RESOLUTION NO. 2012-313

RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CLARA
ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION
MONITORING AND REPORTING PROGRAM AND APPROVING A TENTATIVE
MAP AND CLUSTER PERMIT FOR A 4-LOT CLUSTER SUBDIVISION
AT MT. HAMILTON ROAD IN UNINCORPORATED SAN JOSE
(APN 627-23-019)

(File No. 9399-56-70-10CST)

WHEREAS, the County received an application to subdivide an approximately 161 acre
parcel owned by MTB Olive Branch LLC at Mt. Hamilton Road into four lots ranging from 12.1
to 49.8 acres, each with a 2.6 to 3.4 acre building envelop; as depicted on Exhibit A, attached
hereto and incorporated herein; and

WHEREAS, the application for the subdivision included a proposed tentative map and
cluster permit (the “Project”); and

WHEREAS, staff from various County departments have reviewed the applications and
recommended approval of the Project, subject to the Conditions of Approval set forth in Exhibit
B, attached hereto and incorporated herein; and

WHEREAS, at its regular meeting on May 3, 2012, the Santa Clara County Planning
Commission (“Planning Commission”) held a duly noticed public hearing to consider the
Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and voted to
forward a favorable recommendation to the Board of Supervisors; and

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”), an Initial
Study and Mitigated Negative Declaration (collectively, “Mitigated Negative Declaration”),
which is attached hereto as Exhibit C, and a Mitigation Monitoring and Reporting Program
(“MMRP”), which is attached hereto as Exhibit D, were prepared for the Project; and

WHEREAS, at its regular meeting of May 22, 2012, the Board of Supervisors convened
a duly noticed public hearing to consider the proposed Project.

THE BOARD OF SUPERVISORS HEREBY MAKES THE FOLLOWING
FINDINGS WITH RESPECT TO CEQA:

(a) The Board finds that the Mitigated Negative Declaration was prepared in accordance
with all legal requirements, including all public notice and comment period requirements; and

Resolution Approving Mitigated Negative
Declaration, Tentative Subdivision
Map for Mt. Hamilton Rd. (APN 627-23-019)
(File No. 9399-56-70-10CST)
(b) The Board declares that it has considered the Mitigated Negative Declaration and all comments received within the public comment period, as well as all written and oral comments received after the public comment period and prior to the date of this Resolution, and finds that the document reflects the County's independent judgment and analysis; and

(c) The Board finds that there is no substantial evidence in the record that the Project, as mitigated, will have a significant effect on the environment. Mitigation measures for biological impacts have been incorporated into the Project and conditions of approval (Exhibit B) to reduce impacts to a less than significant level; and

(d) A Mitigation Monitoring and Reporting Program has been prepared for the Project (Exhibit D). To ensure that all mitigation measures will be implemented, the mitigation measures in the MMRP have been made enforceable by incorporating the mitigation measures into the subdivision's conditions of approval (Exhibit B); and

(e) The Board designates the Clerk of the Board of Supervisors and the County Planning Office as the location and custodian of the documents and other material constituting the record of proceedings upon which this decision is based.

THE BOARD OF SUPERVISORS FURTHER FINDS that none of the findings set forth in Section C12-122 of the Ordinance Code of the Santa Clara County Code and Section 66474 of the California Government Code apply to the proposed subdivision:

(a) The proposed subdivision will divide a 161.52 acres (gross) parcel into four parcels ranging from 12.1 to 49.8 acres, each with a 2.6 to 3.4 acre building envelop. The Project is located in the east hills of San Jose outside of the Urban Service Area off Mt. Hamilton Road, 1.5 miles northwest of Quimby Road. The proposed subdivision will comply with all applicable General Plan policies and designations and Zoning Ordinance requirements. The property is zoned HS-d1-sr, which requires a minimum lot size of between 20-160 acres, based on the slope density formula, which considers the average slope of the land. Based on the slope density formula for the subject property, the allowable density would be one (1) dwelling per 38.33 acres, allowing a total of four dwelling units on the 161.52-acre property. The owners have applied to divide the parcel into four lots, 12.10, 42.77, 49.73 and 49.83 acres in size, respectively.

The General Plan only allows for the creation of lots less than the minimum parcel sizes in the Hillside area through a cluster subdivision. The owners applied for a cluster subdivision, which would allow for the creation of lots smaller then the minimum parcel size as stated in the General Plan. However, the overall density of development with the subdivision will be in conformance with the Hillside General Plan designation.

(b) The design and improvement of the proposed subdivision, in accordance with the conditions listed in Exhibit B, will ensure that the development is consistent with the County's General Plan.
(c) The site is physically suited for development of a single-family dwelling on each of the four proposed parcels. No development may occur unless there is full compliance with all the conditions listed in Exhibit B of the Resolution, which pertains to, among other things, the provision of utilities.

(d) The 161.52 acre (gross) site is physically suitable for the proposed density of development, which will consist of one single-family dwelling on each of the four parcels to be created at a development density of one house per approximately 38.33 acres.

(e) The subject property contains important habitat for several special status wildlife species. In order to compensate for this habitat loss, conditions of approval will ensure adequate mitigation measures are in place to protect important habitat and special status wildlife species.

(f) The design of the subdivision and the proposed improvements will not cause any serious public health problems. The proposed lots will be served by on-site septic system and a common water system using an existing well.

(g) The design of the subdivision and proposed improvements, in accordance with the conditions listed in Exhibit B of the Resolution, will not conflict with any existing easements on the property.

THE BOARD OF SUPERVISORS FURTHER FINDS that the following findings can be made with respect to the proposed Cluster Permit per Section 5.45.050 of the Zoning Ordinance:

(a) General Plan Conformance and Residential Density. The proposed subdivision will be in conformance with the General Plan designation of Hillsides with respect to development density.

(b) Parcel Configuration and Open Space Preservation. The design of the proposed cluster subdivision and the preservation and configuration of open space is consistent with general plan policies (R-LU28 & 29) and zoning ordinance standards (5.45.050 A-E) with respect to clustering and open space preservation. The open space incorporates those noteworthy and most valuable natural features of land, is generally configured as a large contiguous area capable of serving the various open space, agriculture, viewshed protection, and habitat preservation, and has been configured with appropriate consideration of access requirements, and geological hazards zones.

