

# County of Santa Clara

Department of Planning and Development  
 County Government Center, East Wing, 7<sup>th</sup> Floor  
 70 West Hedding Street  
 San Jose, California 95110



<b>Administration</b>	<b>Development Services</b>	<b>Fire Marshal</b>	<b>Planning</b>
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Fax: (408) 299-6757	(408) 279-8537	(408) 287-9308	(408) 288-9198

## Notice of Intent to Adopt a Mitigated Negative Declaration

A notice, pursuant to the California Environmental Quality Act of 1970, as amended (Public Resources Code 21,000, et sec.) that the following project will not have a significant effect on the environment.

<b>File Number</b>	<b>TAZ</b>	<b>APN(s)</b>	<b>Date</b>
10054-17GA-17EA	797	810-13-005	4/22/2019
<b>Project Name</b>		<b>Project Type</b>	
Meritage Homeowners Association Grading Abatement		Grading Abatement	
<b>Person or Agency Carrying Out Project</b>		<b>Address</b>	<b>Phone Number</b>
Meritage Homeowners Association		4610 Meritage Court Gilroy	(408) 299-2105
<b>Name of Applicant</b>		<b>Address</b>	<b>Phone Number</b>
Hanna and Brunetti		7651 Egleberry Street Gilroy	(408) 842-2173
<b>Project Location</b>			
4420 Hecker Pass Highway Gilroy			
<b>Project Description</b>			
<p>This application is for a Grading Abatement to restore the site to pre-graded conditions with the exception of the serpentine bunch outcrop habitat that will not be restored, as recommended by a biologist. On an open space designated parcel, a dam (tributary of Bodfish Creek) was constructed with a pond of approximately 0.5 acres in area, and a berm to fill an approximately 5.6 acre capacity, according to the grading violation report. To restore the site to natural contours, the grading abatement includes an excavation totaling 7,912 cubic yards of cut, and 3,629 cubic yards of fill, and dewatering the dam to restore the site to pre-graded condition. No trees will be removed for this restoration work. A tree protection plan will be implemented to ensure the existing oak woodland habitat is protected. A ranch road was graded through the serpentine habitat which will remain in existing condition.</p>			
<b>Purpose of Notice</b>			
<p>The purpose of this notice is to inform you that the County Planning Staff has recommended that a Mitigated Negative Declaration be approved for this project. County of Santa Clara Planning Staff has reviewed the Initial Study for the project, and based upon substantial evidence in the record, <b>finds that although the proposed project could initially have a significant effect on the environment, changes or alterations have been incorporated into the project to avoid or reduce impacts to a point where clearly no significant effects will occur.</b> The project site is not on a list of hazardous material sites as described by Government Code 65962.5 (Cortese List).</p> <p>The proposed project is tentatively scheduled to be approved or denied on or after May 28, 2019 in the County Planning Dept. It should be noted that the approval of a Mitigated Negative Declaration does not constitute approval of the project under consideration. The decision to approve or deny the project will be made separately.</p>			
<b>Public Review Period: 30 days</b>		<b>Begins: 4/24/19</b>	<b>Ends: 5/24/19</b>

Public Comments regarding the correctness, completeness, or adequacy of this negative declaration are invited and must be received on or before the above date. Such comments should be based on specific environmental concerns. Written comments should be addressed to the attention of Colleen Tsuchimoto at the **County of Santa Clara Planning Office, County Government Center, 70 W. Hedding Street, San Jose, CA 95110, Tel: (408) 299-5797**. A file containing additional information on this project may be reviewed at the Planning Office under the file number appearing at the top of this form. For additional information regarding this project and the Negative Declaration, please contact Colleen Tsuchimoto at (408) 299-5797 or Colleen.Tsuchimoto@pln.sccgov.org

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

- (1) Santa Clara County Planning Office, 70 West Hedding Street, East Wing, 7<sup>th</sup> Floor, San Jose, CA 95110
- (2) Planning & Development website [www.sccgov.org/sites/dpd](http://www.sccgov.org/sites/dpd) (under “Development Projects” > “Current Projects”)
- (3) Gilroy Library

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

CA Dept. of Fish and Wildlife, Regional Water Quality Control Board, Army Corp of Engineers, Santa Clara Valley Water District, National Marine Fisheries Service

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

**Biological**

[BIO-MIT No. 1]: Dewatering of the pond shall occur during the late summer/early fall when water levels are at their lowest to limit potential downstream impacts from dewatering.

