

Notice of Preparation (NOP) and Responses





Community Development Department

Sharon Goei
DIRECTOR

7351 Rosanna Street, Gilroy, California 95020-6197
Telephone: (408) 846-0440 Fax: (408) 846-0429
<http://www.cityofgilroy.org>

Notice of Preparation

To: Interested Parties
Date: January 10, 2025
Subject: Notice of Preparation of Draft Environmental Impact Report
2480 & 2740 Hecker Pass Road Subdivision
Lead Agency: City of Gilroy

NOTICE IS HEREBY GIVEN THAT the City of Gilroy will be the Lead Agency under the California Environmental Quality Act (CEQA) and will prepare an Environmental Impact Report (EIR) for the proposed project. This Notice of Preparation (NOP) includes a project description and an overview of the potential impacts that will be addressed in the EIR. An initial study has not been prepared for the proposed project.

Project Title: 2480 & 2740 Hecker Pass Road Subdivision (AS 23-19 & TM 23-03)

Project Applicant: Mana Camden Fund, LLC c/o Scott Murray

Project Location: 2480 & 2740 Hecker Pass Road (Assessor's Parcel Numbers: 810-20-033, 810-20-036, 810-20-037)

The project description, location map, and the potential environmental effects are contained in the attached document.

The purpose of this notice is: (1) to serve as the Notice of Preparation of an EIR to potential Responsible Agencies involved in funding or approving the project, and Trustee Agencies responsible for natural resources that may be affected by the project, pursuant to Section 15082 of the CEQA Guidelines; and (2) to advise and solicit comments and suggestions regarding the preparation of the EIR, environmental issues to be addressed in the EIR, and any related issues, from interested parties in addition to those noted above, including interested or affected members of the public. The City of Gilroy requests that any potential Responsible or Trustee Agency responding to this notice do so in a manner consistent with CEQA Guidelines Section 15082(b).

All parties that have submitted their names and mailing addresses will be notified as part of the project's CEQA review process. If you wish to be placed on the mailing list or have any questions or need additional information, please contact the person identified below. A copy of the NOP and attachment document is on the City of Gilroy' website (<https://www.cityofgilroy.org/1008/2480-2740-Hecker-Pass-Residential-Project>) and is on file at the City of Gilroy offices, located at the address provided below.

Scoping Meeting Information:

Date: January 23, 2025
Time: 6:00 P.M.
Location: Gilroy City Hall Council Chambers
7351 Rosanna Street
Gilroy, CA 95020

30-Day NOP Review Period: In accordance with CEQA Guidelines Section 15082(b), should your agency have any specific detail about the scope and content of the environmental information related to your agency's area of statutory responsibility that must be included in the draft EIR, it is requested that your agency provide a written response to this NOP within 30 days of receipt of the NOP.

Please indicate a contact person in your response and send it to the following contact:

Erin Freitas, Senior Planner
Community Development Department
7351 Rosanna Street
Gilroy, CA 95020
erin.freitas@cityofgilroy.org

1/10/2025



Sharon Goei, P.E., CBO, LEED AP
Community Development Director

EXTERNAL - Re: Notice of Preparation for Hecker Pass Subdivision Project (AS 23-19 and TM 23-03)

From Amah Mutsun Tribal <irennenezwierlein@gmail.com>

Date Fri 1/10/2025 3:33 PM

To Erin Freitas <Erin.Freitas@cityofgilroy.org>

 2 attachments (713 KB)

AMTB Letter of Response 2024.pdf; MLD Recommendations (2).pdf;

CAUTION: This email originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Hello Erin,

Thank you for the information on the proposed project, and please see the attached documents with our recommendations. If you have any questions about the attached documents, or would like to set up a meeting to discuss consultation, please give us a call at 650-851-7489 or email us at amtbinc21@gmail.com.

Thank you,

Lorelei Alli

AMTB Inc.

On Thu, Jan 9, 2025 at 4:04 PM Erin Freitas <Erin.Freitas@cityofgilroy.org> wrote:

"To Whom It May Concern:

A Notice of Preparation (NOP) is being issued by the City of Gilroy (City) for the proposed Hecker Pass Subdivision Project (AS 23-19 and TM 23-03) located at 2480 & 2740 Hecker Pass Road in the City of Gilroy. The City is the lead agency for the project and will prepare an Environmental Impact Report (EIR) in accordance with the requirements of the California Environmental Quality Act (CEQA) and the CEQA implementation guidelines. This NOP is being circulated pursuant to California Resources Code Section 211153(a) and CEQA Guidelines Section 15082. The City is requesting written feedback from the public, interested organizations, and responsible trustee agencies about the scope and content of the environmental information that will be addressed in the draft EIR. The EIR will address the environmental issues discussed in the NOP Attachment document. Please see the City webpage link below to the NOP and NOP Attachment document for more information,

including how you can submit comments. In addition, you will find information about an upcoming scoping meeting being held on Thursday, January 23, 2025 at Gilroy City Hall at 6:00 P.M.

<https://www.cityofgilroy.org/1008/2480-2740-Hecker-Pass-Residential-Projec>

Please direct written feedback and comments about the scope of the draft EIR to myself, Erin Freitas, Senior Planner, at erin.freitas@cityofgilroy.org within 30 days of receipt of this notice.

Sincerely,

Erin Freitas

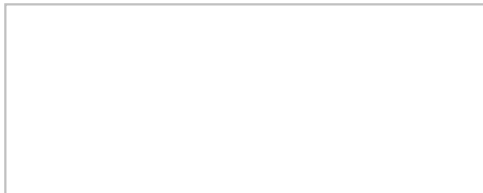
Senior Planner

COMMUNITY DEVELOPMENT DEPARTMENT

Direct (408)846-0242 | erin.freitas@cityofgilroy.org.

Main (408)846-0440 | www.cityofgilroy.org.

7351 Rosanna Street | Gilroy | CA 95020



***The Amah Mutsun Tribal Band of San Juan Bautista
&
A.M.T.B. Inc.***

Letter of Response

To whom it may concern:

It is our pride and privilege to be of service for any Native American Cultural Resource Monitoring, Consulting and/ or Sensitivity Training you may need or require. We take our Heritage and History seriously and are diligent about preserving as much of it as we can. Construction is a constant in the Bay Area and with that new discoveries are bound to happen. If you choose our services, we will gladly guide all personnel through proper procedures to safely protect and preserve: Culture, Heritage, and History.

It is highly recommended, if not previously done, to search through Sacred Lands Files (SLF) and California Historical Resource Information Systems (CHRIS) as well as reaching out to the Native American Heritage Commission (NAHC) In order to determine whether you are working in a Cultural and/ or Historic sensitivity.

If you have received any positive cultural or historic sensitivity within 1 mile of the project area here are A.M.T.B Inc's and Amah Mutsun Tribal Band of San Juan Bautista's recommendations:

- All Crews, Individuals and Personnel who will be moving any earth be Cultural Sensitivity Trained.
- A Qualified California Trained Archaeological Monitor is present during any earth movement.
- A Qualified Native American Monitor is present during any earth movement.

If further Consultation, Monitoring or Sensitivity Training is needed please feel free to contact A.M.T.B. Inc. or Myself Directly. A.M.T.B. Inc. 650 851 7747

Irenne Zwiierlein

Irenne Zwiierlein



3030 Soda Bay Road, Lakeport
CA 95453
amtbtnc21@gmail.com
(650)851-7447

***Amah Mutsun Tribal Band of San Juan Bautista
&
AMTB Inc.***

3030 Soda Bay Road Lakeport, CA 95453

Our rates for 2024 are

\$275.00 per hour.

4 hours minimum

Cancellations not 48 hours (about 2 days) prior will be charged as a 4-hour minimum. There is a round trip mileage charge if canceled after they have traveled to site.

Anything over 8 hours a day is charged as time and a half.

Weekends are charged at time and a half.

Holidays are charged at double the time.

For fiscal year (FY) 2024, standard per diem rate of \$412. (\$333. lodging, \$79 M&IE).

M&IE Breakdown FY 2023

M&IE Total¹	Continental Breakfast/ Breakfast²	Lunch²	Dinner²	Incidental Expenses	First & Last Day of Travel³
\$79.00	\$18.00	\$20.00	\$36.00	\$5.00	\$59.25

Beginning 2024, the standard mileage rates for the use of a car round trip (also vans, pickups or panel trucks) will be: \$.67 cents per mile driven for business use or what the current federal standard is at the time.

Our Payment terms are 5 days from date on invoice.

Our Monitors are Members of the Amah Mutsun Tribal Band of Mission San Juan Bautista.

If you have any questions, please feel free to contact the A.M.T.B. Inc. at the below contact information.