(c) Circulation and Roads. The submitted Tentative Map shows that the four residential lots will be provided access from a private road originating from Mt. Hamilton Rd. After entering the site, the private road will generally follow an existing PG&E dirt road which leads to the cluster of building sites. Although the proposed private road follows an existing PG&E access road, substantial cuts and fill are required to widen the road to meet both Engineering and Fire Marshal access standards. The Tentative Map indicates that approximately 6,700 cubic
yards of cut is necessary to construct the private road, which is approximately, 2,350 feet long and 20 feet wide.

While grading for the private road is substantial, the road is designed to meet minimum access requirements as set forth by Land Development Engineering and Fire Marshal. The road improvements associated with the subdivision are sited and designed to minimize necessary grading.

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Resolution Approving Mitigated Negative Declaration, Tentative Subdivision
Map for Mt. Hamilton Rd. (APN 627-23-019)
(File No. 9399-56-70-10CST)
NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Santa Clara, State of California, based upon the oral and documentary evidence received, that the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program is hereby adopted, and the proposed tentative subdivision map and cluster permit are hereby approved. The tentative subdivision map and cluster permit approval will expire 36 months from the date of this Resolution.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California on **MAY 22, 2012** by the following vote:

**AYES:** CORTES, KNIS, SHIRAKAWA, WASSERMAN, YEEGEE

**NOES:** NONE

**ABSENT:** NONE

**ABSTAIN:** NONE

 signatures
George Shirakawa, President
Board of Supervisors

ATTEST:

 signatures
Lynn Regadanz
Interim Clerk of the Board

APPROVED AS TO FORM AND LEGALITY:

 signatures
Elizabeth G. Pianca, Deputy County Counsel

Attachments to this Resolution:
- Exhibit A – Tentative Subdivision Map
- Exhibit B – Conditions of Approval
- Exhibit C – Mitigated Negative Declaration
- Exhibit D – Mitigation Monitoring & Reporting Program
Four Lot Cluster Subdivision
Recommended Conditions of Approval

File Number: 9399-56-70-10CST

Owner(s): Peter Turrini, Greg Mc Clenon, and Bill Bunch

Applicant: BKP Engineering

Project Description:
Proposed four-lot cluster subdivision of approximately 161.52 acres, in the Diablo Mountains off of Mt. Hamilton Road, east of San Jose. The subdivision will to create four lots ranging approximately from 12.10 acres to 49.83 acres in size, each with 2.6 to 3.4 acre building envelopes (development areas). The remaining portions of each lot will be dedicated open space. Proposed access is taken from Mt. Hamilton Road, using a private road, which will be built with the subdivision. Per County Ordinance, approval of the subdivision will grant Building Site Approval on all lots being created. The future homes will be served by on-site septic systems and a common water system using an existing well on the site.

Items marked with an asterisk (*) must be completed prior to map recordation.

Items marked with a double asterisk (**) must be completed prior to release of bond or one year from the date of the land development agreement, whichever occurs first, or as specifically stipulated in the condition, wording.

Items marked with a triple asterisk (***) must be completed prior to building permit issuance

Items marked with a quadruple asterisk (****) must be completed prior to occupancy.

PLANNING:
Contact Sylvia Ornelas at (408) 299-5759 regarding the following conditions:

1. Existing zoning is HS-d1-sr (Hillsides with a Design Review and scenic road). Maintain the following minimum dwelling setbacks:
   
   Front: 30 ft.  
   Sides: 30 ft.  
   Rear: 30 ft.

   Note: Per the "sr" combining district any development proposed within 100 ft. of the right of way of Mt. Hamilton Rd. are subject to Design Review.

2. The maximum height of buildings shall be 35 feet and shall not include more than three (3) stories.

3. A minimum of two (2) off-street parking spaces must be provided to accommodate the primary dwelling on the lot, and at least one (1) space must be covered. (Zoning Ordinance Section 4.30.030). Show parking spaces on the site plan submitted for the building permit for each new residence.

4. In terms of development density, based on the slope-density calculations prepared by Kristina D. Comerer (LS 6766) the minimum lot size for the subject property is 38.33 acres, allowing a total of four dwelling units on 161.52-acre property. Approval of the Cluster Permit will allow for the creation of lots smaller than this minimum lot size.

5. The parcel configuration, shown on the tentative map, dated September 3, 2011 which was received by the Planning Office on November 4, 2011 is approved as submitted.

EXHIBIT B
6. Residential development shall be limited to areas designated as “Building Envelopes” on the Tentative Map, except as provided for in §2.20.070(C)5 of the County Zoning Ordinance.

7.* Development rights for the portions of the parcels outside of the designated “Building Envelopes” on the submitted tentative map (approximately 141.70 acres), shall be permanently dedicated as Open Space to the County of Santa Clara. The parcel map shall designate these areas as subject to an “Open Space Basement.”

8.* Final drafts of instruments for dedication of development rights shall be reviewed by Planning Office and Office of County Counsel. A copy of the final recorded document shall be submitted to the Planning Office.

9.*** File for and obtain Design Review prior to issuance of building permits for new residences on all parcels. Development on all parcels shall be subject to Design Review per Sections 3.20.040 and 5.50 of the Zoning Ordinance.

10. Water tanks that are 12 feet or less in height shall have a minimum 3-foot side and rear setback. Water tanks shall have a minimum front yard setback equal to that required for dwellings by the applicable zoning district. Tanks with a capacity of more than 5,000 gallons shall require a building permit.

11. In the event that human skeletal remains are encountered, the applicant is required by County Ordinance B6-18 to immediately notify the County Coroner. Upon determination by the County Coroner that the remains are Native American, the coroner shall contact the California Native American Heritage Commission, pursuant to subdivision (c) of section 2050.5 of the Health and Safety Code and the County Coordinator of Indian Affairs. No further disturbance of the site may be made except as authorized by the County Coordinator of Indian Affairs in accordance with the provisions of State law and this chapter. If artifacts are found on the site a qualified archeologist shall be contacted along with the County Planning Office. No further disturbance of the artifacts may be made except as authorized by the County Planning Office.

