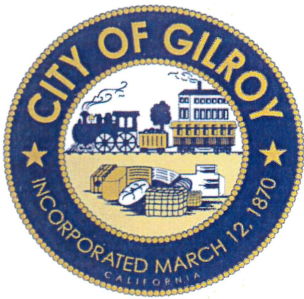

APPENDIX A

NOTICE OF PREPARATION AND RESPONSES



Community Development Department

Susan L. O'Strander
DEPUTY DIRECTOR

7351 Rosanna Street, Gilroy, California 95020-6197
Telephone: (408) 846-0451 Fax: (408) 846-0429
<http://www.cityofgilroy.org>

Notice of Preparation

SUBJECT: Notice of Preparation of a Supplemental Draft Environmental Impact Report

Lead Agency:

Agency Name City of Gilroy
Street Address 7351 Rosanna Street
City/State/Zip Gilroy, CA 95020
Contact Susan L. O'Strander, AICP
Deputy Director

Consulting Firm:

Firm Name EMC Planning Group Inc.
Street Address 301 Lighthouse Ave, Ste. C
City/State/Zip Monterey, CA 93940
Contact Richard James, AICP
Principal

The City of Gilroy will be the Lead Agency and will prepare a supplemental environmental impact report for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information, which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency may need to use the EIR prepared by our agency when considering your permit or other approval for this project.

The project description, location, and the potential environmental effects are contained in the attached materials. An initial study was not prepared for this NOP.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but **not later than 30 days** after receipt of this notice.

Please send your response to Susan L. O'Strander, Gilroy Community Development Department, Planning Division, at the address shown above. We will need the name for a contact person in your agency.

Project Title: Gilroy Sports Park Master Plan Update

Project Location: City of Gilroy Santa Clara
City County

Project Description: (brief) Please see attached

Date September 20, 2019

Signature Sue O'St

Title Deputy Director

Telephone 408-846-0451

Reference: California Code of Regulations, Title 14, (CEQA Guidelines) Sections 15082(a), 15103, 15375.

Gilroy Sports Park Master Plan Update Supplemental EIR Notice of Preparation

PROJECT LOCATION AND SETTING

The approximately 79-acre Gilroy Sports Park Master Plan project site (Gilroy Sports Park) is located in unincorporated Santa Clara County south of downtown Gilroy, outside of the city limit and urban service area (USA), but within the City's 20-year planning boundary.

[Figure 1, Location Map](#), presents the regional location of the project site.

Surrounding Land Uses

The site is bound by residential uses to the north; agricultural land, Monterey Road and residential uses along Monterey Frontage Road to the east; and by Uvas Creek to the south and west. Surrounding land uses include residential between the project site and West Luchessa Avenue, and residential north of West Luchessa Avenue; agricultural uses and two residences between the project site and Monterey Road, and visitor-serving commercial and self-storage facility uses to the east beyond Monterey Road; residential and agricultural uses to the south and west beyond Uvas Creek. [Figure 2, Aerial Photograph](#), presents the Gilroy Sports Park boundary and surrounding land uses.

Existing Site Conditions

The Gilroy Sports Park is owned and operated by the City of Gilroy. The Gilroy Sports Park site occupies three assessor parcels: 808-21-026, -028 and -030. Current uses and improvements on the site consist of three little league baseball diamonds, with lights, on approximately 11 acres; playground; restrooms; maintenance area; utility infrastructure; parking lot; and a landscaped entrance drive. The remaining acres are vacant and used for agricultural row-crop production on an interim basis.

The Gilroy Sports Park site is accessed by an entry drive from Monterey Frontage Road. The topography of the project site is generally flat. The project site is located within a flood plain and a portion of the site is within a Santa Clara Valley Water District flood easement. A drainage basin is located on the southeast corner of the site adjacent to Uvas Creek. A Class I Bikeway follows the eastern bank of Uvas Creek from the Gilroy Sports Park to Uvas Creek Park Preserve, northwest of the site.

The project site is designated as Regional Park in the Santa Clara County General Plan and is zoned for Agriculture, 20 Acre Minimum. The Gilroy General Plan designates the site as Park/Recreational Facility. The project site is outside the city limits, so does not have a City of Gilroy zoning designation.

PROJECT BACKGROUND

CEQA Documentation

In 1999 the City of Gilroy certified the Gilroy Sports Park and Urban Service Area Amendment EIR (Certified Master Plan EIR) and approved the Gilroy Sports Park Master Plan (Master Plan) on approximately 79 acres south of the City of Gilroy. The Certified EIR included an evaluation of development of the uses identified in the Master Plan. Although the City approved the Master Plan, the urban service area (USA) boundary amendment request made at that time was not approved by the Santa Clara County Local Agency Formation Commission (LAFCO).

In later years, the City prepared a number of additional CEQA documents for several projects and Urban Service Area amendments that encompass all or portions of the project site, as described below. Subsequent or supplemental EIRs are required if substantial changes are made to the project, or occur with respect to the circumstances or setting of the project.

Gilroy Sports Park and Urban Service Area Amendment (USA 98-03) EIR (June 7, 1999)

