

Draft Supplemental EIR

Gilroy Sports Park Master Plan Phase III Amendments

SCH# 1998102079

December 19, 2019



Prepared by
EMC Planning Group

DRAFT SUPPLEMENTAL EIR

GILROY SPORTS PARK MASTER PLAN PHASE III AMENDMENTS

SCH# 1998102079

PREPARED FOR

City of Gilroy

Sue O'Strander, AICP, Deputy Director

City of Gilroy Community Development Department

7351 Rosanna Street

Gilroy, CA 95020

Tel 408.846.0440

PREPARED BY

EMC Planning Group Inc.

301 Lighthouse Avenue, Suite C

Monterey, CA 93940

Tel 831.649.1799

Fax 831.649.8399

Richard James, AICP, Principal

james@emcplanning.com

www.emcplanning.com

December 19, 2019

This document was produced on recycled paper.



TABLE OF CONTENTS

1.0	INTRODUCTION.....	1-1
1.1	Purpose for Preparing the EIR.....	1-1
1.2	CEQA Documentation	1-1
1.3	Methodology	1-3
1.4	EIR Process	1-5
1.5	Terminology	1-8
2.0	SUMMARY	2-1
2.1	CEQA Requirements.....	2-1
2.2	Proposed Project Summary.....	2-1
2.3	Summary of Significant Impacts and Mitigation Measures	2-1
2.4	Areas of Known Controversy	2-10
2.5	Issues to be Resolved.....	2-10
3.0	ENVIRONMENTAL SETTING	3-1
3.1	Project Site and Vicinity Setting.....	3-1
3.2	Regional Setting	3-2
3.3	Background.....	3-2
3.4	Plan Consistency	3-11
4.0	PROJECT DESCRIPTION	4-1
4.1	Project Objectives.....	4-1
4.2	Project Characteristics	4-1
4.3	Intended Uses of the EIR	4-6
5.0	AESTHETICS	5-1
5.1	Environmental Setting	5-1

5.2	Policy and Regulatory Issues	5-1
5.3	Thresholds of Significance	5-3
5.4	Environmental Impact Analysis	5-4
5.5	Impact Summary and Mitigation Measures	5-5
6.0	AIR QUALITY AND HEALTH RISK	6-1
6.1	Environmental Setting.....	6-1
6.2	Regulatory Setting	6-2
6.3	Thresholds of Significance	6-6
6.4	Environmental Impact Analysis	6-7
6.5	Impact Summary and Mitigation Measures	6-8
7.0	GREENHOUSE GAS EMISSIONS	7-1
7.1	Environmental Setting.....	7-1
7.2	Regulatory Setting	7-5
7.3	Thresholds of Significance	7-12
7.4	Environmental Impact Analysis	7-17
7.5	Impact Summary and Mitigation Measures	7-18
8.0	BIOLOGICAL RESOURCES	8-1
8.1	Environmental Setting.....	8-1
8.2	Policy and Regulatory Issues	8-1
8.3	Thresholds of Significance	8-4
8.4	Environmental Impact Analysis	8-5
8.5	Impact Summary and Mitigation Measures	8-9
9.0	HYDROLOGY AND FLOODING	9-1
9.1	Environmental Setting.....	9-1
9.2	Policy and Regulatory Issues	9-1

9.3	Thresholds of Significance.....	9-5
9.4	Environmental Impact Analysis	9-5
9.5	Impact Summary and Mitigation Measures	9-12
10.0	NOISE.....	10-1
10.1	Environmental Setting	10-1
10.2	Policy and Regulatory Issues	10-2
10.3	Thresholds of Significance.....	10-2
10.4	Environmental Impact Analysis	10-3
10.5	Impact Summary and Mitigation Measures	10-5
11.0	TRANSPORTATION.....	11-1
11.1	Environmental Setting	11-1
11.2	Policy and Regulatory Issues	11-6
11.3	Thresholds of Significance.....	11-9
11.4	Environmental Impact Analysis	11-10
11.5	Impact Summary and Mitigation Measures	11-14
12.0	WATER AND WASTEWATER	12-1
12.1	Environmental Setting	12-1
12.2	Policy and Regulatory Issues	12-2
12.3	Thresholds of Significance.....	12-2
12.4	Environmental Impact Analysis	12-3
12.5	Impact Summary and Mitigation Measures	12-5
13.0	ENERGY.....	13-1
13.1	Environmental Setting	13-1
13.2	Regulatory Setting	13-2
13.3	Thresholds of Significance.....	13-5

13.4	Environmental Impact Analysis	13-6
13.5	Impact Summary and Mitigation Measures	13-7
14.0	SOURCES	14-1
14.1	Internet and Printed Sources	14-1
14.2	Persons Contacted.....	14-7
14.3	Report Preparers	14-7

Appendices (on CD inside back cover)

Appendix A	NOP and Responses
Appendix B	Certified EIR
Appendix C	Master Plan Updates
Appendix D	Air Quality and Greenhouse Gas Emissions Report
Appendix E	Health Risk Assessment
Appendix F	Gilroy Sports Park Master Plan Update Floodplain Impact Analysis
Appendix G	Environmental Noise Assessment Gilroy Sports Park Master Plan Update
Appendix H	Gilroy Sports Park Complex Master Plan Update Traffic Impact Analysis

Figures

Figure 3-1	Location Map	3-3
Figure 3-2	Existing Master Plan Phasing Plan.....	3-5
Figure 3-3	Aerial Photograph.....	3-7
Figure 3-4	Site and Vicinity Photographs.....	3-9
Figure 4-1	Conceptual Master Plan Phase III Site Plan	4-3
Figure 5-1	View from U.S. Highway 101	5-7
Figure 8-1	Stream Buffer	8-7
Figure 9-1	FEMA Flood Hazard Areas	9-7
Figure 9-2	Flood Level Elevation Changes.....	9-9
Figure 11-1	Study Intersections	11-3

Tables

Table 2-1	Summary of Significant Impacts and Mitigation Measures	2-2
Table 6-1	Typical Non-road Engine Emissions Standards	6-2
Table 6-2	National and California Ambient Air Quality Standards	6-3
Table 6-3	San Francisco Bay Area Air Basin Attainment Status.....	6-5
Table 6-4	Thresholds of Significance for Criteria Air Pollutants.....	6-7
Table 6-5	Thresholds of Significance for Health Risk	6-7
Table 7-1	GHG Types and Their Contribution to Global Warming	7-3
Table 7-2	GHG Global Warming Potentials	7-4
Table 7-3	2020 California Greenhouse Gas Inventory for Land Use Driven Emissions	7-15
Table 7-4	2022 Efficiency-Based Threshold	7-16
Table 7-5	Project GHG Emissions and Service Population Summary	7-18
Table 8-1	Certified EIR Biological Resources Measures Modified or Superseded by the Habitat Plan.....	8-6
Table 11-1	Study Intersections.....	11-2
Table 11-2	Existing Levels of Service.....	11-5
Table 11-3	Trip Distribution.....	11-11

1.0 Introduction

1.1 PURPOSE FOR PREPARING THE EIR

The City of Gilroy (“City”), acting as the lead agency, has determined that the Gilroy Sports Park Master Plan Phase III Amendments (“proposed project”) could result in significant adverse environmental impacts and has required that an environmental impact report (“EIR”) be prepared to evaluate these potentially significant adverse environmental impacts.

This draft supplemental EIR has been prepared in compliance with the California Environmental Quality Act (“CEQA”) of 1970, as amended, to inform public decision makers and their constituents of the environmental impacts of the proposed project. In accordance with CEQA guidelines, this report describes both beneficial and adverse environmental impacts generated by the proposed project and suggests measures for mitigating significant adverse environmental impacts resulting from the proposed project.

The City has prepared this draft supplemental EIR to address changes to the environmental setting and project description, as were described in prior CEQA documents for the overall project. The prior certified CEQA documents are described in the following section. This draft supplemental EIR has been prepared in compliance with CEQA Guidelines section 15163, and need only contain that information necessary to make the previous certified EIR adequate for the project as revised. The City has prepared a draft supplemental EIR because only minor additions or changes are necessary to make the certified EIR adequately apply to the proposed project in the changed situation.

1.2 CEQA DOCUMENTATION

In June 1999 the City of Gilroy certified the *Gilroy Sports Park and Urban Service Area (USA) Amendment EIR* (“Sports Park and USA EIR”) and approved the Gilroy Sports Park Master Plan (“Master Plan”) on approximately 78 acres south of the city limits. The Sports Park and USA EIR also covered approximately 55 acres of adjacent parcels planned for residential and commercial development, with the entire 133-acre area proposed for inclusion into the City's USA. Although the City approved the Master Plan, the USA 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 two additional CEQA documents that encompass all or portions of the original site, as described below. The Sports Park and USA EIR and two subsequent EIRs are described below. These three EIRs together constitute the certified EIR for the Sports Park and USA Amendment (“Certified EIR”), prepared under State Clearinghouse number 1998102079. This EIR is supplemental to that body of documents.

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

The EIR addressed the environmental impacts associated with development and future buildout of all nine phases of the Sports Park, consistent with the Master Plan. The Sports Park and USA EIR was prepared prior to adoption of the *Gilroy 2002-2020 General Plan*, and did not include a General Plan Amendment or development specifics for the adjacent parcels to the north and east; these parcels were designated for open space at the time. The City certified the Sports Park and USA EIR and approved the Master Plan and USA amendment request. However, LAFCO denied the USA amendment request. 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 USA.

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

This subsequent EIR (“USA Amendment SEIR”) was certified in February 2002 prior to adoption of the *Gilroy 2002-2020 General Plan* in June 2002. Although the land was designated Open Space, the USA Amendment SEIR evaluated buildout associated with the land use designations in the proposed 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. The USA Amendment 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. This project included a request to LAFCO to add 140.21 acres of land to the City’s USA.

The City certified the USA Amendment SEIR and approved the USA amendment request. LAFCO again 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 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, and the entire Sports Park remains outside the City’s USA.

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

This subsequent EIR (“Barberi SEIR”) was prepared after adoption of the *Gilroy 2002-2020 General Plan*, and was certified in November 2005. The Barberi SEIR covered an area north of the Sports Park site and south of West Luchessa Avenue and addressed the environmental impacts associated with assumed development of that site. This project was a request to LAFCO to add 27.7 acres of land designated Neighborhood District into the City’s USA, with anticipated development of 18,000 square feet of commercial uses, 220 small lot single-family residential units, and 30 apartments or condominiums. The City certified the Barberi SEIR and approved the project. LAFCO approved the USA amendment request and the City annexed the property. The majority of the property was developed with single-family homes in 2015. The commercial uses and apartments have not been developed. Although this SEIR is a part of the Certified EIR, it relates to a separate site from the Sports Park, and is not generally referenced in this supplemental EIR.

1.3 METHODOLOGY

General

This draft supplemental EIR has been prepared by EMC Planning Group in accordance with CEQA and its implementing guidelines, using an interdisciplinary approach. The City has the discretionary authority to review and approve the proposed project. This draft supplemental EIR is an informational document that is intended to inform the decision makers and their constituents, as well as responsible and trustee agencies of the environmental impacts of the proposed project and to identify feasible mitigation measures that would avoid or reduce the severity of the impacts. The lead agency is required to consider the information contained in this draft supplemental EIR prior to taking any discretionary action to approve the proposed project.

This draft supplemental EIR has been prepared using available information from private and public sources noted herein, as well as information generated through field investigation by EMC Planning Group and other technical experts.

The purpose of an EIR is to identify a project’s significant environmental effects, to indicate the manner in which those significant effects can be mitigated or avoided, and to identify alternatives to the proposed project.

An EIR is an objective public disclosure document that takes no position on the merits of the proposed project. Therefore, the findings of this draft supplemental EIR do not advocate a position “for” or “against” the proposed project. Instead, the draft supplemental EIR provides

information on which decisions about the proposed project can be based. This draft supplemental EIR has been prepared according to professional standards and in conformance with legal requirements.

Emphasis

This draft supplemental EIR focuses on the significant effects on the environment in accordance with CEQA Guidelines section 15143, and as limited in necessary scope by CEQA Guidelines section 15163. The significant effects are discussed with emphasis in proportion to their severity and probability of occurrence, and in concert with the information provided in the Certified EIR.

Forecasting

In accordance with CEQA Guidelines section 15144, preparing this draft supplemental EIR necessarily involved some degree of forecasting. While foreseeing the unforeseeable is not possible, the report preparers and technical experts used best available efforts to find out and disclose all that it reasonably can.

Speculation

If, after thorough investigation, the report preparers in consultation with the lead agency determined that a particular impact is too speculative for evaluation, the conclusion is noted and the issue is not discussed further (CEQA Guidelines section 15145).

Degree of Specificity

In accordance with CEQA Guidelines section 15146, the degree of specificity in this draft supplemental EIR corresponds to the degree of specificity involved in the proposed project. An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy. This draft supplemental EIR addresses both a construction project and the related amendments to the Master Plan.

Technical Detail

The information contained in this draft supplemental EIR includes summarized technical data, maps, plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public, pursuant to CEQA Guidelines section 15147. Placement of highly technical and specialized analysis and data is included as appendices to the main body of the draft supplemental EIR. Appendices to this draft supplemental EIR are included on a CD on the inside, back cover.

Citation

In accordance with CEQA Guidelines section 15148, preparation of this draft supplemental EIR was dependent upon information from many sources, including engineering reports and scientific documents relating to environmental features. If the document was prepared specifically for the proposed project, the document is included in the technical appendices discussed above. Documents that were not prepared specifically for the proposed project, but contain information relevant to the environmental analysis of the proposed project, are cited but not included in this draft supplemental EIR. This draft supplemental EIR cites all documents used in its preparation including, where appropriate, the page and section number of any technical reports that were used as the basis for any statements in the draft supplemental EIR.

1.4 EIR PROCESS

There are several steps required in an EIR process. The major steps are briefly discussed below.

Notice of Preparation

CEQA Guidelines section 15082 describes the purpose, content and process for preparing, distributing for comment, and facilitating early public and public agency input on the scope of an EIR. CEQA Guidelines section 15375 defines a notice of preparation as:

...a brief notice sent by the Lead Agency to notify the Responsible Agencies, Trustee Agencies, the Office of Planning and Research, and involved federal agencies that the Lead Agency plans to prepare an EIR for the project. The purpose of the notice is to solicit guidance from those agencies as to the scope and content of the environmental information to be included in the EIR.

A notice of preparation was prepared for the proposed project and distributed to appropriate agencies requesting their comment within 30 days of September 20, 2019. Written responses to the NOP were received from the following:

- Native American Heritage Commission (September 24, 2019)
- Gilroy Unified School District (September 26, 2019)
- South County Regional Wastewater Authority (October 1, 2019)
- Santa Clara County Local Agency Formation Commission (October 18, 2019)

The notice of preparation and comments received are included in [Appendix A, NOP and Responses](#).

Draft Supplemental EIR

Contents

This draft supplemental EIR is an informational document which, together with the Certified EIR, will inform lead agency decision makers and the public generally of the significant environmental effect of the proposed project and identify possible ways to minimize the significant effects. The lead agency is required to consider the information in the EIR along with other information which may be presented to the lead agency. CEQA Guidelines Article 9 requires a draft EIR contain the following information:

- Table of Contents;
- Summary;
- Project Description;
- Environmental Setting;
- Consideration and Discussion of Environmental Impacts;
- Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects;
- Consideration and Discussion of Alternatives to the Proposed Project;
- Effects not found to be Significant;
- Organization and Persons Consulted; and
- Discussion of Cumulative Impacts.

The detailed contents of this draft supplemental EIR are outlined in the table of contents. As a supplement to the Certified EIR, some of required content is found in the Certified EIR, and is not present in this draft supplemental EIR (e.g. the Certified EIR's Alternatives section remains valid and does not need to be analyzed in this draft supplemental EIR). The following sections are not presented in this draft supplemental EIR because the proposed project has no potential to result in new or substantially more severe impacts than those identified in the Certified EIR:

- Agriculture and Forest Resources;
- Cultural Resources;
- Geology and Soils;
- Hazards and Hazardous Materials;
- Land Use Planning;

- Mineral Resources;
- Population and Housing;
- Public Services;
- Recreation;
- Tribal Cultural Resources;
- Utilities and Service Systems (e.g. storm water drainage and solid waste); and
- Wildfire.

Public Review

This draft supplemental EIR will be circulated for a 45-day public review period. Although not required to be circulated with this draft supplemental EIR, the certified EIR is included as [Appendix B, Certified EIR](#), and is available for review at the City of Gilroy Community Development Department. All comments addressing environmental issues received on the draft supplemental EIR will be addressed in the supplemental final EIR. CEQA Guidelines section 15204(a) states that in reviewing a draft EIR, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters.

CEQA Guidelines section 15204(c) states that reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to section 15064, an effect shall not be considered significant in the absence of substantial evidence.

Final Supplemental EIR

Contents

In accordance with CEQA Guidelines section 15132, the final EIR will provide the following:

- List of persons, organizations, and public agencies commenting on the draft EIR;
- Comments received on the draft EIR;

- Responses to significant environmental points raised in comments; and
- Revisions that may be necessary to the draft EIR based upon the comments and responses.

According to CEQA Guidelines section 15204(a), when responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the final EIR. The final supplemental EIR and the draft supplemental EIR will constitute the entire supplemental EIR.

Certification

CEQA Guidelines section 15088 requires the lead agency to provide a written proposed response to a public agency on comments made by that public agency at least 10 days prior to certifying an EIR.

CEQA Guidelines section 15090 requires lead agencies to certify the final EIR prior to approving a project. The lead agency shall certify that the final EIR has been completed in compliance with CEQA, the final EIR was presented to the decision-making body of the lead agency and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project, and that the final EIR reflects the lead agency's independent judgment and analysis.

1.5 TERMINOLOGY

Characterization of Impacts

This draft supplemental EIR uses the following terminology to denote the significance of environmental impacts.

No Impact

"No impact" means that no change from existing conditions is expected to occur.

Adverse Impacts

A "less-than-significant impact" is an adverse impact, but would not cause a substantial adverse change in the physical environment, and no mitigation is required.

A "significant impact" or "potentially significant impact" would, or would potentially, cause a substantial adverse change in the physical environment, and mitigation is required.

A "less-than-significant impact with implementation of mitigation measures" means that the impact would cause no substantial adverse change in the physical environment if identified mitigation measures are implemented.

A “significant and unavoidable impact” would cause a substantial change in the physical environment and cannot be avoided if the project is implemented; mitigation may be recommended, but will not reduce the impact to less-than-significant levels.

Beneficial Impact

A “beneficial impact” is an impact that would result in a decrease in existing adverse conditions in the physical environment if the project is implemented.

Abbreviations and Acronyms

BEES	Building Energy Efficiency Standards
CEQA	California Environmental Quality Act
CDFW	California Department of Fish and Wildlife
CO	Carbon Monoxide
dBA	Decibels
EIR	Environmental Impact Report
EPA	Environmental Protection Agency
FEMA	Federal Emergency Management Agency
GHG	Greenhouse gas(es)
LAFCO	Santa Clara County Local Agency Formation Commission
L _{dn}	Day-night Averaged Sound Level
NAVD	North American Vertical Datum
NOP	Notice of Preparation
NO ₂	Nitrogen dioxide
NPDES	National Pollutant Discharge Elimination System
O ₃	Ozone
PM	Particulate matter (2.5 or 10 microns)
Ppm	Parts Per Million
SEIR	Subsequent EIR
SO ₂	Sulfur Dioxide
SWPPP	Storm Water Pollution Prevention Plan
µg/m ³	Micrograms Per Cubic Meter
USA	Urban Service Area

1.0 Introduction

USACE United States Army Corps of Engineers

USFWS United States Fish and Wildlife Service

VMT Vehicle Miles Traveled

VOC Volatile Organic Compounds

2.0 Summary

2.1 CEQA REQUIREMENTS

CEQA Guidelines Section 15123 requires an EIR to contain a brief summary of the proposed project and its consequences. This summary identifies each significant effect and the proposed mitigation measures and alternatives to reduce or avoid that effect; areas of controversy known to the lead agency; and issues to be resolved, including the choice among alternatives and whether or how to mitigate the significant effects.

This summary also includes a brief summary of the project description. Detailed project description information, including figures illustrating the project location and components, is included in Section 4.0 Project Description.

2.2 PROPOSED PROJECT SUMMARY

Portions of the Gilroy Sports Park Master Plan relating to the Phase III area would be updated with revised text and graphics to reflect more detailed plans for the commercial recreation component and elimination of a sports field. The Master Plan's conceptual description of the commercial recreation use within Phase III would be replaced with more focused information. The proposed changes to Phase III include elimination of the commercial recreation tent structure (estimated at approximately 41,000 square feet), and construction and operation of a permanent two-level structure (approximately 100,000 square feet) and related parking infrastructure primarily for indoor ice sports.

2.3 SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES

This SEIR has identified significant impacts that would be associated with the proposed project. [Table 2-1: Summary of Significant Impacts and Mitigation Measures](#), provides a summary of these impacts and a summary of measures that are proposed to mitigate the project's impacts. Some of the mitigation measures are from the previously certified EIRs, or adapted from mitigation measures presented the previously certified EIRs, as noted in the table.

2.4 AREAS OF KNOWN CONTROVERSY

There are no known areas of controversy.

2.5 ISSUES TO BE RESOLVED

There are no known issues to be resolved.

Table 2-1 Summary of Significant Impacts and Mitigation Measures

Source of Mitigation Measure	New Significant Impact	Significance Level w/out Mitigation	New or Modified Mitigation Measure(s)	Significance Level after Mitigation
Air Quality and Health Risk				
Current SEIR	Construction of the proposed project would result in ROG emissions that exceed the air district's thresholds	Significant	AQ-1 The project sponsor/developer shall implement the following Basic Construction Mitigation Measures: a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day; b. All haul trucks transporting soil, sand, debris, or other loose material off-site shall be covered; c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited; d. All driveways and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used; e. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points; f. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation; and g. Post a publicly visible sign with telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The air district's phone number shall also be visible to ensure compliance with applicable regulations. The project sponsor/developer shall also implement the 13 Additional Construction Mitigation Measures, listed in Table 8-3 of the Bay Area Air Quality Management District's 2017 CEQA Guidelines, which include the following:	Less than Significant

Source of Mitigation Measure	New Significant Impact	Significance Level w/out Mitigation	New or Modified Mitigation Measure(s)	Significance Level after Mitigation
			1. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe. 2. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph. 3. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity. 4. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established. 5. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time. 6. All trucks and equipment, including their tires, shall be washed off prior to leaving the site. 7. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel. 8. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent. 9. Minimizing the idling time of diesel powered construction equipment to two minutes. 10. The project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NOX reduction and 45 percent PM reduction compared to the most recent ARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available.	

Source of Mitigation Measure	New Significant Impact	Significance Level w/out Mitigation	New or Modified Mitigation Measure(s)	Significance Level after Mitigation
			11. Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings). 12. Requiring that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NOx and PM. 13. Requiring all contractors use equipment that meets CARB's most recent certification standard for off-road heavy duty diesel engines.	
Greenhouse Gas Emissions				
Current SEIR	The proposed project would result in greenhouse gas emissions that exceed thresholds, and conflict with SB32	Significant	GHG-1 The project sponsor/developer shall prepare a Greenhouse Gas Reduction Plan that identifies measures for meeting or exceeding the performance standard of reducing GHG emissions by 931 MT CO₂e per year. The Greenhouse Gas Reduction Plan shall identify each GHG reduction measure, quantify the GHG reduction associated with each, and provide evidence to support the level of reduction calculated for each. An implementation timetable shall be included that ties each reduction measure to a permit issuance or sign-off timeframe, at which time the Planning Manager shall verify conformance prior to allowing work on the project to continue. The Greenhouse Gas Reduction Plan shall be subject to review and approval of the Planning Manager prior to approval of a grading permit. Four GHG reduction options are possible for achieving the performance standard: 1) implementing GHG emissions reductions measures to support achieving proposed LEED Silver certification; 2) incorporate non-LEED related GHG reduction measures into the project design; 3) participate in GHG reduction programs being implemented off-site by public or special agencies to obtain credit for GHG emissions reductions; and/or 4) purchase carbon offsets that have been certified through a qualified body to off-set GHG emissions generated by the project. The project sponsor/developer may include any one or a combination of the options in the Greenhouse Gas Reduction Plan to achieve the performance standard. Each option is summarized below. <i>GHG Reductions from LEED Silver Certification</i> The project sponsor/developer has proposed that the project will be built to qualify for LEED Silver certification. Measures that reduce GHG emissions may be included in the project design to achieve the certification requirements. Such measures may be quantified based on substantial evidence, with emissions reductions used to help achieve the GHG reduction performance standard.	Less than Significant

Source of Mitigation Measure	New Significant Impact	Significance Level w/out Mitigation	New or Modified Mitigation Measure(s)	Significance Level after Mitigation
			<i>On-Site GHG Reduction Measures</i> On-site GHG reduction that may be feasible for inclusion in the project design could include, but may not be limited to the following: ▪ Design project to exceed the Title 24 energy efficiency standards currently in effect; ▪ Provide on-site renewable energy to off-set the project demand for grid electricity; ▪ Incorporate indoor water conservation measures, such as use of ultra-low-flow toilets and faucets (bathrooms); ▪ Incorporate low flow irrigation into the project design that exceeds requirements of the Water Efficient Landscape Ordinance; ▪ Install Energy Star appliances; ▪ Include infrastructure in the project design (e.g. physical design, energy, and fueling) including electric vehicle charging stations for passenger cars to support the deployment of zero emission technologies now and into the future; ▪ Provide and prioritize locations of parking for electric cars and trucks. The project sponsor/developer may propose other reduction measures provided that evidence is provided of their efficacy and implementation feasibility. <i>Participate in Off-Site GHG Reduction Programs</i> The project sponsor/developer may participate in one or more programs being implemented by local and regional agencies designed to reduce air emissions and GHG emissions. Representative program types may include energy efficiency retrofit programs or engine replacement/retrofit programs. The Bay Area Air Quality Management District's On-Road Clean Air Vehicles and Infrastructure, Off-Road Equipment, and Greenhouse Gas Reduction programs are representative of such program types. Typically, a project sponsor/developer would provide funds to help implement one or more programs and in exchange, receive credit for GHG emissions reductions that accrue to such participation. If the project sponsor/developer chooses to participate in an off-site GHG program, evidence of such participation must be provided to the Planning Manager by the agency/interest that is implementing the program. Evidence must describe how the project sponsor/developer is participating, the resulting GHG reduction volume, and verify that the project sponsor/developer has met participation requirements. The	

Source of Mitigation Measure	New Significant Impact	Significance Level w/out Mitigation	New or Modified Mitigation Measure(s)	Significance Level after Mitigation
			evidence would be subject to review and approval of Planning Manager. <i>Purchase Carbon Off-Sets</i> Carbon off-sets are GHG emissions reductions that are commonly created and sold in metric ton increments. Off-sets are commonly created by a range of projects such as reforestation, landfill gas capture, solar power generation, etc. For the off-sets to have monetary value, they must be certified by a qualified third party. The California Air Resources Board has stated that it may be appropriate and feasible to mitigate project emissions through purchasing and retiring carbon credits issued by a recognized and reputable accredited carbon registry. The Climate Action Reserve is one such registry. The cost of voluntary, certified GHG reduction credits generally ranges from about \$1.00 to \$8.00 per metric ton. Millions of certified emissions reduction credits are available on the market. If the project sponsor/developer chooses to purchase carbon off-sets, the project sponsor/developer shall provide evidence to the Planning Manager that a contract for such purchase has been executed through a credible carbon off-set registry such as the Climate Action Reserve, a certified carbon off-set project developer, or a licensed broker. The evidence would be subject to review and approval of the Planning Manager. If the project sponsor/developer chooses to purchase carbon off-sets solely or in combination with the other option above, the project sponsor/developer should provide evidence to the Planning Manager that a contract for such purchase has been executed through a credible carbon off-set registry such as the Climate Action Reserve, a certified carbon off-set project developer, or a broker. The evidence would be subject to review and approval of the Planning Manager prior to issuance of a grading permit.	
Biological Resources				
Sports Park and USA EIR and USA Amendment SEIR	There are no significant biological resources impacts associated with the proposed project that are not already mitigated by the Certified EIR or the Habitat Plan. Several mitigation measures in the Certified EIR are	Significant	The following mitigation measures from the Certified EIR are covered by provisions of the Habitat Plan and are removed: Trail crossing over Uvas Creek (not on the current project site): Mitigation Measures 7 and 10 (Sports Park and USA EIR). Burrowing Owl: Mitigation Measure 11 (Sports Park and USA EIR) and Mitigation Measure 5 (USA Amendment SEIR).	Less than Significant