Sincerely,

Irenne Zwierlein

Irenne Zwierlein

3030 Soda Bay Rd, Lakeport
CA 95453
amtbinc21@gmail.com
(650)851-7747



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/29/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION** IS **WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Allied Brokers 591 Lytton Avenue Palo Alto CA 94301	CONTACT NAME: PHONE (A/C, No, Ext): (650) 328-1000 FAX (A/C, No): (650) 324-1142 E-MAIL: BusinessVIP@alliedbrokers.com ADDRESS: INSURER(S) AFFORDING COVERAGE INSURER A: Scottsdale Insurance Company INSURER B: United States Liability Insurance Company INSURER C: INSURER D: INSURER E: INSURER F:
INSURED Amah Mutsun Tribal Band Consulting & Monitoring, LLC 330 Soda Bay Rd Lakeport CA 95453	NAIC # 41297 25895

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:			CPS7829150	07/09/2023	07/09/2024	EACH OCCURRENCE \$ 1,000,000
			DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000				
			MED EXP (Any one person) \$ 5,000				
			PERSONAL & ADV INJURY \$ 1,000,000				
						GENERAL AGGREGATE \$ 2,000,000	
						PRODUCTS - COMP/OP AGG \$ 1,000,000	
							\$
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ HIRED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$
							BODILY INJURY (Per person) \$
							BODILY INJURY (Per accident) \$
							PROPERTY DAMAGE (Per accident) \$
							\$
	UMBRELLA LIAB EXCESS LIAB DED RETENTION \$						EACH OCCURRENCE \$
							AGGREGATE \$
							\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						PER STATUTE OTHER
							E.L. EACH ACCIDENT \$
							E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$
B	Professional Liability			SP1573468C	06/21/2023	06/21/2024	Each Claim \$1,000,000 Aggregate \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Proof of Coverage

CERTIFICATE HOLDER**CANCELLATION**

FOR YOUR INFORMATION

SHOULD ANY OF THE ABOVE-DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Mimi Watson

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Amah Mutsun Tribal Band of Mission San Juan Bautista

I, Irenne Zwierlein, am making the following formal Most Likely Descendant (MLD) Recommendations on behalf of the Amah Mutsun Tribal Band, with regards to the treatment of our ancestral remains and any and all associated grave regalia and subsurface features discovered at this location:

Expose, analyze in the field, and remove for reburial: A complete systematic collection and/or excavation by a professional archaeologist (who meets the Standards established by the Secretary of the Interior) of any exposed Native American skeletal remains should be coordinated. The collection and/or excavation should be undertaken using standard contemporary archaeological techniques. All archaeological field work will be managed daily on site by an archaeological field director who must possess the following qualifications: a graduate degree (MA) in archaeology, along with two years of full-time professional experience and specialized training in archaeological research, administration, and management; two years of supervised field and analytic experience in North American archaeology, and has demonstrated the ability to carry research to completion within assigned schedules. The project archaeologist or his/her staff will expose any burial and grave objects in my presence as the designated Most Likely Descendant, or my appointed representative (Monitor). Should the Native Monitor not be on-site, arrive late or depart early, all burial recovery work must stop. Likewise, any archaeological work where it is suspected that human remains might be discovered a Native Monitor must be present, or work may not be undertaken. Burials in various stages of excavation shall be protected overnight, by placing standard construction metal plates over them. A metal plate must be on-site before exposure begins.

1. Since our Tribe believes that our ancestral dead needs to be treated with utmost respect, and since our ancestral people had been disturbed in the past and more recently by bioturbation and construction/subsurface excavation activities, I am recommending that this ancestral person, and any future findings (i.e., isolates, burials and associated assemblages), be removed from their location/gravesite. And after appropriate analysis (presented below), be reburied as close to the original cemetery or discovery location as possible, as part of our honoring ceremony. If reburial for an on site location is not possible, we will consult with the Redwood City on a suitable alternative location, where a reburial honoring ceremony will be conducted. Reburial Site must be land that has no future intentions of being developed.
2. I am also recommending that the land owner enter into a contractual agreement with the Amah Mutsun Tribal Band Ohlone Tribe of the San Francisco Bay Area (DBA Amah Mutsun Tribal Band Ohlone Tribe, Inc.) for a Burial and Archaeological Data Recovery Program, monitoring services, and laboratory analysis of our ancestral remains which will include a full skeletal inventory of all

Amah Mutsun Tribal Band of Mission San Juan Bautista

of the skeletal elements, AMS dating, Stable Isotope analysis, ancient DNA, as well as any artifact and faunal analysis which shall be conducted by Basin Research. Should additional ancestral Native American remains be uncovered, the same recommended treatment will be in place for any additional discoveries.

3. The burial removal process should include, but not be limited to, the screening of any adjacent back dirt (spoils) piles located by these human remains, and the use of hand excavation methods to help remove any over burden (if necessary) down to a level to be determined in the field in order to facilitate full access to the in situ remains. The in situ remains will be exposed and removed by Amah Mutsun Tribal Band Ohlone field crew or in concert with on-site Archeological field personnel. These remains will be drawn and photographed in conjunction with on-site archaeological field staff who will document on standard archaeological excavation forms information about the burial remains and map in the grave and any subsurface features and/or artifacts. On-site Archeological field staff shall be responsible for mapping and recording the reburial location using GPS. Copies of the Reburial forms and Final Archaeological Report will be sent to Northwest Information Center, Sonoma State University, the Amah Mutsun Tribal Band Ohlone Tribe, and the Native American Heritage Commission.
4. It is also my recommendation that all of the human remains, associated artifacts, and ecofacts be brought to a suitable lab for cleaning and sorting, and preparation for detailed skeletal inventory and analysis which will include as stated above, be conducted by qualified specialists (approved by our Tribe) in their respective field(s). Selecting small samples of human bone for AMS dating, Stable Isotope and ancient DNA. The first two studies will require minimum funding within the proposed budget and will be conducted in collaboration with the Tribe's leadership and membership. Also, if conducive a Strontium study may also be considered. The results of all analysis will be presented first to the Amah Mutsun Tribal Band Ohlone Tribal leadership. If the results of these studies are of a positive nature and of scientific significance to our Tribe, then only with the Amah Mutsun Tribal Band Ohlone Tribe's written approval, will these results be published in the final report, otherwise will be held in confidentiality.
5. As part of this laboratory phase of work, I am also recommending that any isolated or complete burials be cleaned, and a complete skeletal inventory be conducted by the Amah Mutsun Tribal Band's staff Osteologist if available or by Basin Research Archaeological firm's osteological staff and associates. Any associated grave regalia and artifacts will also be cleaned, photographed, measured, and described. Amah Mutsun Tribal Band Ohlone Tribe and/or Basin Research Archaeologist and the Osteologist will each be responsible for writing a stand-alone final report that meets the standards under CEQA.

These recommendations follow our Tribe's desire to learn as much as possible about our ancestral heritage that has been denied to us by the dominant society and by archaeologists working on our ancestral heritage sites within our

Amah Mutsun Tribal Band of Mission San Juan Bautista

aboriginal and historic tribal territory. In this particular case, the ancestral person may indeed date back to what archaeologists have termed the Early Bay Period. Furthermore, given this recent discovery of our ancestral burial, I recommend bagging the skeletal elements, which has been done. We shall hand excavate within the immediate vicinity of the grave where these remains were found. After thorough investigation of the area, and confirmation that no more skeletal elements are present, mechanical excavation may proceed, slowly, with shallow passes of a flat blade 2-foot bucket. An Amah Mutsun Tribal Band Native American Monitor will be required to monitor this work. Amah Mutsun Tribal Band MLD Recommendations in the event that after further investigation by hand excavating a full burial has been discovered, only after the burial has been removed and thorough investigation of the area has been conducted and confirmation that no more human remains are found, mechanical excavation may proceed, slowly, with shallow passes of a flat blade 2-foot bucket. An Amah Mutsun Tribal Band Native American Monitor will be required to monitor this work. Given the context of the fact that our ancestral burial was recovered in a previously recorded mound site, and given the sensitive location of this site, I recommend that an Amah Mutsun Tribal Band Native American Monitor be required to monitor the rest of this project. Therefore, I recommend that all subsurface demolition, any and all excavations(i.e. for utilities, etc.), and tree/plant removal activities are monitored by an Amah Mutsun Tribal Band Native American Monitor. I am recommending that an Amah Mutsun Tribal Band Native American Monitor observe any and all subsurface excavation work, placing a Native American Monitor at each piece of any excavation equipment. I also recommend that the on-site Archaeologists plot the location and depth of each additional ancestral burial, grave/isolate locus, and/or other significant subsurface features by using GPS to pinpoint various aspects of the gravesite and other feature locations on the parcel and related maps. Given the possibility of discoveries of additional subsurface Archaeological Features at this site, if further excavations of features are investigated, I am requesting a weekly Status Report from the on site Archeological field personnel on any additional findings of our ancestral artifacts should a Amah Mutsun Tribal Band monitor not be present. Please be advised that Postings about these human remains through any and all forms of social media are unacceptable and therefore are prohibited. No photographs or video recording are allowed of our ancestral remains by the Construction Crew, anyone working at the site, or visiting the site, unless prior approval has been given by the MLD or Tribal Monitor. Lastly, I am requesting a response in writing on how work will proceed at the site, along with an updated treatment/mitigation plan. It is not our intention to hold up the progress of work at this site, we are available to begin burial recovery as soon as we are cleared to enter the site and with an approved budget.

Amah Mutsun Tribal Band of Mission San Juan Bautista

We are available to begin Monitoring work as soon as a schedule is made available to us. Should the Client or Archaeologists have any questions, please feel free to contact me.