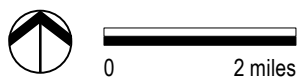
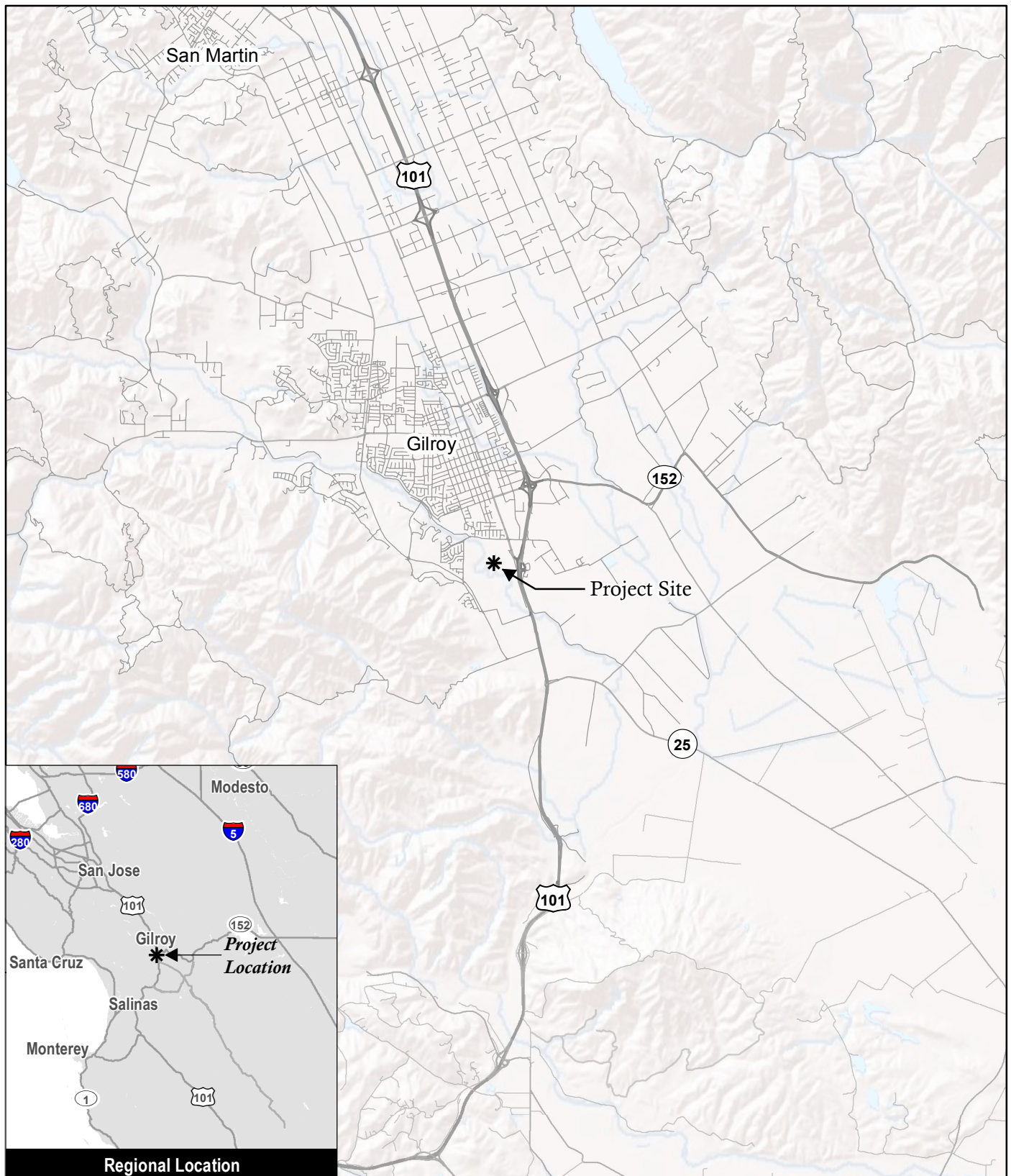
The Certified Master Plan EIR was prepared prior to adoption of the *Gilroy 2002-2020 General Plan*.

This project included a request to LAFCO to add 133.2 acres of land designated as Open Space and Park/Public Facility (including the 78.35-acre Sports Park and adjacent parcels to the north and east) into Gilroy's Urban Service Area amendment. The project included buildout of the Sports Park site, but did not include a General Plan Amendment or development of the adjacent parcels to the north and east. The EIR addressed the environmental impacts associated with development of all nine phases of the Sports Park.

The City of Gilroy certified the EIR and approved the project. However, LAFCO denied the USA amendment request.

Gilroy Urban Service Area Amendment (USA 98-03) Subsequent EIR (February 2002)

This EIR was prepared and certified when the *Gilroy 2002-2020 General Plan* was under preparation. This EIR was finalized in February 2002, prior to adoption of the general plan in June 2002. It was prepared subsequent to the Certified Master Plan EIR discussed above.

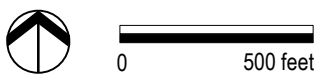


Source: ESRI 2019

Figure 1
Location Map



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Source: ESRI 2019, Santa Clara County GIS 2017

Figure 2

Aerial Photograph



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This project included a request to LAFCO to add 140.21 acres of land to Gilroy's Urban Service Area. Although the land was designated Open Space, the EIR evaluated buildout associated with the land use designations in the proposed *2002-2020 Gilroy General Plan* update. These designations were as follows: 85.36 acres of approved Park/Recreation Facility (i.e., the Sports Park); 27.72 acres of Neighborhood District (residential) north of the Sports Park; and 27.13 acres of Commercial General Services east of the Sports Park. This Subsequent EIR addressed the environmental impacts associated with development of all nine phases of the Sports Park, as well as development of the residential and commercial parcels.

The City of Gilroy certified the EIR and approved the project. LAFCO denied the USA amendment request; however LAFCO approved annexation of the three Sports Park parcels (LAFCO Resolution No. 02-11), conditioned upon the City's adoption of an agricultural mitigation plan consistent with the city's General Plan agricultural mitigation policies. The City of Gilroy adopted the mitigation plan in May 2004. The City constructed Phases I and II of the Sports Park in 2006, but did not annex the Sports Park parcels.

Barberi Urban Service Area Amendment (USA 04-02) Subsequent EIR (November 15, 2005)

This EIR was prepared after adoption of the *Gilroy 2002-2020 General Plan*. It was prepared as a "subsequent EIR" to the Certified Master Plan EIR and the *Gilroy Urban Service Area Amendment (USA 98-03) Subsequent EIR* (February 2002), both of which are discussed above.

This project included a request to LAFCO to include 27.7 acres of land designated Neighborhood District into Gilroy's Urban Service Area, with anticipated development of 18,000 square feet of commercial uses, 220 small lot single-family residential units, and 30 apartments or condominiums. This project site is north of the Sports Park site and south of West Luchessa Avenue. This Subsequent EIR addressed the environmental impacts associated with assumed development of the site.

The City of Gilroy certified the EIR and approved the project. LAFCO approved the Urban Service Area Amendment request and Gilroy annexed the property. The majority of the property was developed with single-family homes in 2015. The 18,000 square feet of commercial uses have not been developed.