[BIO-MIT No. 2]: Best Management Practices shall be implemented to protect water quality in downstream waters during project implementation in compliance with the state Stormwater Pollution Prevention Program (SWPPP) and the County’s grading ordinance.

[BIO-MIT No. 3]: Water pumped from the pond during dewater shall be spread in upland grassland habitat or used for agricultural irrigation.

[BIO-MIT No. 4]: Water pumped shall not intersect with Bodfish Creek.

[BIO-MIT No. 5]: An erosion control plan is required to minimize erosion and siltation impacts during the grading work. Erosion control plan shall be incorporated into final grading abatement permit plans.

[BIO-MIT No. 6]: A tree protection plan is required to avoid impacts to the existing oak woodland habitat during the grading work. Tree protection plan shall be incorporated into final grading abatement permit plans.

**Archaeological**

[CUL-MIT No. 1]: Prior to final grading abatement permit issuance, submit copy of contract with archaeologist to conduct archaeological monitoring during the grading restoration work.

[CUL-MIT No. 2]: Prior to final inspection, submit archaeological monitoring report prepared by archaeologist to document that the recorded archaeological resource is not impacted. Work shall be halted on-site if the archaeological resource is at risk.

[CUL-MIT No. 3]: If artifacts are found on the site a qualified archaeologist shall be contacted along with the County Planning Dept. No further disturbance of the artifacts may be made except as authorized by the County Planning Dept.

**Hydrological**

[HWQ-MIT No. 1]: Best Management Practices shall be implemented to protect water quality in near proximity to Bodfish Creek and its tributary during project implementation in compliance with the State Stormwater Pollution Prevention Program (SWPPP) and the County’s grading ordinance.

[HWQ-MIT No. 2]: Dewatering of the dam shall occur during the late summer/early fall when water levels are at the lowest to limit potential downstream impacts from dewatering.

[HWQ-MIT No. 3]: An erosion control plan is required to minimize erosion and siltation impacts during the grading work. Erosion control plan shall be incorporated into final grading abatement permit plans.

A reporting or monitoring program must be adopted for measures to mitigate significant impacts at the time the Negative Declaration is approved, in accord with the requirements of section 21081.6 of the Public Resources Code.