Biology/Special Status Species

12. To ensure that the project will not have any significant adverse impacts to the existing wildlife and special status species the following mitigation measure shall be met:

California Red-legged frog, California Tiger Salamander, Western Pond Turtle and Ringtail

To compensate for the loss of 16 acres of California Red-legged frog, California Tiger Salamander, Western Pond Turtle and Ringtail habitat, one of the following must be met:

A.* Approximately 48 acres of onsite high quality habitat area will be placed under a conservation easement for habitat preservation. Live Oak Associates (July 7, 2011, Mt. Hamilton Site Biological Constraints Analysis) has identified 73.5 acres of “areas of conservation priority” which will be selected for the 48-acre conservation easement. The conservation easement shall be reviewed by the Planning Office and recorded prior to final map recording. In addition, a take permit is required from U.S Fish and Wildlife Service (USFWS) for impacts to the California red-legged frog and from both USFWS and DFG for the California tiger salamander.

B.* Obtain endangered species permits through the Santa Clara Habitat Conservation Plan (HCP). The County of Santa Clara and several local partners are currently in the process of developing a HCP. The project site is located in a Habitat Conservation (HCP) Area. Per the HCP, fees may be paid to compensate for the loss of endangered species habitat from development. The HCP also acknowledges that land in lieu of fees may be offered if accepted by the Implementing Entity. Under the proposed Habitat Conservation Plan (HCP), proposed projects would obtain endangered species permits through local partners, including the County of Santa Clara through HCP and bypass any permits required for endangered species from the U.S. Fish and Wildlife Services and Department of Fish and Game.
Take of Species

A. Preconstruction surveys for California Tiger Salamanders, California Red legged Frog and Western Pond Turtle shall be conducted in accordance with United States Fish and Wildlife and/or California Department of Fish and Game protocols prior to the start of construction for improvements associated with the subdivision improvement and the individual residences. A qualified biologist shall prepare these surveys.

Golden eagles, White tailed kits or other raptors and Loggerhead Shrikes

B. If construction, tree removal or ground disturbance is scheduled to commence in the breeding season for the Golden eagles, White tailed kits or other raptors and Loggerhead Shrikes, (February 1 - August 31) a pre-construction survey shall be conducted by a qualified biologist in order to identify and create a construction free buffer zone around any active nests (up to 250 ft. depending on species and location). Consultation with the California Department of Fish and Game would also be required if active nesting are identified.

San Francisco Dusky-footed Woodrats

C. A qualified biologist shall conduct a pre-construction survey for the San Francisco Dusky-footed Woodrats within 30 days prior to ground disturbance in small areas of woodland and shrub habitat near the proposed development site (Please refer to map in Biology Report by Live Oak Associates, Inc biology). If San Francisco Dusky-footed Woodrats are found, a construction buffer should be established around the active nest until such young can move on their own.

American Badger

D. To protect the American Badger, pre-construction surveys shall be conducted prior to the construction in small areas of the woodland and scrub habitat near the proposed development. If the presence of the badger is found within the development footprint, consult with Fish and Game before any further action. A passive relocation plan acceptable to the California Department of Fish and Game may also need to be done.

13. Note: All Preconstruction surveys described above shall be conducted in accordance with United States Fish and Wildlife and California Department of Fish and Game protocols prior to the start of construction for improvements associated with the subdivision improvement plans and the individual residences. A qualified biologist shall prepare these surveys. Under direction of the biologist, measures such as worker awareness program, exclusionary fencing, and daily monitoring of construction areas shall be employed in order to prevent "take" of these species during construction. If any species are encountered during the surveys, species relocation shall occur per USFW protocols.

14. **/** Prior to the issuance of any building or construction permits for single family houses or subdivision improvements, a copy of a contract with a qualified biologist (to conduct surveys) which includes a scope of work showing how the above measures shall be employed during construction, shall be submitted to the Planning Office for approval.

15. **/***Results of the surveys with a summary report shall be submitted from the biologist to the Planning Office for approval, prior to final inspection/release of bond for subdivision improvements.

NOTE: Any of the aforementioned surveys or related conditions for "take" of species covered by the HCP may be superseded if permits are issued under the HCP, including adherence to the HCP conditions of approval.

LAND DEVELOPMENT ENGINEERING:
Contact Ed Duazo at (408) 299-5733 regarding the following conditions

Plan Review and Format Process:

16. ** A project clearance ("goldenrod") must be issued by the Land Development Engineering Section of the
Development Services Office, prior to the issuance of the Building Permit. The process for obtaining a project clearance involves, but is not limited to, submitting a minimum of seven copies of signed engineered plans for Engineering Plan Check, a Plan Check fee, Inspection fee, and a financial security for the project. Please expect a minimum six to twelve weeks for the review process. Once all the fees and security have been submitted, and the plan has been approved and signed, a construction permit will be issued by the Land Development Engineering Section and said construction may begin. This permit does not imply that a building permit has been issued. Please contact Mii Trinh (299-5734) for complete plan submittal requirements and timelines.

17. * Final plans shall contain standard notes and certificates as shown on County Standard Cover Sheet. The minimum letter size for plan submission and approval shall be no smaller than 1/8 inch.

Agreements:

18. * Enter into a subdivision agreement with the County per Section C12-206 of the County Ordinance Code. Submit an Engineer’s Estimate of Probable Construction Cost prepared by a registered civil engineer with the all stages of work clearly identified for all improvements and grading as proposed in this application. Post financial assurances, sign the development agreement and pay necessary inspection and plan check fees, and provide County with a Certificate of Worker’s Compensation Insurance.

19. * The applicant, owner, homeowner association or other legal entity (accepted by the County) must enter into an Operations and Maintenance Agreement per Section B11-1/2 of the County Ordinance Code for all stormwater treatment systems installed on site. A stormwater management plan shall be included with improvement plans, detailing ongoing operations and maintenance procedures for stormwater management facilities and practices to ensure their continued function as designed and constructed. The plan shall include inspection and maintenance schedule, maintenance tasks, and responsible parties for maintenance, safety issues, recordkeeping and reporting.

Maps:

20. * Prepare and submit a Parcel Map for review and approval by the County Surveyor.