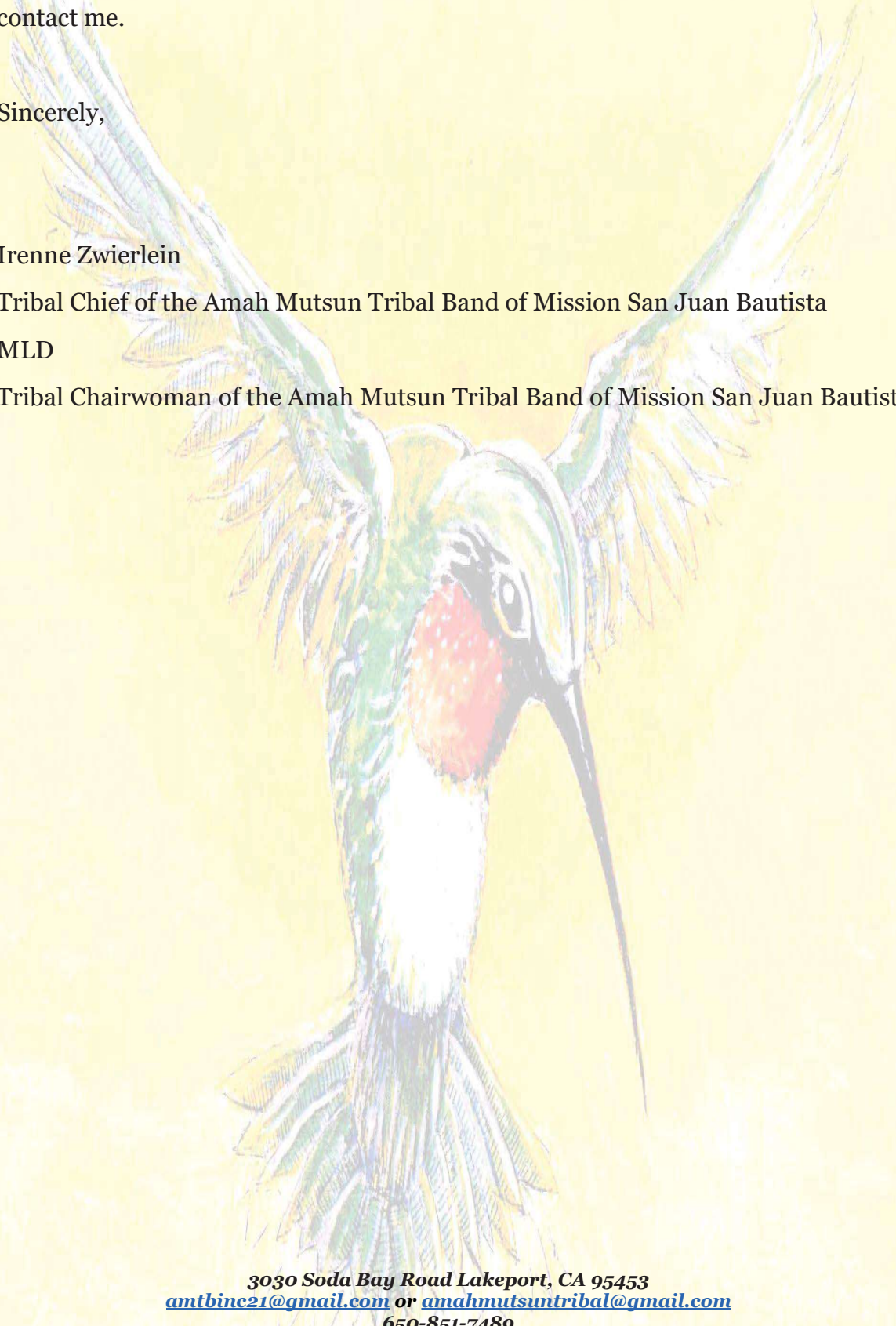
Sincerely,

Irenne Zwierlein

Tribal Chief of the Amah Mutsun Tribal Band of Mission San Juan Bautista

MLD

Tribal Chairwoman of the Amah Mutsun Tribal Band of Mission San Juan Bautista



3030 Soda Bay Road Lakeport, CA 95453
amtbic21@gmail.com or amahmutsuntribal@gmail.com
650-851-7489



February 6, 2025

Re: Notice of Preparation of Draft Environmental Impact Report 2480 & 2740 Hecker Pass Road Subdivision

Project Number: (AS 23-19 & TM 23-03)

Project Title: 2480 & 2740 Hecker Pass Road Subdivision

Project Applicant: Mana Camden Fund, LLC c/o Scott Murray

Project Location: 2480 & 2740 Hecker Pass Road

Assessor Parcel No. 810-20-033, 810-20-036, 810-20-037

Erin Freitas,

Thank you for the opportunity to respond to the 2480 & 2740 Hecker Pass Road Subdivision Notice of Preparation. Comments below are based on the review of the Notice of Preparation (NOP). Additional comments may be forthcoming pending final review. This project will have a direct impact in the City of Gilroy by achieving our goal to reduce air emissions from on-road motor vehicles and future developments. Improve air quality by encouraging our residents, commuters, employees to mode shift from vehicles to cycling, increase walking as alternatives to driving for short and first/last mile trips, and add new riders to the transit system.

This project should include a robust Transportation Demand Management (TDM) Program that leverages transit, off street protected bike/ped path, bike lanes, and walking routes to further reduce Vehicle Miles Traveled (VMT) and greenhouse gas (GHG) emissions. With its convenient location to shopping and bike/ped facilities there are few barriers to reducing VMT at this project through a managed program. With the recent adoption of our City's General Plan 2040, we as a community called for bold actions that include continuing to promote cleaner modes of transportation. We encourage existing and proposed development to incorporate Transportation Demand Management (TDM) measures such as car-sharing, transit passes, and unbundling of parking (requiring separate purchase or lease of a parking space) where such measures will result in a reduction in vehicle miles traveled, reduction of required amount of parking or an increase in the use of alternate transportation modes. We advocate that all new construction incorporate an all-electric model and be fossil fuel free in order to reduce greenhouse gas emissions.

We are actively embracing, advancing ideas, and projects that promote the concept of free-range people in the City of Gilroy. We advocate for building and planning that considers future generations as well as current residents who don't own cars. Advancing mobility options reflects what we are teaching the youth in our community through Safe Routes to School and why we are nationally recognized as a Bronze Bicycle Friendly Community from the League of American Bicyclists, as well as recognized by the World Health Organization as an Age-Friendly Community. Continuing to leverage our Measure B Education & Encouragement (E&E) funding for established work plans/programs will further enhance Gilroy's efforts. Measure B E&E Bike to Work Day, Community Bike/Walks Counts, Community Engagement, General, Online Media Campaign, and Safe Routes to School work plans.

Gilroy has a fully connected bike network and transit options. We have a large population that works, visits, and attends schools in Gilroy that benefits from local transit and rideshare. Gilroy has the vision that the glass is half full, we have the ability to innovate, and adapt to programs that will further reduce our VMT.

We have the following recommended referenced General Plan 2040 Mobility sections and best practices on scope and content of the environmental information to be included in the EIR based on the (NOP).

Promoting Gilroy's Safe Routes to School Program- Both the City of Gilroy and Gilroy Unified School District through formally adopted resolutions are a Safe Routes to School City¹ and School District. There is a formally adopted Safe Routes to School Action Plan² and formal Safe Routes to School Task Force. The Schools that will serve this location are Las Animas Elementary, Solarsano (Ascencion) Middle School, and Gilroy High School.

Greenhouse Gas (GHG) Mitigations- While the City of Gilroy will begin work on a Climate Action Plan /GHG reduction strategy in early 2025, a GHG reduction strategy has not yet been adopted by the City. Therefore, the air district's performance standard-based approach for evaluating impacts will be used. To meet the BAAQMD's GHG Threshold, the project will make no connections to natural gas, would meet CALGreen requirements that are energy efficient and would be constructed in a manner that would avoid wasteful use of energy and Reduce VMT per capita by 15 percent over regional average, and consistent with the requirements of the CALGreen Building Standards Code, each of the 54 residences would install a 208/240-volt branch EV charging circuit and receptacle in the garage to allow for on-site EV charging. Project does not conform because the project's traffic analysis shows that the rate of VMT per capita exceeds the 15-percent threshold. We encourage a solar plus battery and EV Level II charging system for each home of the project. We advocate that all new construction incorporate an all-electric model and be fossil fuel free in order to reduce greenhouse gas emissions. We support the City of Gilroy implementing their own VMT/TDM Policy so that future developments don't have to continue to

¹<https://www.cityofgilroy.org/DocumentCenter/View/7646/Resolution-2012-20-City-of-Gilroy-Supports-Safe-Routes-to-School->

² <https://www.cityofgilroy.org/AgendaCenter/ViewFile/Item/3233?fileID=8561>

rely on VTA. We recommend that new homes purchased receive a \$100 Clipper Card and annually that Clipper Card is auto-loaded \$100 by the projects HOA, i.e. Kern Cottages and Royal Townhomes conditions of approval. It takes a combination of all-electric construction and VMT reductions to mitigate the negative impacts to our environment. We have solutions that work, including interacting with transit agencies, to bring more frequent transit to where we are seeing an increase in development. This takes innovation through policies and programs that we have and active management of those programs with property management. We can't continue to rely on mode shifting without actively managing programs.

Mitigate the project's operational GHG emissions for the life of the project with a GHG reduction plan while accounting for any reductions that can be achieved through design features (e.g., implementation of a TDM program, installation of solar power systems, inclusion of electric vehicle charging, installation of high-efficiency water fixtures, etc.).

All GHG emissions should be offset at the project site because that benefits the residents of the project and City of Gilroy. Purchasing carbon offset credits don't help the residents of Gilroy and future residents of Gilroy. We advocate that all new construction incorporate an all-electric model and be fossil fuel free in order to reduce greenhouse gas emissions.

Recommended Bike Parking- A robust program including e-bike parking in the garages and within neighborhoods in public spaces will further drive down VMT.

General Plan 2040 Mobility-*The Mobility Element provides the framework for decisions in Gilroy concerning the citywide transportation system. It seeks to create a balanced transportation network that supports and encourages walking, bicycling, and transit ridership. The goals and policies address a variety of topics, including multimodal transportation, complete streets, pedestrian facilities, bikeways, public transit, vehicular transportation, parking, and goods movement.*

Mobility 3.7- Traffic Impact Fee for Bicycle/Pedestrian Improvements
Support and finance the construction of pedestrian and bicycle improvements specified in the Mobility Diagrams by using the comprehensive traffic impact fee.

Goal of Mobility M4- Plan for efficient and convenient local and regional transit systems that respond to the changing needs of Gilroy. Mobility 4.2- Transit and Development
Require new development to fully accommodate, enhance, and facilitate public transit, including pedestrian and bicycle access to transit.

Mobility 4.6- Santa Clara Valley Transportation Authority (VTA)
Coordinate with VTA on the planning of new transit routes within Gilroy and maintain a strong relationship with VTA management to ensure continued cooperation.