Gavilan College/Gilroy Sports Park Trail Connection Mitigated Negative Declaration and Initial Study (June 30, 2008)

This initial study/mitigated negative declaration was prepared after adoption of the *Gilroy 2002-2020 General Plan*. The project consisted of the Sports Park trail connection to Gavilan College (Phase IX); however, the trail connection has not yet been constructed.

Current Master Plan

The approved Gilroy Sports Park Master Plan (Master Plan) (adopted May 1999) includes the complete development of the site with sports fields, recreational commercial space, bike/pedestrian trails, and other recreation and parking areas. The Master Plan consists of nine development phases, with the first two phases already implemented. The Master Plan phasing plan includes the following development phases:

Phase I Completed

Utility infrastructure, entrance improvements, and rough grading (parking).

Phase II Completed

Premier little league field area, parking, and Uvas Creek Trail extension to Thomas Road.

Phase III

Commercial recreational facilities, multi-use ball field (1), and parking. Phase III currently includes a tent-like structure – not a permanent structure.

Phase IV

North multi-use field (4) area and parking.

Phase V

South multi-use field (4) area and parking.

Phase VI

Premier softball/baseball field (1) area and complete bike trail paving.

Phase VII

Informal recreational area.

Phase VIII

Monterey Road and Frontage Road improvements.

Phase IX

Uvas Creek Trail extension to Gavilan College.

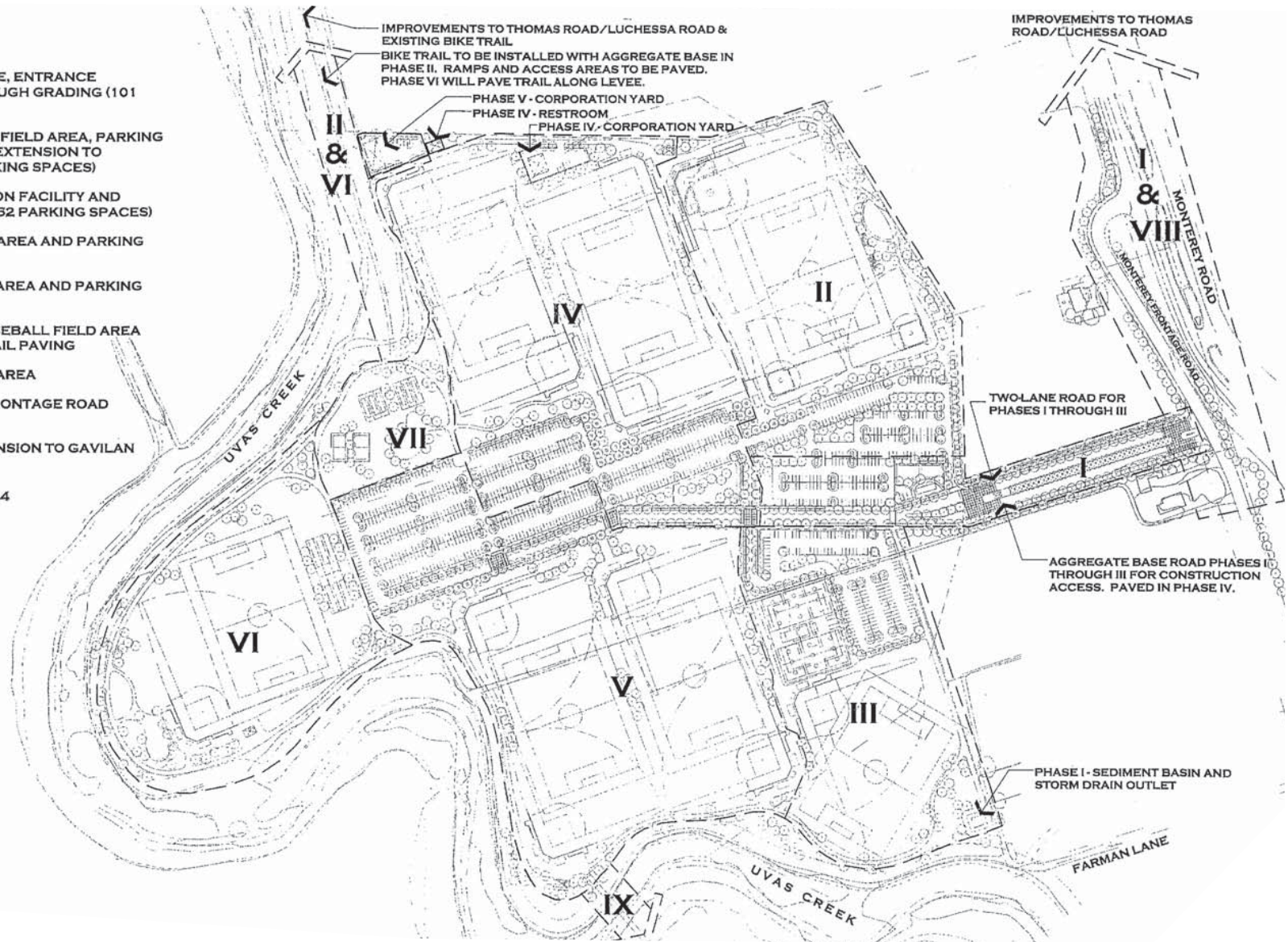
Phase III of the adopted Master Plan includes an illustrative example of a tent-like structure for indoor commercial activities. The purpose for the tent-like structure was to allow for flood waters to flow through the facility. Although neither the adopted Master Plan nor the certified Master Plan EIR specifically identified the square footage of the tent-like structure, Master Plan drawings present this area to be approximately 41,000 square feet.

A phasing plan of the Master Plan Phase areas is shown in [Figure 3, Existing Master Plan Phasing Plan](#).