21. * Parcels 1, 2, 3, and 4 must be surveyed by a Licensed Land Surveyor or Registered Civil Engineer. Monuments shall be set, reset, or verified in accordance with County standards, the California Subdivision Map Act, and/or the California Land Surveyor’s Act map recordation. Set, reset, and verified monuments shall be shown on the parcel map and in the improvement plans. County standard monument boxes shall be used to protect monuments located in roadways.

Drainage:

22. Provide for the uninterrupted flow of water in swales and natural courses on the property or any access road. No fill or crossing of any swales or watercourses is allowed unless shown on the approved plans.

23. Property owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to adjoining property.

Dedications and Easements:

24. * Offer to dedicate the following curvilinear rights-of-way to the public and the County for private road purposes:
   
   60-foot right-of-way for the access road from Mt. Hamilton Road to the cul-de-sac bulb
   42-foot radial right-of-way centered about the cul-de-sac bulb

25. * Offer to dedicate a minimum 15 foot easement to the public and the County for storm-drainage purposes for all swales and channels affected by this development that pass drainage through the site.
26. * Offer to dedicate Public Service Easements, in accordance to County Easement policies and as required for water, sewers, and utilities.

27. * Indicate on the Parcel Map and improvement plans all applicable easements affecting the parcel(s) with benefactors and recording information. Supply one copy of a preliminary title report, dated within 60 days of the day of submittal, with the submission of the grading/improvement plans for review by Land Development Engineering.

Improvements Plans:

28. * Preliminary plans prepared by BKF Engineers and received on November 4, 2011 by the Santa Clara County Planning Office have been reviewed. Submit final street, improvement, and drainage plans prepared by a registered civil engineer for review and approval by the Land Development Engineering. All street and road improvement plans require plan, profile, typical sections, and contour grading. Said improvement plans shall include the following:

Roads not to be County Maintained

a. Rural Cul-de-Sacs per County Standard A/6 for the cul-de-sac bulb at the terminus of the access road.
b. Private Access Road (Hillside Condition) per County Standard SD2 from Mt. Hamilton Road to the cul-de-sac bulb at the terminus of the road.
c. Driveway Approaches per County Standard SD4. The driveway approach shall conform to County standard slopes of less than 5% grade 20 feet from the edge of pavement, or to the right of way, whichever is greater.
d. Drainage Ditch Linings per County Standard SD8.
e. Energy Dissipaters per County Standard SD10.
f. Standard Turnarounds and Turnouts per County Standard SD16.
g. Standard Street Sign Assembly per County Standard B/14.
h. Street signage and striping in accordance with the California Vehicle Code. Signage and striping shall include but are not limited to:
   1. "No Parking" signage and curb painting for those portions of the common access roads intended not to allow on-street parking.
   2. "Private Road" and Traffic Control signs.
   3. Street striping and pavement markings
   4. Stop sign and associated pavement markings

Storm Water Treatment – SF Bay Watershed

i. This project is located within the San Francisco Bay watershed and is a regulated project that is also a Hydromodification Management [HM] project, pursuant to the 2009 Municipal Regional NPDES Storm Water permit [MRP]. The improvement plans shall include Low Impact Development (LID) measures (harvesting and re-use, infiltration, and evapotranspiration; or, biotreatment, if the other measures noted are infeasible), source control (as applicable), and site design measures complying with Provision C3 of the 2009 MRP standards, in design.

j. Pursuant to requirements § 3.c.i.(1) of the County's NPDES Storm Water Discharge Permit issued by the SFB-RWQCB, roof gutter drainage shall not directly be connected to the storm drainage system. All roof runoff shall be directed to landscaped or natural areas away from building foundations, to allow for storm water infiltration into the soil and sheet flow. Energy dissipaters shall also be used to slow roof drainage flow and prevent erosion. These improvements shall be clearly identified on the improvement Plans.

Drainage:

k. Demonstrate the subject property has adequate existing and proposed storm drainage facilities in accordance with criteria as designated in the County Drainage Manual. At the minimum, plans and calculations shall demonstrate all of the following:

1. The site can be adequately drained,
2. The development of the site will not cause problems to nearby properties, and
3. The on-site drainage will be controlled in such a manner as to not increase the downstream peak flow or cause a hazard or public nuisance. If this cannot be demonstrated, provide a detention system pursuant to the Design Guidelines in Section 6.3.3 of the 2007 Santa Clara county Drainage Manual.

Grading:

1. Plans will be processed in accordance with the Grading Ordinance and checked for conformance with Article 5 (Design Standards) Section C12-489 to Section C12-527. Final plans shall include and/or reflect the following:

   1. Access road and detention basin cross-sections.
   2. Location for the disposition of excess grading material.
   3. Engineered Slopes that conform to County Standard Detail SD6 and Section C12-499 of the County Grading Ordinance with regard to slope height and use of drainage terraces.
   4. Retaining walls plans and sections necessary to establish the grades shown including retaining wall structural calculations. No retaining walls shall be installed across property lines.
   5. Erosion control measures as required per Sections C12-515 through C12-527, inclusive.
   6. The total disturbed area for this project appears to be greater than 1 acre; Conceptual Staged Construction Erosion Control Plan Sheets are required and shall include erosion control measures per Sections C12-515 through C12-527 of the Santa Clara County Grading Ordinance.
   7. All other improvements required by these Conditions of Approval.
   8. Indicate how the graded areas are to be properly drained in accordance with criteria as designated in the County Drainage Manual. Submit necessary hydraulic calculations to justify the proposed improvements.
   9. Indicate how the graded areas shall comply with setback requirements from property line for cuts and fills per Section C12-505.
   10. The requirement to take all exported materials from the site to a County approved disposal site must be clearly indicated on the plan.

Utilities

m. All new utilities, mains and services to residences shall be placed underground and extended to serve the proposed development. All extensions shall be included in the improvement plans submitted to the Land Development Engineering Section for review.

29. * Enter into a deferred improvement agreement for the ultimate County improvement of the access road.

Notice Of Intent

30. * This project disturbs an acre or more of land and requires the filing of a Notice of Intent (NOI) for coverage under the Construction General Permit. A copy of the SWPPP or erosion control plans must be submitted showing seasonally-appropriate and phase-appropriate effective BMPs for erosion control, run-on and run-off control, sediment control, active treatment systems (as necessary), good site management and non-stormwater management. In addition, proof that the Notice of Intent (NOI) was filed with the State Water Resource Control Board must be submitted.