Mobility 4.8- Consider Transit in Planning and Development Proposals Coordinate with VTA on advance planning projects and development proposals that may have

implications for public transit and consider the VTA's Transit Sustainability Policy/Service Design Guidelines.

Study Existing Transit Services and Expansion

Mobility 5.3- Promote Non-Auto Modes of Transportation Consider offering incentives as part of a multimodal system approach, for projects that incorporate travel demand management techniques and promote transit ridership, biking, and walking in order to reduce air pollution, energy consumption, and greenhouse gas emissions. We support the City of Gilroy implementing their own VMT/TDM Policy so that future developments don't have to continue to rely on VTA. It takes a combination of all-electric construction and VMT reductions to mitigate the negative impacts to our environment. We have solutions that work, including interacting with transit agencies, to bring more frequent transit to where we are seeing an increase in development. This takes innovation through policies and programs that we have and active management of those programs with property management. We can't continue to rely on mode shifting without actively managing programs.

Transportation Demand Management Mobility 1.12- Encourage existing and proposed development to incorporate TDM measures such as car-sharing, transit passes, and unbundling of parking (requiring separate purchase or lease of a parking space) where such measures will result in a reduction in vehicle miles traveled, reduction of required amount of parking or an increase in the use of alternate transportation modes. Recommended TDM programs to include:

- \$100 Annual Auto-Loaded Clipper Card, VTA Passes or VTA's Smart Pass <https://www.vta.org/go/fares/smartpass> (The Smart Pass program allows employers, developers, educational institutions, management companies or homeowners associations the ability to purchase VTA transit passes at a bulk discount rate to provide to employees or residents to encourage transit usage. Smart Passes are good for unlimited use of VTA Bus and Light Rail services, seven days a week. The program also includes an "Emergency Ride Home" provision that allows Smart Pass holders to take a taxi home if they need to leave work in the middle of the day.)
- Expand Outthink's Project Chrysalis E-Bike Program with the purchase of e-bikes or a pool of e-bikes for rideshare in a central hub for the project.³
- Provide city bike maps to all residents from management in correspondence.
- Provide routes to major transit connections, parks, schools, shopping, and restaurants.
- Annual presentation to the Hecker Pass Road Subdivision of current bike/walk/transit options and incentive programs offered by the City of Gilroy currently funded by the Measure B Education & Encouragement program.
- Encourage Bay Area Air Quality Management District's and the Metropolitan Transportation Commission's (MTC) new post-pandemic compliance option for the regional Commuter Benefits Program: Telework "Flex Your Work" program. Carpooling, public transportation, vanpools, bicycling, walking and teleworking are flexible choices

³ https://svcleanenergy.org/wp-content/uploads/CityChrysalis_FinalReport_29Mar2022_digital.pdf

Bay Area employees have when planning daily commutes. Both the new Commuter Benefits Program Option 5: Telework and the “Flex Your Commute” program will encourage sustainable commuting options as the Bay Area continues its recovery from the pandemic and returns to the workplace.

Sincerely,

Gilroy Bicycle Pedestrian Advisory Committee (Gilroy BPAC)

GilroyBPAC@gmail.com

<https://www.facebook.com/GilroyBPAC>

We are a community group actively embracing, advancing ideas, and projects that promote the concept of free-range people in Gilroy. We support building projects that are energy resilient and promote the reduction of greenhouse gasses (GHG). We are seeking your input whether you are a BMX rider, trail runner, recreational bike rider, MTB rider, walker, and hiker! #GilroyBPAC

EXTERNAL - AS 23-19 & TM 23-03

From Carolyn Tognetti <clyntognetti@aol.com>

Date Mon 2/3/2025 4:08 PM

To Erin Freitas <Erin.Freitas@cityofgilroy.org>

Cc Connie Rogers <jrogers@garlic.com>

CAUTION: This email originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Hello Erin,

I am Carolyn Tognetti, a resident of Gilroy and the Treasurer of Gilroy Growing Smarter. I have followed the development of the Hecker Pass Specific Plan from the very beginning.

I have some pertinent information to share with you as well as some questions about the original EIR mitigation measures and monitoring.

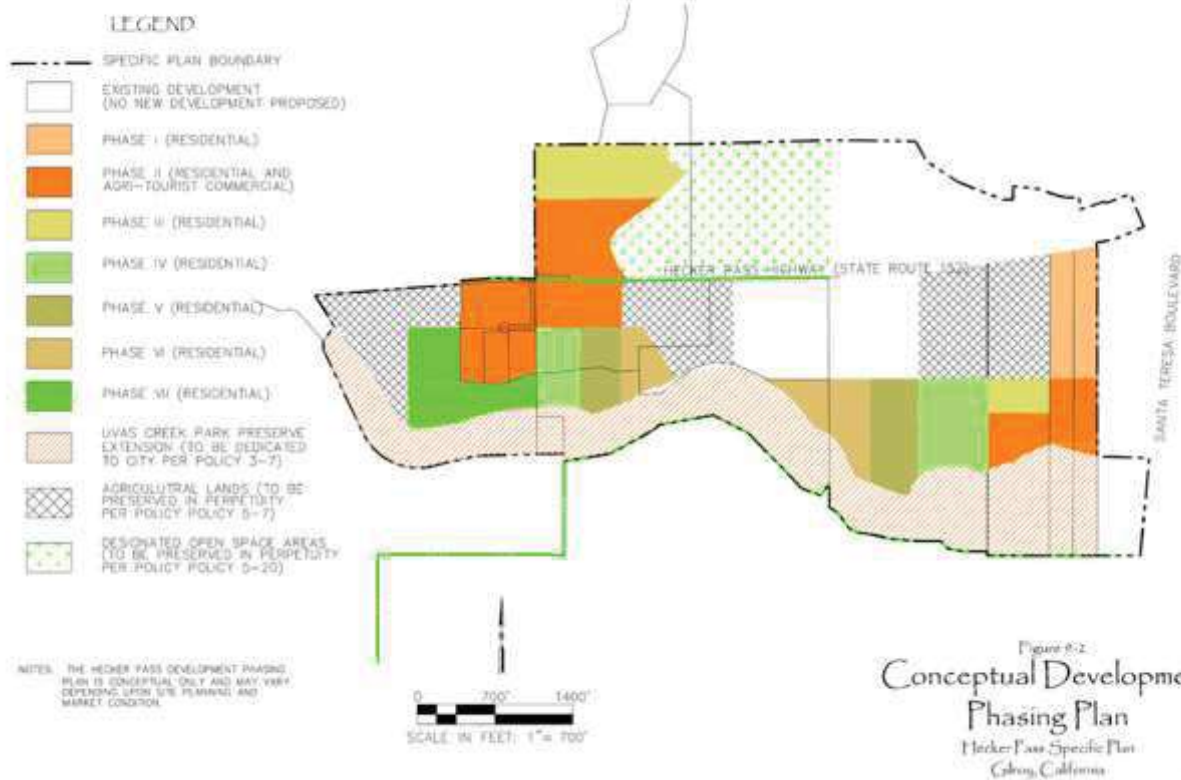
I was wondering if you had any time this week to discuss this? Connie Roger's would like to come with me as well. I am unavailable on Wednesday and Friday from 10:15 to 12, but can meet on the other days and Friday before or after. Connie is not available on Wednesday and Thursday morning. I hope you have some time to meet with us.

I am including a photo of the mitigation measures and monitoring that I would like to talk to you about as well as a map showing the agricultural and open space parcels that are supposed to have deed restrictions in perpetuity in place.

Sincerely,

Carolyn Tognetti

408-842-8583



23. Hecker Pass Specific Plan EIR Table S1, Summary of Impacts and Mitigation Measures. The area of concern, Agriculture, will be modified to state:

HPSP Public Safety (Agricultural Management) Policies 5-93 through 5-97; Policy 5-7: To ensure the preservation of designated agricultural areas in perpetuity, permanent agricultural easements, deed restrictions, or other such instruments shall be created for each property in each agricultural area at the earlier of (a) prior to or concurrent with the first discretionary approval for projects for which no map is required; or (b) prior to or concurrent with final and/or parcel map approvals. In this instance, the tentative map shall have this requirement as a condition of its approval, and that map shall generally describe the area to be restricted. To ensure the preservation of designated open space areas in perpetuity, permanent open space easements, deed restrictions, or other such instruments shall be created for each property in each open space area at the earlier of (a) prior to or concurrent with the first discretionary approval for projects for which no map is required; or (b) prior to or concurrent with final and/or parcel map approvals. In this instance, the tentative map shall have this requirement as a condition of its approval, and that map shall generally describe the area to be restricted.

