

Mitigation Measures included in the project to reduce potentially significant impacts to a less than significant level are at attached at the end of this document.

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:
David Rader, Senior Planner

 Approved by:
Manira Sandhir
Principal Planner, AICP

MITIGATION MEASURES:

Mitigation Measure #1 – Protected Trees

To protect existing trees to be preserved on-site in compliance with the County ordinance, the following measures from the Guidelines for Tree Preservation for Land Use Applications would be implemented.

Pre-Construction

- An Arborist shall review final grading/demolition/construction plans and make recommendations regarding preservation of all trees potentially impacted by the proposed project, which are designated for preservation.
- If the Arborist concludes, with concurrence from the Planning Department, that the proposed improvements would result in damage and subsequent irreversible loss of additional trees on-site, replacement mitigation shall be required.
- Final grading/construction plans shall clearly identify the size and species of all trees proposed for removal, consistent with the arborist plan review report. For each tree designated for removal, replacement shall occur at the replacement ratios required consistent with the County Code.

**Tree Protection**

**Fencing**
- All trees to be retained shall be protected with chain link fencing or other rigid fence enclosure acceptable to the Planning Department. Fenced enclosures for trees to be protected shall be erected at the dripline of trees or as established by the Arborist to establish the Tree Protective Zone (TPZ) in which no soil disturbance is permitted and activities are restricted.
- All trees to be preserved shall be protected with minimum five-foot high fences. Fences are to be mounted on two-inch diameter galvanized iron posts, driven into the ground to a depth of at least two feet, at no more than 10-foot spacing (See detail, available at www.sccplanning.org). This detail shall appear on grading, demolition and building permit plans.
- Tree fencing shall be erected before any demolition, grading or construction begins and remain in place until the Final Inspection.

**Warning Signs**
- A warning sign shall be prominently displayed on each tree protective fence per the requirements of development pursuant to the Santa Clara County Planning Department. The signs are available at the Planning and Building Inspection Departments or at www.sccplanning.org.

**Irrigation Program**
- Irrigate the soil within the TPZ during the dry season as specified by the Project Arborist.

**Dust Control Program**
- During periods of extended drought, or grading, spray trunk, limbs and foliage to remove accumulated construction dust.

**Soil Compaction Damage/ Mulching**
- Compaction of the soil causes a significant impact to trees during construction. If compaction to the upper 12 inches of soil within the TPZ has occurred or is proposed, then one or more of the following mitigation measures shall be implemented as recommended by the Arborist or the County Planning Department.
  - Four-inches of chip bark mulching shall be placed on top of the TPZ and enclosed with the tree protective fencing as prescribed in the County protective fencing measures.
  - If compaction of the root system, may result in possible suffocation of the root system, a soil aeration system shall be installed as designed and specified by an Arborist.
  - Paving/Hardscape and other soil compacting material that encroaches within the TPZ, should include an aeration system designed by an Arborist.

**During Construction**
- All tree protection measures as recommended by a certified Arborist shall be shown on the final grading/construction or landscape plans and adhered to during construction. The Arborist shall monitor construction activity to ensure that the tree protection measures are implemented, and submit a Construction Observation Letter to the Planning Department for approval, prior to final inspection, summarizing the results of the monitoring activity and resulting health of trees designated for preservation onsite.

**Post-Construction Monitoring**
- The following may be required based on project specific circumstances: An Arborist shall submit to the Planning Department two copies of a monitoring report annually from the date of final
inspection. The report shall show compliance with the tree protection conditions of approval and verification that all trees are in good health.

Replacement of Trees
- The following guidelines shall be imposed as conditions when a proposed development entails removal of trees or may significantly impact the health and vigor of trees within the development area of the proposed project.
  - All healthy native trees 12 inches in diameter or more (at 4.5 feet above the ground) proposed for removal shall be replaced.
  - Replacement trees should be native, and like for like.
  - Oak trees shall be replaced with oak trees (no exceptions taken).
  - No tree removal shall be permitted until such grading or building permit has been issued by the County as indicated on approved plans. The number of trees cut may not exceed the minimum number necessary to carry out the permitted action. Additional conditions may need to be established for scheduled arborist reports, and stipulations on replanting replacement trees in the case that the original replacement trees die.