2.0 Summary

Source of Mitigation Measure	New Significant Impact	Significance Level w/out Mitigation	New or Modified Mitigation Measure(s)	Significance Level after Mitigation
	removed because they are included as provisions of the Habitat Plan.		Special Status Amphibians: Mitigation Measure 14 and 15 (Sports Park and USA EIR) and Mitigation Measures 6 and 7 (USA Amendment SEIR). Western spadefoot toad is no longer considered likely to be found within the project vicinity, and as these measures pertain to that species, they are no longer necessary and are therefore, deleted.	
Sports Park and USA EIR and USA Amendment SEIR ¹	Stream Setbacks. Mitigation Measure 4 (Sports Park and USA EIR) and Mitigation Measure 3 (USA Amendment SEIR) are consolidated and updated for consistency with the Habitat Plan.	Significant	4. Prior to development within 150 feet of the top of bank of Uvas Creek, the City shall identify the boundary of the stream buffer consistent with the requirements of Habitat Plan Condition 11. A landscape plan shall be prepared for areas within the stream buffer, and plantings shall be limited to native plant species and shall not include plantings of non-native, invasive plant species. Currently un-vegetated portions of the buffer area within 50 feet of the top of bank shall be planted with locally-obtained native grass, shrub, and riparian understory species. Wherever possible, the remainder of the buffer shall be planted with native grasses or other native species to provide additional native habitat before giving rise to the turf playfields.	Less than Significant
Hydrology and Flooding				
Sports Park and USA EIR	The proposed project would increase impervious surface area compared to the currently planned Master Plan Phase III uses, which could increase the potential for discharge of polluted runoff	Significant	2. The city shall be required to prepare a storm drainage improvement plan for the overall project site and a detailed storm drainage improvement plan for each project phase, subject to the review and approval of the City of Gilroy Engineering Division and SCVWD prior to issuance of a grading permit. The storm drainage improvement plan shall be designed to maintain post-development run-off rates at or below existing run-off rates.	Less than Significant
Sports Park and USA EIR	Same as above impact.	Significant	3. The city shall, for each phase of the project, submit a Notice of Intent (NOI) and detailed engineering designs to the Central Coast RWQCB. This permit shall require development and implementation of a SWPPP that uses storm water "Best Management Practices" to control runoff, erosion and sedimentation from the site. The SWPPP must include Best Management Practices that address source reduction and, if necessary, shall include practices that require treatment. The SWPPP shall be submitted to the City of Gilroy Engineering Division for review and approval prior to approval of a grading permit for each phase of the project.	Less than Significant

Source of Mitigation Measure	New Significant Impact	Significance Level w/out Mitigation	New or Modified Mitigation Measure(s)	Significance Level after Mitigation
Transportation				
USA Amendment SEIR (note duplicate numbering for distinctive Mitigation Measures)	The intersection of Church Street/Luchessa Avenue could operate at an unacceptable LOS F and the traffic volume levels could be high enough to satisfy the peak-hour volume traffic signal warrant during the PM peak-hour	Significant	20. The following street improvements shall be made to the intersection of West Luchessa Avenue and Church Street: - installation of a traffic signal with two-phase operation; - re-configuration of the northbound and southbound approaches as necessary to provide one approach lane for all movements; and - provision of one left-turn lane and one shared through and right-turn lane on the eastbound and west bound approaches. The street improvements shall be implemented at such time as determined by the City of Gilroy traffic monitoring program or a project-specific traffic analysis, and at such time as to prevent the deterioration of traffic operations below acceptable levels. Construction of the improvements shall be required as a condition of approval for the applicable project. Improvements may be subject to a reimbursement agreement.	Less than Significant
Sports Park and USA EIR ² (note duplicate numbering for distinctive Mitigation Measures)	Left-turning traffic from the Sports Park would experience significant peak hour delays (three to five minutes) at the Monterey Road/Monterey Frontage Road intersection	Significant	20. Prior to completion of Phase III of the proposed project the City of Gilroy shall install a traffic signal at the intersection of Monterey Street and Monterey Frontage Road. The minimum lane configuration shall be: - Southbound Approach - one left-turn lane, one through lane, one shared through/right-turn lane; - Westbound Approach - one shared lane for all movements; - Northbound Approach - one left-turn lane, one through lane, one shared through/right-turn lane; and - Eastbound Approach - one shared lane, one left-turn lane for all movements. Protected left-turn phasing shall be provided for the northbound and southbound approach, while a single signal phase shall be provided to serve the eastbound and westbound approaches. The City shall design the improvements to allow expansion to an additional right-turn lane on the south-bound approach, an additional left-turn lanes on the north-bound approach, and a dedicated right-turn lane on the east-bound approach should conditions warrant in the future.	Less than Significant

Source of Mitigation Measure	New Significant Impact	Significance Level w/out Mitigation	New or Modified Mitigation Measure(s)	Significance Level after Mitigation
USA Amendment SEIR ³	Same as above impact (Cumulative Plus Project conditions)	Significant	22. Following or in conjunction with the signalization of the intersection of Monterey Street and Monterey Frontage Road, the following street improvements shall be made: ▪ re-configuration of the southbound approach as necessary to provide one left-turn lane, two through lanes, two right-turn lanes; ▪ re-configuration of the westbound approach as necessary to provide one shared lane for all movements; ▪ re-configuration of the northbound approach as necessary to provide two left-turn lanes, one through lane, and one shared through/right-turn lane; ▪ re-configuration of the eastbound approach as necessary to provide one exclusive left-turn lane, one shared through and left-turn lane, and one right-turn lane. ▪ right-turn arrows shall be provided for the eastbound and southbound right-turn movements to provide LOS C intersection operations during all three study periods. This lane configuration will require split phase operation of the eastbound and westbound approaches. The street improvements shall be implemented at such time as determined by the City of Gilroy traffic-monitoring program or a project-specific traffic analysis, and at such time as to prevent the deterioration of traffic operations below acceptable levels. Construction of the improvements shall be required as a condition of approval of the applicable project. Improvements may be subject to reimbursement agreement. Specific improvements may be modified as determined necessary for conformance with updates to the City's Traffic Circulation Master Plan.	Less than Significant

SOURCE: EMC Planning Group 2019, City of Gilroy 1999, City of Gilroy 2002.

NOTE: (1) This mitigation measure is a consolidated and updated version of the Sports Park and USA EIR Mitigation Measure 4 dated 1999 and the USA Amendment SEIR Mitigation Measure 3 dated 2002.

(2) This mitigation measure is revised from the original mitigation identified in the Sports Park and USA EIR dated 1999.

(3) This mitigation measure is revised from the original mitigation measure identified in the USA Amendment SEIR dated 2002.

3.0 Environmental Setting

3.1 PROJECT SITE AND VICINITY SETTING

Project Location

The approximately 78-acre Gilroy Sports Park is located in unincorporated Santa Clara County south of downtown Gilroy, outside of the city limits and urban service area (USA), but within the City's 20-year planning boundary. [Figure 3-1, Location Map](#), presents the regional location of the Gilroy Sports Park. The proposed project is located within the Phase III area ("project site") as delineated in the Master Plan. [Figure 3-2, Existing Master Plan Phasing Plan](#), shows the location of the project site within the Gilroy Sports Park. The project site is approximately 9.1 acres, and is located directly southwest of the Gilroy Sports Park entrance driveway.

Surrounding Land Uses

The project site (Phase III) is within the Gilroy Sports Park. Immediately north of the project site are the entry driveway to the Gilroy Sports Park (Master Plan Phase I improvements) and parking lots and baseball fields (Master Plan Phase II improvements). To the west of the project site are agricultural fields (planned for Master Plan Phase V improvements). To the east are agricultural fields and rural residences along Monterey Frontage Road. To the southeast is a storm drainage pond (part of the Master Plan Phase I improvements). To the south is Uvas Creek.

The Gilroy Sports Park is bound by residential uses to the north; agricultural land, Monterey Road and the rural residences along Monterey Frontage Road to the east; and by Uvas Creek to the south and west. Visitor-serving commercial and self-storage facility uses are to the east beyond Monterey Road; residential and agricultural uses are to the south and west beyond Uvas Creek. [Figure 3-3, Aerial Photograph](#), presents the Gilroy Sports Park boundary, project site boundary, and surrounding land uses.

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 consist of three little league baseball diamonds, with lights, on approximately 11 acres; playground; restrooms; maintenance area; utility infrastructure; parking lot; and an entrance building and landscaped entrance drive. The remaining acres within the Gilroy Sports Park are used for agricultural row-crop production on an interim basis until park facilities are developed.

The Gilroy Sports Park site is accessed by an entry drive from Monterey Frontage Road. The topography is generally flat. Much of the Gilroy Sports Park is within a flood plain, including a portion of a Santa Clara Valley Water District flood easement. A drainage basin is located on the southeast corner of the Gilroy Sports Park 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 Gilroy Sports Park.

Existing Site Conditions

The project site is currently farmed, with a dirt access road along the north and east sides. Portions of the project site are within a flood plain and a flood flow easement.

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. [Figure 3-4, Site and Vicinity Photographs](#), shows pictures of the site and other locations within the Sports Park.

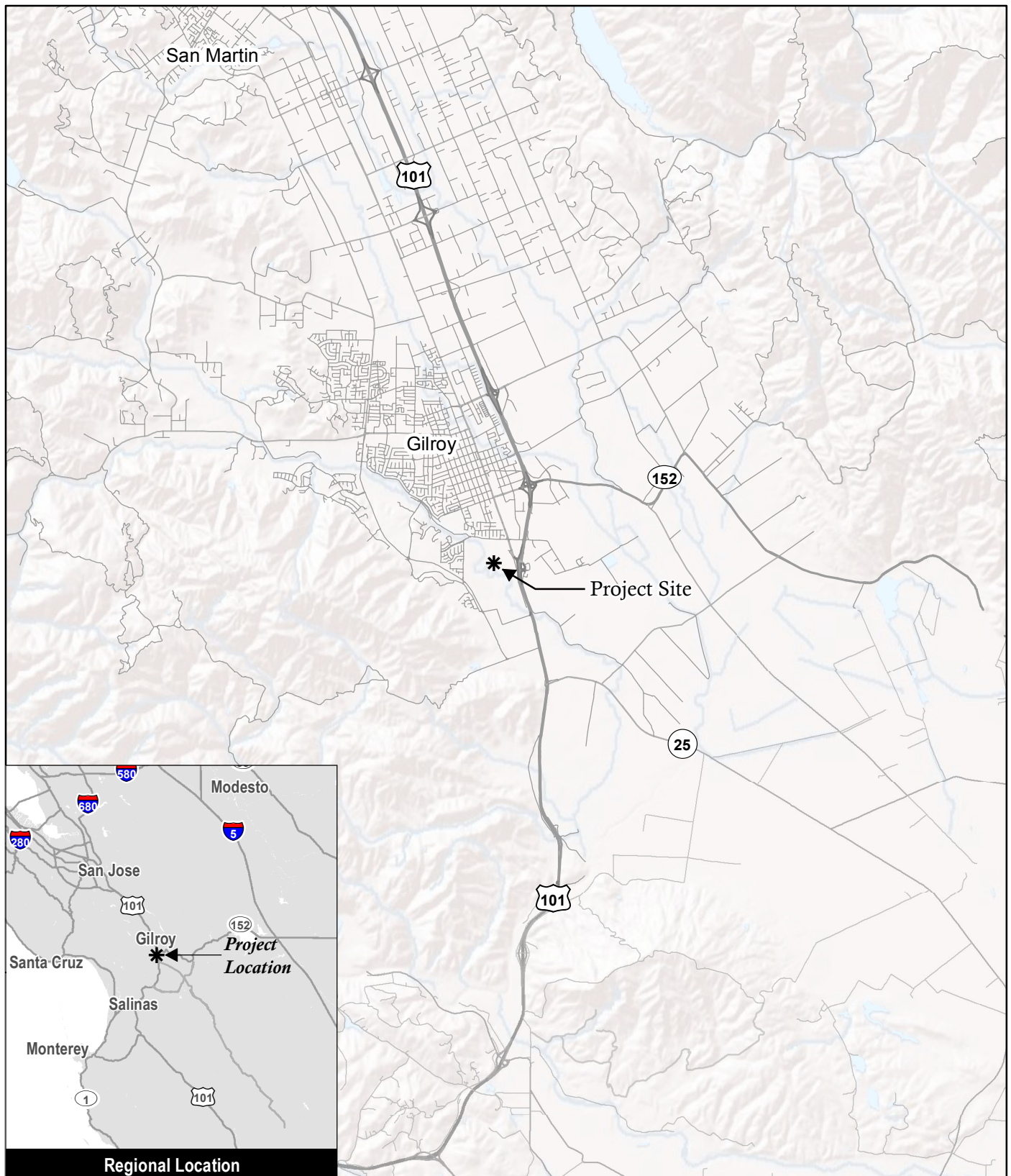
3.2 REGIONAL SETTING

Gilroy is located at the southern end of the Santa Clara Valley, east of the Monterey Bay and at the south end of the San Francisco Bay Area region of California. The city encompasses 16.5 square miles and is surrounded by unincorporated Santa Clara County on all sides. The closest cities include Morgan Hill to the north, Hollister to the south, and Watsonville to the west. Major landforms in the area include the Diablo Range to the east and the Santa Cruz Mountains to the west. Uvas Creek flows south from the City joining the Pajaro River, which drains into Monterey Bay. U.S. Highway 101, which traverses the entire west coast of the United States, passes through Gilroy.

The area around Gilroy is primarily productive agricultural land and range land. Natural resources of concern within the Gilroy area include important farmland to the east, oak-covered hillsides to the south and west, and limited habitat for rare and endangered species.

3.3 BACKGROUND

The City acquired the Gilroy Sports Park site in 1997, and adopted the Master Plan in May 1999. The Master Plan 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 phasing plan is shown in Figure 3-2, Phasing Plan.



Source: ESRI 2019

Figure 3-1
Location Map

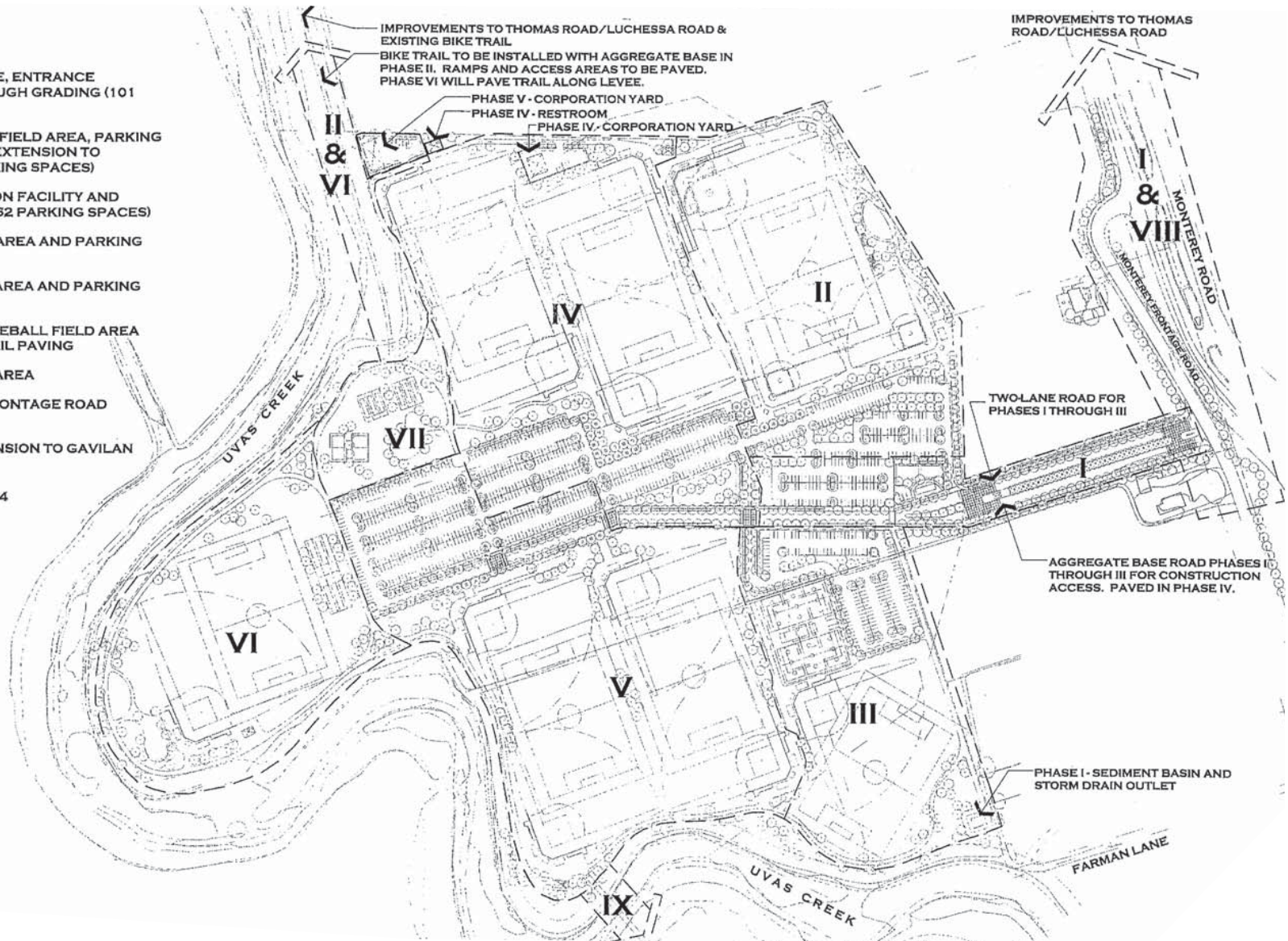


This side intentionally left blank.

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

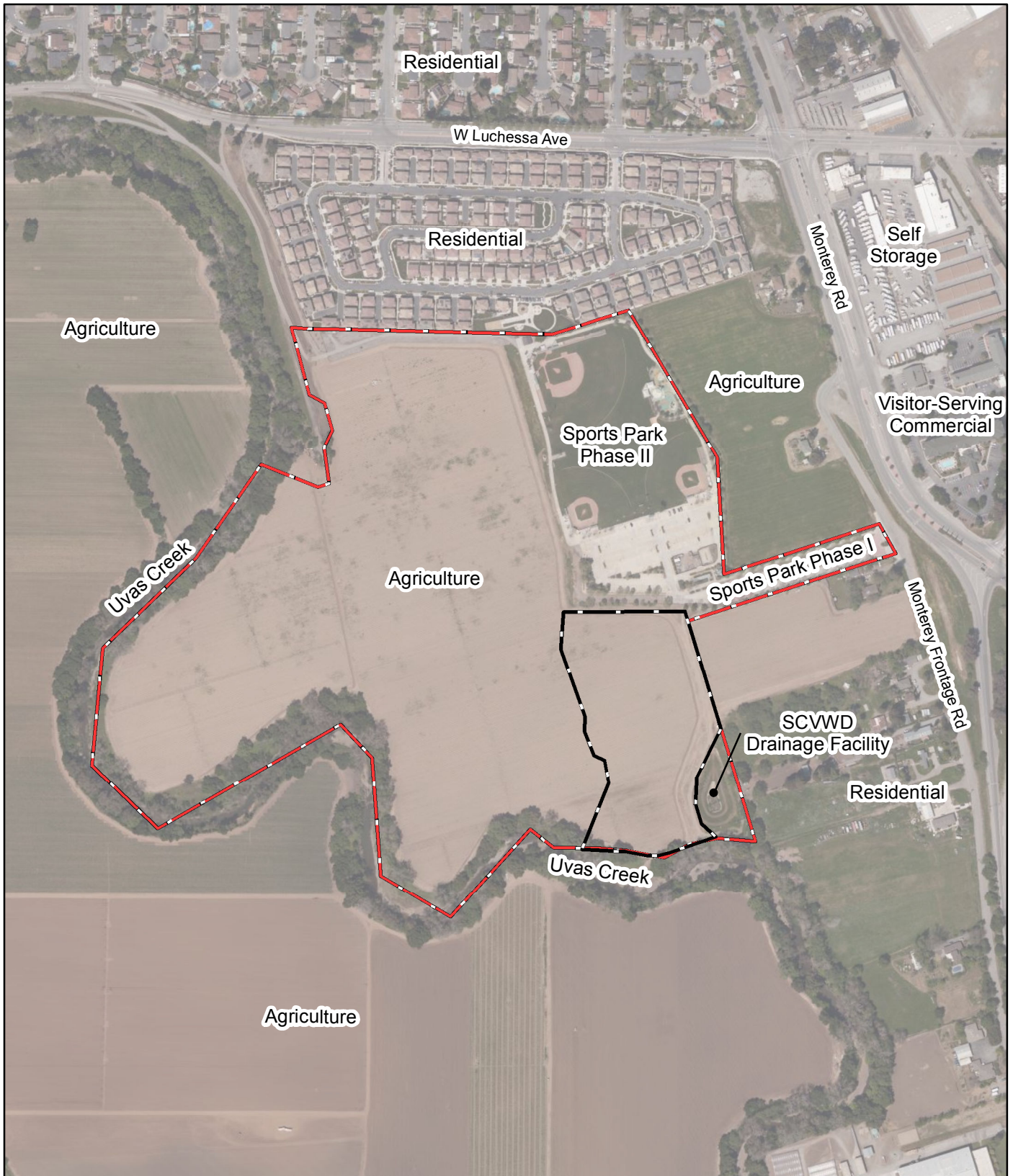
TOTAL PARKING SPACES: 1044



Source: The Beals Group Inc. 1999

Figure 3-2
Existing Master Plan Phasing Plan

This side intentionally left blank.



0 500 feet



Sports Park Boundary



Project Site

Source: ESRI 2019, Santa Clara County GIS 2017

Figure 3-3

Aerial Photograph



This side intentionally left blank.



① Looking south towards project site



② Looking west along boundary of farmfields and sports park parking lot



③ Looking south towards project site (in distance)



--- Sports Park Boundary
--- Project Site

Source: ESRI 2019

Photographs: EMC Planning Group 2019



④ Looking south over sports park parking lot



⑤ Looking north over sports park fields



⑥ Looking west along boundary between farm fields and the Oak Place neighborhood

Figure 3-4

Site and Vicinity Photographs

Gilroy Sports Park Master Plan Phase III Amendments Draft SEIR

This side intentionally left blank.

The Master Plan phasing plan includes the following development phases:

Phase 1 Completed

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

Phase II Completed

Premier little league fields (3), parking, and Uvas Creek Trail extension to Thomas Road.

Phase III

Commercial recreational facilities, multi-use ball field (1), and parking.

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.

3.4 PLAN CONSISTENCY

In accordance with CEQA Guidelines section 15125(d), this section evaluates the proposed project's consistency with applicable plans and identifies and discusses inconsistencies between the proposed project and those plans. The following plans are applicable to the project site:

- 2017 Bay Area Clean Air Plan;

- 2019 Water Quality Control Plan for the Central Coastal Basin;
- Plan Bay Area 2040; and
- Santa Clara County Habitat Conservation Plan.

2017 Bay Area Clean Air Plan

In accordance with the Bay Area Air Quality Management District's CEQA Guidelines, a project is consistent with the Clean Air Plan if each of the following questions can be answered affirmatively (Bay Area Air Quality Management District 2017, page 9-2). The questions can be answered affirmatively for the proposed project, and therefore, the proposed project would be consistent with the Clean Air Plan.

Does the project support the primary goals of the Clean Air Plan?

The three primary goals of the Clean Air Plan are 1) attaining air quality standards; 2) reducing population exposure and protecting public health; and 3) reducing greenhouse gas emissions and protecting the climate. The CalEEMod model was run to predict and greenhouse gas emissions from the proposed project. The CalEEMod results indicate the proposed project would exceed the threshold for reactive organic compounds emissions during the construction phase, and would exceed the threshold for greenhouse gas emissions during the project's operations. Mitigation Measures AQ-1 and AQ-2 would require implementation of air district-recommended best practices to reduce construction emissions, including exhaust emissions, and would result in a less-than-significant air quality impact. Mitigation Measure GHG-1 would require documentation of on- or off-site reductions, and would result in a less-than-significant greenhouse gas emissions impact. A health risk assessment was prepared to determine if construction of the proposed project would result in health effects for nearby sensitive receptors. The health risk assessment concluded that the proposed project would not result in significant risks from toxic air contaminants.

With mitigation measures presented in Section 6.0 Air Quality and Health Risk and Section 7.0 Greenhouse Gas Emissions, the proposed project would be consistent with and support the goals of the Clean Air Plan.

Does the project include applicable control measures from the Clean Air Plan?

The Clean Air Plan includes many control measures, but many are programmatic in nature or apply to specific industries. The control measures discussed below are potentially applicable to the proposed project. The proposed project would be consistent with each of these control measures.

SS32: Emergency Back-up Generators. The proposed project would be consistent with this control measure, because if a generator were installed at the project site, it would require an air district permit and would meet air district emissions standards.

SS38: Fugitive Dust. The proposed project would be consistent with this control measure because grading activities would be subject to implementations of standard dust control measures required by the air district.

TR9: Bicycle and Pedestrian Access and Facilities. The proposed project would be consistent with this control measure because there are sidewalks and a bicycle path already accessing the project site.

EN2: Decrease Energy Use. The proposed project would be consistent with this control measure because in attaining LEED certification the building's energy use would be reduced compared to similar typical buildings.

BL1: Green Buildings. The proposed project would be consistent with this control measure because the building is proposed to meet LEED standards.

BL2: Decarbonize Buildings. The proposed project would be consistent with this control measure because in attaining LEED certification for the building, less-polluting technologies would be used in the building mechanical systems.

NW2: Urban Tree Planting. The proposed project would be consistent with this control measure because the site plan indicates that trees would be planted on the project site, which is located within a park. There are no trees on the project site, so no trees would be removed.

Does the project disrupt or hinder implementation of any Clean Air Plan control measures?

As noted above, the proposed project would be consistent with applicable control measures, and therefore, would not disrupt or hinder implementation of control measures.

2019 Water Quality Control Plan

The 2019 Water Quality Control Plan for the Central Coastal Basin demonstrates how the quality of surface water and groundwater in the Central Coast Region should be managed to provide the highest water quality reasonably possible. The proposed project is located within a flood-prone area and is, therefore, subject to the requirements and standards of the Plan. The proposed project is consistent with this Plan through its incorporation of best management practices during construction (e.g. permits from the Regional Water Quality Control Board, proper handling of construction debris, and revegetation of graded areas), and by avoiding significant changes to flood flows (see Section 9.0 Hydrology and Flooding).

Plan Bay Area 2040

Plan Bay Area 2040 provides a roadmap for accommodating projected household and employment growth in the Bay Area by 2040 as well as a transportation investment strategy for the region. By the nature of its intended use as a regional park, the project site is not within one of the Plan's Priority Development Areas, which are envisioned for dense

development in locations with convenient transit access. The key mandate for Plan Bay Area 2040 is to reduce greenhouse gas emissions by encouraging compact development that places jobs near housing and facilitates reduced transportation emissions. The proposed project is consistent with this Plan because it would add jobs in a community that has a deficit of job opportunities compared to employed residents. According to American Community Survey five-year data (2013-2017), Gilroy has 26,686 employed residents, but only 19,359 jobs, which is a deficit of 7,325 jobs. Employed Gilroy residents without jobs in Gilroy commute to other communities for work. The proposed project would provide up to eight full time jobs and up to 125 part-time jobs, and reduce the jobs deficit within the City.

Santa Clara County Habitat Conservation Plan

The Santa Clara County Habitat Conservation Plan (“Habitat Plan”) provides a framework for promoting the protection and recovery of natural resources while streamlining the permitting process for planned development, infrastructure, and maintenance activities. The Habitat Plan covers a range of special status species, including four that could be found on the project site, and provides conditions that must be observed. The proposed project would be required to obtain a permit under the Habitat Plan, and would be subject to the provisions of the Habitat Plan. Therefore, the proposed project would be consistent with the Habitat Plan.

4.0 Project Description

4.1 PROJECT OBJECTIVES

The proposed project is intended to enable construction of an indoor recreation facility, with a focus on serving youth ice hockey programs, but offering other indoor recreational opportunities as well. The Master Plan would be amended to refine the description for the Phase III commercial recreation component, to specifically accommodate an ice sports facility, with provisions for other types of indoor recreation.

4.2 PROJECT CHARACTERISTICS

The proposed project is a Master Plan update, and construction and operation of a permanent structure and related parking infrastructure for an indoor recreation facility primarily for ice sports. The supplemental EIR focuses on project-specific effects of construction and operation of the ice sports facility.

Master Plan Amendments

Portions of the Master Plan relating to the Phase III area would be updated with revised text and graphics to reflect more detailed plans for the commercial recreation component and elimination of a ball/sports field. The conceptual description of the commercial recreation use within Phase III would be replaced with more focused information. The conceptual tent structure identified in the Master Plan (size not stated in the Master Plan, but measured at approximately 41,000 square feet) would be replaced by a permanent structure. [Figure 4-1, Conceptual Master Plan Phase III Site Plan](#), presents the proposed new design for Master Plan Phase III. The proposed amendments to the Master Plan are included in [Appendix C, Master Plan Updates](#). Buildout of the remaining phases of the Master Plan would occur consistent with the approved Master Plan.

Proposed Commercial Recreation Improvements

The proposed layout of the project site includes an ice rink building, parking lot, access drives, and landscape areas.

Ice Rink Building

The proposed commercial recreation building would have an approximate 70,000 square foot building footprint and approximate floor area of 100,000 square feet, and would be constructed on a portion of the Sports Park that was formerly planned for a sports field. No architectural plans have been developed, but the facility would be approximately 30 feet tall with two interior levels (lower level 70,000 square feet and upper level 30,000 square feet). 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. A retaining wall approximately four feet in height would be constructed to accommodate grade changes for construction of the building pad.