Party responsible for implementation:

Applicant

Party responsible for monitoring:

Gilroy Planning Division

Sent from my iPad

EXTERNAL - Map of Hecker Pass Agriculture Parcels required to be preserved In perpetuity

From Carolyn Tognetti <clyntognetti@aol.com>

Date Sat 2/8/2025 9:53 PM

To Erin Freitas <Erin.Freitas@cityofgilroy.org>

CAUTION: This email originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Re: NOP comments for AS 23-19 & TM 23-03 addition to previous comments

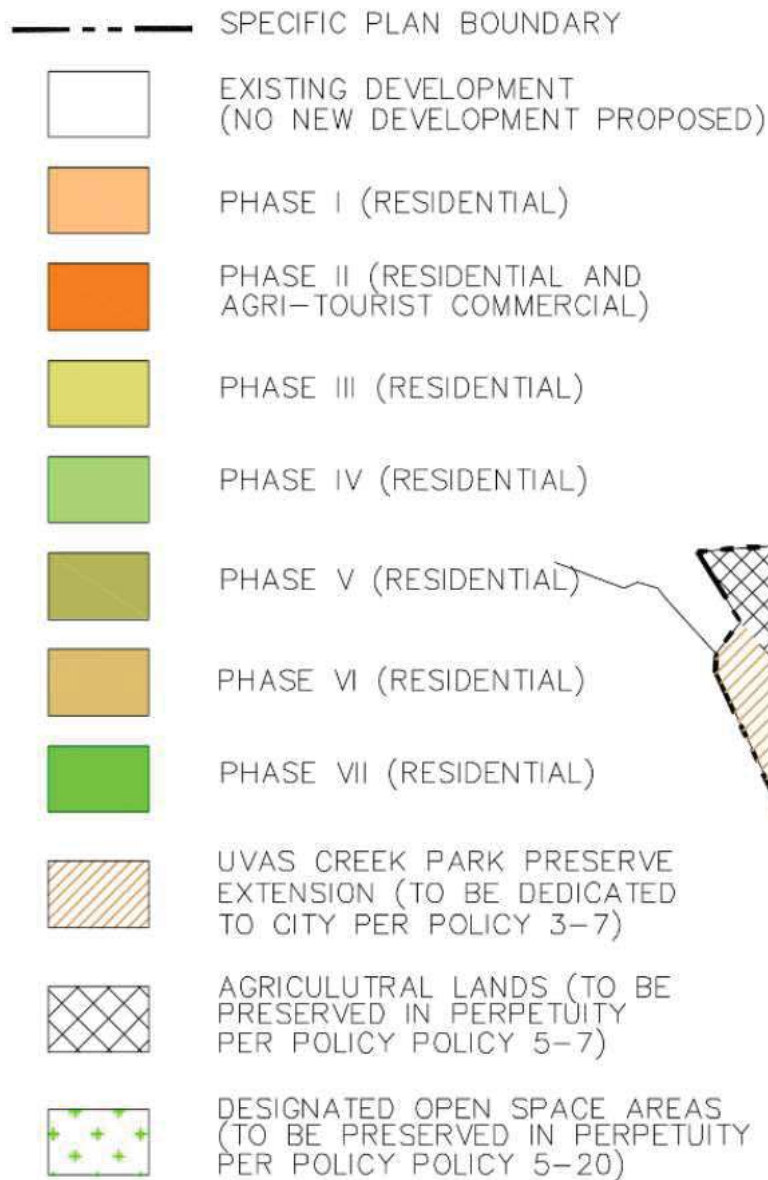
Dear Erin,

After I sent in my comments on NOP for AS 23-19 & TM 23-03, I noticed that the map of the Hecker Pass Specific Plan showing the agricultural parcels that are required to be preserved in perpetuity did not show up. I am sending it in this email for you to attach to my previous comments letter.

Thank you,
Carolyn Tognetti

9 of 18

LEGEND



NOTES: THE HECKER PASS DEVELOPMENT PHASING PLAN IS CONCEPTUAL ONLY AND MAY VARY DEPENDING UPON SITE PLANNING AND MARKET CONDITION.



SCALE IN FEET: 1"= 700'

Sent from my iPad

EXTERNAL - Comments on the NOP for Project # AS 23-19 & TM 23-03 Hecker Pass Single-Family Development

From Carolyn Tognetti <clyntognetti@aol.com>

Date Sat 2/8/2025 8:41 PM

To Erin Freitas <Erin.Freitas@cityofgilroy.org>

CAUTION: This email originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Dear Ms. Freitas,

I would like to comment on the NOP for the Hecker Pass Single Family Development #AS 23-19 & TM 23-03. My comments will cover the following impacts to: Agriculture, tree preservation, Scenic Highway Designation and flooding issues.

Agriculture

The Hecker Pass Specific Plan first adopted in 2004, was a plan that balanced residential development with the preservation of the agricultural parcels. It was also intended to be a "self-mitigating" project by requiring permanent preservation of the parcels with the HPA designation. The eastern portion of this development proposal, with the HPA designation, is required to have a deed restriction in place to keep the parcel permanently preserved. This needs to be done before the approval of this plan and the development needs to remove it from their plans or it will be a violation of the current EIR.

Here is the requirement and the map showing the parcels required for preservation in perpetuity from the current EIR -



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Hecker Pa...



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www.

23. Hecker Pass Specific Plan EIR Table S1, Summary
The area of concern, Agriculture, will be modified

HPSP Public Safety (Agricultural Management)
To ensure the preservation of designated agricultural areas, agricultural easements, deed restrictions, or other restrictions on each property in each agricultural area at the earliest possible first discretionary approval for projects for which a map is concurrent with final and/or parcel map approval, the map shall have this requirement as a condition of its approval to describe the area to be restricted. To ensure the preservation of these areas in perpetuity, permanent open space easements or instruments shall be created for each property in each agricultural area prior to or concurrent with the first discretionary approval is required; or (b) prior to or concurrent with final map approval. In this instance, the tentative map shall have this requirement that the map shall generally describe the area to be restricted.

Party responsible for implementation:

Party responsible for monitoring:

Gilroy

Tree Preservation

The Hecker Pass Tree Row has recently been placed on the National Register of Historic Places. Policy LU 8.4 Tree Preservation states -"Priority should be given to the preservation of trees considered significant due to their size, history, unusual species or unique quality." None of the trees should be removed from the nationally recognized Hecker Pass Tree Row. There would be no mitigation measure that would mitigate for this. These trees were planted by Gilroy students in 1930-1931 in celebration of Arbor Day. There were quite a few tree rows planted in California but most of them do not currently exist. Gilroy's Hecker Pass tree row qualifies for preservation due to their size, history and the fact that it is a unique National Historic Place.

Scenic Highway Designation

The Santa Clara County General Plan calls for the Hecker Pass Highway (152) to be added to the State Master Plan for Scenic Highways and designate them as an official State Scenic Highway. (Policy C-PR (i) 21). Under Gilroy's 2040 General Plan, NCR 2.2 Scenic Highways it calls for support for the designation of Hecker Pass Highway as an official State Scenic Highway as well. This project includes solid fencing along the Hecker Pass Highway and is not complying with the required 250 ft. setback requirement for residential uses. It also eliminates the view shed and the agricultural parcels that contribute to the scenic value of the Hecker Pass. Please examine if this development will eliminate the possibility of acquiring the State Scenic Highway designation.

Flooding Issues

There are already flooding issues near Two Oaks Lane, adding 116 single family homes will increase the impervious surfaces and contribute more runoff. Please examine how this will be addressed.

Sincerely,

Carolyn Tognetti
Gilroy Resident

Sent from my iPad

EXTERNAL - Hecker Pass subdivision, AS23-19 and TM 23-03

From james rogers <jrogers@garlic.com>

Date Sun 1/26/2025 5:13 PM

To Erin Freitas <Erin.Freitas@cityofgilroy.org>

CAUTION: This email originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Dear Erin,

I was unable to attend the scoping meeting for the EIR for the development on the Hoey Property in Hecker Pass and would like to submit these comments about areas should be addressed in the EIR.

I have reviewed the Hecker Pass Specific Plan as last amended in 2018 anyone and found there are many conflicts between the proposed Builder's Remedy proposal and the HPSP. You found several of these conflicts in your Inconsistency Analysis.

The Specific Plan quite clearly lays out the primary goals of the plan in Chapters 3, 4 and 5. They are to protect and enhance the rural character. The intention was that Open Space and Agriculture be the primary uses, thus forming a transition area between the more densely developed city east of Santa Teresa Blvd. and the rural area west of the bridge. The City Council has officially designated Hecker Pass as our tourism corridor, a scenic passageway to Gilroy Gardens and the wineries further west. In the plan emphasis is placed on the preserving views toward Uvas Creek and Table 3.1 limits houses are limited to 521. If 2 story houses are built they will severely impact the viewshed and also conflict with the open space requirements. Residential development must be at least 250' from the center line of Hwy 152 according to the HPSP. Even the agritourism development which is restricted to 25% of the lot coverage must be at least 115' from the centerline. The proposed development does not comply with these standards

Section 5.6 on Cultural Resources says that the Ousley home (on north side of the road) and associated structures (the Hoey barn) as listed in figure 5.4 should be preserved. Policy 5.5 of the HPSP says that any future plans for the property must contract with a qualified historian for evaluation of the barn prior to any demolition plans. The home and buildings on the north side of the road are all eligible for the National Register, so I believe the barn should be also. One of the goals listed in Chapter 3 is to "preserve the rich history and rural character of Hecker Pass by the continuation of agricultural uses. The EIR should definitely address the historic nature of the barn and the small house south of it.

Section 5.3 of the HPSP also discusses the potential for land slipping on the north side of the road. It also says the alluvial soils on the south side are less cohesive and susceptible to liquefaction. It is well known by south side residents that flooding has occurred after heavy rains and the hills from the north side drain on to properties to the south, Even Third St. has flooded since the Heartland was developed. Drainage and soil stability should definitely be evaluated in the EIR.

And lastly the HPSP calls for the City of Gilroy and County of Santa Clara to pursue a Scenic Highway designation. The EIR should evaluate how building these houses would affect that designation.

At the time the original HPSP was approved an extensive EIR was done. All of those same categories should be re-evaluated because EIRs do have a shelf life and now, through the existing development, we have learned more about the fragile area of Hecker Pass.

Sincerely,

Connie Rogers, President
Gilroy Historical Society
also Chair of Gilroy Growing Smarter
jrogers@garlic.com



County of Santa Clara
Roads and Airports Department

101 Skyport Drive
San Jose, California 95110-1302
1-408-573-2400

January 23, 2025

City of Gilroy
Community Development Department
7351 Rosanna Street
Gilroy, CA 95020
Attn: Erin Freitas

SUBJECT: Roads and Airports Department Comments on 2480 & 2740 Hecker Pass Road Subdivision Project, Notice of Preparation of Draft Environmental Impact Report

The County of Santa Clara Roads and Airports Department (the “Department”) appreciates the opportunity to review and comment on the 2480 & 2740 Hecker Pass Road Subdivision (AS 23-19 & TM 23-03), Notice of Preparation of Draft Environmental Impact Report. On behalf of the Department, we submit the following comments:

The Department recommends that the Study identify and include any impacted County facilities located within one mile of the project site for the Department's review and consideration.