PHASE PHASE AREA

- I UTILITY INFRASTRUCTURE, ENTRANCE IMPROVEMENTS, AND ROUGH GRADING (101 PARKING SPACES)
- II PREMIER LITTLE LEAGUE FIELD AREA, PARKING AND UVAS CREEK TRAIL EXTENSION TO THOMAS ROAD (152 PARKING SPACES)
- III COMMERCIAL RECREATION FACILITY AND MULTI-USE BALL FIELD (162 PARKING SPACES)
- IV NORTH MULTI-USE FIELD AREA AND PARKING (268 PARKING SPACES)
- V SOUTH MULTI-USE FIELD AREA AND PARKING (361 PARKING SPACES)
- VI PREMIER SOFTBALL/BASEBALL FIELD AREA AND COMPLETE BIKE TRAIL PAVING
- VII INFORMAL RECREATION AREA
- VIII MONTEREY ROAD AND FRONTAGE ROAD IMPROVEMENTS
- IX UVAS CREEK TRAIL EXTENSION TO GAVILAN COLLEGE

TOTAL PARKING SPACES: 1044



Source: The Beals Group Inc. 1999

Figure 3
Existing Master Plan Phasing Plan



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PROPOSED PROJECT

The proposed project is an update to the Gilroy Sports Park Master Plan (Master Plan) to accommodate construction and operations of a permanent structure and related parking infrastructure for an indoor recreational facility.

Master Plan Amendments

An amendment to the Master Plan is proposed to allow the construction and operations of a 100,000 square-foot, two-story (approximately 30 feet in height) permanent building with two ice rinks and related parking for the Phase III area, instead of an approximately 41,000 square foot tent-like structure, multi-use ball field, and related parking that are currently identified for that area in the Master Plan. The City of Gilroy would develop and own the indoor facility and the facility would be operated by the Sharks Sports & Entertainment LLC. Buildout of the remaining phases of the Master Plan would proceed consistent with the approved Master Plan. [Figure 4, Conceptual Master Plan Phase III Site Plan](#), presents the proposed design changes to Phase III of the Master Plan. The text of the Master Plan would be revised to reflect the improvements listed below. The proposed project includes only changes to the Phase III area.

Proposed Phase III Improvements

The proposed indoor facility would be located east of the play fields in the Master Plan Phase V area and adjacent to the existing drainage basin facility in the southern portion of the Master Plan Phase III area. The proposed building would have an approximate 70,000 square foot building footprint. The facility would be approximately 30 feet tall with two interior levels for a total of approximately 100,000 square feet. The majority of the core infrastructure would be located on the main level. The facility would be designed to a LEED Silver certification (or higher) building standard and to exceed the requirements of the Americans with Disabilities Act Accessibility Guidelines. The estimated construction timeline is 12-16 months.

Level #1 Rink Level (70,000 square feet)

This level would consist of two National Hockey League (NHL) sized ice rinks with seating capacity of 150-200 seats per rink, public locker rooms with restrooms and showers; a welcome/administration desk; skate rental area; public restrooms; food concession area; merchandise/retail space; skate rental space, event/administrative office(s); and facility support spaces such as main electrical room, ice making equipment for rinks, boiler room, water entry room, fire pump room, main IT, parking for a Zamboni ice grooming machine, and storage.

Level #2 Mezzanine (30,000 square feet)

This level would be occupied by a viewing area for the ice rinks (approximately 100-150 seats per rink), physical fitness/training space, small dance/multipurpose room, conference rooms for community use, a bar/restaurant that overlooks the rinks below, facility support areas and storage.

Parking and Access

The proposed project would include 387 parking spaces in a surface parking lot south of the Sports Park entrance road. Parking spaces would be nine feet wide and 18 feet in length; access aisles would be 25 feet wide, with turning radii sufficient to accommodate the turning movements of a 40-foot long fire truck. The existing access to the drainage basin in the southeast corner of the Master Plan area would be realigned slightly but would be maintained along the east border of the Master Plan Phase III area.