**Prepared by:**

Colleen Tsuchimoto, Senior Planner

*Colleen Tsuchimoto*

*4/22/19*

**Signature**

**Date**

**Approved by:**

Leza Mikhail, Principal Planner

*LM*

*4-22-19*

**Signature**

**Date**

PLAN # \_\_\_\_\_  
SHEET \_\_\_\_\_ OF \_\_\_\_\_

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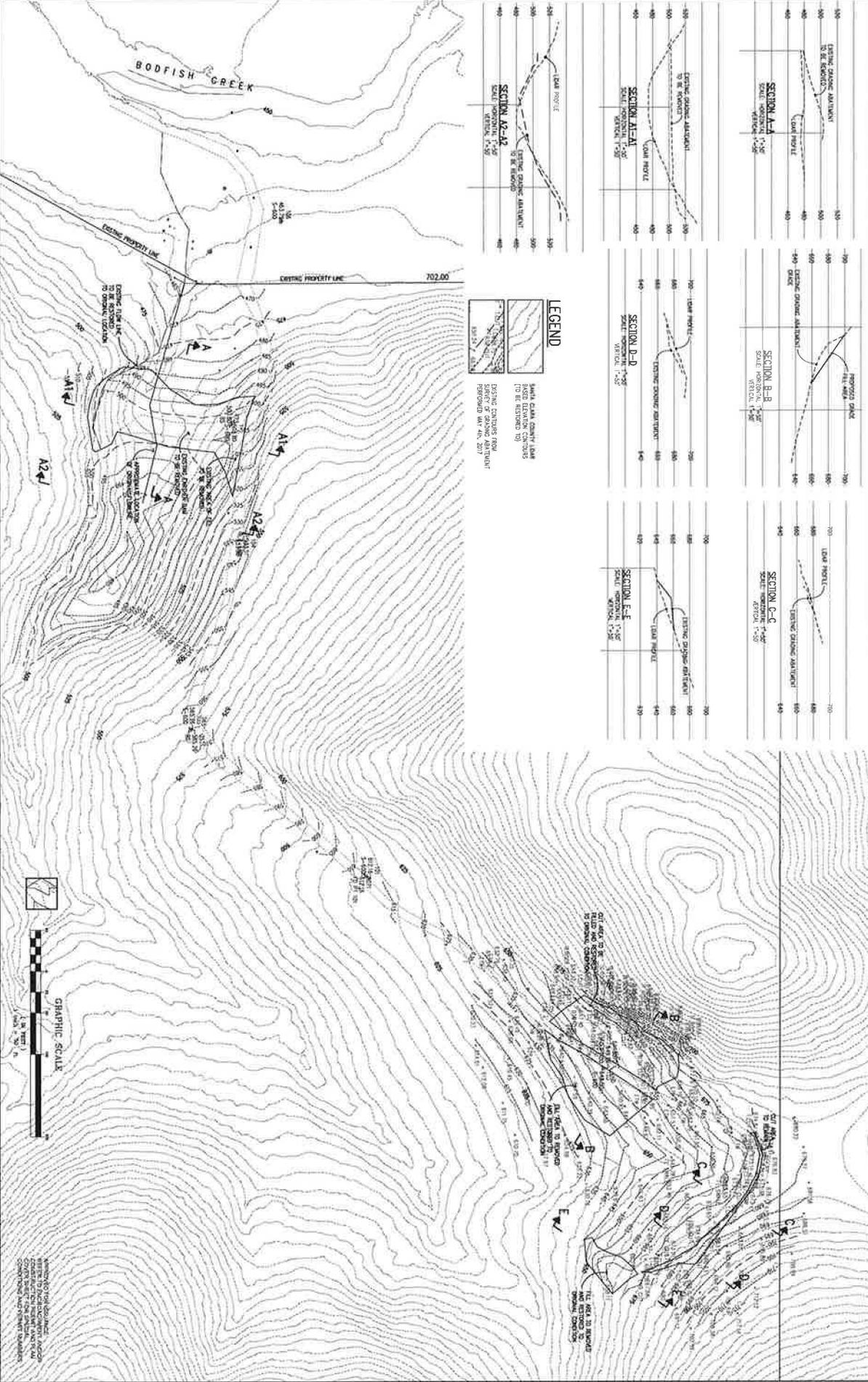
DATE	REVISIONS	BY