Thank you again for your continued outreach and coordination with the Department. If you have any questions or concerns about these comments, please feel free to contact me at ayeh.khajouei@rda.sccgov.org.

Thank you,



JANUARY 16, 2025

VIA EMAIL: ERIN.FREITAS@CITYOFGILROY.ORG

ERIN FREITAS, SENIOR PLANNER

CITY OF GILROY

COMMUNITY DEVELOPMENT DEPARTMENT

7351 ROSANNA STREET

GILROY, CA 95020

Dear Ms. Freitas:

NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE 2480 & 2740 HECKER PASS ROAD SUBDIVISION PROJECT, SCH# 2025010214

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Notice of Preparation of a Draft Environmental Impact Report for the 2480 & 2740 Hecker Pass Road Subdivision Project (Project).

The Division monitors and maps farmland conversion on a statewide basis, provides technical assistance regarding the Williamson Act, and administers various agricultural land conservation programs. Public Resources Code, section 614, subdivision (b) authorizes the Department to provide soil conservation advisory services to local governments, including review of CEQA documents.

Protection of the state's agricultural land resources is part of the Department's mission and central to many of its programs. The CEQA process gives the Department an opportunity to acknowledge the value of the resource, identify areas of Department interest, and offer information on how to assess potential impacts or mitigation opportunities.

The Department respects local decision-making by informing the CEQA process, and is not taking a position or providing legal or policy interpretation.

We offer the following comments for consideration with respect to the project's potential impacts on agricultural land and resources within the Department's purview.

PROJECT ATTRIBUTES

The proposed project includes a total of 116 single-family residential lots with 24 of those units being low-income designated units. To accommodate these new residential lots, the applicant proposes to demolish all existing structures on the site. The 116 proposed residential units would be accessed by internal roadways accessed off of Lone Oak Court and 3rd Street. Parking would be provided with garage/covered parking and

driveway parking for a total of 464 parking spaces. The Project site contains Prime Farmland, and Farmland of Statewide Importance as designated by DOC's Farmland Mapping and Monitoring Program.

PROJECT CONSIDERATIONS

The conversion of agricultural land represents a permanent reduction and impact to California's agricultural land resources. The Department generally advises discussion of the following in any environmental review for the loss or conversion of agricultural land:

- Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project.
- Impacts on any current and future agricultural operations in the vicinity; e.g., land-use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities, etc.
- Incremental impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely future projects.
- Implementation of any City or County Agricultural Mitigation Plans, Programs, or Policies.
- Proposed mitigation measures for impacted agricultural lands within the proposed project area.

MITIGATING AGRICULTURAL LAND LOSS OR CONVERSION

Consistent with CEQA Guidelines, the Department advises that the environmental review address mitigation for the loss or conversion of agricultural land. An agricultural conservation easement is one potential method for mitigating loss or conversion of agricultural land. (See Cal. Code Regs., tit. 14, § 15370 [mitigation includes "compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements."]; see also *King and Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814.)

Mitigation through agricultural conservation easements can take at least two forms: the outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural easements. The conversion of agricultural land may be viewed as an impact of at least regional significance. Hence, the search for replacement lands may not need to be limited strictly to lands within the project's surrounding area. A helpful source for regional and statewide agricultural mitigation banks is the California Council of Land Trusts. They provide helpful insight into farmland mitigation policies and implementation strategies, including a guidebook with model policies and a model local ordinance. The guidebook can be found at:

[California Council of Land Trusts](#)

Of course, the use of conservation easements is only one form of mitigation, and the Department urges consideration of any other feasible measures necessary to mitigate project impacts.

Thank you for giving us the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report for the 2480 & 2740 Hecker Pass Road Subdivision Project. Please provide the Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Associate Environmental Planner via email at Farl.Grundy@conservation.ca.gov.

Sincerely,

A handwritten signature in black ink that reads "Monique Wilber". The script is cursive and fluid.

Monique Wilber

Conservation Program Support Supervisor

California Department of Transportation

DISTRICT 4
OFFICE OF REGIONAL AND COMMUNITY PLANNING
P.O. BOX 23660, MS-10D | OAKLAND, CA 94623-0660
www.dot.ca.gov



February 10, 2025

SCH #: 2025010214
GTS #: 04-SCL-2025-01379
GTS ID: 35201
Co/Rt/Pm: SCL/152/6.9

Erin Freitas, Senior Planner
City of Gilroy
7351 Rosanna Street
Gilroy, CA 95020

Re: 2480 & 2740 Hecker Pass Road Subdivision (AS 23-19 & TM 23-03) — Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR)

Dear Erin Freitas:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the 2480 & 2740 Hecker Pass Road Subdivision (AS 23-19 & TM 23-03). The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the January 2025 NOP.

Please note this correspondence does not indicate an official position by Caltrans on this project and is for informational purposes only.

Project Understanding

The proposed project would involve the demolition of a single-family residence proceeded by the construction of 116 single-family lots on 24 acres. Twenty-four of those units will have a low-income designation. The site is adjacent to State Route 152 (SR-152).

Travel Demand Analysis

With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Vehicle Miles Traveled (VMT) analysis for land use projects, please review Caltrans' Transportation Impact Study Guide ([link](#)). Caltrans looks forward to reviewing the VMT analysis in the DEIR when it is available.

Hydrology

Please ensure that any increase in storm water runoff to State Drainage Systems or Facilities be treated, contained on project site, and metered to preconstruction levels. Any floodplain impacts must be documented and mitigated.

Construction-Related Impacts

Potential impacts to the State Right-of-Way (ROW) from project-related temporary access points should be analyzed. Mitigation for significant impacts due to construction and noise should be identified. Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, please visit Caltrans Transportation Permits ([link](#)).

Prior to construction, coordination may be required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the State Transportation Network (STN).

Lead Agency

As the Lead Agency, the City is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

Equitable Access

If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As well, the project must maintain bicycle and pedestrian access during construction. These access considerations support Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.

Encroachment Permit

Please be advised that any permanent work or temporary traffic control that encroaches onto Caltrans' ROW requires a Caltrans-issued encroachment permit.

The Office of Encroachment Permit requires 100% complete design plans and supporting documents to review and circulate the permit application package. The review and approval of encroachment projects is managed through the Encroachment Permits Office Process (EPOP) or the Project Delivery Quality Management Assessment Process (QMAP), depending on project scope, complexity, and completeness of the application. Please use the following resources to determine the appropriate review process:

- TR-0416 Applicant's Checklist ([link](#))

- Flowchart, Figure 1.2 in Chapter 100 – The Permit Function, Caltrans Encroachment Permit Manual ([link](#))

The permit approval may take 30 days to 6 months or more depending on the project scope, size, complexity, completeness, compliance with policies and quality of the permit package submitted. Projects requiring exceptions to design standards or external agency approvals may need more time to process.

To obtain more information and download the permit application, please visit Caltrans Encroachment Permits ([link](#)). When the applicant is ready to pursue a Caltrans encroachment permit, please contact D4Permits@dot.ca.gov to initiate the process.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Marley Mathews, Associate Transportation Planner, via LDR-D4@dot.ca.gov. For future early coordination opportunities or project referrals, please visit Caltrans LDR website ([link](#)) or contact LDR-D4@dot.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Llisel Ayon". The signature is fluid and cursive, with the first name "Llisel" and last name "Ayon" clearly distinguishable.

Llisel Ayon
Acting Branch Chief, Local Development Review
Office of Regional and Community Planning

c: State Clearinghouse

EXTERNAL - Re: Notice of Preparation for Hecker Pass Subdivision Project (AS 23-19 and TM 23-03)

From Paul Nadeau <paul.nadeau@gilroyunified.org>

Date Fri 1/10/2025 9:40 AM

To Erin Freitas <Erin.Freitas@cityofgilroy.org>

CAUTION: This email originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Erin,

I have asked the District if there are any concerns (within the EIR scope) about this project. I don't know that we will receive any concerns. We did talk last year about embedding a potential bus stop in that development if at all possible. Is that something that would be incorporated? I believe we'd just be asking for a modified curb area for a bus to pull in and a pad for students to gather. After talking to our transportation department, they mentioned that placing a bus turn out on 3rd street (on the north east side of Hoey Place) would be most effective. It could be a gathering point for students from both neighborhoods.

Let me know your thoughts.

Thanks

On Thu, Jan 9, 2025 at 4:04 PM Erin Freitas <Erin.Freitas@cityofgilroy.org> wrote:

"To Whom It May Concern:

A Notice of Preparation (NOP) is being issued by the City of Gilroy (City) for the proposed Hecker Pass Subdivision Project (AS 23-19 and TM 23-03) located at 2480 & 2740 Hecker Pass Road in the City of Gilroy. The City is the lead agency for the project and will prepare an Environmental Impact Report (EIR) in accordance with the requirements of the California Environmental Quality Act (CEQA) and the CEQA implementation guidelines. This NOP is being circulated pursuant to California Resources Code Section 211153(a) and CEQA Guidelines Section 15082. The City is requesting written feedback from the public, interested organizations, and responsible trustee agencies about the scope and content of the environmental information that will be addressed in the draft EIR. The EIR will address the environmental issues discussed in the NOP Attachment document. Please see the City webpage link below to the NOP and NOP Attachment document for more information, including how you can submit comments. In addition, you will find information about an upcoming scoping meeting being held on Thursday, January 23, 2025 at Gilroy City Hall at 6:00 P.M.

<https://www.cityofgilroy.org/1008/2480-2740-Hecker-Pass-Residential-Projec>

Please direct written feedback and comments about the scope of the draft EIR to myself, Erin Freitas, Senior Planner, at erin.freitas@cityofgilroy.org within 30 days of receipt of this notice.