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

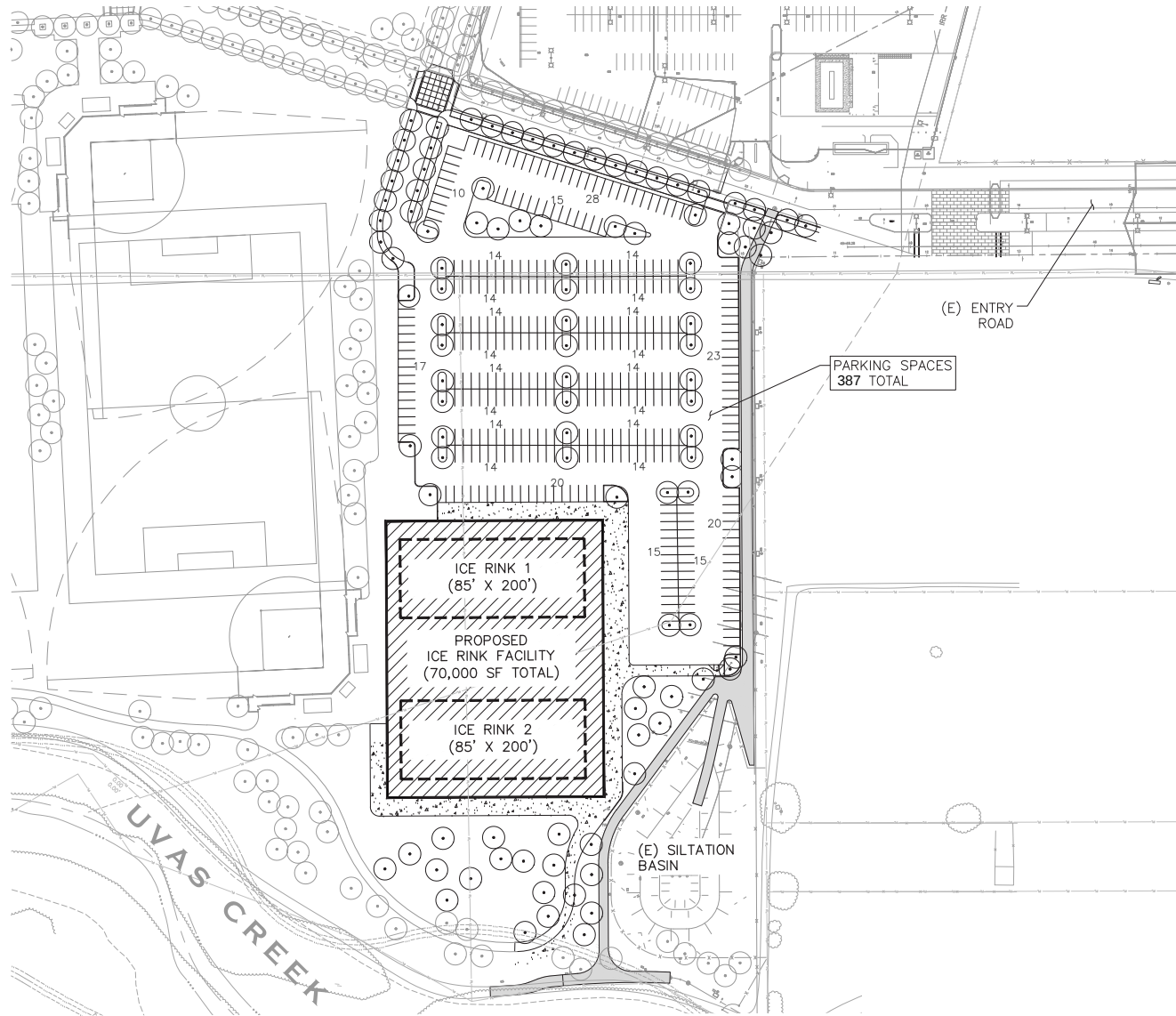
This level would consist of two National Hockey League (NHL) sized ice rinks with seating capacity of 150-200 seats per rink, public locker rooms with restrooms and showers; a welcome/administration desk; skate rental area; food concession area; merchandise/retail space; event/administrative office(s);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

Level #2 Mezzanine (30,000 square feet)

This level would be occupied by an additional 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, Access, and Landscaping

The proposed project would include 387 parking spaces in a surface parking lot south of the entrance driveway and north of the proposed building, which, in part, was where the commercial recreation tent structure (above-mentioned) was formerly proposed. 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 road to the drainage basin in the southeast corner of the Master Plan area would be realigned slightly but would remain along the east edge of the project site. Landscaping would be installed within the parking lot, adjacent to the proposed building, and at the southern end of the project site between the proposed building and Uvas Creek.



Source: Harris and Associates 2019

Figure 4-1

Conceptual Master Plan Phase III Site Plan

Gilroy Sports Park Master Plan Phase III Amendments Draft SEIR



This side intentionally left blank.

Facility Uses

The City of Gilroy would develop and own the indoor facility and the facility would be operated by the Sharks Sports & Entertainment LLC. Year-round ice programs that would be offered to the public include ice hockey (youth and adult leagues), figure skating, broomball, curling, speed skating, and ice dancing, as well as recreational skating. The facility would also host regional ice hockey tournaments, most frequently on weekends.

The facility would also host various corporate and private events and 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 or competition would occur at this facility.

Initial estimates for the number of parking spaces needed to accommodate peak operations of the indoor facility range from about 250-300; however, the conceptual site plan includes an additional 87 parking spaces for a total of 387 spaces. The site would provide opportunities for shared parking with other Gilroy Sports Park facilities. The traffic and parking flow for a facility such as this is typically different than a traditional business. According to the traffic report prepared for the proposed project, peak parking and travel would occur on the weekends. Peak weekday use levels would typically occur from 4:00 pm – 10:00 pm.

Employment

The proposed project would employ approximately eight full-time positions and between 100 and 125 part-time positions (up to 133 total employees). Full time positions would include the General Manager, two Operations Managers, two Hockey Managers, a Skating Manager, an Office Manager, and an Auxiliary Revenue Manager. Part time positions would include hockey and skating coaches, custodial, ice guards, ice techs, cashiers, and shift supervisors.

Applications

The proposed project is sponsored by the City. The project requires an amendment to the Master Plan and approval of an Architectural and Site Review permit for site development.

Off-site Improvements

No off-site improvements are proposed; however, the existing drainage basin access road would be shifted slightly, and two Mitigation Measures (included in the Certified EIR) require off-site intersection improvements (Monterey Street at Monterey Frontage Road, and Church Street at Luchessa Avenue).

4.3 INTENDED USES OF THE EIR

This EIR will be used by the City in approving amendments to the Master Plan, and in approving Architectural and Site Review and construction of the commercial recreation facility.

The Santa Clara Valley Water District will use the EIR in making determinations regarding development within a flood plain and a flood flow easement.

The City does not propose addition of the project site to the Urban Services Area or annexation of the project site, as part of the current project. Therefore, no approvals are required from the Santa Clara County Local Agency Formation Commission.

5.0 Aesthetics

There were no responses to the NOP that are germane to this section of the draft supplemental EIR.

This section of the draft supplemental EIR includes an evaluation of the proposed project as it relates to aesthetic impacts and need only contain the information necessary to make the previous EIR adequate for the proposed project as revised. The information within this section is based upon the City's general plan and the Master Plan and incorporates the Certified EIR. Additional sources of information are introduced where applicable.

5.1 ENVIRONMENTAL SETTING

The aesthetics environmental setting is provided in the Certified EIR and incorporated herein by reference. There have been no significant changes associated with the environmental setting since the preparation of the Certified EIR. The entrance driveway and Phase II sports fields have been constructed, but these do not significantly affect views of the project site. Therefore, please see the environmental setting within the Certified EIR for more information.

5.2 POLICY AND REGULATORY ISSUES

There have been changes associated with the policy and regulatory issues since the preparation of the Certified EIR; therefore, the following has been provided.

Local

Santa Clara County General Plan

The following Santa Clara County General Plan policy relating to aesthetics is applicable to the proposed project:

C-RC 62 Urban parks and open spaces, civic places, and public commons areas should be designed, developed and maintained such that the aesthetic qualities of urban settings are preserved and urban livability is enhanced. Natural resource features and functions within the urban environment should also be enhanced.

Santa Clara County Zoning

The County zoning for the project site is A-20Ac-sr (Agriculture, 20-acre minimum, scenic road combining district). Special requirements apply to parcels within 100 feet of a County-designated scenic road. The project site is more than 100 feet from the nearest road.

Gilroy 2020 General Plan

The following *Gilroy 2020 General Plan* policies and actions relating to aesthetics are applicable to the proposed project:

Policy 6.03 Highway 101 Landscaping and View Protection. Work with Caltrans and the County to provide additional landscaping along the Highway 101 right-of-way to enhance its attractiveness, recognizing that it is the primary “visitor-serving” traffic artery in the Planning Area. Also, encourage new developments facing Highway 101 to provide landscape screening and to protect and enhance existing views of farmland and surrounding hills.

Policy 19.13 Outdoor Lighting. Provide appropriate lighting on sidewalks and pathways to protect public safety.

Policy 19.14 Outdoor Lighting Energy Efficiency. Select outdoor lamps and light fixtures to provide energy efficiency as well as effective lighting. Preference should be given to newer types of light sources such as Low Pressure Sodium, High Pressure Sodium, or Metal Halide lamps that can provide more “lumens per watt” as well as a longer lamp life. Lighting controls (such as timers or photo-sensors) should be used when possible to turn lights off when they are not needed.

Policy 19.15 Glare and “Light Pollution.” Require that light sources and fixtures be selected, designed, and located to minimize glare and limit light pollution (including “light trespass” and “uplighting”). “Light trespass” is light emitted by a lamp or lighting installation that falls outside the boundaries of the property intended for illumination. Uplighting” is light that is unnecessarily thrown into the night sky. Such excess lighting can effect adjacent residents, passing drivers or pedestrians, the natural environment, and astronomical observations. Encourage the use of light fixtures that minimize glare and light pollution, specifically using hoods and shields to direct the light beam onto the area intended for illumination.

Policy 20.05 Greenbelts. Designate protected open space areas in conjunction with agricultural lands to create significant natural buffers, or “greenbelts,” between Gilroy and surrounding communities, helping to retain the city’s semi-rural, small town quality. Land uses within a greenbelt should be determined by joint planning activities of the South

County cities and the County, but might include very low density residential development; public parks and recreation areas; privately operated recreation areas; and agriculture. Of special concern is the area separating the northern part of the Gilroy Planning Area from the community of San Martin. If an adequate greenbelt cannot be established in the area north of Masten and Fitzgerald Roads, then the Gilroy General Plan Land Use Map should be amended to include a greenbelt strip in the northern part of the Planning Area.

City of Gilroy Landscaping Ordinance

The City adopted a new article, Article 30.38, Landscaping, Water Efficiency, and Stormwater Retention and Treatment, in April 2018. This Article promotes the value and benefits of landscapes while recognizing the need to use limited water resources as efficiently as possible. It is in compliance with the State's Model Water Efficient Landscape Ordinance.

City of Gilroy Zoning Code – Chapter 26, Trees

The purpose of this chapter of the City's Zoning Code is to preserve and protect existing trees, provide guidance for the maintenance of City trees, and to provide direction on which types and species of trees are suitable to be planted in the area. This Chapter of the Zoning Code also includes a Master Street Tree Planting Plan, under which the City's Public Works Director or designee should develop a tree planting plan whereby specific tree species are designated for specific locations throughout the City.

Architectural and Site Review

Zoning Ordinance Section 50.40 establishes requirements for Architectural and Site Review. Architectural and Site Review is applicable to commercial developments, residential developments with two or more units on one parcel, and residential development in subdivisions of four or more lots. The Planning Director has authority to decide Architectural and Site Review applications in most cases. The Architectural and Site Review considers the suitability of designs in terms of safety, aesthetics, and provision of utilities and services. Projects developed within the project site would ultimately undergo the Architectural and Site Review process.

5.3 THRESHOLDS OF SIGNIFICANCE

Based upon the City of Gilroy's adopted thresholds of significance, a significant aesthetic or visual impact would occur if implementation of the proposed project would:

- Substantially damage scenic resources (farmland and surrounding hills) viewed from Highway 101 (GP Policy 6.03, Action 1-H), through lack of sufficient landscape screening or protection of existing views.

- Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area, through non-compliance with General Plan Policies 19.13, 19.14, 19.15, and GP Action 19.G and the City's adopted Lighting Standards that address minimizing light and glare impacts.

These are the issues evaluated in the impact analysis below.

5.4 ENVIRONMENTAL IMPACT ANALYSIS

This section includes information and data regarding aesthetics issues that are relevant to the proposed project based on the thresholds of significance described above. The information and data is used as a basis for determining impact significance and for the mitigation measures, if necessary, described in the following Impact Summary and Mitigation Measures section.

Scenic Resources

Views from U.S. Highway 101

General Plan Policy 6.03 protects views from U.S. Highway 101 (see Section 5.2, Policy and Regulatory Issues). U.S. Highway 101 is located one quarter mile east of the project site, and is elevated above the surrounding terrain as it crosses over Monterey Road and Luchessa Avenue. The project site is located in a visually scenic location when viewed from southbound U.S. Highway 101, with farmland in the foreground and the Santa Cruz Mountains as a backdrop. The visible farmland is ultimately planned for development with commercial uses (along Monterey Frontage Road) and athletic fields (within the Sports Park). Views of the project site are only possible for southbound travelers, and only for approximately 380 feet, resulting in a brief and minimal view. Due to the line of trees that exist on the agricultural and rural residential properties between U.S. Highway 101 and the project site, the project site can only briefly be seen from southbound U.S. Highway 101. The general plan designates these rural residential properties for commercial development in the future, which would further reduce views to the project site if developed in the future.

The proposed project would be partially visible to southbound travelers on U.S. Highway 101 between two sets of trees just after the southbound off-ramp to Monterey Road. This brief view toward the project site is largely dominated by the Santa Cruz Mountains in the background. The proposed project would be on the valley floor and would not result in significant disruption of this view. The proposed project would be partially obscured by existing trees, and views of the site are from such a distance that the development would blend into the surrounding fields and trees. Views of the Santa Cruz Mountains would not be obscured by the proposed project, and farmland beyond the building is planned for athletic fields in the later phases of the Sports Park. The proposed project includes new trees

within the parking area, which would further obscure views of the proposed building, while not obstructing views of the Santa Cruz Mountains. As southbound travelers continue on U.S. Highway 101, views of the project site from U.S. Highway 101 are completely obscured by vegetation. [Figure 5-1, View from U.S. Highway 101](#), shows a mock-up of the originally proposed tent structure and conceptual outline of the currently proposed ice rink building.

Because of viewing angles and the trees on intervening property, there is no view of the project site from northbound U.S. Highway 101.

Building Design

The Master Plan originally intended the tent design of the commercial recreation building to be a visual icon and attract visitors to the sports facility area, as it would be one of the first elements encountered upon entering the Sports Park (City of Gilroy 1999, p. 30). However, the location of the proposed ice rink building is farther south and not as directly visible from the Sports Park entrance. Although no architectural renderings have been provided at this time, the ice rink building is anticipated to be up to 30 feet in height, more utilitarian in style, most likely tilt up concrete, with architectural adornments along building elevations. Due to the distance to the proposed ice rink building and interspersed trees and landscaping, the proposed ice rink building would be barely visible from the Sports Park entry.

Retaining Walls

The proposed project includes retaining walls up to four feet tall, which would not be visible from any protected viewing areas.

Lighting

The proposed project would add new parking lot and building lighting. The parking lot lighting would be similar to that which already exists at the Sports Park's Phase II parking lot, and would be shielded to direct downward and eliminate glare. The Phase II lighting is partially obscured by trees in the parking lot, as the new Phase III lighting would be. The lighting on or near the building would be concentrated in the lower areas near sidewalks, to provide pedestrian scale lighting, and would not be noticeable from off the project site. The impact would be less than significant.

5.5 IMPACT SUMMARY AND MITIGATION MEASURES

IMPACT: **The proposed project would be briefly visible within an area of predominantly open land when viewed from U.S. Highway 101 (Less than Significant).**

The proposed project would substitute a standard structure for the previously proposed tent structure in the Phase III area of the Sports Park. The structure and associated lighting would

be partially obscured by trees, and only briefly visible to travelers on U.S. Highway 1. Ultimately, the building and associated lighting would be located behind commercial development that is planned for the land between U.S. Highway 101 and the Sports Park, and at that point would be even less visible from U.S. Highway 101. The buildings would not obscure views of the Santa Cruz Mountains. This is a less-than-significant impact. No mitigation measures are necessary.



Source: Google Earth 2019

This side intentionally left blank.

Air Quality and Health Risk

There were no responses to the NOP that are germane to this section of the draft supplemental EIR.

This section of the draft supplemental EIR includes an evaluation of the proposed project as it relates to air quality and health risk impacts and need only contain the information necessary to make the previous EIR adequate for the proposed project as revised. The information within this section is based upon the City's general plan and the Master Plan and incorporates the Certified EIR. This section is also largely sourced from the *Air Quality, Greenhouse Gas Emissions, and Energy Report* prepared in November 2019 for the proposed project attached as [Appendix D, Air Quality and Greenhouse Gas Emissions Report](#), and *Gilroy Sports Park Master Plan Phase III Community Risk Assessment* ("health risk assessment") prepared in November 2019 for the proposed project, attached as [Appendix E, Health Risk Assessment](#). Additional sources of information are introduced where applicable.

6.1 ENVIRONMENTAL SETTING

The air quality environmental setting is provided in the Certified EIR and incorporated herein by reference. The following section describes sensitive receptors near the project site.

Sensitive Receptors

Although air pollution can affect all segments of the population, certain groups are more susceptible to its adverse effects than others. Children, the elderly, and the chronically or acutely ill are the most sensitive population groups. These sensitive receptors are commonly associated with specific land uses such as residential areas, schools, retirement homes, and hospitals. In addition, certain air pollutants, such as carbon monoxide, only have significant effects if they directly affect a sensitive population.

The nearest sensitive receptors are single-family homes, the nearest of which is located approximately 500 feet east of the project site. The nearest ball fields are 300 feet north of the project site. Park users are considered sensitive receptors; however they are not considered in evaluations that involve chronic exposures in terms of cancer risk and annual PM_{2.5} exposure due to the limited duration of exposure at the parks.

6.2 REGULATORY SETTING

Diesel Emissions

Information on diesel emissions and equipment has changed since the Certified EIR. EPA Tier 1 non-road diesel engine standards were introduced in 1996, Tier 2 in 2001, Tier 3 in 2006, with final Tier 4 in 2014 (DieselNet 2017). [Table 6-1, Typical Non-road Engine Emissions Standards](#), compares emissions standards for NO_x and particulate matter from non-road engine Tier 1 through Tier 4 for typical engine sizes.

Table 6-1 Typical Non-road Engine Emissions Standards

Engine Tier and Year Introduced	NO _x Emissions ¹			Particulate Emissions ¹		
	100-175 HP	175-300 HP	300-600 HP	100-175 HP	175-300 HP	300-600 HP
Tier 1 (1996)	6.90	6.90	6.90	--	0.40	0.40
Tier 2 (2001)	--	--	--	0.22	0.15	0.15
Tier 3 (2006)	--	--	--	-- † ²	-- † ²	-- † ²
Tier 4 (2014)	0.30	0.30	0.30	0.015	0.015	0.015

SOURCE: DieselNet 2017

NOTES:

1. Expressed in g/bhp-hr, where g/bhp-hr stands for grams per brake horsepower-hour.

2. † - Not adopted, engines must meet Tier 2 PM standard.

As illustrated in the table, emissions for these pollutants have decreased significantly for construction equipment manufactured over the past 20 years, and especially for construction equipment manufactured in the past five years.

In California, non-road equipment fleets can retain older equipment, but fleets must meet averaged emissions limits, new equipment must be Tier 3 or better after January 2018 (for large and medium fleets) or January 2023 (for small fleets), and over time the older equipment must be fitted with particulate filters. Large and medium fleets have increasingly strict fleet compliance targets through 2023 and small fleets through 2029. A small fleet has total horse power of 2,500 or less, and a medium fleet has total horsepower of between 2,500 and 5,000. Owners or operators of portable engines and other types of equipment can register their units under the California Air Resources Board's statewide Portable Equipment Registration Program in order to operate their equipment throughout California without having to obtain individual permits from local air districts (California Air Resources Board 2019b).

Ambient Air Quality Standards

Ambient air quality standards have been revised since the Certified EIR. [Table 6-2, National and California Ambient Air Quality Standards](#), lists state and federal ambient air quality standards for common air pollutants.

Table 6-2 National and California Ambient Air Quality Standards

Pollutant	Averaging Time	National Standards ¹				California Standards ²	
		Primary ^{3,4}		Secondary ^{3,5}		Concentration ³	
		ppm	µg/m ³	ppm	µg/m ³	ppm	µg/m ³
Ozone ⁶	1 Hour	-	-	-	-	0.09	180
	8 Hour	0.07	137	0.07	137	0.07	137
PM ₁₀ ⁷	24 Hour	-	150	-	150	-	50
	Annual	-	-	-	-	-	20
PM _{2.5} ⁷	24 Hour	-	35	-	35	-	-
	Annual	-	12	-	15	-	12
Carbon Monoxide (CO)	8 Hour	9	10	-	-	9.0	10
	1 Hour	35	40	-	-	20.0	23
Nitrogen Dioxide (NO ₂) ⁸	Annual	0.053	100	0.053	100	0.03	57
	1 Hour	0.10	188	-	-	0.18	339
Sulfur Dioxide (SO ₂) ⁹	Annual	0.03	See note 9	-	-	-	-
	24 Hour	0.14	See note 9	-	-	0.04	105
	3 Hour	-	-	0.5	1,300	-	-
	1 Hour	0.075	196	-	-	0.25	655
Lead ^{10,11}	30 Day Average	-	-	-	-	-	1.5
	Rolling 3-month Average	-	0.15	-	0.15	-	-
	Calendar Quarter	See note 10	1.5	See note 10	1.5	-	-
Visibility Reducing Particles ¹²	8 Hour	No Federal Standards				See note 12	
Sulfates	24 Hour					-	25
Hydrogen Sulfide	1 Hour					0.03	42
Vinyl Chloride ¹⁰	24 Hour					0.01	26

SOURCE: California Air Resources Board 2016

NOTES:

1. National standards (other than ozone, particulate matter, and those based on annual averages or annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration measured at each site in a year, averaged over three years, is equal to or less than the standard. For PM₁₀, the 24 hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m³ is equal to or less than one. For PM_{2.5}, the 24 hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. Contact EPA for further clarification and current federal policies.
2. California standards for ozone, carbon monoxide, sulfur dioxide (1 and 24 hour), nitrogen dioxide, and particulate matter (PM₁₀, PM_{2.5}, and visibility reducing particles), are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.
3. Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
4. National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.
5. National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.
6. On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 to 0.070 ppm.
7. On December 14, 2012, the national annual PM_{2.5} primary standard was lowered from 15 µg/m³ to 12.0 µg/m³. The existing national 24-hour PM_{2.5} standards (primary and secondary) were retained at 35 µg/m³, as was the annual secondary standard of 15 µg/m³. The existing 24-hour PM₁₀ standards (primary and secondary) of 150 µg/m³ also were retained. The form of the annual primary and secondary standards is the annual mean, averaged over 3 years.
8. To attain the 1-hour national standard, the 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations at each site must not exceed 100 parts per billion (ppb). Note that the national 1-hour standard is in units of ppb. California standards are in units of parts per million (ppm). To directly compare the national 1-hour standard to the California standards the units can be converted from ppb to ppm. In this case, the national standard of 100 ppb is identical to 0.100 ppm.
9. On June 2, 2010, a new 1-hour SO₂ standard was established and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99th percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 ppb. The 1971 SO₂ national standards (24-hour and annual) remain in effect until one year after an area is designated for the 2010 standard, except that in areas designated nonattainment for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved.
10. California Air Resources Board has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.
11. The national standard for lead was revised on October 15, 2008 to a rolling 3-month average. The 1978 lead standard (1.5 µg/m³ as a quarterly average) remains in effect until one year after an area is designated for the 2008 standard, except that in areas designated non-attainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved.
12. In 1989, the California Air Resources Board converted both the general statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are "extinction of 0.23 per kilometer" and "extinction of 0.07 per kilometer" for the statewide and Lake Tahoe Air Basin standards, respectively.

Air Basin Attainment Status

The air basin attainment status has changed since the Certified EIR. [Table 6-3, San Francisco Bay Area Air Basin Attainment Status](#), identifies the current status within the air basin for each criteria pollutant.

Table 6-3 San Francisco Bay Area Air Basin Attainment Status

Pollutant	State Standards	National Standards
Ozone (O ₃)	Non-attainment	Non-attainment
Respirable Particulate Matter (PM ₁₀)	Non-attainment	Unclassified
Fine Particulate Matter (PM _{2.5})	Non-attainment	Non-attainment ¹
Carbon Monoxide (CO)	Attainment	Unclassified/ Attainment
Nitrogen Dioxide (NO ₂)	Attainment	Unclassified/ Attainment
Sulfur Dioxide (SO ₂)	Attainment	Attainment
Lead (Pb)	Attainment	-

SOURCE: Bay Area Air Quality Management District 2017a

NOTE:

1. On January 9, 2013, U.S. EPA issued a final rule to determine that the Bay Area attains the 24-hour PM_{2.5} national standard. This U.S. EPA rule suspends key State Implementation Plan requirements as long as monitoring data continues to show that the air district attains the standard. Despite this U.S. EPA action, the Bay Area will continue to be designated as “non-attainment” for the national 24-hour PM_{2.5} standard until such time as the air district submits a “re-designation request” and a “maintenance plan” to U.S. EPA and U.S. EPA approves the proposed re-designation.

2017 Clean Air Plan: Spare the Air, Cool the Climate

A new clean air plan has been adopted since the Certified EIR. The air district has adopted several plans in an attempt to achieve state and federal air quality standards. Because the air basin has been designated as a non-attainment area for the national ozone standard since 1998, the air district has prepared ozone attainment plans in 1999, 2001, 2005, and 2010. The *2017 Clean Air Plan: Spare the Air, Cool the Climate* (“2017 Clean Air Plan”) updates the air district’s most recent state ozone plan, the 2010 Clean Air Plan, pursuant to the requirements of the California Health and Safety Code. The 2017 Clean Air Plan defines an integrated, multi-pollutant control strategy to reduce emissions of particulate matter, toxic air contaminants, ozone precursors and greenhouse gases. The 2017 Clean Air Plan includes a variety of control measures, many of which relate to industrial uses or are for regional implementation; some of the control measures relate to residential or commercial development. Refer to Volume 2 of the 2017 Clean Air Plan for full descriptions of the control measures (Bay Area Air Quality Management District 2017b).

Local Regulatory Setting

Santa Clara County General Plan

The following *Santa Clara County General Plan* policy relating to air quality is applicable to the proposed project:

C-HS 1 Ambient air quality for Santa Clara County should comply with standards set by state and federal law.

City of Gilroy General Plan

The following *Gilroy 2020 General Plan* policies relating to air quality are applicable to the proposed project:

Policy 21.01 Sensitive Receptors. Use land use planning and project siting to separate air pollution sources (such as freeways, arterials, industrial sites, etc.) from residential area and other “sensitive receptors” (such as schools, hospital, and nursing homes) that would be adversely affected by close proximity to air pollutants.

Policy 21.05 Air Quality Impacts from Construction Activity. Reduce the air quality impacts associated with construction activity by reducing the exhaust emissions through appropriate mitigation actions.

6.3 THRESHOLDS OF SIGNIFICANCE

Based upon the City of Gilroy’s adopted thresholds of significance, a significant air quality impact would occur if implementation of the proposed project would:

- Conflict with the Bay Area Air Quality Management District Clean Air Plan (BAAQMD CAP).
- Violate any air quality standard or contribute substantially to an existing or projected air quality violation, by exceeding the BAAQMD thresholds for criteria air pollutants. A project that would individually have a significant air quality impact would also be considered to have a significant cumulative air quality impact.
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors).

The air district’s air quality thresholds from the 2017 CEQA Guidelines are presented in [Table 6-4, Thresholds of Significance for Criteria Air Pollutants](#). The air district’s significance thresholds are established to maintain state and federal air quality standards.

Based upon the City of Gilroy’s adopted thresholds of significance, a significant health risk impact would occur if implementation of the proposed project would:

- Expose sensitive receptors (residential areas, schools, hospitals, nursing homes) to substantial pollutant concentrations (CO and PM₁₀), as determined for criteria air pollutants. The air district includes additional health risk thresholds.

The air district’s health risk thresholds from the 2017 CEQA Guidelines are presented in [Table 6-5 Thresholds of Significance for Health Risk](#).

Table 6-4 Thresholds of Significance for Criteria Air Pollutants

Criteria Air Pollutants	Construction Thresholds	Operational Thresholds	
	Average Daily Emissions (lbs./day)	Average Daily Emissions (lbs./day)	Annual Emissions (tons/year)
ROG	54	54	10
NO _x	54	54	10
PM ₁₀	82 (exhaust) ¹	82	15
PM _{2.5}	54 (exhaust) ¹	54	10

SOURCE: Bay Area Air Quality Management District 2017a

NOTES:

1. The thresholds of significance for particulate matter emissions from project construction apply to exhaust emissions only. The air district recommends implementation of best management practices to reduce fugitive dust emissions.