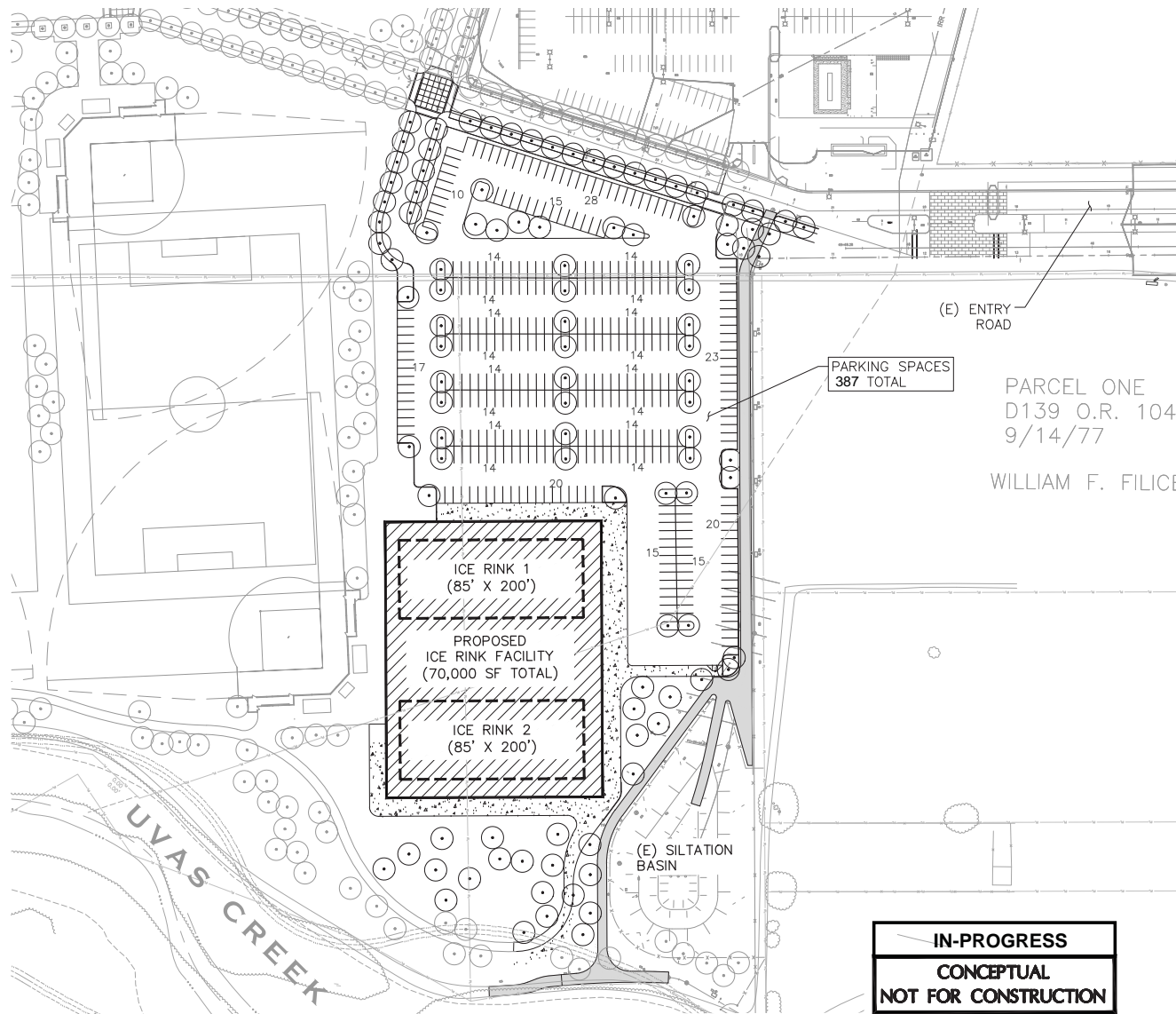
Facility Uses

Year-round ice programs that would be offered to the public include ice hockey, figure skating, broomball, curling, speed skating, and ice dancing, as well as recreational skating. The facility would also host various corporate and private events, as well as birthday parties. The facility would offer a number of off-ice programming such as fitness training, dance and yoga. The hours of operation would be 5:30 am to 1:00 am daily, 365 days per year. It is anticipated this facility would have 500,000 visitors/participants annually with the majority of its participants under the age of 18. No collegiate or NHL training would occur at this facility.

Initial estimates for the number of parking spaces that will be needed to accommodate operations of the indoor facility range from about 250-300 spaces (peak operation) onsite parking spaces; however, the conceptual site plan includes an additional 87 parking spaces for a total of 387 spaces. The traffic and parking flow typically for a facility such as this is very different than a traditional business. Peak levels usually occur Monday through Friday from 4:00 pm – 10:00 pm which is at non-peak times. Furthermore, peak parking and travel occur on the weekends. The site may provide opportunities for shared parking facilities.

This facility will be designed to meet and exceed the requirements of the Americans with Disabilities Act Accessibility Guidelines. In addition, the facility will obtain LEED Silver certification (or higher) for the project in accordance with City requirements. The estimated construction timeline is 12-16 months.

The City of Gilroy would develop the project and the facility would be operated by the Sharks Sports & Entertainment LLC.



Source: Harris and Associates 2019

Figure 4
Conceptual Master Plan Phase III Site Plan
 Gilroy Sports Park Master Plan Update Supplemental EIR Notice of Preparation

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POTENTIAL ENVIRONMENTAL EFFECTS

The City of Gilroy has determined that evaluation of project-specific environmental impacts of the proposed Master Plan Update including the indoor facility is necessary to determine if the project would result in new or more severe environmental impacts. A Supplemental EIR will be prepared to update the environmental setting and analyze the project's environmental impacts based on project-specific information to determine if there are changed circumstances since the Certified Master Plan EIR, subsequent EIRs, and negative declaration were certified/adopted.

The analysis will determine if the impacts and mitigation measures already identified and addressed in the prior CEQA review adequately address updating the Master Plan and the proposed development project. If new or greater impacts than previously analyzed would occur from build out of the Master Plan, new mitigation measures will be developed or existing mitigation measures will be modified to address them.

The Supplemental EIR will only address those issues necessary to make the prior CEQA review adequate for adopting the Master Plan Update. A revised mitigation monitoring and reporting program will be prepared to capture all relevant existing mitigation measures in the prior CEQA review, as well as any new measure that may be identified in the Supplemental EIR. The following topics will specifically be addressed:

Visual Resources

The Phase III project site may be located within view of Monterey Street in an area identified as a principal gateway to Gilroy. This analysis will focus on the Master Plan change in the commercial project from a “temporary” tent structure to a “permanent” building. The Visual Resources section of the EIR will be updated by evaluating project-related changes to the existing visual environment of the south Monterey Street gateway. New or exacerbated impacts resulting from the change in the project will be identified and evaluated within the context of the impacts identified and addressed by the certified EIR. Additional or revised mitigation measures will be developed if necessary to address new or greater significant impacts to visual resources not already addressed by the Certified EIR.

Air Quality

Air quality impacts were addressed in the Certified Master Plan EIR, which concluded that construction and operational air quality impacts would be less than significant or less than significant with mitigation. Changes include more effective modeling techniques, physical changes within the air basin, and updates to the Bay Area Air Quality Management District's (BAAQMD) Clean Air Plan and CEQA Guidelines. The proposed project will be evaluated using the City of Gilroy and BAAQMD guidelines for addressing air quality impacts. Both construction and operational impacts will be addressed. New or exacerbated impacts

resulting from the change in the project will be identified and evaluated within the context of the impacts identified and addressed in the certified EIR. Additional or revised mitigation measures will be developed if necessary to address new or greater significant impacts affecting air quality not already addressed by the Certified Master Plan EIR.

Health Risk Assessment

The Phase III site is located within 1,000 feet of a rural residential area. Construction and operations could emit toxic air contaminants that could increase cancer risks of residential receptors beyond acceptable thresholds. In addition to changes to the size of the commercial recreation facility, BAAQMD screening thresholds and standards for review have changed since the Certified Master Plan EIR. The distances between sensitive receptors and emissions sources will be identified. If sensitive receptors are located within 1,000 feet from new sources of toxic air contaminants, this section will present a summary of quantified health risks. Additional or revised mitigation measures will be developed if necessary to address new or greater significant impacts associated with exposures that are not already addressed by the Certified Master Plan EIR.

Biological Resources

The EIR discussion will be updated to address how the Santa Clara Valley Habitat Plan, which was adopted in 2013 and covers specific amphibians, reptiles, birds, mammal, plants, and invertebrates, affects development of the site. Additional or revised mitigation measures that are necessary to reduce significant impacts to biological resources will be developed for any new or exacerbated impacts not already addressed by the Certified Master Plan EIR. Some mitigation measures may no longer be warranted since adoption of the Santa Clara Valley Habitat Plan.