Sincerely,

Erin Freitas

Senior Planner

COMMUNITY DEVELOPMENT DEPARTMENT

Direct (408)846-0242 | erin.freitas@cityofgilroy.org.

Main (408)846-0440 | www.cityofgilroy.org.

7351 Rosanna Street | Gilroy | CA 95020



--



Paul Nadeau, Director of Facilities Planning & Management

669-205-7921 | paul.nadeau@gilroyunified.org

Facilities Department | Gilroy Unified School District

7810 Arroyo Circle, Gilroy, CA 95020 | gilroyunified.org



EXTERNAL - Fwd: Hecker Pass Some thoughts

From Laraine Spencer <laraine1@comcast.net>

Date Fri 1/17/2025 2:28 PM

To Erin Freitas <Erin.Freitas@cityofgilroy.org>

CAUTION: This email originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Erin

The meeting on January 23rd , 2025, has raised many concerns and here are a few questions that need to be addressed:

- 1) Is this meeting about an Application for Builders Remedy or Rezoning? If Builders Remedy , the law states that SB330 highlights Agricultural Land is exempt .
- 2) Also note that AB330 Section 3.... 65589.5 3C states The Legislature recognizes that premature and unnecessary development of Ag land continues to have adverse effects and developers should be guided away from Ag and fill existing Urban Areas.
 - a) Plus City Doc's state that Developer would have to replenish the same number of acres of Ag somewhere.
 - 2) b) Also , provide a 100 foot environmental zone around the proposed property
 - C) Why doesn't the Developer build on one of the existing parcels in Gilroy that is properly zoned for Housing?
- 3) If Rezoning , then this process is out of sequence and denies residents due process .

If this meeting is scheduled because the Developer states that the City has failed to sell the Hoey's property , then we need the law and governing Doc's to support this action!
- 4) Plans exclude any provision for Parking. CEQA has a blind spot on this issue. Of course, Parking is an environmental issue . The fact that you now have an additional 250 plus cars packed into a small area creates an Urban Heat Island ...Pollutants and Hotter than surrounding area . Where will the 250 plus cars park? Where will guests park ? This project intends to use existing narrow streets that are Fire Lanes and marked NO Parking. In the case of an emergency with cars parked and idling waiting for loved ones or abandoning their cars How do First responders do their job when they cannot get to their destination..The LA fires should make us RETHINK.

5) the Hoey red barn should remain where it is and be named an historical landmark.

6). Why is the Hoey North development (lenar) allowed to build a pedestrian path from Hoey North to the proposed new development across Hecker Pass? This is dangerous to human life. Someone or someone's will eventually die while accessing this crossing.

7). Where is the fire protection? We will get a new fire house In Christmas Hill Park without the ability to staff it properly.

Comment: even though parking is not considered environmental, it becomes environmental when all the residents become impacted.

These are a compilation of comments from a couple of individuals who listened to residents and researched the project.

Thank you
Laraine Spencer

RE: EXTERNAL - Army Corps Report

From Stuart Poulter <poulter@emcplanning.com>

Date Fri 2/7/2025 10:20 AM

To Erin Freitas <Erin.Freitas@cityofgilroy.org>

Hi Erin,

I had EMC's IT person take a look at this e-mail/link and he advised not opening it due to potential security concerns. I'm fairly certain this USACE report doesn't have anything to do with the project but I still want to be able to address the comments to the extent we need to.

Is there anyway you are able to obtain the report she's referring to and maybe forwarding me a copy via Dropbox or some other method?

Sorry for the hassle but hopefully there's a way to get this report some other way.

Thanks!



Stuart Poulter, AICP, MCRP

Principal Planner

Email: poulter@emcplanning.com

Phone: 831-649-1799, ext. 216

EMC Planning Group

601 Abrego Street, Monterey, CA 93940

<https://emcplanning.com/>

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From: Erin Freitas <Erin.Freitas@cityofgilroy.org>

Sent: Friday, February 7, 2025 9:33 AM

To: Stuart Poulter <poulter@emcplanning.com>

Subject: FW: EXTERNAL - Army Corps Report

From: Laraine Spencer <laraine1@comcast.net>

Sent: Thursday, February 6, 2025 11:48 AM

To: Erin Freitas <Erin.Freitas@cityofgilroy.org>

Subject: EXTERNAL - Army Corps Report

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NATIVE AMERICAN HERITAGE COMMISSION

January 14, 2025

Erin Freitas
City of Gilroy
7351 Rosanna Street
Gilroy CA 95020

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Pauma-Yuima Band of
Luiseño Indians

ACTING EXECUTIVE
SECRETARY
Steven Quinn

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

Re: 2025010214 2480 & 2740 Hecker Pass Road Subdivision (AS 23-19 & TM 23-03) Project, Santa Clara County

Dear Ms. Freitas:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines § 15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
- b. The lead agency contact information.
- c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:

A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1 (b)).

- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.
- d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i.** Protecting the cultural character and integrity of the resource.
 - ii.** Protecting the traditional use of the resource.
 - iii.** Protecting the confidentiality of the resource.
 - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.

b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:

a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.

b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.

b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.

c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Mathew.Lin@NAHC.ca.gov.

Sincerely,

Mathew Lin

Mathew Lin
Cultural Resources Analyst

cc: State Clearinghouse



File: 35045
Uvas Carnadero Creek

February 11, 2025

Erin Freitas
Community Development Department
7351 Rosanna Street
Gilroy, CA 95020
Erin.freitas@cityofgilroy.org

Subject: Notice of Preparation (NOP) of Draft Environmental Impact Report (DEIR) at 2480 & 2740 Hecker Pass Road Subdivision

Dear Erin:

The Santa Clara Valley Water District (Valley Water) has reviewed the notice of preparation of a draft environmental impact report for the 2480 & 2740 Hecker Pass Road Subdivision (Project). Upon review of the notice of preparation, Valley Water staff has the following comments:

1. **Utilities:** Valley Water's Gilroy Water Reclamation Pipeline (GWRP) runs along Autumn Drive and the perimeter of the Project site. If the Project proposes to modify or cross over/under GWRP, an encroachment permit will need to be issued from Valley Water. Valley Water encroachment permits are discretionary actions under CEQA and Valley Water would be a responsible agency under CEQA. The DEIR should also evaluate the anticipated use and demand for recycled water if the Project plans to tie-in to GWRP.
2. **Flood Zone:** The NOP states, "the site is not located within a designated-flood hazard zone; however, the site is identified by the Federal Emergency Management Agency (FEMA) as being within an 'Area with Flood Risks due to Levee (Zone D).'" It should be noted that Uvas Creek is not leveed along the reach adjacent to the Project site. Please also note that for the Project site, Zone D is defined by FEMA as an area with undetermined, but possible flood hazards. Please ensure existing flood risks according to FEMA are accurately described in the DEIR.
3. **Groundwater and Surface-Water Quality:** Runoff and drainage should be investigated to ensure that any construction and post-construction activity's runoff do not degrade the quality of groundwater or Uvas-Carnadero Creek since it recharges groundwater downstream.
4. **Shallow Groundwater:** The project is in an area of relatively shallow groundwater. Valley Water's Historical Groundwater Elevation tool (<https://gis.valleywater.org/Wells.html>) (see the tab titled 'Groundwater Elevations') can be used to view groundwater conditions in the area. The project site has generalized depth-to-first groundwater of 10-20 feet below land surface, but groundwater levels vary seasonally and annually. Recent groundwater levels nearby have been relatively high (13-16 ft below ground surface at well 11S03E01E005) given the two previous wet winters. These conditions make the groundwater in this area more susceptible to contamination.
5. **Dewatering:** Given the seasonally variable shallow groundwater in the project area, dewatering may be required during construction. If dewatering is needed, related groundwater impacts should be evaluated, and the volume and duration of dewatering should be minimized to the greatest extent possible.
6. **Active and Abandoned Wells:** The EIR should describe how active or abandoned wells within the construction corridor will be addressed. Valley Water's Well Information App can be used to help locate wells on or near the Project site: <https://gis.valleywater.org/Wells.html> (see the tab titled 'Well



Page 2

February 11, 2025

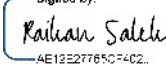
Notice of Preparation of Draft Environmental Impact Report at 2480 & 2740 Hecker Pass Road
Subdivision

Information'). While the App shows active wells on parcels adjacent to the project parcels, there could be additional unknown abandoned wells on the project site. Any active wells that will not be used or any abandoned wells encountered must be properly destroyed in coordination with Valley Water through the Well Permitting and Inspections Hotline: 408-630-2660 (<https://www.valleywater.org/contractors/doing-businesses-with-the-district/wells-well-owners>).

7. The project is within an area of the Llagas groundwater basin that supports natural groundwater recharge. Natural groundwater recharge is an important component of the County's water supply portfolio. The project will increase the amount of impervious surface thus reducing natural recharge. Stormwater retention basins and other LID features are generally geared to minimizing impacts to surface water quality. Valley Water encourages that retention basins and swales be located and designed to retained as much runoff on site to maintain natural groundwater recharge while minimizing impacts to groundwater quality.
8. When considering water supply availability, Gilroy's Urban Water Management Plan assumes a substantial increase in water conservation to meet future water demand (as does the Urban Water Management Plan for Valley Water). For the proposed project to meet its fair share of water conservation assumptions all available water conservation measures should be incorporated into the project.

If you have any further questions regarding Valley Water's comments for the NOP, you may contact me at (408) 630-2693 or reach me via email at rsaleh@valleywater.org.