Table 6-5 Thresholds of Significance for Health Risk

Health Risk/Hazard	Single Source within 1,000-foot Zone of Influence	Cumulative Sources within 1,000-foot Zone of Influence
Excess Cancer Risk	>10.0 per one million	>100 per one million
Hazard Index	>1.0	>10.0
Incremental annual PM _{2.5}	>0.3 µg/m ³	>0.8 µg/m ³

SOURCE: Illingworth and Rodkin 2019

6.4 ENVIRONMENTAL IMPACT ANALYSIS

This section includes information and data regarding air quality and toxic air contaminants issues that are relevant to the proposed project based on the thresholds of significance described above. The information and data is used as a basis for determining impact significance and for the mitigation measures, if necessary, described in the following Impact Summary and Mitigation Measures section.

Construction Emissions

Criteria Air Pollutants

Construction of the proposed project would result in ROG emissions that marginally exceed the air district thresholds (see Table 2-6 of the *Air Quality, Greenhouse Gas Emissions, and Energy Report* in [Appendix D](#)). The air district recommends implementing the eight Basic Construction Mitigation Measures listed in Table 8-2 of the 2017 CEQA Guidelines whether or not construction-related emissions exceed the air district thresholds. Representative basic construction mitigation measures include, but are not limited to: watering all exposed surfaces two times per day, properly tuning all construction equipment in accordance with manufacturer's specifications, and limiting idling times to five minutes.

For projects where construction-related emissions exceed the air district thresholds, the air district recommends implementing the 13 Additional Construction Mitigation Measures listed in Table 8-3 of air district 2017 CEQA Guidelines. Representative additional construction mitigation measures include, but are not limited to: suspend all ground disturbance activities when average wind speeds exceed 20 mph, use low ROG coatings beyond local requirements, and equip all construction equipment, diesel trucks, and generators with Best Available Control Technology for emission reductions of NO_x and PM.

Toxic Air Contaminants

During construction, sensitive receptors within 1,000 feet of the project site could be exposed to toxic air contaminants and PM_{2.5} from diesel equipment and heavy-duty trucks. The air district recommends a site-specific community risks and hazards analysis to determine health impacts to receptors within a 1,000-foot radius.

Illingworth and Rodkin prepared a community risk assessment that identifies sensitive receptors that could be adversely affected by construction activities, quantifies toxic air contaminant emissions and identifies associated risks to human health from construction and operations of the project. The community risk assessment concludes that construction emissions from the proposed project would most affect a house to the east of the project site, but that health risks, including cumulative health risks, would be less than significant. The community risk assessment is included as [Appendix E](#).

Operational Emissions

As presented in Table 2-7 of the *Air Quality, Greenhouse Gas Emissions, and Energy Report* (refer to [Appendix D](#)), operation of the proposed project would generate criteria air pollutant emissions that do not exceed the air district's daily or annual thresholds of significance.

The health risk assessment focused on construction effects. Operational air contaminant emissions do not present a risk, because the proposed project would not involve large trucks or equipment that emit significant quantities of such pollutants.

6.5 IMPACT SUMMARY AND MITIGATION MEASURES

IMPACT **Construction of the proposed project would result in ROG emissions that exceed the air district's thresholds (Less than Significant with Mitigation).**

As a result of the proposed project exceeding thresholds related to ROG emissions during the construction phase, the following mitigation measures will be required of the project sponsor/developers. Implementation of the following mitigation measure will reduce this significant impact to a less-than-significant level.

Mitigation Measure

AQ-1 The project sponsor/developer shall implement the following Basic Construction Mitigation Measures:

- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day;
- b. All haul trucks transporting soil, sand, debris, or other loose material off-site shall be covered;
- c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited;
- d. All driveways and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
- e. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points;
- f. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation; and
- g. Post a publicly visible sign with telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The air district's phone number shall also be visible to ensure compliance with applicable regulations.

The project sponsor/developer shall also implement the 13 Additional Construction Mitigation Measures, listed in Table 8-3 of the Bay Area Air Quality Management District's 2017 CEQA Guidelines, which include the following:

1. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.

2. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
3. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.
4. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
5. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.
6. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
7. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.
8. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.
9. Minimizing the idling time of diesel powered construction equipment to two minutes.
10. The project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NOX reduction and 45 percent PM reduction compared to the most recent ARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available.
11. Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings).

12. Requiring that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NO_x and PM.
13. Requiring all contractors use equipment that meets CARB's most recent certification standard for off-road heavy duty diesel engines.

IMPACT Construction of the proposed project would pose very little risk of health effects for sensitive receptors near the project site (Less than Significant).

The community risk assessment concludes that construction emissions from the proposed project would most affect a house to the east of the project site, but that health risks, including cumulative health risks, would be less than significant. No mitigation measures are necessary.

IMPACT Operation of the proposed project would not result in criteria air pollutant emissions that exceed the air district's standards (Less than Significant).

CalEEMod emissions modeling indicates that the proposed project would not generate criteria air pollutant emissions that exceed the air district's daily or annual thresholds of significance. Therefore, the impact would be less than significant, and no mitigation measures are necessary.

This side intentionally left blank.

Greenhouse Gas Emissions

There were no responses to the NOP that are germane to this section of the draft supplemental EIR.

This section of the draft supplemental EIR includes an evaluation of the proposed project as it relates to greenhouse gas emissions impacts and need only contain the information necessary to make the previous EIR adequate for the proposed project as revised. The Certified EIR did not include a section on greenhouse gas emissions, because that section was not added to the CEQA Guidelines until later. The information within this section is based upon the City's general plan and the Master Plan and incorporates the Certified EIR. This section is also largely sourced from the *Air Quality, Greenhouse Gas Emissions, and Energy Report* prepared in November 2019 for the proposed project, and included in [Appendix D](#). Additional sources of information are introduced where applicable.

7.1 ENVIRONMENTAL SETTING

This section presents an abbreviated environmental setting. A more complete environmental setting can be found in the *Air Quality, Greenhouse Gas Emissions, and Energy Report* in Appendix D.

Climate Change Science

The international scientific community has concluded with a high degree of confidence that human activities are causing an accelerated warming of the atmosphere. The resulting change in climate has serious global implications and consequently, human activities that contribute to climate change may have a potentially significant effect on the environment. In recent years, concern about climate change and its potential impacts has risen dramatically.

Causes of Climate Change

The greenhouse effect naturally regulates the Earth's temperature. However, human activity has increased the intensity of the greenhouse effect by releasing increasing amounts of GHGs into the atmosphere. GHGs can remain in the atmosphere for decades or even hundreds of thousands of years (depending on the particular GHG). The GHG emissions that are already in the atmosphere will continue to cause climate change for years to come, just as the warming being experienced now is the result of emissions produced in the past.

Effects of Climate Change

Increased concentrations of GHGs in the atmosphere result in increased air, surface, and ocean temperatures. Many of the effects and impacts of climate change stem from resulting changes in temperature and meteorological responses to those changes. It is expected that there will be less snowfall in the Sierra Nevada and that the elevations at which snow falls will rise. Similarly, there will be less snowpack water storage to supply runoff water in the warmer months. Climate change is expected to increase pressure on and competition for water resources, further exacerbating already stretched water supplies. Anticipated changes to source water conditions including more intense storm events, longer drought periods, reduced snowpack at lower elevations, and earlier spring runoff will likely impact the quality of the source waters.

Precipitation levels are difficult to predict compared to other indicators of climate change. Annual rain and snowfall patterns vary widely from year to year, especially in California. Cal-Adapt projections show little change in total annual precipitation in California. The Mediterranean seasonal precipitation pattern is expected to continue, with most precipitation falling during winter from North Pacific storms (Cal-Adapt 2019c).

Extreme weather is expected to become more common throughout California. More extreme storm events are expected to increase water runoff to streams and rivers during the winter months, heightening flood risks.

Sea level rise is one of the most significant effects of climate change. Sea level has been rising over the past century, and the rate has increased in recent decades. Global mean sea level in 2017 was the highest annual average in the satellite era (since 1993) with a value of 77 millimeters above the 1993 average (Hartfield, Blunden, and Arndt 2018).

Climate change is expected to exacerbate air quality problems by increasing the frequency, duration, and intensity of conditions conducive to air pollution formation. Higher temperatures and increased ultraviolet radiation from climate change are expected to facilitate the chemical formation of more secondary air pollutants from ground-level sources. Conversely, decreased precipitation is expected to reduce the amount of particulates cleansed from the air. Incidents of wildfires are expected to increase due to climate change, further contributing to air quality problems.

Climate change effects will have broad impacts on local and regional ecosystems, habitats, and wildlife as average temperatures increase, precipitation patterns change, and more extreme weather events occur. Species that cannot rapidly adapt are at risk of extinction. As temperatures increase, California vegetation is expected to change. The natural cycle of plant flowering and pollination, as well as the temperature conditions necessary for a thriving locally adapted agriculture, may also be affected.

The impacts of climate change will not affect people equally. People exposed to the most severe climate-related hazards are often those least able to cope with the associated impacts, due to their limited resources and adaptive capacity. Climate change is expected to have a greater impact on larger populations living in poorer and developing countries with lower incomes that rely on natural resources and agricultural systems that will likely be affected by changing climates.

As temperatures rise from global warming, the frequency and severity of heat waves will grow and increase the potential for bad air days, which can lead to increases in illness and death due to dehydration, heart attack, stroke, and respiratory disease. Additionally, dry conditions can lead to a greater number of wildfires producing smoke that puts people with asthma and respiratory conditions at risk of illness or death. Higher temperatures and the increased frequency of heat waves are expected to significantly increase heat-related illnesses, such as heat exhaustion and heat stroke, while also exacerbating conditions associated with cardiovascular and respiratory diseases, diabetes, nervous system disorders, emphysema, and epilepsy.

As climate change affects the temperature, humidity, and rainfall levels across California, some areas could become more suitable habitats for insects (especially mosquitoes), ticks, and mites that may carry diseases. Wetter regions are typically more susceptible to vector-borne diseases, especially human hantavirus cardiopulmonary syndrome, Lyme disease, and West Nile virus.

Greenhouse Gas Types

GHGs are emitted by natural processes and human activities. The human-produced GHGs most responsible for global warming and their relative contribution to it are carbon dioxide, methane, nitrous oxide, and chlorofluorocarbons. The contribution of these GHGs to global warming based on the U.S. inventory of GHGs in 2017 (United States Environmental Protection Agency 2019b) is summarized in [Table 7-1, GHG Types and Their Contribution to Global Warming](#).

Table 7-1 GHG Types and Their Contribution to Global Warming

Greenhouse Gas	Percent of all GHG	Typical Sources
Carbon dioxide	81.6 percent	Combustion of fuels, solid waste, wood
Methane (CH ₄)	10.2 percent	Fuel production/combustion; livestock, decay of organic materials
Nitrous Oxide (N ₂ O)	5.6 percent	Combustion of fuels, solid waste, agricultural/industrial processes
Chlorofluorocarbons (CFCs)	2.6 percent	Industrial processes

SOURCE: United States Environmental Protection Agency 2019b

NOTE: Percentages reflect weighting for global warming potential.

Greenhouse Gas Global Warming Potentials

Each type of GHG has a different capacity to trap heat in the atmosphere and each type remains in the atmosphere for a particular length of time. The ability of a GHG to trap heat is measured by an index called the global warming potential expressed as carbon dioxide equivalent. Carbon dioxide is considered the baseline GHG in this index and has a global warming potential of one.

The GHG volume produced by a particular source is often expressed in terms of carbon dioxide equivalent (CO₂e). Carbon dioxide equivalent describes how much global warming a given type of GHG will cause, with the global warming potential of CO₂ as the base reference. Carbon dioxide equivalent is useful because it allows comparisons of the impact from many different GHGs, such as methane, perfluorocarbons, or nitrous oxide. If a project is a source of several types of GHGs, their individual global warming potential can be standardized and expressed in terms of CO₂e. [Table 7-2, GHG Global Warming Potentials](#) presents a summary of the global warming potential of various GHGs.

Table 7-2 GHG Global Warming Potentials

GHG	Atmospheric Lifetime (Years)	Global Warming Potential (100-Year Time Horizon)
Carbon Dioxide CO ₂	50-200	1
Methane CH ₄	12 (+/- 3)	21
Nitrous Oxide N ₂ O	120	310
HFC-23	264	11,700
HFC-134a	14.6	1,300
HFC-152a	1.5	140
PFC Tetrafluoromethane CF ₄	50,000	6,500
PFC Hexafluoroethane C ₂ F ₆	10,000	9,200
Sulfur Hexafluoride SF ₆	3,200	23,900

SOURCE: United Nations Framework Convention on Climate Change 2019

Greenhouse Gas Inventories

California GHG Emissions Inventory

California is a substantial contributor of global greenhouse gases. Based on the California Air Resources Board's most recent state GHG inventory, a net of about 424.1 million metric tons of CO₂e were generated in 2017 (California Air Resources Board 2019c). In 2017, about 41 percent of all GHG gases emitted in the state came from the transportation sector. Industrial uses and electric power generation (in state generation and out of state generation

for imported electricity) were the second and third largest categories at about 24 percent and 15 percent, respectively. The commercial and residential use sectors combined to generate about 12 percent of the 2017 emissions, while the agricultural sector contributed about 8 percent.

Bay Area GHG Emissions Inventory

The air district has developed an emission inventory for the Bay Area that includes direct and indirect GHG emissions due to human activities. The emissions are estimated for industrial, commercial, transportation, residential, forestry, and agriculture activities. Both direct GHG emissions from locally generated electricity in the Bay Area and indirect emissions from out-of-region generated electricity for consumption in the region are reported.

As identified in *Greenhouse Gas Emission Estimates and Draft Forecasts. Update and Work in Progress* (Bay Area Air Quality Management District 2017c), as of the 1990 baseline year, 87.7 million metric tons CO₂e per year were generated within the air basin. By 2015, that number had declined to about 85 million metric tons CO₂e. The transportation sector comprises about 41 percent of the total emissions (Bay Area Air Quality Management District 2017c).

Existing Sources of GHG Emissions on the Project Site

Agricultural production is the only source of existing emissions sources within the project site. This activity generates GHG emissions, primarily from the use of agricultural machinery and indirect emissions from pumping agricultural irrigation water. Emissions from equipment use are assumed to be nominal. Emissions from water pumping were quantified as the baseline, with current emissions estimated at 1.31 MT CO₂e per year. Greenhouse gas emissions from operation of farming equipment were considered negligible and were not quantified.

7.2 REGULATORY SETTING

This section presents an abbreviated regulatory setting. A more complete regulatory setting can be found in the *Air Quality, Greenhouse Gas Emissions, and Energy Report* in Appendix D.

Federal, state, and regional policies and regulations pertaining to climate change are summarized below. These provide context for how climate change is being addressed and to identify policy and regulatory actions whose implementation would lessen the contribution of the proposed project to climate change. The federal government has taken significant regulatory steps toward addressing climate change. Generally, California policy and regulations are as or more comprehensive and stringent than federal actions; therefore, this regulatory section focuses on state activity.

Federal

Climate Change Action Plan

In October 1993, former President Clinton announced the Climate Change Action Plan, which had a goal of returning GHG emissions to 1990 levels by the year 2000. This was to be accomplished through 50 initiatives that relied on innovative voluntary partnerships between the private sector and government aimed at producing cost-effective reductions in GHG emissions. On March 21, 1994, the U.S. joined a number of countries around the world in signing the United Nations Framework Convention on Climate Change.

In June 2013, the Executive Office of the President released former President Obama's Climate Action Plan. The Climate Action Plan has three key pillars: cut GHG pollution in America, prepare the United States for the impacts of climate change, and lead international efforts to combat global climate change and prepare for its impacts. The Climate Action Plan was prepared as a blueprint for national and international action, and contains new steps to achieve the stated goals.

Endangerment and Cause or Contribute Findings for GHGs

In April 2007, in the court case of *Massachusetts et al. vs. the United States Environmental Protection Agency*, the United States Supreme Court found that GHGs are air pollutants covered by the federal Clean Air Act.

Mandatory Reporting of GHGs Rule

In September 2009, the EPA issued a final rule for the mandatory reporting of GHG data and other relevant information from large sources in the United States (Code of Federal Regulations Title 40, Part 98). This comprehensive, nationwide emissions data is intended to provide a better understanding of the sources of GHGs and guide development of policies and programs to reduce emissions.

State

Overall Statutory Framework

The California Legislature has enacted a series of statutes addressing the need to reduce GHG emissions across the State. These statutes can be categorized into four broad categories: (i) statutes setting numerical statewide targets for GHG reductions, and authorizing California Air Resources Board to enact regulations to achieve such targets; (ii) statutes setting separate targets for increasing the use of renewable energy for the generation of electricity throughout the state; (iii) statutes addressing the carbon intensity of vehicle fuels, which prompted the adoption of regulations by California Air Resources Board; and (iv) statutes intended to facilitate land use planning consistent with statewide climate objectives. The discussion below will address each of these key sets of statutes, as well as California Air

Resources Board “Scoping Plans” intended to achieve GHG reductions under the first set of statutes and recent building code requirements intended to reduce energy consumption. The most important of these are summarized here. Refer to Appendix D for additional detail.

Statutes Setting Statewide GHG Reduction Targets

Assembly Bill 32 (Global Warming Solutions Act)

In September 2006, the California State Legislature enacted the California Global Warming Solutions Act of 2006, also known as Assembly Bill (AB) 32. AB 32 establishes regulatory, reporting, and market mechanisms to achieve quantifiable reductions in GHG emissions and a cap on statewide GHG emissions. AB 32 requires that statewide GHG emissions be reduced to 1990 levels by 2020. This reduction will be accomplished through an enforceable statewide cap on GHG emissions that was phased in starting in 2012. To effectively implement the cap, AB 32 directs CARB to develop and implement regulations to reduce statewide GHG emissions from stationary sources.

Senate Bill 32

Effective January 1, 2017, Senate Bill (SB) 32 added a new section to the Health and Safety Code. It provides that “[i]n adopting rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions authorized by [Division 25.5 of the Health and Safety Code], [CARB] shall ensure that statewide greenhouse gas emissions are reduced to at least 40 percent below the statewide greenhouse gas emissions limit no later than December 31, 2030.” SB 32 requires California, by the year 2030, to reduce its statewide GHG emissions so that they are 40 percent below those that occurred in 1990.

With AB 32 (2006) and SB 32 (2016), the Legislature has codified some of the ambitious GHG reduction targets included within certain high-profile Executive Orders issued by the last two governors. The 2020 statewide GHG reduction target in AB 32 was consistent with the second of three statewide emissions reduction targets set forth in former Governor Arnold Schwarzenegger’s 2005 Executive Order known as S-3-05, which is expressly mentioned in AB 32. That Executive Branch document included the following GHG emission reduction targets: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; by 2050, reduce GHG emissions to 80 percent below 1990 levels. To meet the targets, the Governor directed several state agencies to cooperate in the development of a climate action plan. The Secretary of Cal-EPA leads the Climate Action Team, whose goal is to implement global warming emission reduction programs identified in the Climate Action Plan and to report on the progress made toward meeting the emission reduction targets established in the executive order.

In 2015, former Governor Brown issued another Executive Order, B-30-15, which created a “new interim statewide greenhouse gas emission reduction target to reduce greenhouse gas emissions to 40 percent below 1990 levels by 2030 is established in order to ensure California meets its target of reducing greenhouse gas emissions to 80 percent below 1990 levels by 2050.” SB 32 codified this target.

Statutes Setting Targets for the Use of Renewable Energy for the Generation of Electricity

California Renewables Portfolio Standard

In September 2002, the Legislature enacted Senate Bill 1078 (Stats. 2002, ch. 516), which established the Renewables Portfolio Standard program, requiring retail sellers of electricity, including electrical corporations, community choice aggregators, and electric service providers, to purchase a specified minimum percentage of electricity generated by eligible renewable energy resources. The legislation set a target by which 20 percent of the State’s electricity would be generated by renewable sources. In September 2006, the Legislature enacted Senate Bill 107, which modified the Renewables Portfolio Standard to require that at least 20 percent of electricity retail sales be served by renewable energy resources by year 2010. In April 2011, the Legislature enacted Senate Bill X1-2, which set more aggressive statutory targets for renewable electricity, culminating in the requirement that 33 percent of the State’s electricity come from renewables by 2020.

In 2015, the Legislature enacted SB 350, which encourages a substantial increase in the use of electric vehicles and increased the Renewable Portfolio Standard to require 50 percent of electricity generated to be from renewables by 2030. In September 2018, SB 100 raised California’s Renewable Portfolio Standard requirement to 50 percent renewable resources target by December 31, 2026, and to 60 percent by December 31, 2030. Executive Order B-55-18 establishes a carbon neutrality goal for California by 2045; and sets a goal to maintain net negative emissions thereafter.

In March 2012, former Governor Brown issued an Executive Order, B-16-12, which embodied a similar vision of a future in which zero-emission vehicles will play a big part in helping the state meet its GHG reduction targets. Executive Order B-16-12 directed state government to accelerate the market for electric vehicles in California through fleet replacement and electric vehicle infrastructure.

In sum, California has set a statutory goal of requiring that, by the year 2030, 60 percent of the electricity generated in California should be from renewable sources, with increased generation capacity intended to be sufficient to allow the mass conversion of the statewide vehicle fleet from petroleum-fueled vehicles to zero-emission vehicles. Another key prong to this strategy is to make petroleum-based fuels less carbon intensive.

Cap and Trade Program

In October 2011, the California Air Resources Board adopted the final cap-and-trade program for California. The California cap-and-trade program creates a market-based system with an overall emissions limit for affected sectors. The program is intended to regulate more than 85 percent of California's emissions and staggers compliance requirements according to the following schedule: (1) electricity generation and large industrial sources (2012); (2) fuel combustion and transportation (2015). In 2017, former Governor Brown signed AB 398, which extended the life of the existing Cap and Trade Program through December 2030.

Statutes Intended to Facilitate Land Use Planning Consistent with Statewide Climate Objectives

California Senate Bill 375 (Sustainable Communities Strategy)

This 2008 legislation sets forth a mechanism for coordinating land use and transportation on a regional level for the purpose of reducing GHGs. The focus is to reduce miles traveled by passenger vehicles and light trucks. California Air Resources Board is required to set GHG reduction targets for each metropolitan region for the years 2020 and 2035. Each of California's metropolitan planning organizations then prepares a sustainable communities strategy that demonstrates how the region will meet its GHG reduction target through integrated land use, housing, and transportation planning.

Climate Change Scoping Plans

AB 32 Scoping Plan

In December 2008, California Air Resources Board adopted the Climate Change Scoping Plan, which contains the main strategies California will implement to achieve reduction of approximately 118 million metric tons (MMT) CO₂e, or approximately 22 percent from the state's projected 2020 emission level of 545 MMT of CO₂e under a business-as-usual scenario. This is a reduction of 47 MMT CO₂e, or almost 10 percent, from 2008 emissions. California Air Resources Board's original 2020 projection was 596 MMT CO₂e, but this revised 2020 projection takes into account the economic downturn that occurred in 2008. The Scoping Plan also includes California Air Resources Board recommended GHG reductions for each emissions sector of the state GHG inventory.

With regard to land use planning, the Scoping Plan expects that reductions of approximately 3.0 MMT CO₂e will be achieved through implementation of Senate Bill 375.

2014 Scoping Plan Update

California Air Resources Board revised and reapproved the Scoping Plan, and prepared the first update to the Scoping Plan in 2014 (2014 Scoping Plan). The 2014 Scoping Plan contains the main strategies California will implement to achieve a reduction of 80 MMT of CO₂e emissions, or approximately 16 percent, from the state's projected 2020 emission level of 507 MMT of CO₂e under the business-as-usual scenario.

2017 Scoping Plan

With the passage of SB 32, the Legislature also passed companion legislation AB 197, which provides additional direction for developing the scoping plan. California Air Resources Board adopted the final 2017 Scoping Plan in November 2017. The 2017 Scoping Plan reflects the 2030 target of reducing statewide GHG emissions by 40 percent below 1990 levels codified by SB 32.

Building Code Requirements Intended to Reduce GHG Emissions

California Energy Code

The California Energy Code was first established in 1978 in response to a legislative mandate to reduce California's energy consumption. The California Energy Code is updated every three years by the California Energy Commission as the Building Energy Efficiency Standards (BEES) to allow consideration and possible incorporation of new energy efficiency technologies and construction methods. Although the BEES were not originally intended to reduce GHG emissions, increased energy efficiency results in decreased GHG emissions because energy efficient buildings require less electricity. In May 2018, the California Energy Commission adopted the 2019 BEES, which go into effect on January 1, 2020. The 2019 BEES are structured to achieve the state's goal that all new low-rise residential buildings (single-family and multi-family homes) be zero net energy.

California Green Building Standards Code

The purpose of the California Green Building Standards Code (California Code of Regulations Title 24, Part 11) is to improve public health and safety and to promote the general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices in the following categories: 1) planning and design; 2) energy efficiency; 3) water efficiency and conservation; 4) material conservation and resource efficiency; and 5) environmental quality. The California Green Building Standards became effective on January 1, 2011.

Regional/Local

Association of Bay Area Governments and Metropolitan Transportation Commission - Plan Bay Area

Plan Bay Area: Strategy for a Sustainable Region was adopted in July 2013 and set forth a strategy for development of the Bay Area's transportation infrastructure (Association of Bay Area Governments and Metropolitan Transportation Commission 2013). *Plan Bay Area 2040: Regional Transportation Plan and Sustainable Communities Strategy for the San Francisco Bay Area 2017-2040* ("Plan Bay Area 2040") is the strategic update to *Plan Bay Area: Strategy for a Sustainable Region*, and it builds on earlier work to develop an efficient transportation

network, provide more housing choices and grow in a financially and environmentally responsible way (Association of Bay Area Governments and Metropolitan Transportation Commission 2017). Plan Bay Area 2040 fulfills obligations under SB 375, the California Sustainable Communities and Climate Protection Act of 2008.

Bay Area Air Quality Management District

The air district is charged with managing air quality and greenhouse gas emissions within its boundaries. Regional guidance on GHG emissions is provided in the 2017 CEQA Guidelines and the 2017 Clean Air Plan.

The air district has published comprehensive guidance on evaluating, determining significance of, and mitigating GHG impacts of projects and plans. The guidance is contained in the 2017 CEQA Guidelines. The 2017 CEQA Guidelines identify three thresholds of significance options for operational-related GHG emissions for land use development projects: 1) compliance with a qualified GHG reduction strategy; 2) annual emissions less than 1,100 MT per year of CO₂e; or 3) emissions below 4.6 MT CO₂e per year per service population (residents + employees). The second two thresholds of significance are based on AB 32 GHG emission reduction goals for the year 2020. The proposed project is expected to be operational by 2022. Therefore, the two thresholds do not account for GHG emissions reductions needed after 2020 to keep statewide emissions on a path toward meeting the 2030 SB 32 emissions reduction target. Consequently, the air district does not have quantified thresholds of significance that are applicable to the proposed project.

The air district adopted the 2017 Clean Air Plan on April 19, 2017. The 2017 Clean Air Plan defines a vision for achieving ambitious greenhouse gas reduction targets for 2030 and 2050, and provides a regional climate protection strategy that will put the Bay Area on a pathway to achieve those GHG reduction targets. The 2017 Clean Air Plan includes a wide range of control measures designed to decrease emissions of the air pollutants that are most harmful to Bay Area residents, such as particulate matter, ozone, and toxic air contaminants; to reduce emissions of methane and other “super-GHGs” that are potent climate pollutants in the near-term; and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

There are 85 control measures in the 2017 Clean Air Plan, many of which are applicable only for regional or government implementation. The 2017 Clean Air Plan control measures that address GHG emissions include TR1: Clean Air Teleworking Initiative; TR 2: Trip Reduction Programs; TR19: Medium and Heavy Duty Trucks; TR 22: Construction, Freight, and Farming Equipment; BL1: Green Buildings; BL2: Decarbonize Buildings; BL4: Urban Heat Island Mitigation; and SL1: Short-Lived Climate Pollutants.

City of Gilroy

The city adopted the *City of Gilroy Climate Action Plan* on May 25, 2012. The climate action plan established a citywide emissions reduction goal of 15 percent below 2005 levels by 2020. The climate action plan is not a qualified GHG reduction plan because the city determined that implementation of some of the GHG reduction measures included in the document may not be feasible and potential environmental impacts associated with implementing the climate action plan were not evaluated. Because the climate action plan is not a qualified GHG reduction plan, the city does not have the ability to use the document to streamline the CEQA analysis of GHG impacts pursuant to CEQA Guidelines Section 15130.5.

7.3 THRESHOLDS OF SIGNIFICANCE

The City of Gilroy has not formally adopted a quantified threshold of significance for GHGs and to date, has not adopted a qualified climate action plan. Either of these tools could otherwise be used to determine the significance of climate change impacts of the proposed project. Further, the air district has not adopted thresholds of significance for non-stationary GHG sources needed after 2020 to keep statewide emissions on a path toward meeting the 2030 SB 32 emissions reduction target that could be used as guidance by the city.

In the absence of local guidance, a GHG threshold of significance has been developed for the proposed project. The threshold is a GHG efficiency metric that represents a rate of emissions generation from land use projects. If the proposed project rate of emissions is equal to or below the threshold, project emissions would not conflict with the state's ability to achieve statewide GHG reduction targets embodied in applicable state legislation. As described below, the applicable statewide GHG reduction goal is 40 percent below 1990 levels by 2030 as codified in SB 32.