Utilities

31. * Provide letters from the utility companies stating that all easements and financial obligations have been satisfied. These shall include:

   a. Gas Company (if required)
   b. Electric Company
   c. Telephone Company

(Contact the utility companies immediately as these clearances may require over 90 days to acquire.)
Soils and Geology:

32. *** Submit one copy of the geotechnical report for the improvements, prepared by a registered civil engineer, as required by the Santa Clara County Ordinance Code, to Land Development Engineering.

33. *** Submit a plan review letter by the Project Geotechnical Engineer certifying that the geotechnical issues identified in the above geotechnical report have been mitigated on the improvement plan. This letter shall be submitted to and reviewed by Land Development Engineering.

Other Conditions:

34. ** Construct all of the aforementioned improvements. Construction staking is required and shall be the responsibility of the developer.

35. Apply to the Planning Office for grading approval prior to any earthwork that is in excess of the limit as outlined in the County Grading Ordinance, starting at § C12-400. Penalties and rigid abatement procedures are required by ordinance for correction of any grading violation. Once the Planning Office authorizes the grading approval, obtain a Grading Permit from the Land Development Engineering.

ENVIRONMENTAL HEALTH:

Contact Ann Peden at (408) 299-5748 regarding the following conditions

36. Onsite Wastewater Treatment Systems (Septic Systems)

   a. *** Sewage disposal conditions have been determined through soil profiles and percolation testing. The leachfield sizes for each lot are delineated below. The two drainline systems must be connected through a positive diversion valve. A 1500 gallon septic tank will be required. These septic systems are adequate to serve a four bedroom house with no more than 4,500 square feet of living area.

      i. Parcel 1: 700 linear feet of 4.5' depth, 24" wide trench with 18" of drainrock. (1-20 mpi = 350' x 2).

      ii. Parcel 2: 550 linear feet of 5' depth, 24" wide trench with 18" of drainrock. (1-10 mpi = 275' x 2).

      iii. Parcel 3: 1,000 linear feet of 5' - 5.5' depth, 24" wide trench with 18" of drainrock. (21-30 mpi = 500' x 2).

      iv. Parcel 4: 550 linear feet of 5' depth, 24" wide trench with 18" of drainrock. (1-10 mpi = 275' x 2).

   b. *** At the time of application for a building permit, as each lot is developed, submit four (4) revised plot plans to scale (1" = 20') on a grading and drainage plan showing the house, driveway, accessory structures, septic tank and required drainlines to contour, in order to obtain a septic system permit. Maintain all setbacks as outlined in Bulletin “A”. The original plans must be submitted to the field office for sign-off prior to the issuance of the septic system permit, and submitted as the final grading plan to Land Development Engineering when a grading permit is required.

   Be advised that any modification to the stamped approved septic system design which requires a subsequent review and approval by DEH will require the applicant to return all previously approved septic design plans to the district specialist prior to obtaining current design approval.

   c. *** The location of all soils analysis test pits, and percolation test holes must be shown on the revised site plan. The soil test log, and the percolation test results including the adjusted, stabilized percolation rate must be shown on the revised site plan.

   d. **** As each parcel is developed, submit a complete set of floor plans to the district DEH office for review prior to septic system sign-off.
37. Domestic Water Supply:

a. * There is one existing well on the property. Indicate if there is a well on each parcel, a single well intended to serve all four parcels or will an existing water system be used. The submitted site plan indicates that there is an easement for an existing water system on the parcel. Indicate what water system it is, and how many current connections does it serve. For the existing water system, indicate if it is a shared system of up to 4 connections. The addition of 4 more connections would place the system under the designation of a regulated "State Small" water system which may serve from 5-14 connections (regulated by DEH, contact Ann Peden at 408-918-3480). If the water system currently is a state small system and the addition of 4 more connections exceeds 14 connection, the new water system would be re-classified as a "public water system-community water system" and would be regulated by the California Department of Public Health, Drinking Water Division. For a State regulated water system contact 510-620-3474.

b. * Prior to map recordation it must be demonstrated that an individual well, on each parcel, provides an adequate supply of water. For a shared well water system it must be demonstrated that the well is capable of producing enough water for all four parcels. The requirement is based upon 2.5 gallons/minute/dwelling(parcel). For a state small water system, the well(s) must be capable of producing at least 3 gallons/min/dwelling. The required water quantity for a public water system is determined by the State. A well log must be submitted for each well which shows a 50 foot sanitary seal, and satisfactory pump test must be completed. Contact Ann Peden at 408-918-3480 for detailed information. Note: The water testing and flow tests must have been done within the past 3 years prior to map recordation.

c. * If the domestic water source is to be supplied by a shared well or a mutual water system, in addition to the above referenced information, a shared well agreement, and engineered plans will also be required for water system approval. Mutual water systems must meet all the engineering and permitting requirements of both the Department of Environmental Health, and the office of Land Development and Engineering.

NOTE: The applicant must decide prior to map recordation whether the domestic water source will be individual wells, a shared well system, a state small, or public water system, and have obtained water system approval based upon that choice.

38.**** Provide proof of garbage service at the time of final occupancy sign-off. Garbage service in the unincorporated areas of Santa Clara County is mandatory.

FIRE MARSHAL:
Contact Mac Bala at (408) 299-5760 regarding the following conditions

GENERAL REQUIREMENTS:

The proposed project is located within the State Response Area (SRA) governed by the California Department of Forestry (CDF) therefore Public Resources Code 4290 regulations, and County Standards apply. Should these standards conflict with any other local, state or federal requirement, the most restrictive shall apply.

FIRE PROTECTION WATER

****IMPORTANT: Fire protection water system shall be installed, functioning and inspected prior to approval of the foundation for new buildings. System shall be maintained in good working order and accessible throughout construction. A stop work order may be placed on the project if the required hydrant systems are not installed, accessible, and/or functioning.