Energy

A very brief discussion of energy was included in the Certified Master Plan EIR. However, CEQA Guidelines requirements for energy demand analysis has changed substantially since preparation of the Certified Master Plan EIR. This discussion will include an overview of the standard of review for evaluation of energy effects of the project, an overview of related state legislation and regulations, and quantification of energy demand from the proposed project. Mitigation measures included in the EIR that result in reduced energy consumption, if any, as well as any applicant proposed measures that reduce energy consumption will be identified.

Energy demand will be quantified based on three primary sources of energy consumption from the proposed project: fuel use in vehicles traveling to and from the project site, on-site use of natural gas, and on-site use of electricity in buildings and for other ancillary uses such as lighting. Energy demand from on-site use of natural gas and electricity at buildout of the

proposed project will be modeled in CalEEMod. Vehicle miles traveled (VMT) data generated through CalEEMod serves as a general proxy for the magnitude of transportation fuel consumption. The change in VMT with the project will be input into the Emissions Factors model to quantify the fuel demand that would result from the VMT increase.

Greenhouse Gas Emissions

The City of Gilroy has not identified a threshold of significance for GHG emissions. However, in lieu of BAAQMD guidance on GHG emissions reductions needed after 2020 to keep statewide emissions on a path toward meeting the 2030 SB 32 emissions reduction target and, in light of recent case law, an efficiency-based GHG threshold of significance will be used in the analysis. The threshold will be based on the 2030 statewide emissions reduction target of 40 percent below 1990 levels defined in SB 32, projected statewide employment and population (service population) in the proposed project buildout year, and on emissions volumes from the land use sectors included in the 1990 California GHG emissions inventory.

This section will compare the proposed project's rate of emissions to the threshold of significance to determine if the proposed project would result in significant impacts from GHG emissions volumes, and determine whether the mitigation measures identified in the Certified Master Plan EIR adequately address the impacts. Additional or revised mitigation measures that are necessary to reduce significant impacts related to GHG emissions volumes will be developed for any new or exacerbated impacts not already addressed by the Certified Master Plan EIR.

Hydrology/Flooding

The project site is partially located within a flood flowage easement and approval from the Santa Clara Valley Water District is necessary to allow a permanent building to be located within the floodplain. Hydrology studies prepared for the Certified Master Plan EIR will be updated to address existing conditions. This section of the EIR will evaluate the impacts of the permanent structure in the flood flowage easement. The evaluation will determine whether the mitigation measures identified in the Certified Master Plan EIR adequately address the impacts. Additional or revised mitigation measures that are necessary to reduce significant impacts related to flooding will be developed for any new or exacerbated impacts not already addressed by the Certified Master Plan EIR.

Noise

Development in the City of Gilroy and region has caused an increase in ambient noise levels in the vicinity of the project site, and has placed sensitive receptors in proximity to the project site. As such existing conditions have changed. Additionally, greater detail of a commercial recreational facility is available that warrants an update to the noise analysis in

the Certified Master Plan EIR. An acoustical report will be prepared to evaluate the acoustical characteristics of the site and document existing ambient noise levels. Project-related changes in roadway traffic noise exposures along nearby roadways will be modeled and evaluated. Project-related changes in exterior and exterior exposures to project-related operational and construction stationary source and mobile sources of noise will be compared to applicable noise level standards and other thresholds of significance. Noise-sensitive receptors that could be subjected to noise or vibration levels in excess of applicable noise standards or CEQA thresholds during construction will be identified. Recommendations for noise attenuation will be made to reduce significant impacts. The evaluation will determine whether the mitigation measures identified in the Certified Master Plan EIR adequately address the impacts. Additional or revised mitigation measures that are necessary to reduce significant impacts related to noise will be developed for any new or exacerbated impacts not already addressed by the Certified Master Plan EIR.

Transportation and Traffic

A transportation impact analysis for the Sports Park Master Plan was previously completed in 1999 associated with preparation of the Gilroy Sports Park and Urban Service Area Amendment (USA 98-03) EIR (June 7, 1999). The study identified impacts to the surrounding roadway network due to the project and assumed construction of the Sports Park Master Plan over a 20-year period, with the first ball fields ready for use in spring of 2002. A second transportation impact analysis was prepared in January 2000 to address buildout of the Master Plan and the adjacent residential and commercial properties. Since the original evaluation of the project, traffic conditions, the adjacent roadway network, and travel patterns in the general project area have changed. In addition, a more detailed description of the potential commercial recreational facility under Phase III of the Master Plan is now available.

This section of the EIR will be prepared based on an updated traffic impact analysis that will address requirements of the City of Gilroy, the Congestion Management Program (CMP) of the Santa Clara Valley Transportation Authority (VTA), and Caltrans and quantify the projected trip generation and distribution of project-related traffic for the following scenarios: existing, existing plus Master Plan Phase III, and general plan conditions. The discussion will identify intersection level of service impacts using CMP methodology, signal warrants, and include a freeway segment and freeway ramp analysis. The discussion will evaluate project-related effects to bicycle, pedestrian, and transit facilities. Significant impacts will be identified. The evaluation will determine whether the mitigation measures identified in the Certified Master Plan EIR adequately address the impacts. Additional or revised mitigation measures that are necessary to reduce significant project-related impacts will be developed for any new or exacerbated impacts not already addressed by the Certified Master Plan EIR. Impacts on the following facilities will be studied.