The SB 32 emissions reduction target is applicable because buildout of the project site is assumed to occur by 2022. Therefore, a threshold is developed for the proposed project below which the project would be consistent with a GHG reduction trajectory towards achieving the SB 32 2030 reduction goals. In summary, lacking local guidance for a quantified threshold of significance, this report relies on the 2030 emissions reduction goal as a basis for crafting a GHG efficiency-based threshold of significance for the proposed project.

Threshold Development Methodology

The threshold methodology responds to the California Supreme Court's ruling in the Newhall Ranch Case. That ruling is described in the California Supreme Court Decisions subsection of the Regulatory Setting section above. More specifically, the methodology addresses the first of the Court's three guidance recommendations regarding potential alternative approaches to GHG impact assessment at the project level for lead agencies:

The lead agency determination of what level of GHG emission reduction from business-as-usual projection that a new land development at the proposed location would need to achieve to comply with statewide goals upon examination of data behind the Scoping Plan's business-as-usual emission projections. The lead agency must provide substantial evidence and account for the disconnect between the Scoping Plan, which dealt with the state as a whole, and an analysis of an individual project's land use emissions (the same issues with CEQA compliance addressed in this case).

First, the methodology examines the data behind the Scoping Plan's business-as-usual emissions projections. That data is comprised of the 1990 statewide GHG emissions inventory that CARB has previously used to project a statewide emissions reduction target, but is not the target itself. Second, the methodology avoids disconnect between consideration of GHG emissions from all sources in the state as a whole as listed in the 1990 inventory, and analysis of emissions from land use projects. This is achieved by isolating out of the 1990 statewide GHG emissions inventory the GHG sources to which land use sector driven development contributes (e.g. emissions produced by residential development, commercial development, and other similar land development end use types). The threshold of significance derived is; therefore, specific to evaluating the significance of GHG emissions generated solely from land use projects.

Individual land use projects commonly generate GHG emissions from similar sources: mobile, energy, area (e.g. burning natural gas), water, and solid waste. The emissions profiles of common land use projects (e.g. residential, commercial, mixed use, etc.) generally do not vary substantially in terms of the proportions of emissions generated from each of these sources. This is true for land use projects as a class, regardless of their locations within the state. Since climate change is a global phenomenon, the specific location of a land use project within the state is not highly informative as a measure of its potential to contribute to adverse climate change effects. Consequently, the threshold determination methodology focuses on the level of GHG emissions reduction an individual land use project should achieve to comply with statewide goals. As described below, the threshold is represented as a GHG efficiency metric – a rate of emissions the proposed (land use) project must achieve to contribute its “fair share” for meeting statewide goals. This approach is permissible, as the Supreme Court expressed conceptual support for approaches that attempt to ascertain a project's “fair share” of required statewide reductions.

Use of a GHG Emissions Efficiency Metric

A GHG efficiency metric represents a rate of emissions generation. It is the ratio of total GHG emissions to “service population.” Service population is the sum of the number of jobs and the number of residents generated by a proposed project. A project that produces a high

volume of GHG emissions relative to its service population is less GHG efficient than the same project that produces a lower volume of GHG emissions when the service population is held constant. Stated in another way, the rate of emissions for the first project exceeds the rate of emissions for the second project.

A GHG efficiency metric can be used to compare the rate of emissions from a particular land use project to the rate of statewide GHG emissions from land use projects at or below which the statewide 2030 emissions reduction goal identified in SB 32 would be achieved. With a reduced rate of emissions per resident and employee, California can accommodate expected population growth and achieve economic development objectives, while also abiding by the SB 32 emissions target. If the rate of GHG emissions from an individual project is equal to or below the statewide rate of GHG emissions from the land use sector, the individual project would not impede the state's ability to achieve the 2030 statewide reduction goal.

Land Use Driven GHG Emissions Projection

The California Air Resources Board stated in the *First Update to the Climate Change Scoping Plan* that an average statewide GHG reduction of 5.2 percent per year from the projected statewide year 2020 GHG emissions inventory volume will be needed to stay on a trajectory to achieve state reduction targets for 2030. The first step in deriving an applicable statewide efficiency metric threshold is to determine the volume of statewide GHG emissions from land use driven sectors in 2022 (the anticipated project buildout year) that must be achieved to stay on trajectory towards meeting the statewide 2030 reduction target of 40 percent below 1990 levels. Land use driven emissions are those from sources that function to support population and employment growth.

Land use driven GHG emissions can be isolated out of the 2020 projected statewide emissions inventory by eliminating emissions sources that are not land use driven and that would not accommodate projected new population or employment growth. For example, emissions associated with ocean transport or agriculture are not related to new land use driven emissions. Conversely, emissions associated with on-road transportation, electricity production, natural gas combustion, wastewater treatment, and solid waste from commercial and residential land uses are land use driven as they contribute to accommodating new population and employment growth.

Table 7-3, [2020 California Greenhouse Gas Inventory for Land Use Driven Emissions](#), shows the 2020 state emissions inventory for land use driven GHG emissions. Total land use driven emissions are projected at 286.70 MMT CO₂e.

Table 7-3 2020 California Greenhouse Gas Inventory for Land Use Driven Emissions

Land Use Type	Emissions (MMT CO ₂ e)
On-Road Transportation	
Passenger Cars	63.77
Light Duty Trucks	44.75
Motorcycles	0.43
Heavy Duty Trucks	29.03
Freight	0.02
Subtotal	138.00
Electricity Generation In-State	
Commercial Cogeneration	0.70
Merchant Owned	2.33
Transmission and Distribution	1.56
Utility Owned	29.92
Subtotal	34.51
Electricity Generation In-State	
Specified Imports	29.61
Transmission and Distribution	1.02
Unspecified Imports	30.96
Subtotal	61.59
Commercial	
CHP: Commercial	0.40
Communication	0.07
Domestic Utilities	0.34
Education	1.42
Food Services	1.89
Healthcare	1.32
Hotels	0.67
Not Specified Commercial	5.58
Offices	1.46
Retail & Wholesale	0.68
Transportation Services	0.03
Subtotal	13.86
Residential	
Household Use	29.66
Subtotal	29.66

Land Use Type	Emissions (MMT CO ₂ e)
Industrial	
Landfills	6.26
Domestic Wastewater Treatment	2.83
Subtotal	9.09
Total Emissions	286.70

SOURCE: California Air Resources Board. No date

Applying CARB's 5.2 percent annual emissions reduction rate to the 2020 projected state inventory volume of 286.70 MMT CO₂e for two consecutive years yields a projected emissions volume of 257.66 MMT CO₂e in 2022. This is the volume of statewide emissions that must be achieved in 2022 for California to stay on track for meeting the statewide emissions reduction goal for 2030. The 2022 statewide service population is the sum of the projected statewide 2022 population and projected statewide 2022 employment. The projected 2022 statewide population is 41,110,032 (California Department of Finance 2019). The California Employment Development Department, California Occupational Employment Projections 2016-2026, show that the 2026 employment projection is 20,022,700 jobs (California Employment Development Department 2018). Projected 2022 employment is equivalent to 20,022,700 jobs minus the annual average rate of employment during the period 2016 to 2026, which equals 193,310 jobs per year or 773,240 for the four-year period 2022 to 2026. Therefore, 2022 employment is estimated at 19,249,460 jobs.

The 2022 service population is 41,110,032 (population) plus 19,249,460 (jobs), for a total of 60,359,492. The 2022 target GHG efficiency threshold is 257.66 MMT CO₂e/60,359,492 or 4.27 MT CO₂e per service population. This value represents the threshold of significance for the proposed project. This information is summarized in [Table 7-4, 2022 Efficiency-Based Threshold](#) below.

Table 7-4 2022 Efficiency-Based Threshold

	Year 2022
Population	41,110,032
Employment	19,249,460
Service Population	60,359,492
Emissions Target	257.66 MMT CO ₂ e
2022 Threshold	257.66 MMT CO₂e/60,359,492 = 4.27 MT CO₂e/Service Population

SOURCES: California Department of Finance 2019, California Employment Development Department 2018, EMC Planning Group 2019

7.4 ENVIRONMENTAL IMPACT ANALYSIS

This section includes information and data regarding GHG emissions issues that are relevant to the proposed project based on the thresholds of significance described above. The information and data is used as a basis for determining impact significance and for the mitigation measures described in the following Impact Summary and Mitigation Measures section.

Table 7-5, *Project GHG Emissions and Service Population Summary*, presents the project-based GHG emissions volume and its rate emissions, and shows the emissions rate compared to the threshold of significance of 4.27 MT CO₂e per year per service population.

Gross annual GHG emissions from the proposed project consist of the sum of amortized construction emissions, operational emissions, and amortized changes in carbon sequestration. Reductions from gross emissions are then taken to account for baseline conditions and reductions resulting from regulatory requirements. The resulting net GHG emissions divided by the project service population is the project's rate of GHG emissions. The project emissions rate is then compared to the threshold of significance, which is also an emissions rate, to determine significance. The *Air Quality, Greenhouse Gas Emissions, and Energy Report* prepared in November 2019 for the proposed project, and included in Appendix D, includes analysis of the project emissions profile, baseline conditions, regulatory requirements and reductions, and the significance threshold determination methodology.

From Table 7-5, the annual forecasted rate of GHG emissions of 11.27 MT CO₂e per year per service population exceeds the 4.27 MT CO₂e per year per service population threshold of significance by 7.00 MT CO₂e per year per service population. Therefore, the proposed project would generate GHG emissions that would have a significant impact on the environment.

The proposed project would be built to a minimum LEED Silver certification building standard. Representative measures in the LEED program that with potential to reduce GHG emissions include, but are not limited to, renewable energy production, advanced metering, optimized energy performance, enhanced commissioning, enhanced refrigerant management, green power and carbon offsets, indoor water use reduction, outdoor water use reduction, access to quality transit, and storage and collection of recyclables. To the extent that such measures are used to obtain certification, the proposed project is already incorporating on-site GHG emissions reduction measures. The reduction measures can be quantified and used to help reduce project generated GHG emissions.

Table 7-5 Project GHG Emissions and Service Population Summary

Emission Source	Annual GHG Emissions MT CO₂e per year
Amortized Construction	14.21
Annual Unmitigated Operational	1,523.82
Sequestration Potential (gain)	<0.62>
Total Annual Unmitigated	1,537.41
Baseline Reductions	<1.31>
Regulatory Reductions	<37.72>
Net Annual GHG Emissions	1,498.38
Service Population	133
Net Annual GHG Emissions Per Service Population	11.27
Annual GHG Emissions Per Service Population Threshold	4.27
Project Emissions Exceed Threshold?	Yes

SOURCE: EMC Planning Group 2019

NOTES: <Brackets> indicate deductions.

7.5 IMPACT SUMMARY AND MITIGATION MEASURES

IMPACT **The proposed project would result in greenhouse gas emissions that exceed thresholds, and conflict with SB32 (Less than Significant with Mitigation).**

The proposed project rate of GHG emissions is 11.27 MT CO₂e per year per service population. The threshold of significance is 4.27 MT CO₂e per year per service population. The project rate of emissions exceeds the threshold by 7.0 MT CO₂e per year per service population. This is equivalent to 931 MT CO₂e per year (7.0 MT CO₂e x service population of 133). Consequently, the GHG emissions impact is significant and the proposed project also conflicts with SB 32, the applicable GHG reduction plan. To reduce the impact to less than significant, GHG reductions of 931 MT CO₂e per year must be achieved. This mass emissions reduction volume represents a performance standard that must be met by implementing mitigation for the GHG impacts. Implementation of the following mitigation measure would reduce this impact to a less-than-significant level.

Mitigation Measure

GHG-1 The project sponsor/developer shall prepare a Greenhouse Gas Reduction Plan that identifies measures for meeting or exceeding the performance standard of reducing GHG emissions by 931 MT CO₂e per year. The Greenhouse Gas Reduction Plan shall identify each GHG reduction measure, quantify the GHG reduction associated with each, and provide evidence to support the level of

reduction calculated for each. An implementation timetable shall be included that ties each reduction measure to a permit issuance or sign-off timeframe, at which time the Planning Manager shall verify conformance prior to allowing work on the project to continue. The Greenhouse Gas Reduction Plan shall be subject to review and approval of the Planning Manager prior to approval of a grading permit.

Four GHG reduction options are possible for achieving the performance standard: 1) implementing GHG emissions reductions measures to support achieving proposed LEED Silver certification; 2) incorporate non-LEED related GHG reduction measures into the project design; 3) participate in GHG reduction programs being implemented off-site by public or special agencies to obtain credit for GHG emissions reductions; and/or 4) purchase carbon offsets that have been certified through a qualified body to off-set GHG emissions generated by the project. The project sponsor/developer may include any one or a combination of the options in the Greenhouse Gas Reduction Plan to achieve the performance standard. Each option is summarized below.

GHG Reductions from LEED Silver Certification

The project sponsor/developer has proposed that the project will be built to qualify for LEED Silver certification. Measures that reduce GHG emissions may be included in the project design to achieve the certification requirements. Such measures may be quantified based on substantial evidence, with emissions reductions used to help achieve the GHG reduction performance standard.

On-Site GHG Reduction Measures

On-site GHG reduction that may be feasible for inclusion in the project design could include, but may not be limited to the following:

- Design project to exceed the Title 24 energy efficiency standards currently in effect;
- Provide on-site renewable energy to off-set the project demand for grid electricity;
- Incorporate indoor water conservation measures, such as use of ultra-low-flow toilets and faucets (bathrooms);
- Incorporate low flow irrigation into the project design that exceeds requirements of the Water Efficient Landscape Ordinance;
- Install Energy Star appliances;

- Include infrastructure in the project design (e.g. physical design, energy, and fueling) including electric vehicle charging stations for passenger cars to support the deployment of zero emission technologies now and into the future; and
- Provide and prioritize locations of parking for electric cars and trucks.

The project sponsor/developer may propose other reduction measures provided that evidence is provided of their efficacy and implementation feasibility.

Participate in Off-Site GHG Reduction Programs

The project sponsor/developer may participate in one or more programs being implemented by local and regional agencies designed to reduce air emissions and GHG emissions. Representative program types may include energy efficiency retrofit programs or engine replacement/retrofit programs. The Bay Area Air Quality Management District's On-Road Clean Air Vehicles and Infrastructure, Off-Road Equipment, and Greenhouse Gas Reduction programs are representative of such program types. Typically, a project sponsor/developer would provide funds to help implement one or more programs and in exchange, receive credit for GHG emissions reductions that accrue to such participation.

If the project sponsor/developer chooses to participate in an off-site GHG program, evidence of such participation must be provided to the Planning Manager by the agency/interest that is implementing the program. Evidence must describe how the project sponsor/developer is participating, the resulting GHG reduction volume, and verify that the project sponsor/developer has met participation requirements. The evidence would be subject to review and approval of Planning Manager.

Purchase Carbon Off-Sets

Carbon off-sets are GHG emissions reductions that are commonly created and sold in metric ton increments. Off-sets are commonly created by a range of projects such as reforestation, landfill gas capture, solar power generation, etc. For the off-sets to have monetary value, they must be certified by a qualified third party. The California Air Resources Board has stated that it may be appropriate and feasible to mitigate project emissions through purchasing and retiring carbon credits issued by a recognized and reputable accredited carbon registry. The Climate Action Reserve is one such registry. The cost of voluntary, certified GHG reduction credits generally ranges from about \$1.00 to \$8.00 per metric ton. Millions of certified emissions reduction credits are available on the market.

If the project sponsor/developer chooses to purchase carbon off-sets, the project sponsor/developer shall provide evidence to the Planning Manager that a contract for such purchase has been executed through a credible carbon off-set registry such as the Climate Action Reserve, a certified carbon off-set project developer, or a licensed broker. The evidence would be subject to review and approval of the Planning Manager.

This side intentionally left blank.

8.0 Biological Resources

There were no responses to the NOP that are germane to this section of the draft supplemental EIR.

This section of the draft supplemental EIR includes an evaluation of the proposed project as it relates to biological impacts and need only contain the information necessary to make the previous EIR adequate for the proposed project as revised. The information within this section is based upon the City's general plan and the Master Plan and incorporates the Certified EIR. The Santa Clara Valley Habitat Plan ("Habitat Plan") was adopted since the Certified EIR, and is referenced and applied as appropriate. Additional sources of information are introduced where applicable.

8.1 ENVIRONMENTAL SETTING

The environmental setting for biological resources is provided in the Certified EIR and incorporated herein by reference. Since certification of the Certified EIR, there have been no changes to the environmental setting on the project site (Phase III). However, on the adjacent Phase I and Phase II portions of the Sports Park, agricultural uses have been removed and the area developed with athletic fields, parking lots, a drainage basin, and the entry drive.

8.2 POLICY AND REGULATORY ISSUES

Regional

Santa Clara Valley Habitat Plan

The Habitat Plan was adopted after certification of the Certified EIR. The project site is located within the boundaries of the Habitat Plan, a combined Habitat Conservation Plan and Natural Community Conservation Plan incorporating the southern portion of Santa Clara County. This area includes the cities of San Jose, Morgan Hill, and Gilroy, as well portions of unincorporated Santa Clara County. Other partners/permittees of the Habitat Plan include the County of Santa Clara, Santa Clara Valley Water District, and Santa Clara Valley Transportation Authority. The Habitat Plan was developed in association with the USFWS and CDFW. It is intended to provide an effective framework to protect, enhance, and

restore natural resources in specific areas of Santa Clara County, while improving and streamlining the environmental permitting process for impacts to 18 covered special-status species. Partner agencies began implementing the Habitat Plan in October 2013.

The Habitat Plan covers nine special status plant species: Tiburon [Indian] paintbrush (*Castilleja affinis* var. *neglecta*), coyote ceanothus (*Ceanothus ferrisiae*), Mount Hamilton [fountain] thistle (*Cirsium fontinale* var. *campylon*), Santa Clara Valley dudleya (*Dudleya abramsii* ssp. *setchellii*), fragrant fritillary (*Fritillaria liliacea*), Loma Prieta hoita (*Hoita strobilina*), smooth lessingia (*Lessingia micradenia* var. *glabrata*), Metcalf Canyon jewel-flower (*Streptanthus albidus* ssp. *albidus*), and most beautiful jewel-flower (*Streptanthus albidus* ssp. *peramoenus*).

The Habitat Plan covers nine special status wildlife species: Bay checkerspot butterfly (*Euphydryas editha bayensis*), California tiger salamander (*Ambystoma californiense*), California red-legged frog (*Rana draytonii*), foothill yellow-legged frog (*Rana boylei*), western pond turtle (*Emys marmorata*), [western] burrowing owl (*Athene cunicularia*), Least Bell's vireo (*Vireo bellii pusillus*), tricolored blackbird (*Agelaius tricolor*), and San Joaquin kit fox (*Vulpes macrotis mutica*).

According to the Habitat Plan, "conditions on urban development are limited because of the generally low biological value of resources within urban areas" (see page 6-8). However, Section 6.4.1 of the Habitat Plan identifies required conditions of permit approval that minimize biological resource impacts resulting from urban development. Condition 3, Maintain Hydrologic Conditions and Protect Water Quality, applies to all covered activities. Condition 3 requires new development to implement storm water management approaches to reduce and minimize impacts from development to aquatic species and their habitats.

Habitat Plan Section 6.4.2 identifies required conditions of permit approval that minimize biological resource impacts resulting from In-Stream Projects. Condition 4, Avoidance and Minimization for In-Stream Projects, requires projects to minimize impacts on riparian and aquatic habitat, and on wildlife movement. Habitat Plan Table 6-2, Aquatic Avoidance and Minimization Measures, provides design standards for in-stream projects.

Condition 6, Design and Construction Requirements for Covered Transportation Projects, identifies design requirements to minimize the impacts of transportation projects on wildlife movement, occurrences of certain covered species, and important habitat for covered species. Roads that are outside of streams, and within the planning limit of urban growth are exempt from this condition, however, roadway projects in the vicinity of the project site including upgrades to Santa Teresa Boulevard and Fitzgerald Avenue are subject to this condition.

Habitat Plan Section 6.5, Conditions to Minimize Impacts on Natural Communities, includes Condition 11, Stream and Riparian Setbacks, that applies to all development where a stream

or the stream setback overlaps with any portion of a parcel upon which development would occur. A stream is generally defined as a watercourse that flows at least periodically or intermittently through a bed or channel having banks.

Habitat Plan Section 6.6 contains measures to avoid and/or minimize impacts to specific covered wildlife species, and outlines the timing of species habitat surveys, pre-construction surveys, and construction monitoring. Habitat Plan Table 6-8 summarizes requirements for wildlife species surveys, pre-construction surveys, and construction monitoring.

Local

Gilroy 2020 General Plan

The *Gilroy 2020 General Plan* Open Space and Habitat Areas policies (20.01 through 20.05) and implementation actions (20.A through 20.D and 20.H) are designed to protect biological resources. Of these, the following policies are most applicable to the proposed project:

Policy 20.02 Creek Protection. Protect the ecological, aesthetic and recreational value of the creeks that flow through the Gilroy Planning Area from urban encroachment and degradation. Ensure that new development preserves the function of natural drainages, including small canyons and seasonal creeks. The easements and setbacks adjacent to these creeks shall be maintained in open space. Access to creeks should be of sufficient width to accommodate trails, flood control access, and protection of riparian habitat.

Policy 20.03 Plant and Wildlife Habitats. Preserve important plant and wildlife habitats, including riparian communities, heavily vegetated hillside areas, unique hillside ecosystems (e.g., serpentinite barrens), creeks, and sensitive nesting sites. Loss of these habitats should be fully offset through creation of habitat of equal value, with the compensation rate for habitat creation determined by a qualified biologist.

Policy 20.04 Rare and Endangered Species. Limit development in areas that support the California Tiger Salamander and other rare or endangered species. If development of these areas must occur, any loss of habitat should be fully compensated onsite. If off-site mitigation is necessary, it should occur within the Gilroy Planning Area whenever possible, and must be accompanied by plans and a monitoring program prepared by a qualified biologist.

City of Gilroy Landscaping Ordinance

The City adopted a new article, Article 30.38, Landscaping, Water Efficiency, and Stormwater Retention and Treatment, in April 2018. This Article promotes the value and benefits of landscapes while recognizing the need to use limited water resources as efficiently as possible.

City of Gilroy Zoning Code – Chapter 26, Trees

The purpose of this chapter of the City’s Zoning Code is to preserve and protect existing trees, provide guidance for the maintenance of City trees, and to provide direction on which types and species of trees are suitable to be planted in the area. This Chapter of the Zoning Code also includes a Master Street Tree Planting Plan, where it states that the City’s Parks and Recreation Director should develop a tree planting plan whereby specific tree species are designated for specific locations throughout the City.

8.3 THRESHOLDS OF SIGNIFICANCE

Based upon the City of Gilroy’s adopted thresholds of significance, a significant biological resources impact would occur if implementation of the proposed project would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service through a “taking” of a species listed, or proposed for listing, or a candidate for listing under the state and/or federal Endangered Species Act, or protected by the Migratory Bird Treaty Act, or otherwise considered to have a special status in local plans, or to substantially modify the habitat for such species.
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service, through direct removal of riparian vegetation, native grassland, oak woodland, or other actions that would disrupt habitat value or upland habitat, intrusion on the riparian canopy, or disruption of critical periods of animal life cycle.
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites in the following: reduce or eliminate species diversity or abundance; reduce or eliminate quantity or quality of nesting areas; limit reproductive capacity through losses of individuals or habitat; fragment, eliminate, or otherwise disrupt foraging areas and/or access to food sources; limit or fragment range and movement (geographic distribution or animals and/or seed dispersal routes); or interfere with natural processes, such as fire or flooding, upon which the habitat depends.
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

- Conflict with the provisions of the adopted Santa Clara Valley Habitat Conservation Plan.

These are the issues evaluated in the impact analysis in the Certified EIR and below.

8.4 ENVIRONMENTAL IMPACT ANALYSIS

This section includes information and data regarding biological resource issues that are relevant to the proposed project based on the thresholds of significance described above. The information and data is used as a basis for determining impact significance and for the mitigation measures described in the following Impact Summary and Mitigation Measures section.

Habitat Plan Effect on Project Mitigation

The proposed project is a “covered activity” pursuant to the Habitat Plan. As a covered activity, proposed development at the project site will require a Habitat Plan permit, compliance with all stipulated permit conditions, and payment of applicable fees. The Certified EIR included several mitigation measures for stream buffers and special status species. Updated stream buffer provisions and protections for most of the special status species are included in the Habitat Plan. Because the Habitat Plan is now in force, several of the Certified EIR mitigation measures are no longer necessary. Changes to the Certified EIR mitigation measures in response to the Habitat Plan are summarized in [Table 8-1, Certified EIR Biological Resources Measures Modified or Superseded by the Habitat Plan](#). Additional information on the changes is provided in the sections following Table 8-1. Refer to Section 8.5, Impact Summary and Mitigation Measures, for specific wording changes.

Stream Buffer

Habitat Plan Condition 11 requires a 150-foot buffer from the top of bank of most Category 1 streams within the County. Uvas Creek is a Category 1 stream. The buffer requirement is increased to 200 feet when the average site slope is greater than 30 percent (Habitat Plan p. 6-47 to 6-50). The proposed project would be subject to the 150-foot set-back requirement, which is a larger setback than was required in the Certified EIR. Recreational trails are exempt from the buffer requirement, but remain subject to some Habitat Plan conditions.

The 150-foot setback encroaches into the southern portion of the project site, to a point approximately equal to the center of the adjacent drainage basin. The proposed ice rink building is located beyond the 150-foot buffer. Refer to [Figure 8-1, Stream Buffer](#). The Habitat Plan does not permit invasive non-native plant species. The project plans indicate a landscaped area at the southern end of the project site, but no specific planting plan is

available. The proposed project would be subject to the landscaping requirements of Sports Park and USA EIR Mitigation Measure 4 and the requirements of USA Amendment SEIR Mitigation Measure 3. Sports Park and USA EIR Mitigation Measure 4 requires native plants within the buffer. Mitigation Measure 4 directed landscape plant requirements in a buffer area within 50 feet of the top of bank of Uvas Creek, and Sports Park and USA EIR Mitigation Measure 3 included a requirement for native plantings and consistency with the City's Zoning Code, Article 30.38, Landscaping, Water Efficiency, and Stormwater Retention and Treatment, and Chapter 26, Trees. These two mitigation measures are largely redundant and have been consolidated as Mitigation Measure 4. The buffer width has been expanded for consistency with the Habitat Plan.

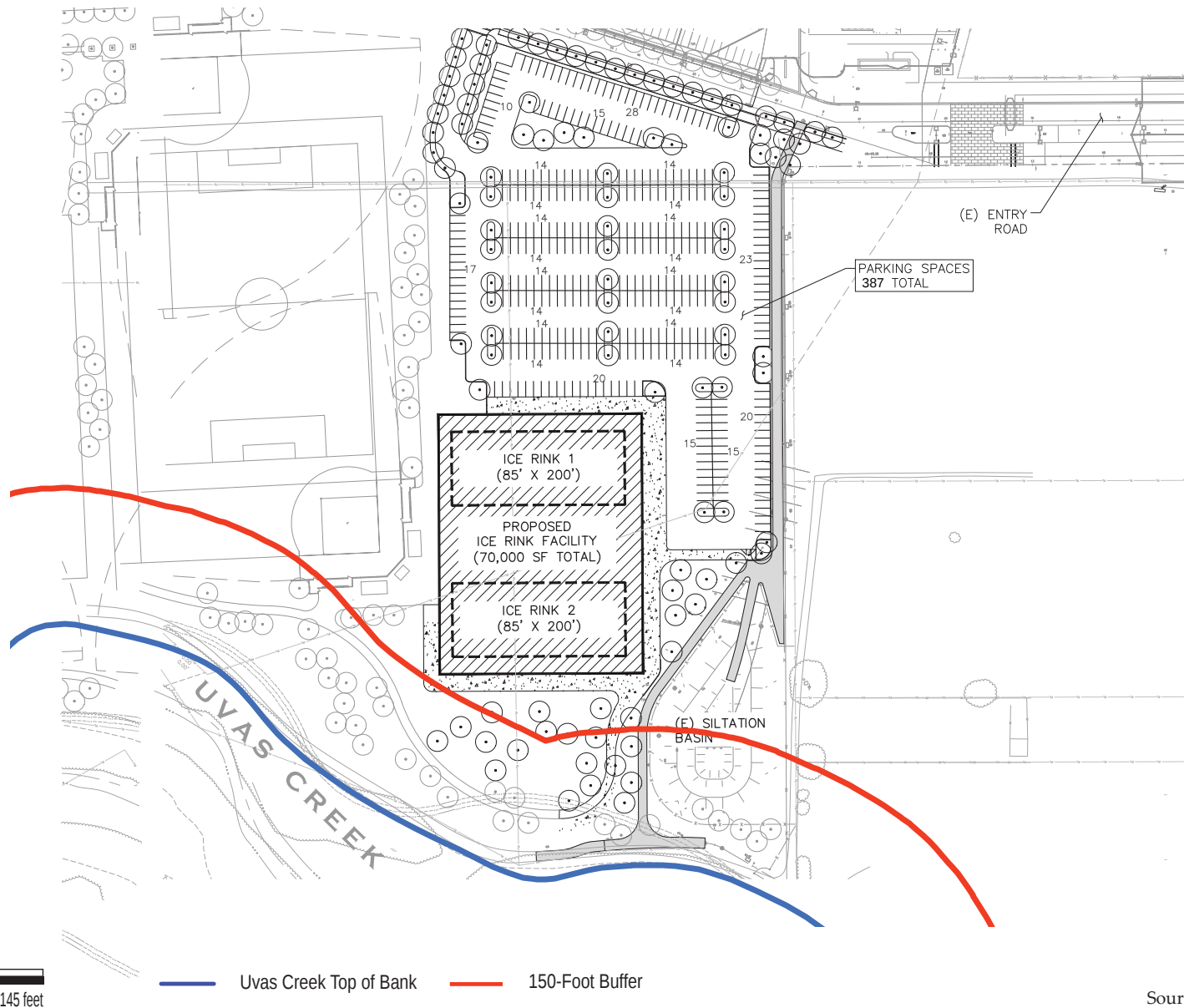
Table 8-1 Certified EIR Biological Resources Measures Modified or Superseded by the Habitat Plan

Sports Park and USA EIR	USA Amend. SEIR	Mitigation Measure Summary	Disposition
4		Buffer and native plantings requirements	Consolidated and revised for consistency with Habitat Plan provisions.
	3	Adherence to Consolidated Landscape Policy including use of native plants	
7		Habitat Management Plan specific to trail crossing of Uvas Creek (Phase IX)	Removed in favor of Habitat Plan stream crossing and buffer provisions.
10		Erosion control measures specific to trail crossing of Uvas Creek (Phase IX)	
11	5	Burrowing owl surveys and protection	Removed in favor of Habitat Plan special status species provisions.
14	7	Amphibian surveys and protection	Removed in favor of Habitat Plan special status species provisions.
15	6	Amphibian worker food restrictions	Removed in favor of Habitat Plan special status species provisions.