39.*** ON-SITE WATER STORAGE: Details for fire protection water supply (75,000 gallon) shall be included with the building permit set of drawings. Submittal shall include, but not be limited to, location of water supply, (e.g. onsite well, shared well; tank location and capacity, pipe size, hydrant hydrant orifice size and location, domestic and fire protection water tanks and piping configuration). See note below:

A) All installations shall include a primary aboveground storage tank with a capacity of not less than 3,000 gallons dedicated to domestic and fire sprinkler system demand. Storage capacity may be increased due to
sprinkler design demand or additional domestic (including landscaping) required by the Environmental Health Department.

B) A secondary aboveground storage tank dedicated to the wharf hydrant shall be provided in accordance with the following:
1. Structures up to 3,600 sq. ft.: 5,000 gallons
2. Structures 3601-10,000 sq. ft.: 10,000 gallons
3. Structures 10,001-15,000 sq. ft.: 30,000 gallons
4. Structures over 15,000 sq. ft.: 45,000 gallons

C) Aboveground storage tanks shall be provided with automatic refill. Manual refilling of tanks is not acceptable.

D) Installation of aboveground storage tanks less than 20 ft. to a structure requires tanks to be of noncombustible construction.

E) Installation of the tank system shall comply with Fire Marshal Standard CFMO-W5.

F) Underground storage tanks and swimming pools shall not be accepted in place of aboveground storage tanks.

G) A copy of the Shared Well agreement shall be provided at the time of plan submittal for building permit.

Note: The four-lot subdivision does not warrant a creation of a water mutual. Each home site will be required as stated above to have their own water supply; minimum 5,000 gallons dedicated to a single wharf hydrant and minimum 3,000 gallons for domestic and automatic sprinkler usage.

If the 75,000 gallons are to be shared with all four homesites, it shall be a combined system providing water for domestic/sprinkler usage as well as supplying the individual wharf hydrants on each lot. The tank will require a Building Permit. Submit plans directly to Build Dept. The water tanks system must meet NFPA 2 and NFPA 24. Provide all necessary manufacturers specifications along with submittal.

40. WHARF HYDRANT: One on-site wharf hydrant with 2-1/2 inch orifice is required to be installed for each homesite when fire protection water is supplied by on-site aboveground storage tank(s). Installation of hydrants shall be in accordance with Fire Marshal Standard Detail CFMO-W4.

A) Minimum distance to structure shall not be less than 55 ft. from the closest portion of the structure and shall not exceed 150 ft. from the furthest portion of the structure (measured along path of travel).

B) Hydrant shall be installed within 8 ft. of driving surface in a location acceptable to the Fire Marshal's Office.

C) Installation of a hydrant adjacent to a driveway (12 ft. wide) requires a turnout complying with SD-16 to allow additional emergency vehicles to pass.

D) Hydrant shall have a positive flow by means of gravity feed or where that is not possible, from a reliable, listed automatic pump approved by the Fire Marshal. Elevation of hydrants and tanks in relation to each other shall be a major consideration. NOTE: tank and hydrant elevations shall be noted on the site plan submitted for building permit.

41. Fire protection water shall be made available to the fire department.

NOTE: If the 4 lots are to have their own individual water system, a residential water system permit will be required for each parcel as they develop.

42.** FIRE SPRINKLER SYSTEM: An approved residential fire sprinkler system complying with CFMO-SP6 shall be installed throughout all residential dwellings and any accessory structures greater than 500 square feet.
NOTE: The fire sprinkler system shall be installed and finaled by this office prior to occupancy. A separate permit shall be obtained from this office by a state licensed C-16 contractor prior to installation. Please allow for a minimum of 30 days for plan review of fire sprinkler plans by this office.

FIRE DEPARTMENT ACCESS

43. GENERAL REQUIREMENTS:

A) These are minimum Fire Marshal standards. Should these standards conflict with any other local, state or federal requirement, the most restrictive shall apply.

B) Construction of access roads and driveways shall use good engineering practice.

C) All required access roads, driveways, turnarounds, and turnouts shall be installed, and serviceable prior to approval of the foundation, and shall be maintained throughout construction. A stop work order may be placed on the project if required driving surfaces are not installed, accessible, and/or maintained at all times.

44. ACCESS ROADS (roads serving more than one lot) for fire department access shall comply with the following:

A) Width: Clear drivable width of 18 ft. plus a 3 ft. shoulder on each side.

B) Vertical Clearance: Minimum vertical clearance of 15 ft. shall be maintained to building site (trim or remove, tree limbs, electrical wires, structures, and similar improvements).

C) Curve Radius: Inside turn radius for curves shall be a minimum of 42 ft.

D) Grade: Maximum grade shall not exceed 15%. The Fire Marshal may permit grades up to a maximum of 20% if no other method is practicable and if consistent with good engineering practices, provided an approved automatic fire sprinkler system is installed throughout the affected dwelling, including attached garages. In no case shall the portion exceeding 15% gradient be longer than 300 feet in length, unless there is at least 100 feet at 15% or less gradient between each 300 foot section. Grades exceeding 15% shall be paved in compliance with County Standards.

E) Surface: All driving surfaces shall be all-weather and capable of sustaining 65,000 pound gross vehicle weight.

F) Dead End Roads: Turnarounds shall be provided for dead end access roads in excess of 150 ft. in length. Acceptable turnaround shall be 40 ft. by 48 ft. pad, hammerhead, or bulw of 32 ft. radius complying with County Standard SD-16. All turnarounds shall have a slope of not more than 5% in any direction.

G) Gates & Traffic-Calming Devices: Any obstruction to emergency access such as gates, speed bumps/humps, traffic circles, etc. shall require prior approval from the County.

45. DRIVEWAYS (roads serving only one lot) shall comply with the following when the distance between the centerline of the access road and any portion of the structure exceeds 150 ft. (measured along the path of travel).

A) Width: Clear width of drivable surface of 12 ft.

B) Vertical Clearance: Minimum vertical clearance of 13 ft. 6 in. shall be maintained between the access road and the building site (trim or remove, tree limbs, electrical wires, structures, and similar improvements).

C) Curve Radius: Inside turn radius for curves shall be a minimum of 42 ft.
D) Grade: Maximum grade shall not exceed 15%. The Fire Marshal may permit grades up to a maximum of 20% if no other method is practicable and if consistent with good engineering practices, provided an approved automatic fire sprinkler system is installed throughout the affected dwelling, including attached garages. In no case shall the portion exceeding 15% gradient be longer than 300 feet in length, unless there is at least 100 feet at 15% or less gradient between each 300 foot section. Grades exceeding 15% shall be paved in compliance with County Standard SD5.