Study Intersections

1. Monterey Road and Tenth Street
2. Monterey Road and Luchessa Avenue
3. Monterey Road and Monterey Frontage Road (unsignalized)
4. US 101 Southbound Ramps and Monterey Road
5. Monterey Road and US 101 Northbound Ramps
6. Thomas Road and Luchessa Avenue (roundabout)
7. Princeville Street and Luchessa Avenue
8. Church Street and Luchessa Avenue (unsignalized)
9. Chestnut Street/Automall Parkway and Tenth Street (Sat only)
10. US 101 Southbound Ramps and Tenth Street (Sat only)
11. US 101 Northbound Ramps and Pacheco Pass Highway (SR 152) (Sat only)

Study Freeway Segments

1. US 101, Cochrane Road to Dunne Avenue (Sat only)
2. US 101, Dunne Avenue to Tennant Avenue (Sat only)
3. US 101, Tennant Avenue to San Martin Avenue (Sat only)
4. US 101, San Martin Avenue to Masten Avenue (Sat only)
5. US 101, Masten Avenue to Buena Vista Avenue
6. US 101, Buena Vista Avenue to Leavesley Road
7. US 101, Leavesley Road to Pacheco Pass Highway
8. US 101, Pacheco Pass Highway to Monterey Road
9. US 101, Monterey Road to SR 25

Study Freeway Ramps

1. US 101 at Monterey Road

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NATIVE AMERICAN HERITAGE COMMISSION

Cultural and Environmental Department
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691 Phone: (916) 373-3710
Email: nahc@nahc.ca.gov
Website: <http://www.nahc.ca.gov>



September 24, 2019

Richard James
Gilroy, City of
7351 Rosanna Street
Gilroy, CA 95020

RE: SCH# 1998102079, Gilroy Sports Park Maser Plan Update Project, Santa Clara County

Dear Mr. James:

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, subds. (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 (http://ohp.parks.ca.gov/?page_id=1068) 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:
Andrew.Green@nahc.ca.gov.

Sincerely,



Andrew Green
Staff Services Analyst

cc: State Clearinghouse

Richard James

From: Sue OStrander <Sue.OStrander@ci.gilroy.ca.us>
Sent: Thursday, September 26, 2019 11:41 AM
To: 'Alvaro Meza'; Susan Groves-Ameil
Cc: Debbie Flores; Richard James
Subject: RE: NOP-Glroy Sports Park Master Plan Update

Hi Alvaro,
I've included Richard James, our consultant working on this SEIR.

There is no residential component related to the Sports Park Master Plan.
Hope that helps, but feel free to reach out to me and Richard with any additional clarifications.
Thanks,
Sue.

From: Alvaro Meza [<mailto:alvaro.meza@gilroyunified.org>]
Sent: Thursday, September 26, 2019 11:23 AM
To: Susan Groves-Ameil; Sue OStrander
Cc: Debbie Flores
Subject: Re: NOP-Glroy Sports Park Master Plan Update

Hi Sue and Susan,
Many thanks for keeping us in the loop on this draft EIR.
Do you know if the residential component would be classified as affordable housing?
We are trying to get a better estimate for the students that would be generated from these units (220 small SFD, and the 30 apartments/condos).
Thanks

Alvaro Meza
*Assistant Superintendent, Business Services/
Chief Business Official*
Gilroy Unified School District
7810 Arroyo Circle
Gilroy, CA 95020
(669) 205-4080

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On Fri, Sep 20, 2019 at 3:54 PM Susan Groves-Ameil <grovesameil@emcplanning.com> wrote:

On behalf of the City of Gilroy and Richard James (Principal) of EMC Planning Group.

Any response should be directed to Richard James or Sue O'Strander CC'd on this email.

Thank you,

Susan Groves-Ameil | Administrative Assistant

tel 831.649.1799 ext 200

grovesameil@emcplanning.com



EMC Planning Group

301 Lighthouse Avenue, Suite C

Monterey, CA 93940

www.emcplanning.com

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Richard James

From: Alvaro Meza <alvaro.meza@gilroyunified.org>
Sent: Thursday, September 26, 2019 5:00 PM
To: Richard James
Cc: Sue OStrander
Subject: Re: Gilroy Sports Park MP Update
Attachments: image002.png

Thank you for the information.

I saw the reference of those residential units in the report, including those apartments/condos.

We would otherwise not have any comments.

It's actually a very exciting project!

Sent from mobile device
<AM>

On Thu, Sep 26, 2019, 11:43 AM Richard James <james@emcplanning.com> wrote:

Alvaro –

As Sue said, the current changes proposed for the Gilroy Sports Park Master Plan involve only the commercial recreation uses within the interior of the sports park itself. The residential component within the overall project site consists of the single-family houses already constructed and occupied along the south side of Luchessa. I don't believe the 30 apartments/condos have been built, and am not sure if those are still proposed or not.

Richard

Richard James, AICP | Principal
Tel 831.649.1799 ext 206

Cell 831.521.2323

james@emcplanning.com



EMC Planning Group

301 Lighthouse Avenue, Suite C

Monterey, CA 93940

Fax 831.649.8399



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Richard James

From: Saeid Vaziry <Saeid.Vaziry@ci.gilroy.ca.us>
Sent: Tuesday, October 01, 2019 9:11 AM
To: Richard James
Cc: Sue OStrander; 'julie.wyrick@ci.gilroy.ca.us'; 'Girum.Awoke@ci.gilroy.ca.us'; Susan Groves-Ameil; Gary Heap; Greg Larson
Subject: RE: NOP-Glroy Sports Park Master Plan Update

Hello Richard:

I'm getting back to you re impacts to SCRWA. Even though it was not mentioned in the table of contents nor the NOP, assuming that impacts related to water supply and wastewater generation were covered in prior EIR documents and if the wastewater generation fits the General Plan, this update doesn't anticipate significant differences and it should not have an impact to SCRWA.

In view of the fact that existing sports park uses recycled water, any additional open-air (grass) improvements may offer an opportunity for recycled water use, and assuming the expansion of recycled water would be needed in due course which doesn't seem to be in the 2015/16 South County Master Plan for specific recycled water demand depending what they consider for irrigation. Additionally, the possibility of switching the same area over to an ice rink in a building will decrease irrigation requirements, as likely recycled water won't be used for ice-making. The big parking lot will tend to decrease groundwater recharge, but we think this may be too far south and too close to Uvas Creek to affect the groundwater under the SCRWA site.

In summary – at this point, no significant comments for this NOP.