SOURCE: Santa Clara Valley Habitat Agency 2012; EMC Planning Group 2019

Protected Species

Sports Park and USA EIR Mitigation Measure 11 and USA Amendment SEIR Mitigation Measure 5 both address surveys for and protection of burrowing owls. The Habitat Plan covers permits for impacts to burrowing owl, and presents conditions specific to surveying and protective measures for burrowing owl. Therefore, these measures are redundant to the Habitat Plan provisions, and can be eliminated as a requirement for Sports Park development.



Source: Schaaf and Wheeler 2002

Figure 8-1
Stream Buffer

This side intentionally left blank.

Sports Park and USA EIR Mitigation Measures 14 and 15 and USA Amendment SEIR Mitigation Measures 6 and 7 all address protection of special-status amphibians. The Habitat Plan covers permits for take of four special status species that could be associated with the Uvas Creek riparian habitat or associated uplands: California red-legged frog, California tiger salamander, foothill yellow-legged frog, and western pond turtle. Three of these mitigation measures also covered western spadefoot toad (*Scaphiopus hammondi*), which is a species not covered by the Habitat Plan. While the Habitat Plan was in development, the current range and survey data for western spadefoot toad in Santa Clara County was reviewed, and it was determined that the species does not occur in the county and was therefore not included in the Habitat Plan. For this reason, Sports Park and USA EIR Mitigation Measures 14 and 15, and USA Amendment SEIR Mitigation Measure 7, as they pertain to western spadefoot toad, are no longer necessary. USA Amendment SEIR Mitigation Measure 6 is redundant of Sports Park and USA EIR Mitigation Measures 15, albeit without specific reference to the western spadefoot toad, and is also removed.

Sports Park and USA EIR Mitigation Measures 7 and 10 are specific for a trail crossing of Uvas Creek that is part of Master Plan Phase IX. These mitigation measures are now covered by Habitat Plan provisions, and therefore have been removed as a requirement for Sports Park development. Two other biological mitigation measures specific to the trail bridge (Sports Park and USA EIR Mitigation Measures 8 and 9) remain in the Certified EIR because they are beyond the scope of the Habitat Plan.

8.5 IMPACT SUMMARY AND MITIGATION MEASURES

There are no significant biological resources impacts associated with the proposed project that are not already mitigated by the Certified EIR or the Habitat Plan. The following changes to mitigation measures in the Certified EIR are made for consistency with provisions of the Habitat Plan.

Sports Park and USA EIR Mitigation Measure 4 and USA Amendment SEIR Mitigation Measure 3

These two mitigation measures are revised to address the expanded buffer requirement in the Habitat Plan. The two original mitigation measures are presented, with the revised and consolidated mitigation measure following. The original mitigation measures assumed only trail development would occur within the Uvas Creek buffer area, but this wording has been revised to be more inclusive in light of the expanded buffer width.

Mitigation Measure (Sports Park and USA EIR)

4. The habitat buffer shall be designed to include appropriate native plant species and shall not include plantings of non-native, invasive plant species. The currently unvegetated portion of the 50-foot (minimum) buffer area west of the trail shall be planted with locally-obtained native grass, shrub and riparian

understory species. Wherever possible, the east side of the trail shall be planted with native grasses or other native species to provide additional native habitat before giving rise to the turf playfields.

Mitigation Measure (USA Amendment SEIR)

3. A landscape plan consistent with the Gilroy Consolidated Landscape Policy shall be prepared for common and streetside planting areas abutting the Uvas Creek habitat corridor, subject to the review and approval of the City of Gilroy Planning Division. The landscape plans shall include appropriate native plant species and shall not include plantings of non-native invasive plant species. Native grasses or other native species shall be preferred in the areas adjacent to the Uvas Creek levee to provide additional native habitat in association with the Uvas Creek corridor.

Mitigation Measure (Updated and Consolidated)

4. Prior to development within 150 feet of the top of bank of Uvas Creek, the City shall identify the boundary of the stream buffer consistent with the requirements of Habitat Plan Condition 11. A landscape plan shall be prepared for areas within the stream buffer, and plantings shall be limited to native plant species and shall not include plantings of non-native, invasive plant species. Currently un-vegetated portions of the buffer area within 50 feet of the top of bank shall be planted with locally-obtained native grass, shrub, and riparian understory species. Wherever possible, the remainder of the buffer shall be planted with native grasses or other native species to provide additional native habitat before giving rise to the turf playfields.

Sports Park and USA EIR Mitigation Measures 7 and 10

These mitigation measures specific to a trail crossing over Uvas Creek (not on the current project site) are covered by conditions in the Habitat Plan and are deleted from the Certified EIR.

Sports Park and USA EIR Mitigation Measure 11 and USA Amendment SEIR Mitigation Measure 5

These mitigation measures for protection of burrowing owl are covered by conditions in the Habitat Plan and are deleted from the Certified EIR.

Sports Park and USA EIR Mitigation Measure 14 and 15 and USA Amendment SEIR Mitigation Measures 6 and 7

These mitigation measures for protection of special status amphibian species are covered by conditions in the Habitat Plan and are deleted from the Certified EIR. Western spadefoot toad is no longer considered likely to be found within the project vicinity, and as these measures pertain to that species, they are no longer necessary and are therefore, deleted.

9.0 Hydrology and Flooding

In response to the NOP, the Santa Clara Regional Wastewater Authority commented on the project site's location as being outside the area of concern in terms of affecting quality of the City's groundwater reserves.

This section of the draft supplemental EIR includes an evaluation of the proposed project as it relates to flooding impacts and need only contain the information necessary to make the previous EIR adequate for the proposed project as revised. The information within this section is based upon the City's general plan and the Master Plan and incorporates the Certified EIR. In addition, the *Gilroy Sports Park Master Plan Update Floodplain Impact Analysis* ("floodplain analysis"), prepared for the proposed project in November 2019 by Schaaf and Wheeler Consulting Civil Engineers, is a primary source document for this section, and is included in [Appendix F, Gilroy Sports Park Master Plan Update Floodplain Impact Analysis](#). Additional sources of information are introduced where applicable.

9.1 ENVIRONMENTAL SETTING

The hydrology and flooding environmental setting is provided in the Certified EIR and incorporated herein by reference. There have been no significant changes associated with the environmental setting since the preparation of the Certified EIR. Therefore, please see the environmental setting within the Certified EIR for more information.

9.2 POLICY AND REGULATORY ISSUES

Federal

National Pollutant Discharge Elimination System

The Environmental Protection Agency ("EPA") has published regulations establishing storm water permit application requirements under the Clean Water Act. The National Pollutant Discharge Elimination System ("NPDES") program controls and reduces pollutants to water bodies from point and non-point discharges. The EPA has published regulations establishing storm water permit application requirements under the Clean Water Act. The NPDES program controls and reduces pollutants to water bodies from point and non-point discharges. The 1987 amendments to the Clean Water Act (Section 402[p]) provided for the

EPA regulation of several new categories of non-point pollution sources. In Phase I, NPDES permits were issued for urban runoff discharges from municipalities of over 100,000 people, from plants in industries recognized by the EPA as being likely sources of storm water pollutants, and from construction activities that disturbed more than five acres. Phase II implementation, effective in 2003, extended NPDES urban runoff discharge permitting to cities of 50,000 to 100,000, and to construction sites that disturb between one and five acres. The Phase II regulations establish a sequential application process for all Phase II storm water discharges, which include all discharges composed entirely of storm water, except those specifically classified as Phase I dischargers. Such discharges may include storm water from small municipal separate storm sewer systems, and commercial and institutional facilities.

The NPDES Phase II Storm Water Program requires municipal separate storm sewer systems to obtain a permit and develop a storm water management program designed to prevent harmful pollutants from being washed by storm water runoff into local water bodies. The program must include public education, public participation and involvement, illicit discharge detection and elimination, construction site runoff control, post-construction runoff control and pollution prevention, and good housekeeping.

Specific development projects that disturb more than one acre of land during construction are required to file a notice of intent to be covered under the State NPDES General Construction Permit for discharges of storm water associated with construction activities. The NPDES construction permit requires implementing both construction and post construction phase storm water pollution best management practices. The State NPDES General Construction Permit requires development and implementation of a Storm Water Pollution Prevention Plan ("SWPPP") that uses storm water "Best Management Practices" to control runoff, erosion, and sedimentation from the site both during and after construction. The SWPPP has two major objectives: 1) to help identify the sources of sediments and other pollutants that affect the quality of storm water discharges; and 2) to describe and ensure the implementation of practices to reduce sediment and other pollutants in storm water discharges.

Regional/Local

Santa Clara Valley Water District

The Santa Clara Valley Water District ("water district") manages an integrated water resources system that includes the supply of clean water, flood protection, and stewardship of streams within Santa Clara County. The water district maintains the storm water channels that flow through the project site. The water district's Water Resources Protection Ordinance regulates modifications, entry, use, or access to water district facilities and/or water district easements. The water district offers water conservation information and incentives, but does not directly enforce water conservation regulations.

The water district is also part of a multi-jurisdictional cooperative effort regarding the Santa Clara Valley Urban Runoff Pollution Prevention Program. This program aims to eliminate illicit connections and illegal discharges to the storm drain system; identify and control storm water pollution generated by industrial and commercial activities; establish storm water management programs for public agencies to reduce the amounts of pollutants that enter and accumulate in storm drains from governmental operations; and monitor streams, storm drains, and land use sites to assess sources and effects of, as well as control and treatment options for pollutants in urban runoff.

The water district is a responsible agency for the proposed project due to the floodway easement located south of the project site. As a responsible agency, it has approval jurisdiction over the proposed project.

Santa Clara County Code of Ordinances

Pursuant to Sections C12-813(1)(d) and C12-821 (1) of the Santa Clara County Code of Ordinances, water surface elevations must not increase by more than one foot when considering the cumulative effect of the proposed development when combined with all other existing and anticipated development.

Gilroy 2020 General Plan

The following 2020 *General Plan* policies relating to hydrology and flooding are applicable to the proposed project:

Policy 2.08 20-Year Boundary. Establish a “20-Year Boundary” and display it on the Land Use Plan Map, indicating the area of land that could potentially be developed in the next 20 years. The objectives of the 20-Year Boundary are to:

- Direct the location and extent of urbanization in the 20-year term, providing an efficient way to undertake long-term infrastructure planning.
- Minimize public service and infrastructure costs.
- Promote compact development and efficient utilization of land and resources, encouraging investment in existing neighborhoods.
- Protect natural resource areas.
- Discourage development in areas subject to public safety hazards, including flood hazards.

Policy 20.02 Creek Protection. Protect the ecological, aesthetic and recreational value of the creeks that flow through the Gilroy Planning Area from urban encroachment and degradation. Ensure that new development preserves the function of natural drainages, including small canyons and seasonal creeks. The easements and setbacks adjacent to

these creeks shall be maintained in open space. Access to creeks should be of sufficient width to accommodate trails, flood control access, and protection of riparian habitat.

Policy 25.01 Location of Future Development. Permit development only in those areas where potential danger to the health, safety, and welfare of residents can be adequately mitigated to an “acceptable level of risk” (see Policy 25.04). This applies to development in areas subject to flood damage or geological hazard due to their location and/or design. Development should be prohibited in areas where emergency services, including fire protection, cannot be provided.

Policy 25.18 Development Restrictions in Flood Areas. Restrict urban development and expansion in areas prone to flooding (as indicated on the Flood Hazards Map) or on properties where drainage problems or saturated soil conditions create flood hazards. Allow development in such areas only if measures are enacted to reduce these hazards to an acceptable level of risk.

Policy 25.19 Floodway Use. Discourage the construction of expensive flood prevention facilities by leaving high-risk floodways in agricultural and recreational uses.

Policy 25.21 Multiple Use of Flood Control Projects. Design flood control measures and drainage channel improvements as part of an overall community improvement program with provision for multiple use, including recreational open space, trails, bikeways, groundwater recharge, protection and restoration of riparian vegetation and wildlife habitats, and enhancement of scenic qualities.

Policy 25.23 Green Areas and Permeable Surfaces for Runoff Reduction and Absorption. Require new development to include green areas for reducing runoff and increasing runoff absorption capacities. Similarly, encourage the removal of pavement that is not directly serve traffic parking needs; maintain unpaved parkways between sidewalks and streets; encourage the use of permeable paving materials; and require the use of landscaped strips and islands to break-up large paved areas.

Gilroy Flood Management Ordinance

Section 5.1.C.2 of the Gilroy Flood Management Ordinance requires commercial buildings to be elevated such that the lowest floor is at least one foot above the base flood elevation, or that lower portions of the building be flood-proofed. For development in a flood plain, the encroachments shall not result in any increase in the base flood elevation. The City Council may approve variances to the flood management ordinance, including upon consideration of expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site, and danger to life and property due to flooding or erosion damage.

9.3 THRESHOLDS OF SIGNIFICANCE

Based upon the City of Gilroy's adopted thresholds of significance, a significant hydrology or flooding impact would occur if implementation of the proposed project would:

- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface run-off in a manner that would result in any *flooding on- or off-site*, through alteration of a natural drainage, including small canyons and seasonal creeks, or lack of adequate erosion control measures.
- Place structures within a 100-year flood hazard area, which would impede or redirect flood flows, resulting in inconsistency with the City's Flood Control Ordinance or the Federal Emergency Management Agency (FEMA) regulations.
- Introduce new pollutants to downstream waters.

These are the issues evaluated in the impact analysis below.

9.4 ENVIRONMENTAL IMPACT ANALYSIS

This section includes information and data regarding hydrology and flooding issues that are relevant to the proposed project based on the thresholds of significance described above. The information and data is used as a basis for determining impact significance and for the mitigation measures described in the following Impact Summary and Mitigation Measures section.

Uvas Creek Flood Flows

The southern end of the project site is located within the Santa Clara Valley Water District flood easement that allows for the safe passage of spill from Uvas Creek in a 100-year discharge event (Schaaf and Wheeler Consulting Civil Engineers 2019, p. 2). Approval of the project plans as it relates to location within the flood easement and floodway is required by the Santa Clara Valley Water District. The floodplain analysis indicates that flooding on- and off-site during a 100-year discharge event would be caused by overflow from Uvas Creek (Schaaf and Wheeler Consulting Civil Engineers 2019, p. 20). The proposed project would not increase the rate or amount of overflow from Uvas Creek, or the rate or amount of flow to the east toward Monterey Road.

The redirection of flood flows around the project site would result in localized effects that include changes to flood depths and a negligible increase to the area of onsite 100-year flood inundation. Therefore, the rate or amount of surface runoff that would result in flooding on- or offsite would be less than significant.

Flood Hazard Zone

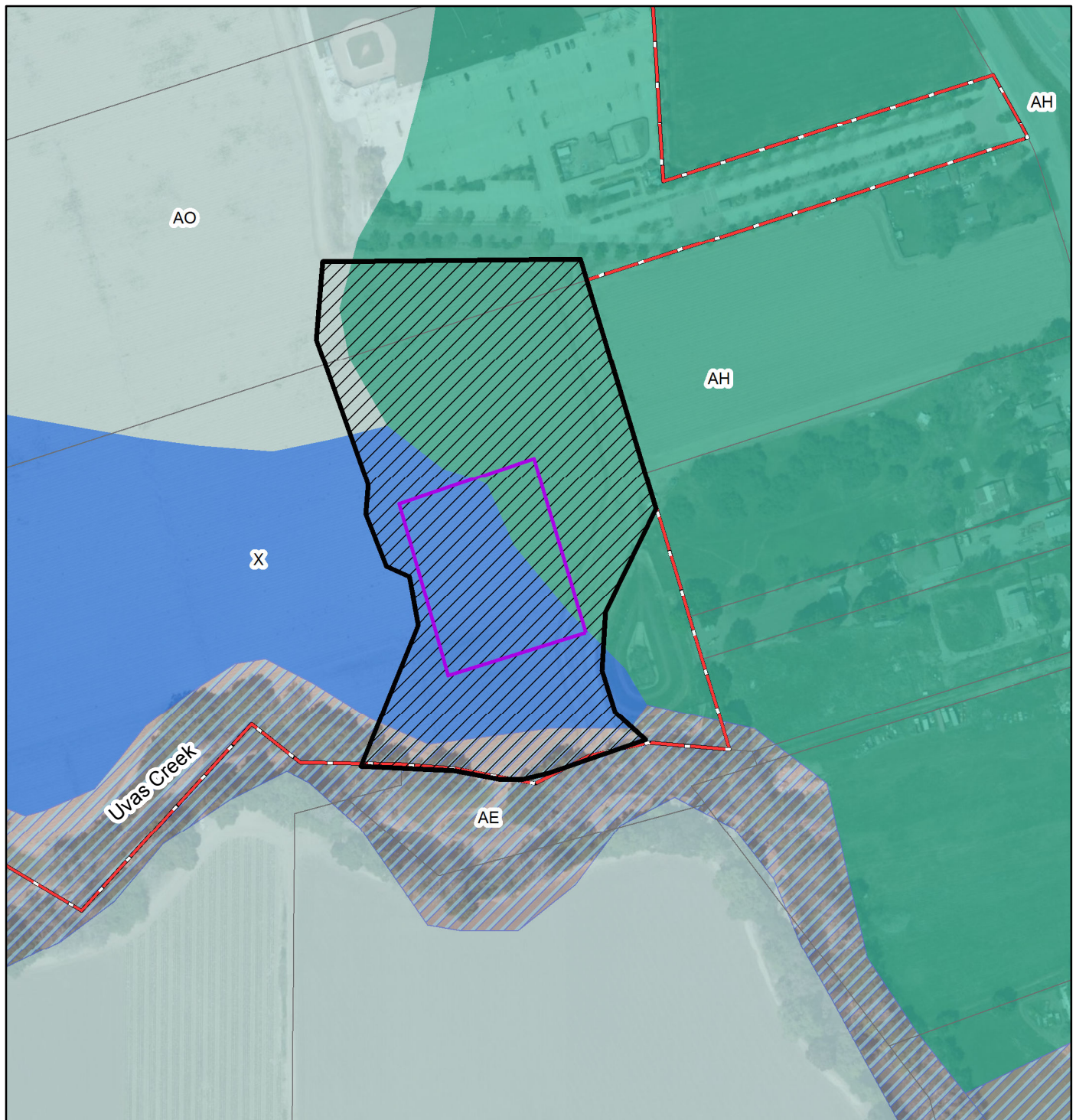
As indicated in the floodplain analysis, grading for the proposed project site extends within several types of Federal Emergency Management Agency (“FEMA”) 100-year floodplains; these floodplains include Zone AE, Zone AO, Zone AH, and Zone X floodplains. The proposed building would be located within Zone AH, an area with a one percent or greater annual chance of shallow flooding, and Zone X, an area of moderate flood hazard or shallow flooding areas, often protected by a levee (Schaaf and Wheeler Consulting Civil Engineers 2019, p. 3). [Figure 9-1, FEMA Flood Hazard Areas](#), presents the FEMA flood zones on the project site (Phase III) and within the entire Sports Park boundary.

Sports Park Flood Depth

The floodplain analysis identifies flood level elevation changes that could occur on the project site and within the Sports Park. Water elevations would increase in the areas immediately west and north of the project site as water is redirected around the raised ground and building. This raised area would create a “hydraulic shadow” whereby water surface areas to the immediate east and south of the project site would decrease. [Figure 9-2, Flood Level Elevation Changes](#), illustrates a comparison to how the water surface levels would change from pre- to post-project conditions. A reduction means that flood elevations would be lower after the proposed project was constructed and an increase means that flood elevations would be higher after the proposed project was constructed (Schaaf and Wheeler Consulting Civil Engineers 2019, p. 12). The maximum increase in flood depth would be less than one foot, and would be limited to an area within the Sports Park, at the north and west edges of the project site. This increase in flood depth would not meet the criterion for significance, either in the federal code of regulations or in the local municipal code. The proposed project would meet the Santa Clara County Code of Ordinances (Section C12-813(1)(d), as indicated in Section 9.2, Policy and Regulatory Issues, of this document) as water surface elevations would increase by no more than one foot in the areas west and north of the project site (Schaaf and Wheeler Consulting Civil Engineers 2019, p. 20). Impacts would be less than significant, no mitigation required.

Flood Extent

Placing structures within the flood hazard zone would impede and redirect flood flows. The extent of area that would be inundated by 100-year spills from Uvas Creek would expand slightly, in an area within the Sports Park immediately to the south and west of the project site (see [Figure 9-2](#)). The area in which the additional flooding would occur is on an “island” of slightly higher ground that would not be accessible during a flood under current conditions; i.e. during a flood event, this area would be surrounded on all sides by floodwaters with or without the proposed project. Flooding during a 100-year flood event



Legend

Gilroy Sports Park Boundary

Parcels

Proposed Building Footprint

Project Boundary

Flood Zone

AE

AH

AO

D

X



0 250 feet

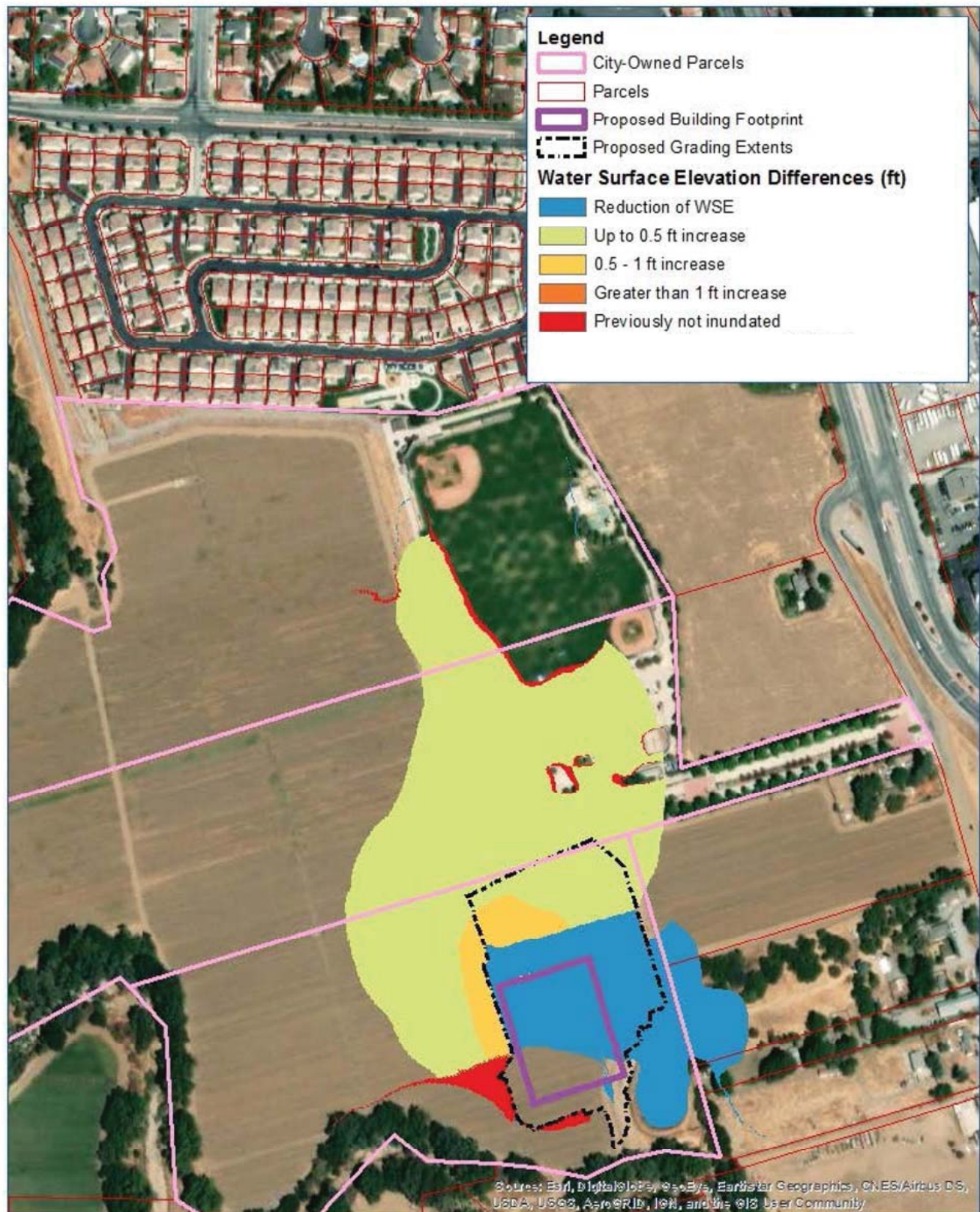
Source: ESRI 2019, Santa Clara County GIS 2017, FEMA 2016

Figure 9-1

FEMA Flood Hazard Areas



This side intentionally left blank.



Source: Schaaf and Wheeler Consulting Civil Engineers 2019

Figure 9-2

Flood Level Elevation Changes

Gilroy Sports Park Master Plan Phase III Amendments Draft SEIR

This side intentionally left blank.

would not exceed a depth of one foot in this expanded area, which is approximately 0.4 acres. The Master Plan includes landscaping and a trail in this area, and neither would be significantly affected by occasional flooding. Impacts would be less than significant, no mitigation is required.

Off-site Flood Depth

Most of the increases in water surface elevations, and all of the newly inundated areas, would occur entirely within City-owned parcels that are reserved for park use. However, the northwest corner of one privately owned parcel, located adjacent to and east of the project site, would experience an increase in flood elevation of up to 0.2 feet (2.4 inches) relative to pre-project conditions (Schaaf and Wheeler Consulting Civil Engineers 2019, p. 16). The floodplain analysis determined that this would not be a significant impact. County Code sections C-12 813 (1) (d) and C-12 821 (1) limit increases in the water surface elevation of the base flood to no greater than one foot, and the increase would be below this threshold. Base flood elevations would be mapped as 195 feet North American Vertical Datum (“NAVD,” an abbreviation used by FEMA for orthometric heights for surveying land). Therefore, the proposed project would be consistent with the current FEMA mapped base flood elevation of 195 feet NAVD for this parcel and would not trigger a change in the regulatory status of the parcel, the use of that parcel, or the development potential of that parcel (Schaaf and Wheeler Consulting Civil Engineers 2019, p.16). The private parcel has a County zoning of A – Agriculture, with 30-foot building setbacks. The potentially buildable area in which flooding would increase on this parcel is 0.09 acres (about 3,738 square feet), but other County Code provisions provide criteria limiting building placement to preserve farmland, so this area is further restricted. Because this potentially buildable area is at the outside of the flood area, the depth increase would be less than 0.2 feet within this area. Impacts would be less than significant, no mitigation is required.

Flood Flow Velocity

The proposed project would increase flood water flow velocities immediately north of the project site as the flood flows move around the raised graded area surrounding the ice rink building. The Yolo Loam soils at the Sports Park are moderately erosive; the applicable U.S. Bureau of Reclamation flow velocity threshold of concern is between 2 and 4 feet per second. At the northwest corner of the privately owned parcel (the parcel east of the project site), flood water flow velocity would increase from 3.6 to 4.6 feet per second. Near Uvas Creek, flow velocities would be unchanged. Minor erosive changes to the ground surface profile during a flood event are expected to occur with or without the proposed project and, therefore, would have no impact.

Storm Water Detention and Water Quality

The proposed project would increase impervious surface area compared to the current uses included in Phase III of the Master Plan. Both the building footprint and the parking area

would be larger than what the impervious surface areas that are currently planned for the Phase III area. A drainage basin was developed adjacent to the project site as part of Phase I improvements.