E) Surface: All driving surfaces shall be all-weather and capable of sustaining 65,000 pound gross vehicle weight.

F) Turnouts: Passing turnouts in compliance with SD-16 shall be provided at every 500 ft. and wherever hydrants are placed adjacent to a driveways.

G) Turnarounds: Turnaround shall be provided for driveways in excess of 150 ft. as measured along the path of travel from the centerline of the access road to the structure. Acceptable turnarounds shall be 40 ft. by 48 ft. pad, hammerhead, or bulb of 32 ft. radius complying with County Standard SD-16. All turnarounds shall have a slope of not more than 5% in any direction.

H) Gates: Gates shall not obstruct the required width or vertical clearance of the driveway and may require a Fire Department Lock Box/Gate Switch to allow for fire department access. Installation shall comply with CFMO-A3.

MISCELLANEOUS:

46. Property is located within the State Response Area.

47. Property is not located in a Fire Protection District and has no fire service for structure fire protection. Response for all types of emergencies (fires, medical calls, etc.) will most likely be delayed.

48. This property is located in the Wildland/Urban Interface Fire Area. All of the following conditions shall apply:
   a) A Class "A" roof assembly is required. Detail shall be included in plans submitted for building permit.
   b) Provide a 1/2 inch spark arrester for the chimney.
   c) Remove combustible vegetation within 30 ft. to 100 ft. of structure.

49. MAINTENANCE: Fire protection water systems and equipment shall be accessible and maintained in operable condition at all times, and shall be replaced or repaired where defective. Fire protection water shall be made available to the fire department.

   Fire department access roads, driveways, turnouts, and turnarounds shall be maintained free and clear and accessible at all times for fire department use. Gates shall be maintained in good working order, and shall remain in compliance with Fire Marshal Standard CFMO-A3 at all times.

Caltrans:
Contact Keith Wayne at (510) 286-5737 for details regarding the following conditions:

50. * Right of Way
   Construction of the driveway skirt paving and connection of State Route 130, drainage facilities, and manhole are within the State Right of Way (ROW) and will require an encroachment Permit from the Department. Please note that this new connection will require vegetation clearing and tree removal at the southwest corner of SR-130 and the proposed private road and must be designed consistent with standard detailed in the Department's Highway Design Manual, 2010 Standard Plans, and 2010 Standard Specification. These publications can be obtained electronically at http://caltrans-opac.ca.gov/publicat.htm.

   Encroachment Permit
   Any work or traffic control within the State ROW requires an encroachment permit that is issued by the Department. Traffic-related mitigation measures will be incorporated into the
Construction plans during the encroachment permit process. See the following website link for more information: http://www.dot.ca.gov/hq/traffops/developers/permits/.

To apply for an encroachment permit, submit a completed Encroachment permit application, environmental documentation, and five (5) sets of plans which clearly indicate State ROW to State of California Department of Transportation P.O. Box 23660 Oakland, CA 94623, marked ATTN: Michael Condie, Office of Permits at (510) 286-4433.

GEOLOGY
Contact Jim Baker at (408) 299-5774 regarding the following conditions

51.* Prior to final map recordation, submit an addendum report which provides a detailed map and recommended mitigation of the small landslide near the access roadway entrance. (This is necessary given that the proposed access will provide the only way in and out for the residences.) The addendum report should include the most-recently published geologic map by Dibblee which indicates the orientation of bedding planes as well as the extent of alluvium. Bedding and mapped slide should be added to the geologic cross-sections and grading plan.

SANTA CLARA VALLEY WATER DISTRICT:
Contact Ben Davis at (408) 265-2607 ext. 3276 for details regarding the following conditions

52. A District permit is not required.

53. Any abandoned wells, or wells that are no longer in use, must be properly destroyed. Any wells in use that will be impacted by the project activities must be protected. As required by District Ordinance 90-1, an application must be filed with the District for a permit to construct or destroy any well or to drill any exploratory borings deeper than 45 feet. Contact the District's Well and Water Measurement Unit at (408) 265-2607, extension 2660, for more information.

SANTA CLARA COUNTY PARKS AND RECREATION:
Contact Kimberly Brosseau at (408) 355-2230 for details regarding the following conditions

54. The Trails Element of the Parks and Recreation Chapter of the 1995 General Plan indicates a trail route adjacent to the subject parcel. Trail Route R5-B, (Bay Area Ridge Trail: Diablo Range) is located east of the project site. Per the Countywide Trails Master Plan Update, the route is designated as an "an on street bicycle route with parallel trail, within road right of way and within private property parallel to the road" for hiking, on-road cycling and equestrian use. Parks Department is recommending that the property owner consider a voluntary trail easement.

Should an easement be voluntarily dedicated, contact the Parks Department regarding application and planning process. The landowner would not be responsible for development and/or maintenance of the trail. The County Parks Department would assume these responsibilities, and the property owner would be protected from the liability associated with public trail use.

The final location and legal description of the trail easement shall be determined by mutual agreement with the landowner and the agencies and adjusted to accommodate environmental constraints and best management practices to minimize any impacts.

In accordance with the policies of the 1995 Countywide Trails Master Plan Update, the applicant is being notified of the potential trail routes and their opportunity to participate in the implementation of the County's Trail system.
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**
MTB Olive Branch

**Project Type**
Residential Subdivision

**Owner**
Pete Turrini, Greg Mc Clenon and Bill Bunch

**Applicant**
BKF Engineering

**Project Location**
The 161.52 gross-acre site is located on Mt. Hamilton Road in the Diablo Mountain, in the northeastern area of the unincorporated Santa Clara County. The site is currently undeveloped, and consists of oak wood land, rolling hillsides, and open grasslands, with South Babb Creek along the bottom of the site and a drainage swale to Arroyo Aguanue Branch B, that runs parallel to the private access road. The property is relatively steep with an overall average slope of 31.34%. The property is characterized by rolling hilltops and knolls, transitioning to moderate valleys. The majority of the property is not visible from the Santa Clara valley floor. The surrounding land uses are rural single-family residential and open space.