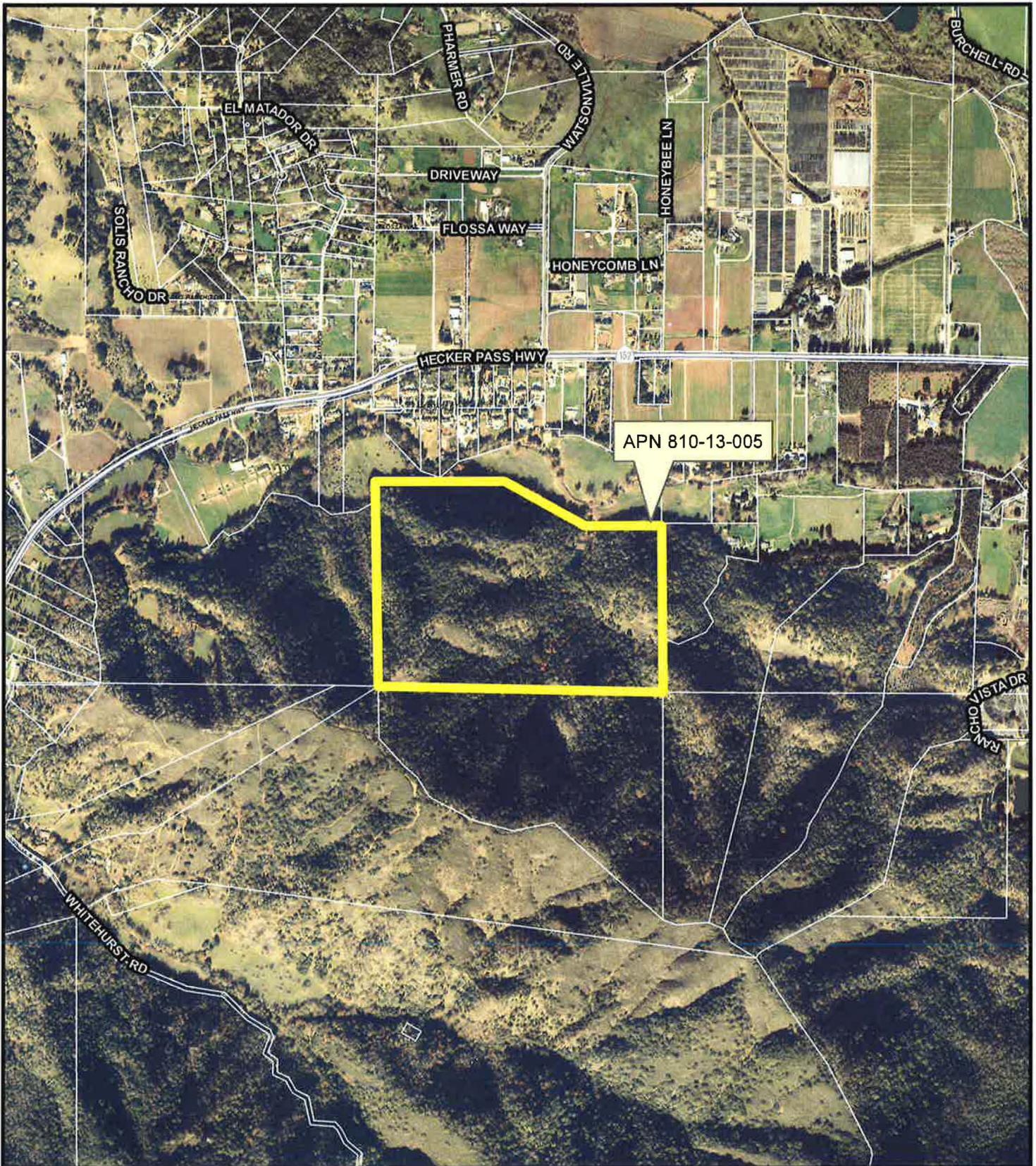
DATE: OCTOBER 2018	DESIGNED BY: JAV
HORIZONTAL CHECKED BY: JAV	VERTICAL CHECKED BY: JAV
DRAWN BY: TLM	SCALE: AS SHOWN



UNINCORPORATED	SEPTEMBER 2018
COUNTY FILE NO.:	4420 HECKER PASS HIGHWAY

**Grading Abatement Plan**  
4420 Hecker Pass Highway - apr 810-13-005  
SANTA CLARA COUNTY, CALIFORNIA  
JOB NO. 17040

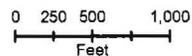




APN 810-13-005

### Vicinity Map

File 10054-17GA-17EA  
APN 810-13-005



This map created by the Santa Clara County Planning Office. The GIS data was compiled from various sources. While deemed reliable, the Planning Office assumes no liability. 2/1/2018 10:33:35 AM Y:\S\Reports\1005417GA\10054\_vcnrty.mxd



Project Location