As indicated in the floodplain analysis, the project's site design ensures that runoff would not exceed the capacity of existing or planned receiving drainage systems. The conceptual site plan includes landscaped areas that could be utilized for storm water capture and infiltration or retention if the additional runoff derived from the building or paved parking lots exceeds the existing drainage facility capacity (p. 20).

As a result of the proposed project being within a flood hazard zone, the construction of the proposed building and paved parking area could pose a risk of generating additional pollutants. Pursuant to the Central Coast Regional Water Quality Control Board's National Pollutant Discharge Elimination System ("NPDES") General Permit for Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems, the project's site design would provide for storm drainage and storm water treatment systems that meet requirements. With implementation of these site design requirements, the risk of pollutant releases from surfaces that are flooded is considered minimal (Schaaf and Wheeler Consulting Civil Engineers 2019, p. 20). Because the project site is within a flood flow easement held by the Santa Clara Valley Water District, a permit from that agency is required. Therefore, the impacts related to storm water detention and water quality are less than significant with mitigation incorporated.

9.5 IMPACT SUMMARY AND MITIGATION MEASURES

IMPACT The on- and offsite flood elevations would increase by less than one foot at buildout of Phase III of the Gilroy Sports Park Master Plan (Less than Significant).

Mitigation Measure 1 in the Sports Park and USA EIR requires preparation of a hydrology report prior to the issuance of a grading permit, to address hydrology-related design requirements for the project site and buildings. The City prepared an initial hydrology and flooding report in May 1999, a second report in January 2002, the updated flood report for Phase III in November 2019. Mitigation Measure 1 has been implemented, and data from those reports has been utilized in the EIR analysis. Mitigation Measure 1 from the Certified EIR reads as follows:

1. The city shall submit a hydrology report, prepared for the project by a qualified hydrologist or engineer, to address issues of site drainage, storm water run-off quantity and quality, and on-site storm water flow, subject to the review and approval of the City of Gilroy Engineering Division and SCVWD prior to issuance of a grading permit. All grading, design or other recommendations of this report shall be incorporated into project plans.

The following discussion is based on the flood analysis prepared for the proposed project. Most of the increases in water surface elevations, and all of the newly inundated areas, would occur entirely within City-owned parcels that are reserved for park use. The increase in flood depth onsite would be less than one foot, and it would not meet the criterion for significance, either in the federal code of regulations or in the local code (Santa Clara County Code of Ordinances, Sections C12-813(1) (d) and C12-821 (1)).

The northwest corner of one offsite and privately owned parcel located adjacent to and east of the project site, would experience an increase in flood elevation of up to 0.2 feet over a potentially buildable area of about 0.09 acres. However, the floodplain analysis determined that this would not be a significant impact because the rise in the surface of the base flood elevation would be less than one foot. The proposed project would be consistent with the current FEMA mapped base flood elevation of 195 feet NAVD for this parcel and would not trigger a change in the regulatory status of the parcel, the use of that parcel, or the development potential of that parcel.

As a result, the impacts related to the increase of on- and offsite flood elevation would be less than significant. No mitigation measures are required.

IMPACT The Phase III improvements would divert flood waters and slightly increase the extent of the 100-year flood zone (Less than Significant).

Because the proposed indoor recreation building would be located in a 100-year flood zone, flood flows would be diverted and the area currently inundated by 100-year spills from Uvas Creek would be slightly expanded. The area in which the additional flooding would occur is on an “island” of slightly higher ground that would not be accessible during a flood under current conditions; i.e. during a flood event, this area would be surrounded on all sides by floodwaters with or without the proposed project. Flooding in this location, which is approximately 0.4 acres, would not exceed a depth of one foot. The Master Plan also includes landscaping and a trail in this area, and neither would be significantly affected by occasional flooding. Although it would divert flood flows, the proposed project would not cause significant flooding effects. As a result, impacts related to the proposed ice hockey building being located in the 100-year would be less than significant. No mitigation measures are required.

IMPACT The proposed project would increase impervious surface area compared to the currently planned Master Plan Phase III uses, which could increase the potential for discharge of polluted runoff (Less than Significant with Mitigation Incorporated).

Polluted run-off is considered a significant, adverse environmental impact. Mitigation Measures 2 and 3 in the Sports Park and USA EIR required NPDES and Santa Clara Valley Water District permits prior to grading for each Master Plan phase, and those requirements would apply to the Phase III improvements, reducing impacts to a less-than-significant level. These mitigation measures from the Certified EIR read as follows:

9.0 Hydrology and Flooding

2. The city shall be required to prepare a storm drainage improvement plan for the overall project site and a detailed storm drainage improvement plan for each project phase, subject to the review and approval of the City of Gilroy Engineering Division and SCVWD prior to issuance of a grading permit. The storm drainage improvement plan shall be designed to maintain post-development run-off rates at or below existing run-off rates.
3. The city shall, for each phase of the project, submit a Notice of Intent (NOI) and detailed engineering designs to the Central Coast RWQCB. This permit shall require development and implementation of a SWPPP that uses storm water “Best Management Practices” to control runoff, erosion and sedimentation from the site. The SWPPP must include Best Management Practices that address source reduction and, if necessary, shall include practices that require treatment. The SWPPP shall be submitted to the City of Gilroy Engineering Division for review and approval prior to approval of a grading permit for each phase of the project.

10.0 Noise

There were no responses to the NOP that are germane to this section of the draft supplemental EIR.

This section of the draft supplemental EIR includes an evaluation of the proposed project as it relates to noise impacts and need only contain the information necessary to make the previous EIR adequate for the proposed project as revised. The information within this section is based upon the City's general plan and the Master Plan and incorporates the Certified EIR. A principal source for this section is the *Environmental Noise Assessment Gilroy Sports Park Master Plan Update* ("noise assessment") prepared by WJV Acoustics in November 2019 (WJV Acoustics 2019). The noise assessment is included in [Appendix G](#). Additional sources of information are introduced where applicable.

10.1 ENVIRONMENTAL SETTING

The environmental setting for noise is provided in the Certified EIR and incorporated herein by reference. There have been no significant changes associated with the environmental setting since the preparation of the Certified EIR. The overall noise measurement data, according to the noise assessment, indicates that noise in the project vicinity is highly influenced by vehicular traffic on U.S. Highway 101, Monterey Road, and other local roadways (WJV Acoustics 2019, p. 8). Therefore, please see this environmental setting within the Certified EIR for more information. Minor changes are discussed below.

The 1999 ambient noise level along Monterey Frontage Road was measured at about 63 dBA L_{dn} , with traffic noise from U.S. Highway 101 and Monterey Street being the primary source (Sports Park and USA EIR, p. 2-85). Existing ambient noise level measurements in the project vicinity were updated on September 18, 2019. The current measurement along Monterey Frontage Road is about 66 dBA L_{dn} (WJV Acoustics, p. 8). This increase is consistent with *Santa Clara County General Plan* projections from 1994, which estimated that background noise in the U.S. Highway 101 corridor would increase by about 3 dBA by 2020. This increase is slightly less than projected in the Sports Park and USA EIR, which estimated 2020 noise levels at 67 dBA L_{dn} , but this projection was assuming build-out of the Sports Park was complete (Sports Park and USA EIR, p. 2-85).

Figure 2 of the noise assessment in Appendix G illustrates the locations of short-term noise measurements, which were taken along the periphery of the project site (ST-2 near the parking lot, ST-5 at the southern end of the drainage basin, and ST-6 east of the project site mid-point) and indicates hourly energy average noise levels in the range of 46 to 54 dBA L_{eq} .

10.2 POLICY AND REGULATORY ISSUES

Local

Gilroy 2020 General Plan

The following *Gilroy 2020 General Plan* policies associated with noise are applicable to the proposed project.

Policy 26.01 Noise and Land Use. Establish a physical development pattern that is compatible with the noise environment of Gilroy, ensuring that residential neighborhoods and park areas are the quietest areas in the community.

Policy 26.02 Maximum Permissible Noise Levels. Ensure that outdoor and indoor noise levels are within the maximum permitted levels (see Figure 8-3). Prohibit further development in areas where noise levels currently exceed these standards or where such development will cause levels to exceed the permitted maximum.

General Plan Section 8, Community Resources and Potential Hazards. General Plan Figure 8-3, Permissible Maximum Outdoor and Indoor Noise Levels, indicates that the sound levels for residential properties shall be held to 60 dBA outdoors and 45 dBA indoors. The sound levels for commercial properties shall be held to 65 dBA outdoors and 61 dBA indoors. Maximum commercial equipment noise at an adjacent residential property shall not exceed 70 dBA.

Gilroy Municipal Code

The municipal code regulates noise generation in the City of Gilroy per the policies of the general plan. Municipal Code Section 30.41.31 includes provisions that prohibit certain noise generating activities between 10:00 PM and 7:00 AM, and identifies a 70 dBA [L10] maximum permissible noise level on or near residential properties between the hours of 7:00 AM and 10:00 PM, provided the findings listed in the General Plan Figure 8-3, can be made.

10.3 THRESHOLDS OF SIGNIFICANCE

Based upon the City of Gilroy's adopted thresholds of significance, a significant noise impact would occur if implementation of the proposed project would:

- Result in exposure of persons to or generation of noise levels in excess of standards established in the general plan (GP Policy 26.02, Figure 8-3);
- Result in exposure of persons to or generation of excessive ground-borne vibration or ground borne noise levels; or
- Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project, outside hours designated for construction activities.

These are the issues evaluated in the impact analysis below.

10.4 ENVIRONMENTAL IMPACT ANALYSIS

This section includes information and data regarding noise issues that are relevant to the proposed project based on the thresholds of significance described above. The information and data is used as a basis for determining impact significance and for the mitigation measures described in the following Impact Summary and Mitigation Measures section.

Traffic Noise

Noise projections, with and without the proposed project, were made for 28 locations along roadways in the vicinity of the project site, to assess the effects of project-generated traffic on noise levels (refer to the noise assessment's Appendix C, Traffic Noise Modeling Calculations). The Federal Highway Administration methodology was used, and is considered accurate within 1.5 dBA more or less. At most locations, modeling indicated no change or increases of up to 0.2 dBA. The location at which noise levels would be most affected is the segment of Monterey Frontage Road between the Sports Park driveway and Monterey Road. Project traffic could increase noise levels along this segment by about 2.6 dBA. According to the noise assessment, generally speaking the human ear cannot perceive an increase (or decrease) in noise levels less than 3 dB (WJV Acoustics, p. 13).

While project-related noise levels along some roadway segments would be expected to result in slight increases to existing noise exposure levels in excess of the City's noise level standards, the exceedances are not the result of the proposed project and any increase in noise levels would not be within the range of perception by the human ear. Therefore, project-related increases in traffic noise exposure are considered less than significant. No mitigation measures are required.

Operational Noise from Onsite Sources

Noise from onsite project sources was assessed in the noise assessment, which considered the potential for movement of trucks and automobiles in the parking lot, and rooftop mechanical equipment, at buildout of the project site. The noise assessment determined that

the operational noise levels from these sources would be no greater than 55 dBA at the nearest residence, with all project-generated noise originating at distances of 500 feet or greater from existing noise-sensitive land uses.

Maximum noise levels at these locations range from 50 to 61 dBA. Maximum noise levels that would occur from truck movement at the project site would be about 55 dBA at the nearest house. Noise from truck movements includes engine noise, braking, and back-up beepers. Average ambient noise level would be very minimally affected since the truck noises would be an occasional rather than a dominant or ongoing source. Car movements and mechanical equipment would generate lower levels of noise than the truck movements.

The majority of truck deliveries are expected to occur during normal weekday business hours, which are generally outside the peak facility use hours. Peak use of the facility is expected to be concluded by 10:00 PM, and the facility would close at 1:00 AM, with use likely to taper off to very low levels by closing time. Noise from cars and people talking is anticipated to decrease after 10:00 PM, and be very low by closing time. Therefore, noise levels associated with automobile and truck movements, and mechanical equipment at the project site would be less than significant.

Construction Noise and Vibration

Construction activities that would result in significant vibration levels are not expected to be used for the proposed project. The effects of construction noise at the nearest residence, located approximately ten feet from the project site, were assessed. Although construction noise levels could exceed 55 dBA at the nearest residence, following City of Gilroy standard condition of approval would ensure that the impact is less than significant:

To minimize potential construction-related impacts to noise, the developer shall include the following language on any grading, site work, and construction plans issued for the subject site (PL/BL, PL-10):

“During earth-moving, grading, and construction activities, Developer shall implement the following measures at the construction site:

- a. Limit construction activity to weekdays between 7:00 a.m. and 7:00 p.m., and on Saturdays between 9:00 a.m. and 7:00 p.m. Construction noise is prohibited on Sundays and City-observed holidays;
- b. Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area;
- c. Construct sound walls or other noise reduction measures prior to developing the project site;
- d. Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment;

- e. Prohibit all unnecessary idling of internal combustion engines;
- f. Utilize “quiet” models of air compressors and other stationary noise sources where technology exists; and
- g. Designate a “disturbance coordinator” who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g. bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem.”

Implementation of the above standard condition of approval will ensure that the proposed project will not result in a substantial increase in ambient noise levels in the project vicinity by requiring limits to construction hours, mufflers on equipment, and placement of stationary equipment away from sensitive noise receptors

10.5 IMPACT SUMMARY AND MITIGATION MEASURES

IMPACT Project-related noise would not result in significant increases to existing noise exposure levels along roadways (Less than Significant).

Although project-generated traffic would increase noise levels along some roadway segments, including along roadways where noise exposure levels are already in excess of the City’s noise level standards, these project-related increases would be slight increases that would not be within the range of perception by the human ear (WJV Acoustics 2019, p. 13). Therefore, project-related increases in traffic noise exposure would be less than significant. No mitigation measures are required.

IMPACT Noise from on-site project operations would not increase ambient noise levels at sensitive receptors to a perceptible degree (Less than Significant).

Existing hourly energy average noise levels at noise sensitive uses adjacent to the project site on the east, are in the range of 46 to 54 dBA Leq. Maximum noise levels at these locations range from 50 to 61 dBA. Maximum noise levels that would occur from truck movement at the project site would be about 55 dBA at the nearest house. The occasional introduction of noise from truck movements would not increase the ambient noise levels to a perceptible degree. Noise from cars, rooftop equipment, and human voices would be lower than that from trucks. No mitigation measures are required.

IMPACT Project-related construction noise would not exceed City noise standards at the nearest residence (Less than Significant).

Project construction could result in short-term increases in localized noise levels at nearby sensitive receptors, such as the house 500 feet east of the project site. However, the City of Gilroy standard condition of approval limiting construction noise, as presented above, would ensure that the impact is less than significant.

This side intentionally left blank.

11.0 Transportation

There were no responses to the NOP that are germane to this section of the draft supplemental EIR.

This section of the draft supplemental EIR includes an evaluation of the proposed project as it relates to transportation impacts and need only contain the information necessary to make the previous EIR adequate for the proposed project as revised. The information within this section is based upon the *Gilroy Sports Park Complex Master Plan Update Traffic Impact Analysis* (Hexagon Transportation Consultants 2019) (“traffic impact analysis”), the City’s general plan, and the Master Plan, and incorporates the Certified EIR. The traffic impact analysis is included in [Appendix H](#). Additional sources of information are introduced where applicable.

11.1 ENVIRONMENTAL SETTING

The following environmental setting information is updated from that provided in the Certified EIR:

Scope of Traffic Impact Analysis

A traffic impact analysis was prepared by Hexagon Transportation Consultants. The traffic impact analysis studied the intersections listed in [Table 11-1, Study Intersections](#). Study intersections are presented in [Figure 11-1, Study Intersections](#).

The traffic impact analysis studied the following U.S. Highway 101 freeway segments:

1. Cochrane Road to Dunne Avenue;
2. Dunne Avenue to Tennant Avenue;
3. Tennant Avenue to San Martin Avenue;
4. San Martin Avenue to Masten Avenue;
5. Masten Avenue to Buena Vista Avenue;
6. Buena Vista Avenue to Leavesley Road;
7. Leavesley Road to Pacheco Pass Highway;

8. Pacheco Pass Highway (State Route 152) to Monterey Road; and
9. Monterey Road to State Route 25.

Table 11-1 Study Intersections

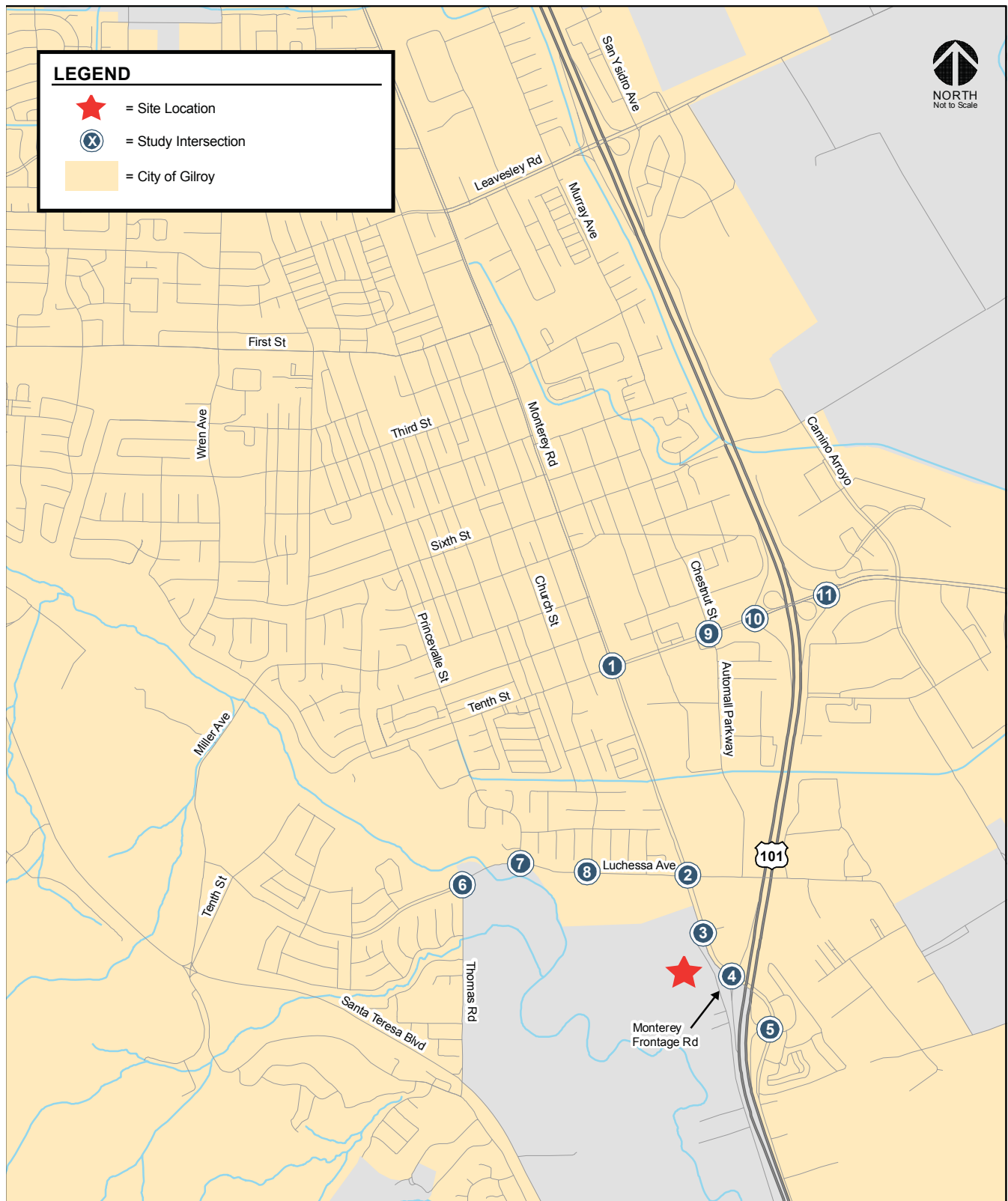
Intersection Number and Location		Control	Jurisdiction	Notes
1	Monterey Road and Tenth Street	Signalized	City	
2	Monterey Road and Luchessa Avenue	Signalized	City	
3	Monterey Road and Monterey Frontage Road	Un-signalized	City	
4	US 101 Southbound Ramps and Monterey Road	Signalized	Caltrans	
5	Monterey Rd/Bolsa Rd and US 101 N-bound Ramps/Travel Park Cir	Signalized	Caltrans	
6	Thomas Road and Luchessa Avenue	Roundabout	City	
7	Princeville Street and Luchessa Avenue	Signalized	City	
8	Church Street and Luchessa Avenue	Un-signalized	City	
9	Chestnut Street/Automall Parkway and Tenth Street	Signalized	City	Sat. only
10	US 101 Southbound Ramps and Tenth Street	Signalized	Caltrans	Sat. only
11	US 101 Northbound Ramps and Pacheco Pass Highway (SR 152)	Signalized	Caltrans	Sat. only

SOURCE: Hexagon Transportation Consultants 2019

NOTE: Saturday only evaluation relates to broader regional project trip origination points on weekends.

The traffic impact analysis includes the following five scenarios:

- Existing Conditions -- existing peak-hour traffic volumes on the existing roadway network;
- Existing Plus Project Conditions -- existing peak-hour traffic volumes on the existing roadway network with the addition of trips generated by the proposed project if the project was open and operating today;
- Background Conditions -- existing peak-hour traffic volumes on the existing roadway network with the addition of trips generated by approved but not yet constructed developments in the City of Gilroy;
- Background Plus Project Conditions -- background peak hour traffic volumes on the existing roadway network with the addition of trips generated by the proposed project if the project was open and operating today; and
- Cumulative Conditions -- Future traffic volumes on the future transportation network that would result from traffic growth projected to occur due to proposed but-not-yet-approved (pending) development projects.



Source: Hexagon Transportation Consultatns, Inc. 2019

Figure 11-1
Study Intersections

This side intentionally left blank.

Streets and Highways

Roadway Changes

The entrance driveway has been constructed within the Gilroy Sports Park.

A left turn lane has been constructed on southbound Monterey Road into the Hilton Garden Hotel site south of Monterey Frontage Road.

Additional lanes have been constructed on east- and west-bound Pacheco Pass Highway (State Route 152) at Camino Arroyo, and a bridge has been constructed to connect Camino Arroyo between Pacheco Pass Highway (State Route 152) and Sixth Street.

A roundabout was constructed at the intersection of Thomas Road and Luchessa Avenue.

The roadway referred to in the Certified EIR as Farman Frontage Road has been renamed as Monterey Frontage Road.

Levels of Service

Table 11-2, [Existing Levels of Service](#), provides the current levels of service at each of the intersections studied in the traffic impact analysis for the proposed project (refer to Table 11-1, Study Intersections).

Table 11-2 Existing Levels of Service

Intersection Number and Location		Peak Hour Level of Service		Notes
		PM	Saturday	
1	Monterey Road and Tenth Street	C	C	
2	Monterey Road and Luchessa Avenue	C	C	
3	Monterey Road and Monterey Frontage Road	A	A	Average Delay
		E	E	Worst Approach
4	US 101 Southbound Ramps and Monterey Road	C	B	
5	Monterey Rd/Bolsa Rd and US 101 N-bound Ramps/Travel Park Cir	C	C	
6	Thomas Road and Luchessa Avenue	A	A	
7	Princevalle Street and Luchessa Avenue	B	B	
8	Church Street and Luchessa Avenue	A	A	Average Delay
		C	B	Worst Approach
9	Chestnut Street/Automall Parkway and Tenth Street	--	C	Sat. evaluation only
10	US 101 Southbound Ramps and Tenth Street	--	C	Sat. evaluation only
11	US 101 Northbound Ramps and Pacheco Pass Highway (SR 152)	--	B	Sat. evaluation only

SOURCE: Hexagon Transportation Consultants 2019

NOTE: Level of Service based on counts conducted in September 2019; Select intersections evaluated only for Saturday.

The following intersections are included with the City's traffic fee program: Monterey Road and Luchessa Avenue; Monterey Road and Monterey Frontage Road; U.S. Highway 101 Southbound Ramps and Monterey Road; Thomas Road and Luchessa Avenue; U.S. Highway 101 Southbound Ramps and Tenth Street; and U.S. Highway 101 Northbound Ramps and Pacheco Pass Highway (State Route 152).

Transit Service

No Santa Clara Valley Transportation Authority (VTA) bus routes operate within one-half mile of the project site.

Pedestrian and Bicycle Facilities

A bicycle and pedestrian trail has been constructed from the intersection of Luchessa Avenue and Princeville Street to the Gilroy Sports Park Phase II parking lot.

11.2 POLICY AND REGULATORY ISSUES

Federal

Senate Bill 743

This bill authorizes the designation of infill opportunity zones as transit priority areas, and the use of alternative analysis metrics for measurement of traffic impacts (for example, vehicle miles traveled in place of level of service) This provision currently applies to projects located within one-half mile of major transit stops or high quality transit corridors (service every 15 minutes). The project site is not served at this frequency and the Gilroy Caltrain Station is more than one mile away.

Regional/Local

Plan Bay Area/Regional Transportation Plan

Plan Bay Area 2040 was adopted in July 2017 by the Association of Bay Area Governments and Metropolitan Transportation Commission as an update to the original 2013 Plan Bay Area, and sets forth a strategy for development of the Bay Area's housing and transportation infrastructure. Plan Bay Area 2040 fulfills obligations under SB 375, the California Sustainable Communities and Climate Protection Act of 2008 requiring regional transportation plans to include a sustainable communities strategy. The sustainable communities strategy must promote compact, mixed-use commercial and residential development. Plan Bay Area 2040 integrates land use and transportation strategies by establishing priority development areas, and identifying how the Bay Area can accommodate residential growth through 2064. Plan Bay Area 2040 intends to reduce injuries

and fatalities from collisions, increase the amount of time people walk or cycle for transportation, and improve transportation system effectiveness (Association of Bay Area Governments/Metropolitan Transportation Commission 2017).

Santa Clara Valley Transportation Authority

The Santa Clara Valley Transportation Authority (“VTA”) serves as the Congestion Management Agency for Santa Clara County and operates the County’s transit system. The congestion management program is updated every two years (the last in 2017) and is a comprehensive transportation improvement program intended to reduce traffic congestion and improve land use decision-making and air quality. The congestion management network consists of state highways, principal arterials, and key transit routes. In the vicinity of Gilroy, the congestion management network includes the state highways, VTA bus route 68, and Caltrain commuter rail.

Valley Transportation Plan 2040 (Santa Clara Valley Transportation Authority 2014) presents a transportation improvement development plan and prioritizes spending. The following projects are listed near the project site (Santa Clara Valley Transportation Authority 2014):

- Caltrain South County track improvements;
- New State Route 25/U.S. Highway 101 interchange;
- New State Route 152 alignment from U.S. Highway 101 to State Route 156;
- U.S. Highway 101/Buena Vista Avenue interchange;
- U.S. Highway 101 express lanes Cochrane Road to State Route 25;
- Orbital concept in the northwest quadrant (new four-lane arterial from Buena Vista Avenue to Monterey Road);
- Tenth Street bridge across Uvas Creek (for connection to Santa Teresa Boulevard;
- Fitzgerald Avenue/Masten Avenue realignment at Monterey Road; and
- Western Ronan Channel, northern Uvas Creek, Lions Creek, and Gilroy Sports Park trails.

The VTA Board of Directors adopted the Transit Service Guidelines in 2018, which define the characteristics of various levels of transit service, from local shuttles to regional express busses, to light rail. The Transit Service Guidelines include an efficient transit system that is responsive to market needs, maximizes investment, increases transit usage per capita, and enhances the environment and quality of life.

The primary standard by which the adequacy of transit service is evaluated is average boardings per hour, which indicates how well service is utilized given the hours of service,

whether the transit capacity offered is appropriate, and how well capital and operating resources are used. The VTA target ranges from 15 to 60 depending on the type of route (Santa Clara Valley Transportation Authority April 2018).

The Santa Clara Countywide Bicycle Plan (Santa Clara Valley Transportation Authority, May 2018) establishes a network of regional bikeways, and includes policies for the VTA's encouragement of bicycle facility development. Three Countywide trails pass through the City. The Bicycle Technical Guidelines (Santa Clara Valley Transportation Authority 2012) provide design guidance for construction of roads, parking, and other facilities either specifically for bicycles or shared by bicycles.

Gilroy 2020 General Plan

The following 2020 General Plan policies relating to circulation are applicable to the proposed project:

Policy 12.02 System Function and Neighborhood Protection. Ensure that the existing and proposed highways, streets, bikeways and pedestrian paths serve the functions they are intended to serve, while protecting the character of residential neighborhoods.

Policy 12.08 Standard Level of Service (LOS). Maintain traffic conditions at LOS C or better at Gilroy intersections and roadways, allowing some commercial and industrial areas as specified on the Level of Service D Areas Map on page 6-11 of the Gilroy General Plan to operate at LOS D or better. Exceptions to this standard will be allowed only where the City Council determines that the improvements needed to maintain the City's standard level of service at specific locations are infeasible.

Policy 12.11 On-site Parking. Ensure adequate on-site parking in new developments to meet the needs of residents, employees, and patrons, in keeping with the requirements of the City's Zoning Ordinance.

Policy 13.01 Transit and Development. Plan new residential and commercial development to fully accommodate, enhance, and facilitate public transit, including pedestrian and bicycle access to transit.