Thanks

SAEID VAZIRY, P.E. GRADE IV CSM

South County Regional Wastewater Authority

1500 Southside Drive | Gilroy | CA 95020

☎ 408.846.8842 | 📠 408.842.0873 | ✉ saeid.vaziry@ci.gilroy.ca.us

From: Susan Groves-Ameil [<mailto:grovesameil@emcplanning.com>]

Sent: Friday, September 20, 2019 3:46 PM

To: 'gabe.gonzalez@cityofgilroy.org'; 'Scot.Smithee@ci.gilroy.ca.us'; 'Jimmy.Forbis@ci.gilroy.ca.us'; 'greg.larson@ci.gilroy.ca.us'; 'julie.wyrick@ci.gilroy.ca.us'; 'Sue.OStrander@ci.gilroy.ca.us'; 'Girum.Awoke@ci.gilroy.ca.us'; 'Gary.Heap@ci.gilroy.ca.us'; 'Saeid.Vaziry@ci.gilroy.ca.us'; 'Maria.DeLeon@ci.gilroy.ca.us'; 'Bill.Headley@ci.gilroy.ca.us'; 'David.Rader@pln.sccgov.org'; 'Jolie.Houston@berliner.com'; 'Andy.Faber@berliner.com'; 'miguel.trujillo@ci.gilroy.ca.us'

Cc: Richard James; Sue OStrander

Subject: FW: NOP-Glroy Sports Park Master Plan Update

Please ignore the first email since I did not request a delivery receipt that I need and I have requested it with this one.

Thank you

From: Susan Groves-Ameil

Sent: Friday, September 20, 2019 3:42 PM

To: 'gabe.gonzalez@cityofgilroy.org'; 'Scot.Smithee@ci.gilroy.ca.us'; 'Jimmy.Forbis@ci.gilroy.ca.us'; 'greg.larson@ci.gilroy.ca.us'; 'julie.wyrick@ci.gilroy.ca.us'; 'Sue.OStrander@ci.gilroy.ca.us'; 'Girum.Awoke@ci.gilroy.ca.us';

'Gary.Heap@ci.gilroy.ca.us'; 'Saeid.Vaziry@ci.gilroy.ca.us'; 'Maria.DeLeon@ci.gilroy.ca.us'; 'Bill.Headley@ci.gilroy.ca.us'; 'David.Rader@pln.sccgov.org'; 'Jolie.Houston@berliner.com'; 'Andy.Faber@berliner.com'; 'miguel.trujillo@ci.gilroy.ca.us'

Cc: Richard James; Sue.OStrander@ci.gilroy.ca.us

Subject: NOP-Glroy Sports Park Master Plan Update

On behalf of the City of Gilroy and Richard James (Principal) of EMC Planning Group.

Any response should be directed to Richard James or Sue O'Strander CC'd on this email.

Thank you,

Susan Groves-Ameil | Administrative Assistant

tel 831.649.1799 ext 200

grovesameil@emcplanning.com



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**Local Agency
Formation Commission
of Santa Clara County**

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San Jose, CA 95112
SantaClaraLAFCO.org

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Cindy Chavez
Maya Esparza
Yoriko Kishimoto
Russ Melton
Terry Trumbull

Executive Officer
Neelima Palacherla

October 18, 2019

VIA E-MAIL [Sue.OStrander@ci.gilroy.ca.us]

Sue O'Strander, Deputy Director
Community Development Department, Planning Division
City of Gilroy
7351 Rosanna Street
Gilroy, CA 95020

**RE: CITY OF GILROY'S NOTICE OF PREPARATION OF A SUPPLEMENTAL
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE GILROY SPORTS
PARK MASTER PLAN UPDATE**

Dear Ms. O'Strander:

Thank you for providing the Local Agency Formation Commission (LAFCO) of Santa Clara County with an opportunity to comment on the Notice of Preparation (NOP) of a Supplemental Draft Environmental Impact Report (EIR) for the Gilroy Sports Park Master Plan Update.

We understand that the proposed project is an update to Phase III of the adopted Gilroy Sport Park Master Plan to accommodate construction and operations of a permanent structure for operations of a 100,000 square-foot, two-story (approximately 30 feet in height) building with two ice rinks and related parking infrastructure, instead of an approximately 41,000 square foot tent-like structure, multi-use ball field, and related parking that are currently identified for that area in the adopted Master Plan. The project site is located outside of the city limits and city's urban serve area.

LAFCO has the following initial comments on the NOP for the City's consideration:

Clarification of Project Description, including Any Anticipated Role of LAFCO in Project

According to the City's Notice of Preparation, the proposed project includes only changes to the Phase III area of the Gilroy Sports Park Master Plan to accommodate construction and operations of a permanent structure and related parking infrastructure for an 100,000 square-foot indoor facility with related parking infrastructure. It is not clear if the proposed project involves annexation of the parcel to the City. If it is determined that LAFCO action is anticipated for an urban service area amendment/annexation, or service extension, LAFCO would be a

Responsible Agency and would have to rely on the Supplemental Draft EIR. Please clarify if LAFCO is a Responsible Agency.

Evaluate Potential Project Impacts

The Supplemental Draft EIR should include a detailed evaluation of the following:

- Proposed project's consistency with LAFCO policies and County General Plan policies
- Proposed project's impacts to agricultural lands;
- Proposed project's impacts on public services and associated facilities, especially fire and police protection services
- Adequacy of utilities and associated systems/facilities necessary to serve the proposed project;
- Growth inducing impacts of the proposed project; and
- Cumulative impacts of the proposed project when considered with other current and probable future projects in the area.

Consider Proposed Project's Relationship to General Plan Update Which is Underway

We understand that the City is in the process of preparing a new General Plan, which will articulate the vision of the community through the year 2040. As you know, one of the main purposes of any comprehensive general plan update is for a city to analyze future growth scenarios and their associated impacts (e.g. environmental and financial), before approving a specific growth scenario through the city's adoption of a new General Plan. It appears that the City is considering changing the General Plan Land Use Designation for various lands in and around the city, including lands located just west of the Gilroy Sports Part. It is unclear how these foreseeable changes will be addressed in the proposed Supplemental EIR, particularly the required analysis of cumulative impacts on public services and associated facilities; and impacts on utilities and associated systems/facilities.

Conclusion

Thank you for the opportunity to review and comment on this Notice of Preparation. Please forward a copy of the Draft EIR when it becomes available. If you have questions regarding these comments, please contact me at (408) 993-4713.

Sincerely,



Neelima Palacherla

Cc: LAFCO Members

Jacqueline Onciano, Director, Santa Clara County Dept. of Planning & Development