Tree Replanting Ratios
Standard tree replacement ratios are shown in the following table:

<table>
<thead>
<tr>
<th>Size of Tree to be Removed</th>
<th>Size of Replacement Trees</th>
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<tbody>
<tr>
<td>5-18 inches diameter</td>
<td>Three 15-gallon; or Two 24-inch box</td>
</tr>
<tr>
<td>18-24 inches diameter</td>
<td>Four 15-gallon; or Three 24-inch box</td>
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<tr>
<td>Larger than 24 inches diameter</td>
<td>Five 15-gallon; or Four 24-inch box</td>
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Mitigation Measure #2 – Cultural Resources

Notification and training regarding potential archaeological resources

The applicant shall note on any plans that relate to ground-disturbance that there is a potential for exposing unknown, buried cultural resources. The project proponent shall retain a Professional Archaeologist to provide a preconstruction briefing to the supervisory personnel of the excavation contractor to alert them to the possibility of exposing significant historical and archaeological resources within the property. The briefing shall describe the types of archaeological objects that could be exposed, the need to stop excavation at the discovery, and the procedures to follow regarding discovery protection and notification of the project proponent and archaeologist. If archaeological materials are exposed or discovered during subsurface construction activities on the site, then the operator shall receive a similar briefing as the construction personnel.

Treatment of buried cultural resources

In the event that archaeological materials are exposed or discovered during subsurface activities, activities within 50 feet of the find shall stop, and a Professional Archaeologist who meets the Secretary of the Interior’s standards shall be contacted for evaluation and further recommendations. The archaeologist shall review and evaluate any discoveries to determine if they are historical resource(s) under CEQA and/or unique archaeological resources. If the Professional Archaeologist determines that any cultural resources constitute a significant archaeological resource, he/she shall notify the project proponent and the County Planning Department of the evaluation and recommended mitigation measures to mitigate any impact to a less-than-significant level. If a discovery is determined to be a significant archaeological resource, and if avoidance of the resource is not possible, the Professional Archaeologist shall prepare and assist in the implementation of a Cultural Resources Management Plan, which must be reviewed and approved of by the Santa Clara County Planning Department, for appropriate treatment of the resource. Potential recommendations could include evaluation, collection, recording, and analysis of any
Treatment of Human Remains

If human remains are discovered during construction, CEQA Guidelines 15064.5(e)(1) shall be followed, as specified below:

In the event of the accidental discovery or recognition of any human remains, the following steps shall be taken:

1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
   a) The Santa Clara County coroner must be contacted to determine that no investigation of the cause of death is required; and
   b) If the coroner determines the remains to be Native American:
      1. The coroner shall contact the Native American Heritage Commission within 24 hours;
      2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American;
      3. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98; or

2) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.
   a) The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the Commission;
   b) The descendant identified fails to make a recommendation; or
   c) The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

Mitigation Measure #3 – Construction Noise

The project shall comply with the following during all construction activities.

1. **Construction Hours/Scheduling**: The following are required to limit construction activities to the portion of the day when occupancy of the adjacent sensitive receptors are at the lowest:
   a. Construction activities for all phases of construction, including servicing of construction equipment shall only be permitted during the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday.
   b. Delivery of materials or equipment to the site and truck traffic coming to and from the site is restricted to the same construction hours specified above.

2. **Construction Equipment Mufflers and Maintenance**: All construction equipment powered by internal combustion engines shall be properly muffled and maintained.

3. **Idling Prohibitions**: All equipment and vehicles shall be turned off when not in use. Unnecessary idling of internal combustion engines is prohibited.

4. **Equipment Location**: All stationary noise-generating construction equipment, such as air compressors, shall be located as far as practical from nearby residences.

5. **Staging and Equipment Storage**: The equipment storage location shall be sited as far as possible from nearby residences.