Thank you,

Signed by:

AE13E27765C54C2
RAIHAN SALEH

Assistant Engineer - Civil
Community Projects Review Unit

Cc: Y. Arroyo, C. Haggerty, B. Hwang, R. Saleh, V. De La Piedra, G. Tick, M. Martin, File

EXTERNAL - RE: Hecker Pass Subdivision EIR - NOP Scoping Written Comments

From Stuart Poulter <poulter@emcplanning.com>

Date Tue 2/11/2025 2:28 PM

To Andy Faber <andy.faber@berliner.com>; Erin Freitas <Erin.Freitas@cityofgilroy.org>

Cc Sharon Goei <sharon.goei@cityofgilroy.org>; Teri Wissler Adam <wissler@emcplanning.com>

 10 attachments (3 MB)

1_Gilroy USD_1_10_25.msg; 2_Neighbor Comments (Verbal)_1_14_25.msg; 5_L Spencer_1_17_25.msg; 7_C Rogers_1_26_25.msg; 8_C Tognetti_2_3_25.msg; 10a_L Spencer_2_6_25.msg; 10b_L Spencer_2_6_25.msg; 10c_L Spencer_2_6_25.msg; 11a_C Tognetti_2_8_25.msg; 11b_C Tognetti_2_8_25.msg;

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Hi Andy,

I've uploaded PDF versions of all scoping comments I've received to date to the following Dropbox folder:

<https://www.dropbox.com/scl/fo/5zr4tk9ofgkqeus1ucxdy/AEO2U9KEms-YDm6pGxlf81s?rlkey=91i96fy1l62944feminqpy62w&st=mbleq3a2&dl=0>

Just note that some of the e-mails didn't PDF with images included so I've attached those e-mails here. Let me know if you have any issues viewing any of the comments.

Thanks,



Stuart Poulter, AICP, MCRP

Principal Planner

Email: poulter@emcplanning.com

Phone: 831-649-1799, ext. 216

EMC Planning Group

601 Abrego Street, Monterey, CA 93940

<https://emcplanning.com/>

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From: Faber, Andrew L. <Andy.Faber@berliner.com>
Sent: Tuesday, February 11, 2025 1:59 PM
To: Stuart Poulter <poulter@emcplanning.com>; 'Erin Freitas' <Erin.Freitas@cityofgilroy.org>
Cc: Sharon Goei <sharon.goei@cityofgilroy.org>; Teri Wissler Adam <wissler@emcplanning.com>
Subject: RE: Hecker Pass Subdivision EIR - NOP Scoping Written Comments

Stuart, Erin,
Can you send me a copy of all of the NOP comments received? Thanks.

Andrew L. Faber, Esq.
Berliner Cohen
408 938-2533 (direct)
408 286-5800 (general office)
408 921-2342 (cell)
[Back in the office, so try direct line first.]

From: Stuart Poulter <poulter@emcplanning.com>
Sent: Monday, February 10, 2025 1:01 PM
To: 'Erin Freitas' <Erin.Freitas@cityofgilroy.org>
Cc: Sharon Goei <sharon.goei@cityofgilroy.org>; Faber, Andrew L. <Andy.Faber@berliner.com>; Teri Wissler Adam <wissler@emcplanning.com>
Subject: Hecker Pass Subdivision EIR - NOP Scoping Written Comments

ALERT: This email is from an external source.

Hi Erin,

Thank you for forwarding the additional e-mailed scoping comments from Carolyn Tognetti this morning. Just a reminder that today is 30 days from the release of the NOP. While additional scoping comments may trickle in over the next few days, I just wanted to confirm I had all written scoping comments received to date. In summary, here's what I've received (in order of date received):

1. Gilroy USD (e-mail to you, 1/10/25)
2. Summary of verbal comments you received (1/14/25)
3. NAHC Letter (via State Clearinghouse) (1/14/25)
4. DOC Letter (e-mailed to you, 1/16/25)
5. Laraine Spencer #1 (e-mail to you, 1/17/25)
6. Santa Clara County Roads & Airports (e-mailed to you, 1/23/25)
7. Connie Rogers (e-mail to you, 1/26/25)
8. Carolyn Tognetti #1 (e-mail to you, 2/3/25)
9. Gilroy BPAC Letter (e-mailed to you, 2/6/25)
10. Laraine Spencer #2 (multiple e-mails to you, 2/6/25)
11. Carolyn Tognetti #2 (multiple e-mails to you, 2/8/25)

Please let me know if I'm missing any written comments that you've received to date. Note this list obviously does not include verbal comments received at the in-person scoping meeting on 1/23/25. Also I've checked the State Clearinghouse CEQAnet website again and the NAHC comment letter is the only written state agency comment submitted there so far.

Thanks,



Stuart Poulter, AICP, MCRP

Principal Planner

Email: poulter@emcplanning.com

Phone: 831-649-1799, ext. 216



EMC Planning Group

601 Abrego Street, Monterey, CA 93940

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FW: EXTERNAL - Re: Notice of Preparation for Hecker Pass Subdivision Project (AS 23-19 and TM 23-03)

From Erin Freitas <Erin.Freitas@cityofgilroy.org>
Date Mon 1/13/2025 1:47 PM
To Stuart Poulter <poulter@emcplanning.com>

Hi Stuart,

I received this comment from the school district but I don't think it's really related to anything in the environmental document and is more of something the district would want to request on the site. Something I would have to try to work out with the applicant or condition on the project. Do you agree?

Thanks,
Erin

From: Paul Nadeau <paul.nadeau@gilroyunified.org>
Sent: Friday, January 10, 2025 9:40 AM
To: Erin Freitas <Erin.Freitas@cityofgilroy.org>
Subject: EXTERNAL - Re: Notice of Preparation for Hecker Pass Subdivision Project (AS 23-19 and TM 23-03)

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Erin,

I have asked the District if there are any concerns (within the EIR scope) about this project. I don't know that we will receive any concerns. We did talk last year about embedding a potential bus stop in that development if at all possible. Is that something that would be incorporated? I believe we'd just be asking for a modified curb area for a bus to pull in and a pad for students to gather. After talking to our transportation department, they mentioned that placing a bus turn out on 3rd street (on the north east side of Hoey Place) would be most effective. It could be a gathering point for students from both neighborhoods. Let me know your thoughts.

Thanks

On Thu, Jan 9, 2025 at 4:04 PM Erin Freitas <Erin.Freitas@cityofgilroy.org> wrote:

"To Whom It May Concern:

A Notice of Preparation (NOP) is being issued by the City of Gilroy (City) for the proposed Hecker Pass Subdivision Project (AS 23-19 and TM 23-03) located at 2480 & 2740 Hecker Pass Road in the City of Gilroy. The City is the lead agency for the project and will prepare an Environmental Impact Report (EIR) in accordance with the requirements of the California Environmental Quality Act (CEQA) and the CEQA implementation guidelines. This NOP is

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<https://www.cityofgilroy.org/1008/2480-2740-Hecker-Pass-Residential-Projec>

Please direct written feedback and comments about the scope of the draft EIR to myself, Erin Freitas, Senior Planner, at erin.freitas@cityofgilroy.org within 30 days of receipt of this notice.

Sincerely,

Erin Freitas

Senior Planner

COMMUNITY DEVELOPMENT DEPARTMENT

Direct (408)846-0242 | erin.freitas@cityofgilroy.org.

Main (408)846-0440 | www.cityofgilroy.org.

7351 Rosanna Street | Gilroy | CA 95020



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Paul Nadeau, Director of Facilities Planning & Management

669-205-7921 | paul.nadeau@gilroyunified.org

Facilities Department | **Gilroy Unified School District**

7810 Arroyo Circle, Gilroy, CA 95020 | gilroyunified.org

Re: EXTERNAL - Re: Notice of Preparation for Hecker Pass Subdivision Project (AS 23-19 and TM 23-03)

From Erin Freitas <Erin.Freitas@cityofgilroy.org>
Date Tue 1/14/2025 11:33 AM
To Stuart Poulter <poulter@emcplanning.com>
Cc Teri Wissler Adam <wissler@emcplanning.com>

Hi Stuart,

Another comment I am starting to hear a lot about from the residents in this community is the concern about lack of parking and how that impacts the neighborhood. The lacking of parking I mean is coming from that the developer is not planning to design the streets to be wide enough to accomodate on-street parking and there is no City standard for this to my knowledge in the Specific Plan or general street standards since they are private streets. I just wanted to prepare ourselves for that comment but I don't think that is something that is particularly environmentally related to study in the EIR. Do you agree or is that somehow an environmental impact?

Thanks,
Erin

From: Stuart Poulter <poulter@emcplanning.com>
Sent: Monday, January 13, 2025 6:02 PM
To: Erin Freitas <Erin.Freitas@cityofgilroy.org>
Cc: Teri Wissler Adam <wissler@emcplanning.com>
Subject: RE: EXTERNAL - Re: Notice of Preparation for Hecker Pass Subdivision Project (AS 23-19 and TM 23-03)

Hi Erin – thanks for forwarding this comment from the school district. On the surface it does not appear to be environmentally related; however, it likely would need to be factored into the overall project approval and/or conditions of approval.

Let me know double check with Teri tomorrow and get back to you.

Thanks,



Stuart Poulter, AICP, MCRP

Principal Planner

Email: poulter@emcplanning.com

Phone: 831-649-1799, ext. 216

EMC Planning Group

601 Abrego Street, Monterey, CA 93940

<https://emcplanning.com/>

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From: Erin Freitas <Erin.Freitas@cityofgilroy.org>

Sent: Monday, January 13, 2025 1:47 PM

To: Stuart Poulter <poulter@emcplanning.com>

Subject: FW: EXTERNAL - Re: Notice of Preparation for Hecker Pass Subdivision Project (AS 23-19 and TM 23-03)

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From: Paul Nadeau <paul.nadeau@gilroyunified.org>

Sent: Friday, January 10, 2025 9:40 AM

To: Erin Freitas <Erin.Freitas@cityofgilroy.org>

Subject: EXTERNAL - Re: Notice of Preparation for Hecker Pass Subdivision Project (AS 23-19 and TM 23-03)

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