**Project Description**
Proposed four-lot cluster subdivision of approximately 161.52 acres, located in the hills east of San Jose. The subdivision proposes to create four lots ranging approximately from 12.5 acres to 50.1 acres in size, with 2.4 to 2.5 acre building envelopes (development areas). The remaining portions of each lot will be dedicated open space. Proposed access is taken from Mt. Hamilton Road, using a private road, which will be built with the subdivision.

Per County Ordinance, approval of the subdivision will grant Building Site Approval on all lots being created. Conceptual building sites, and related improvements have been shown on the Tentative Map, which show improvements consisting of an access road from Mt. Hamilton Road, single-family house pads, driveways, fire truck turnarounds and proposed septic fields for each lot. The future homes will be served by on-site septic systems and a common water system using an existing well on the site. Actual grading quantities associated with the subdivision improvements for the private access road, detention pond and water tank site improvements, for all lots is: 7,895 cubic yards of cut and 10 cubic yards of fill. The conceptual grading quantities for the future residences and driveways are approximately 140 cubic yards of cut and 70 cubic yards of fill for parcel 1, 10 cubic yards of cut and 110 cubic yards of fill for parcel 2, 100 cubic yards of cut and 140 cubic yards of fill for parcel 3 and 300 cubic yards of cut and 225 cubic yards of fill for parcel 4. The cumulative project grading is approximately 8,445 cubic yards of cut and 555 cubic yards of fill.

**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 the ASA Committee on April 12, 2012 in the County Government Center, Room 137, two additional public hearing will follow. After ASA review the Planning Commission and Board of Supervisors will have public hearings on dates uncertain. 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**
Begin: 3/12/12
End: 4/1/12
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 Sylvia Orelas County of Santa Clara Planning Office, County Government Center, 70 W. Hedding Street, San Jose, CA 95110, Tel: (408) 299-5770. 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 Sylvia Orelas at (408) 299-5759 or sylvia.orelas@pln.scgov.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, 7th Floor, San Jose, CA 95110
2. Planning Office Website www.sceplanning.org (Environmental Documents under "Find it Fast")
3. Alum Rock Library 75 South White Road, San Jose, CA

Responsible Agencies sent a copy of this document:
U.S. Fish and Wildlife Services, California Department of Fish and Game and Caltrans

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

1) Take of Species

A. Preconstruction surveys for California Tiger Salamanders, California Red legged Frog and Western Pond Turtle shall be conducted in accordance with USFW protocols prior to the start of construction for improvements associated with the subdivision improvement and the individual residences. A qualified biologist shall do these surveys.

2) Golden eagles, White tailed kits or other raptors and Loggerhead Shrikes

B. If construction, tree removal or ground disturbance is scheduled to commence in the breeding season for the Golden eagles, White tailed kits or other raptors and Loggerhead Shrikes, (February 1 – August 31) a pre-construction survey should be conducted by a qualified biologist in order to identify and create a construction free buffer zone around any active nests (up to 250 ft, depending on species and location). Consultation with the California Department of Fish and Game would also be required.

3) San Francisco Dusky-footed Woodrats

C. A qualified biologist should conduct a pre-construction survey for the San Francisco Dusky-footed Woodrats within 30 days of ground disturbance in small areas of woodland and shrub habitat near the proposed development site. If young are found, a construction buffer should be established around the active nest until such young can move on their own.

4) American Badger

D. To protect the American Badger pre-construction surveys should be conducted prior to the construction in small areas of the woodland and scrub habitat near the proposed development. If the presence of the badger in found within the development footprint, development should be constrained in the surrounding area of an active den specifically during their breeding season. A passive relocation plan acceptable to the California Department of Fish and Game would also need to be done.
Note: All Preconstruction surveys described above shall be conducted in accordance with USFW protocols prior to the start of construction for improvements associated with the subdivision improvement plans and the individual residences. A qualified biologist shall do these surveys. Under direction of the biologist, measures such as a worker awareness program, exclusionary fencing, and daily monitoring of construction areas shall be employed in order to prevent “take” of these species during construction. If any species are encountered during the surveys, species relocation shall occur per USFW protocols. Prior to the issuance of any building or construction permits for single family houses or subdivision improvements, a copy of a contract with a qualified biologist (to conduct surveys) which includes a scope of work showing how the above measures shall be employed during construction, shall be submitted to the Planning Office for approval. Results of the surveys with a summary report shall be submitted from the biologist to the Planning Office for approval, prior to final inspection/release of bond for subdivision improvements.

5) California Red-legged frog, California Tiger Salamander, Western Pond Turtle and Ringtail

To compensate for the loss of 16 acres habitat of the California Red-legged frog, California Tiger Salamander, Western Pond Turtle and Ringtail habitat, one of the following must be met:

A. Approximately 48 acres of onsite high quality habitat area will be placed under a conservation easement for habitat preservation. Live Oak Associates (July 7, 2011, Mt. Hamilton Site Biological Constraints Analysis) has identified 73.5 acres of “areas of conservation priority” which will be selected for the 48-acre conservation easement. The conservation easement shall be reviewed by the Planning Office and recorded prior to final map recordation.

B. Obtain endangered species permits through the Santa Clara Habitat Conservation Plan (HCP). The County of Santa Clara and several local partners are currently in the process of developing a HCP. The project site is located in a Habitat Conservation Area (HCP). Per the HCP, fees may be paid to compensate for the loss of endangered species habitat from development. The HCP also acknowledges that land in lieu of fees may be offered if accepted by the Implementing Entity. Under the proposed Habitat Conservation Plan (HCP), proposed projects would obtain endangered species permits through HCP and bypass any permits required for endangered species from the U.S. Fish and Wildlife Services and Department of Fish and Game.

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:
Sylvia Ornelas, Planner III

Approved by:
Rob Bostwood, Senior Planner, AICP

File#: 810  8/12/2012
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<td>1st Quarter 2022</td>
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**Mitigation**

**Project Name (FILE #):** 9399-65-70-10

**Exhibit D**

Adopted
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<th>Note: All Preconstruction surveys described above shall be conducted in accordance with United States Fish and Wildlife and California Department of Fish and Game regulations.</th>
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