Policy 14.01 Non-Auto Modes of Travel. Emphasize non-auto travel modes of transportation as a key strategy for achieving air quality goals. For example, encourage bicycle riding to school from an early age by providing safer bikeways between residential areas and schools and encourage the schools to provide secured bike racks and/or lockers.

Policy 14.03 Bicycle and Pedestrian Paths and Facilities. Correct deficiencies, expand existing facilities, and provide for the design of safer, convenient and attractive bicycle and pedestrian facilities whenever possible. Proposed roadways will be planned to accommodate bicycle

traffic in accordance with the bikeway designations set forth in the City's Bicycle Transportation Plan. Similarly, greenbelts, linear parks, public easements and drainages reserved in public open space will be planned to accommodate bike and pedestrian traffic if they are so designated in the Bicycle Transportation Plan.

11.3 THRESHOLDS OF SIGNIFICANCE

Based upon the City of Gilroy's adopted thresholds of significance, a significant transportation impact would occur if implementation of the proposed project would:

- Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system. Thresholds include the following:

Signalized Intersections

- Signalized intersection Level of Service (LOS) falls from A, B, or C, to D, E, or F, except in commercial and industrial areas (as specified on the Standard Levels of Service Map, page 6-11 of the general plan) where the LOS falls from A, B, C, or D, to E or F.
- For signalized intersections already operating at unacceptable LOS D, a significant impact would occur if a project increases average delay more than 2.0 seconds.
- For signalized intersections already operating at unacceptable LOS E or F, a significant impact would occur if a project increases average delay by 1.0 second. A one second increase in delay is well within variations in delay experienced from day to day. This increase would be indiscernible by the motoring public.
- Staff will have the flexibility to determine significance when the forecasted average vehicular delay is within two seconds of the acceptable level of service standard. Determinations would be based upon size of the project, the specific intersection/road segment affected, and any extenuating circumstances.

Unsignalized Intersections

- Same as signalized intersections. In addition, the threshold for a significant impact at an unsignalized intersection would occur if the side street level of service is E or worse and the peak hour signal warrant established in the most recent version of the Caltrans Traffic Manual is met.

- Result in inadequate emergency access, which would include having insufficient emergency access per City Code or as determined by the City Engineer; or
- Conflict with any City of Gilroy General Plan Transportation and Circulation Element policies.

These are the issues evaluated in the impact analysis below. For specific information on level of service standards, refer to the traffic impact analysis or the Certified EIR.

11.4 ENVIRONMENTAL IMPACT ANALYSIS

This section includes information and data regarding transportation issues that are relevant to the proposed project based on the thresholds of significance described above. The information and data is used as a basis for determining impact significance and for the mitigation measures described in the following Impact Summary and Mitigation Measures section.

Peak Traffic Periods and Trip Generation

Peak usage of the proposed ice rinks is anticipated to occur after 5:00 PM Monday through Friday and all day on weekends. Traffic conditions at the study intersections were evaluated during the standard weekday PM peak-hour (an hour between 4:00 and 6:00 PM) and the Saturday peak-hour (identified as between 12:00-1:00 PM at most study intersections) to provide worst case scenario analysis at each location. Several intersections were studied only for the Saturday peak hour. It is expected that the peak-hour traffic from the proposed project would occur throughout the day on Saturdays and Sundays. The PM peak-hour trip generation is based on the full utilization of the proposed project, and therefore, assumed to be representative of the Saturday peak hour as well.

Trip generation rates were derived from driveway counts conducted at a similar existing facility, the Solar4America ice facility in San Jose. Based on those counts and the proposed project size (assuming a maximum of 350 spectator seats per ice rink), it is estimated that the proposed project would generate approximately 149 trips (67 inbound and 82 outbound trips) during peak hours although the inbound/outbound split would vary by time of day. The Sports Park and USA EIR had presented an estimate of 68 PM peak trips and 116 Saturday peak trips for the Phase III components, so traffic projections for revised Phase III are higher than originally anticipated for Phase III.

The majority of traffic generated by the proposed project during the week would be local traffic and traffic from nearby communities, while a large amount of the weekend traffic presumably would originate from farther distances. [Table 11-3, Trip Distribution](#), summarizes trip distribution for weekday and weekend trips. For additional detail, refer to Figure 11 in the traffic impact analysis.

Table 11-3 Trip Distribution

Origin/Destination	Weekday	Weekend
North -- U.S. Highway 101	30 percent	35 percent
South -- U.S. Highway 101	20 percent	30 percent
East -- State Route 152	2 percent	5 percent
North -- Princeville Street, Church Street, Monterey Road	18 percent	14 percent
North -- Santa Teresa Boulevard	15 percent	8 percent
West -- Tenth Street	8 percent	4 percent
North and West -- Local Neighborhoods	7 percent	4 percent

SOURCE: Hexagon Transportation Consultants 2019

Effects on Level of Service

Background Plus Project Conditions

Under the Background Plus Project scenario, the traffic impact analysis determined that while all intersections would operate within City standards, two stop-controlled intersections would experience level of service (LOS) F conditions during at least one peak period for stop-controlled legs.

Monterey Road/Monterey Frontage Road

The Monterey Road/Monterey Frontage Road intersection would experience significant delays for the worst-case movement and meet Caltrans signal warrants during the weekday PM peak hour. Overall intersection level of service at the Monterey Road/Monterey Frontage Road intersection would degrade from LOS A / 2 second delays to LOS C / 20 second delays in the PM peak hour, and from LOS A / 8 second delays to LOS D / 30 second delays in the Saturday peak hours. Side street level of service (eastbound approach exiting the Sports Park) would experience LOS F conditions.

With the existing lane configuration and intersection control type (stop-controlled on the east-bound approach to the intersection and a private commercial driveway on the west-bound approach), the queue analysis shows that Monterey Frontage Road would provide adequate storage capacity to serve the projected maximum queue length for the eastbound approach and the northbound left-turn movement. The proposed project would increase peak hour volumes on the eastbound left turn approach (i.e. traffic leaving the Sports Park and turning left on Monterey Road) from 31 to 71 vehicles during the PM peak hour, and from 71 to 164 vehicles during the Saturday peak hours. The vehicular queue on the eastbound approach is estimated to extend for approximately 450 to 500 feet (18 to 20 vehicles) during the peak hours. Vehicles on the eastbound queue at this location would

experience wait times of approximately five minutes during the PM peak hour and three minutes during the Saturday peak hours (increased waits of about four minutes and two minutes, respectively). Due to the traffic volumes, this intersection would meet Caltrans signal warrant #3.

Vehicle volumes on the eastbound right turn approach would increase from 26 to 68 vehicles during the PM peak period, and from 57 to 112 vehicles during the Saturday peak hours. It is assumed that the right-turning traffic would transition onto Monterey Road with fewer delays than the left-turning traffic.

Church Street and Luchessa Avenue

Under Background Plus Project conditions, the worst movement at this intersection would degrade from LOS E to LOS F conditions with an increase in delay from 44 seconds to 52 seconds during the PM peak period. However, Caltrans signal warrants would not be met at this intersection. Overall intersection conditions would remain at LOS A.

Cumulative Plus Project Conditions

Under the Cumulative Plus Project conditions, the same two intersections would experience notable delay increases. Cumulative projects include those that are proposed but not yet approved or built, plus the later phases of the Sports Park.

Monterey Road/Monterey Frontage Road

Overall intersection level of service would remain at unacceptable LOS F during cumulative plus project conditions, and degrade the average intersection delays on the stop-controlled intersection, increasing the Saturday peak hour delays and PM peak hour delays by over three minutes, compared to the no project conditions. Average delays for the eastbound approach (traffic exiting the Sports Park) are calculated to exceed half an hour with a stop control for that leg of the intersection.

Church Street and Luchessa Avenue

Overall operations at this intersection would remain at LOS A during the Saturday peak hours, and decrease to LOS C during the PM peak hour. However, the worst approach (stop-controlled) would continue at LOS F with delays increasing from slightly less than two minutes (cumulative without project) to slightly less than four minutes during the PM peak hour. Due to the high traffic volumes, this intersection would meet Caltrans signal warrant #3.

Neither the Sports Park and USA EIR nor the Barberi EIR studied this intersection. The USA Amendment EIR determined that Sports Park traffic would not result in a significant impact at this intersection; however build-out of the commercial properties along Monterey Road and Monterey Frontage Road and the residential development along Luchessa Avenue would result in LOS F conditions during the PM and Saturday peak hours.

Project Effects on Freeway Segments

The number of project trips added to the studied freeway segments would be less than one percent of segment capacity. Therefore, based on Congestion Management Program Traffic Impact Analysis Guidelines, a freeway level of service analysis is not required and was not conducted. The proposed project would not significantly affect freeway operations.

Access

Access to the project site is provided via the Sports Park driveway from Monterey Frontage Road. The site plan shows two connections between the Phase III parking lot and the driveway. The primary access is shown at the northwest corner of the project site and the secondary access is shown at the northeastern corner of the project site (refer to Figure 4-1 in the Project Description).

With buildout of the Master Plan, the primary intersection leading into the project site will be four-legged, and may require stop-control on all four legs. An alternative to the four-way stop-control intersection is a traffic circle, which would improve traffic flow through the intersection but also require a larger footprint (Hexagon Transportation Consultants, p. 56). The Master Plan would not have to be updated should the City of Gilroy determine that a traffic circle is appropriate at this location. The traffic impact analysis recommends that the secondary entrance driveway be aligned with the existing drive aisle to the north (p. 66). The traffic impact analysis concluded that the driveways providing access to the proposed project are projected to operate adequately and no operational deficiencies are anticipated (p. 66).

Parking

The traffic impact analysis evaluated conformance of the proposed project with the City parking standards. The site plan shows 387 parking spaces. The closest City of Gilroy parking category is skating rinks/commercial recreational facilities, which are required to provide one parking stall for every 100 square feet of skating rink or other recreational area, plus one stall for each shift employee. Assuming only one-third of the part-time employees and all eight full-time employees would be at the project site during the same work shift, and based on the size of the proposed ice rinks (85 by 200 feet each = 34,000 square feet), the proposed project is estimated to require a total of 390 parking spaces to meet the City's parking requirements. Although the parking lot proposed is three spaces below the standard, there is more than adequate parking when considering the overall Sports Park facility.

The overall Sports Park includes one existing parking area (approximately 235 spaces), and several other parking areas are included in later phases. The proposed Master Plan revisions indicate an increase in parking spaces at the Sports Park from 1,040 to approximately 1,300

(refer to Appendix C in this SEIR). The City anticipates that peak usage at each of the Sports Park facilities would be sufficiently off-set that parking would be available within the overall Sports Park. Through Phase III, the Master Plan included 439 parking spaces; the proposed project plus existing parking spaces will provide 622 parking spaces through Phase III. The Sports Park and USA EIR and the USA Amendment SEIR both found that the overall Sports Park would have 53 excess parking spaces, but that some spaces serving Phases VI and VII should be developed prior to completion Phase V (Sports Park and USA EIR p.2-75).

Bicycle and Pedestrian

According to the traffic impact analysis, the proposed project would increase the demand on bicycle facilities in the vicinity of the project site. However, these demands can be served today by the direct connection of the Master Plan area to the neighborhoods to the north via the Uvas Creek Trail in addition to other existing bicycle facilities. Existing and planned facilities in the area provide adequate bicycle access (Hexagon Transportation Consultants 2019, p. 66). The traffic impact analysis suggests that the proposed project provide adequate bicycle parking onsite to serve project demand (p. 66).

Although no sidewalks are provided along most of Monterey Road, there are limited pedestrian traffic generators along Monterey Road near the project site (Hexagon Transportation Consultants, p. 67). The proposed project is anticipated to generate new pedestrian traffic, but the demand can be accommodated today by the direct connection of the Master Plan area to the neighborhoods to the north via the Uvas Creek Trail (p. 67). Master Plan Phase VIII includes sidewalk and frontage improvements along Monterey Frontage Road.

11.5 IMPACT SUMMARY AND MITIGATION MEASURES

IMPACT Left-turning traffic from the Sports Park would experience significant peak hour delays (three to five minutes) at the Monterey Road/Monterey Frontage Road intersection (Less than Significant with Mitigation).

With the addition of traffic from the proposed project, it is projected that northbound left-turning traffic at the Monterey Road/Monterey Frontage Road intersection may experience long queues and wait times (approximately three to five minutes during the PM and Saturday peak hours, respectively). The eastbound approach would operate at LOS F during peak hours. Installation of a traffic signal would improve the intersection level of service to LOS C during the PM and Saturday peak hours under both background plus project conditions and cumulative plus project conditions, thus mitigating impacts to a less-than-significant level. These improvements at this intersection are in the City's traffic program. The City's traffic master plan shows this intersection with a signal light and three eastbound

approach lanes (City of Gilroy 2004, Appendix D, p. 89). Mitigation Measure 20 in the Sports Park and USA EIR requires improvements to this intersection (additional lanes and signal) prior to completion of Phase IV of the Sports Park. This mitigation measure reads as follows:

Mitigation Measures (Sports Park and USA EIR)

20. Prior to completion of Phase IV of the proposed project the City of Gilroy shall install a traffic signal at the intersection of Monterey Street and Monterey Frontage Road. The minimum lane configuration shall be:
- Southbound Approach - one left-turn lane, one through lane, one shared through/right-turn lane;
 - Westbound Approach - one shared lane for all movements;
 - Northbound Approach - one left-turn lane, one through lane, one shared through/right-turn lane; and
 - Eastbound Approach - one shared lane, one left-turn lane for all movements.

Protected left-turn phasing shall be provided for the northbound and southbound approach, while a single signal phase shall be provided to serve the eastbound and westbound approaches.

Mitigation Measure 22 in the USA Amendment EIR is similar to Mitigation Measure 20 in the Sports Park and USA EIR, but requires two dedicated right-turn lanes on the south-bound approach; two dedicated left-turn lanes on the north-bound approach; and a dedicated left-turn lane, shared left/through lane, and a dedicated right-turn lane on the east-bound approach. These lane configurations are consistent with the City's Traffic Circulation Master Plan (Appendix D, Sheet 40), but exceed the immediate mitigation requirements for the proposed project. Mitigation Measure 22 in the USA Amendment EIR is applicable to cumulative buildout conditions. This mitigation measure reads as follows:

Mitigation Measure (USA Amendment EIR)

22. Following or in conjunction with the signalization of the intersection of Monterey Street and Monterey Frontage Road, the following street improvements shall be made:
- re-configuration of the southbound approach as necessary to provide one left-turn lane, two through lanes, two right-turn lanes;
 - re-configuration of the westbound approach as necessary to provide one shared lane for all movements;

- re-configuration of the northbound approach as necessary to [sic] two left-turn lanes, one through lane, and one shared through/right-turn lane;
- re-configuration of the eastbound approach as necessary to provide one exclusive left-turn lane, one shared through and left-turn lane, and one right-turn lane; and
- right-turn arrows shall be provided for the eastbound and southbound right-turn movements to provide LOS C intersection operations during all three study periods. This lane configuration will require split phase operation of the eastbound and westbound approaches.

The street improvements shall be implemented at such time as determined by the City of Gilroy traffic-monitoring program or a project-specific traffic analysis, and at such time as to prevent the deterioration of traffic operations below acceptable levels. Construction of the improvements shall be required as a condition of approval of the applicable project. Improvements may be subject to reimbursement agreement.

The traffic analysis for the proposed project indicates that the timing for the initial intersection improvements needs to be moved earlier, because a significant traffic impact would occur with the proposed project. This mitigation measure, as revised, is presented below:

Mitigation Measure (Sports Park and USA EIR Revised)

20. Prior to completion of Phase III of the proposed project the City of Gilroy shall install a traffic signal at the intersection of Monterey Street and Monterey Frontage Road. The minimum lane configuration shall be:

- Southbound Approach - one left-turn lane, one through lane, one shared through/right-turn lane;
- Westbound Approach - one shared lane for all movements;
- Northbound Approach - one left-turn lane, one through lane, one shared through/right-turn lane; and
- Eastbound Approach - one shared lane, one left-turn lane for all movements.

Protected left-turn phasing shall be provided for the northbound and southbound approach, while a single signal phase shall be provided to serve the eastbound and westbound approaches. The City shall design the improvements to allow

expansion to an additional right-turn lane on the south-bound approach, an additional left-turn lanes on the north-bound approach, and a dedicated right-turn lane on the east-bound approach should conditions warrant in the future.

Implementation of the following mitigation measure would reduce traffic impacts at this intersection to a less-than-significant level under Cumulative Plus Project Conditions. Note that these improvements are included in the City's Traffic Circulation Master Plan.

Mitigation Measure (USA Amendment EIR Revised)

22. Following or in conjunction with the signalization of the intersection of Monterey Street and Monterey Frontage Road, the following street improvements shall be made:

- re-configuration of the southbound approach as necessary to provide one left-turn lane, two through lanes, two right-turn lanes;
- re-configuration of the westbound approach as necessary to provide one shared lane for all movements;
- re-configuration of the northbound approach as necessary to provide two left-turn lanes, one through lane, and one shared through/right-turn lane;
- re-configuration of the eastbound approach as necessary to provide one exclusive left-turn lane, one shared through and left-turn lane, and one right-turn lane.
- right-turn arrows shall be provided for the eastbound and southbound right-turn movements to provide LOS C intersection operations during all three study periods. This lane configuration will require split phase operation of the eastbound and westbound approaches.

The street improvements shall be implemented at such time as determined by the City of Gilroy traffic-monitoring program or a project-specific traffic analysis, and at such time as to prevent the deterioration of traffic operations below acceptable levels. Construction of the improvements shall be required as a condition of approval of the applicable project. Improvements may be subject to reimbursement agreement. Specific improvements may be modified as determined necessary for conformance with updates to the City's Traffic Circulation Master Plan.

IMPACT The intersection of Church Street/Luchessa Avenue could operate at an unacceptable LOS F and the traffic volume levels could be high enough to satisfy the peak-hour volume traffic signal warrant during the PM peak-hour under Cumulative Plus Project conditions (Less than Significant with Mitigation).

The un-signalized intersection of Church Street/Luchessa Avenue is projected to operate with average delays on the highest-delay approach corresponding to an unacceptable LOS F and the traffic volume levels at the intersection would be high enough to satisfy Caltrans' peak-hour volume traffic signal warrant #3 during the PM peak-hour under cumulative plus project conditions. Based on the City's level of service impact criteria for un-signalized intersections, this would be a significant cumulative project impact. The installation of a traffic signal would improve the intersection's level of service to LOS C during both the PM and Saturday peak hours under cumulative plus project conditions. This intersection is not included in the City's traffic fee program. The USA Amendment EIR included Mitigation Measure 20 (to be distinguished from Mitigation Measure 20 above) to require signalization and lane adjustments at this intersection. This mitigation measure reads as follows and remains applicable:

Mitigation Measure (USA Amendment SEIR)

20. The following street improvements shall be made to the intersection of West Luchessa Avenue and Church Street:

- installation of a traffic signal with two-phase operation;
- re-configuration of the northbound and southbound approaches as necessary to provide one approach lane for all movements; and
- provision of one left-turn lane and one shared through and right-turn lane on the eastbound and west bound approaches.

The street improvements shall be implemented at such time as determined by the City of Gilroy traffic monitoring program or a project-specific traffic analysis, and at such time as to prevent the deterioration of traffic operations below acceptable levels. Construction of the improvements shall be required as a condition of approval for the applicable project. Improvements may be subject to a reimbursement agreement.

12.0

Water and Wastewater

Two responses to the NOP related to water and wastewater were received. One response was from the South County Regional Wastewater Authority indicating the recommended use of recycled water for planted areas at the sports park. Another response was from the Local Agency Formation Commission of Santa Clara County requesting information on the adequacy of utilities and associated systems/facilities necessary to serve the proposed project. There were no other significant comments germane to water and wastewater.

This section of the draft supplemental EIR includes an evaluation of the proposed project as it relates to physical water and wastewater system impacts and need only contain the information necessary to make the previous EIR adequate for the proposed project as revised. The information within this section is based upon the City's general plan and the Master Plan and incorporates the Certified EIR. Additional sources of information are introduced where applicable.

12.1 ENVIRONMENTAL SETTING

The environmental setting for water and wastewater infrastructure is provided in the Certified EIR and incorporated herein by reference. As indicated in the Certified EIR, water services to the project site and surrounding Sports Park area will be provided by the City, which obtains water from the Llagas Basin Aquifer. The City owns and maintains the water wells, pump stations, and distribution lines.

Water and wastewater service to Phases I and II of the Sports Park are currently being provided by the City of Gilroy and the South County Regional Wastewater Authority. Additionally, recycled water from the South County Regional Wastewater Authority is currently used for irrigation of the Sports Parks existing athletic fields and landscaping.

Please see the environmental setting within the Certified EIR for more information.

12.2 POLICY AND REGULATORY ISSUES

Regional/Local

Santa Clara Valley Water District

The Santa Clara Valley Water District (“water district”) manages an integrated water resources system that includes the supply of clean water, flood protection, and stewardship of streams within Santa Clara County. In terms of water supply, the water district manages 10 dams and surface water reservoirs, three water treatment plants, an advanced recycled water purification center, a water quality laboratory, and nearly 400 acres of groundwater recharge ponds (Santa Clara Valley Water District 2019). The water district provides wholesale water and groundwater management services to local municipalities and private water retailers who deliver drinking water directly to homes and businesses in Santa Clara County. The water district maintains regional storm water infrastructure, and holds a flood flowage easement over portions of the project site. The water district’s Water Resources Protection Ordinance regulates modifications, entry, use, or access to water district facilities and/or water district easements. The water district offers water conservation information and incentives, but does not directly enforce water conservation regulations.

Gilroy 2020 General Plan

The following *2020 General Plan* policies relating to water and wastewater infrastructure are applicable to the proposed project:

Policy 19.02 Locate new development in the areas that are most easily supplied by Gilroy’s current water system.

Policy 19.04 Manage the timing and location of new development according to the ability of the sewer system and treatment plant to accommodate the effluent generated by the proposed development. Ensure that adequate sewer and treatment capacity is funded and in place prior to occupation of new buildings.

Policy 19.06 Require that new development connect to the City’s principal wastewater treatment plant. Require pre-treatment of wastes if necessary, and continue to discourage the development of package treatment plants.

12.3 THRESHOLDS OF SIGNIFICANCE

Based upon the City of Gilroy’s adopted thresholds of significance, a significant water and wastewater impact would occur if implementation of the proposed project would:

- Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

- Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed, inconsistent with the City's water master plan.
- Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments, inconsistent with City's Sewer Master Plan.

This is the issue evaluated in the impact analysis below.

12.4 ENVIRONMENTAL IMPACT ANALYSIS

This section includes information and data regarding water and wastewater issues that are relevant to the proposed project based on the thresholds of significance described above. The information and data is used as a basis for determining impact significance and for the mitigation measures described in the following Impact Summary and Mitigation Measures section.

Water

Between 10,000 and 15,000 gallons of water is required to form the one-inch layer of ice associated with an ice rink (Greenville County Recreation District 2019). The San Jose Arena rink uses 10,211 gallons (Exploratorium 2019). The two proposed ice rinks would conservatively require up to 30,000 gallons (0.092 acre-feet) of water when they are created, or if they need to be drained and re-filled. Professional rinks are filled once at the beginning of each season. Assuming maintenance at a professional level (five groomings per game day), and based on information from the Raleigh, North Carolina ice rink, about 20,000 gallons (0.61 acre-feet) of water would be required for re-surfacing the ice each year. Therefore, the maximum water requirement for the ice rinks would be about 50,000 gallons (0.153 acre-feet) per year.

The Certified EIR estimated that the overall Sports Park would require about 26 acre-feet per year of potable water for drinking fountains, restrooms, and general use. Some of this use was anticipated to occur within the commercial recreation building in the Phase III area, but the Certified EIR does not provide a breakdown for potable water use. Because the Master Plan envisioned a commercial recreation facility in Phase III, with locker room showers and restrooms, water demand analysis was addressed in the Certified EIR. The addition of the ice rinks would increase water use by about one-half percent over that estimated in the Certified EIR.

The *City of Gilroy Water System Master Plan* (“water master plan”) prepared in 2004 includes analysis of the City’s water distribution system and concludes that the water distribution system was well planned to meet the needs of existing customers and future growth (p. ES 9). The water master plan states that in anticipation of future growth, consistent with the general plan build out, City staff has planned and constructed water projects in conjunction with new street construction. The water master plan includes proposed improvements to enhance the City’s storage and supply capacities during emergencies and to service future growth. A commercial recreation facility was included in the Master Plan in 1999 and the general plan in 2002. Although the proposed project would slightly increase the commercial recreational use of water relative to what was analyzed in the Certified EIR, it would not result in a demand that is significantly different than has been analyzed in the general plan or water master plan. No new water supplies or water infrastructure would be necessary to serve the proposed project. The proposed project would have no impact related to expansion of water facilities.

Future anticipated use of recycled water would decrease with the amendment to Phase III of the Master Plan, because there would be one less athletic field in the Sports Park.

Wastewater

For this analysis it is assumed that the ice is replaced once per year, and that all of the wastewater from ice replacement and ongoing maintenance is discharged to the sanitary sewer, flowing to the wastewater treatment plant. Therefore, the ice rinks are anticipated to discharge about 50,000 gallons of wastewater annually. Approximately 10,000 to 30,000 gallons could be discharged over a relatively short period of time (perhaps several days), while approximately 20,000 gallons would be discharge over the course of a year (an average of about 55 gallons each day, or 110 gallons every other day, etc.). For context, the Certified EIR estimated that the Sports Park would generate about 19,640 gallons of wastewater each day. While wastewater flows from the ice rinks could occasionally exceed the daily estimate, in general flows would be less than one-half percent of the total daily flows from the Sports Park.

As indicated in the Certified EIR, wastewater collection and treatment services will be provided by the City and the South County Regional Wastewater Authority. The *City of Gilroy Sewer Master Plan* (“sewer master plan”) prepared in 2004 includes analysis of the City’s wastewater system and concluded that the collection system was well planned to meet the needs of existing customers and that City staff have planned and constructed wastewater facilities in conjunction with new street construction in anticipation of future growth (p. ES-8). The sewer master plan includes recommended improvements that would provide capacity enhancements to the collection system when they are needed to serve future

anticipated development. A commercial recreation facility was included in the Master Plan in 1999 and the general plan in 2002. Although the proposed project would slightly increase the commercial generation of wastewater relative to what was analyzed in the Certified EIR, it would not result in a demand for infrastructure capacity greater than what has already been analyzed in the general plan or the sewer master plan. In its response to the NOP, the South County Regional Wastewater Authority concurred with this conclusion. The proposed project would have no impact related to expansion of wastewater capacity.

12.5 IMPACT SUMMARY AND MITIGATION MEASURES

No impacts were identified related to water and wastewater infrastructure.

This side intentionally left blank.

13.0 Energy

There were no responses to the NOP that are germane to this section of the draft supplemental EIR.

This section of the draft supplemental EIR includes an evaluation of the proposed project as it relates to energy impacts. This section includes project-level analysis for the proposed Phase III project. The Certified EIR did not include an evaluation of impacts to energy resources and, therefore, this section is largely sourced from the *Air Quality, Greenhouse Gas Emissions, and Energy Report* prepared in November 2019 for the proposed project. Additional sources of information are introduced where applicable.

13.1 ENVIRONMENTAL SETTING

Energy Use and Conservation

For more than a decade, federal, state and regional energy agencies and energy providers have been focused on reducing growth in fossil-fuel based energy demand, especially in the form of transportation fuels and electricity. Key environmental goals have been established to reduce air pollutants and GHGs. As a result, investments in a range of transportation technology, energy efficiency, and conservation programs and technologies to improve transportation and built environment fuel efficiency have been increasing, as has the focus on land use planning as a tool to reduce vehicle trips/lengths and transportation related energy use.

Population growth is a key driver for increasing residential and commercial energy demands and for water pumping and other energy-intensive services, and the City and County's population and energy demand will continue to grow. In order to minimize the need for additional electricity generation facilities, both the state and regional energy purveyors have focused investments on energy conservation and efficiency over the past decades. Utilities have also focused on obtaining larger shares of retail power from renewable sources.

Project Site Setting

Pacific Gas and Electric, one of the five largest utilities in the state, is the primary purveyor of electricity and natural gas in Santa Clara County. Pacific Gas and Electric operates a major network of electricity and natural gas transmission lines within its service area, and provides

electricity to the Sports Park, primarily for parking lot and sports field lighting. The project site is vacant and does not contain any developed uses that are sources of energy demand (there are some light fixtures along the eastern edge of the project site, but these would remain and are excluded from this discussion).

13.2 REGULATORY SETTING

Energy conservation is embodied in many federal, state, and local statutes and policies. At the federal level, energy standards apply to numerous products (e.g., the EnergyStar™ program) and transportation (e.g., vehicle fuel efficiency standards). At the state level, Title 24 of the California Administrative Code sets energy standards for buildings, rebates/tax credits are provided for installation of renewable energy systems, and the Flex Your Power program promotes conservation in multiple areas.

A multitude of state regulations and legislative acts are aimed at improving vehicle fuel efficiency, energy efficiency, and energy conservation. Several of these are described below.

Federal

Energy Regulatory Commission

The Federal Energy Regulatory Commission is an independent agency that regulates the interstate transmission of electricity, natural gas, and oil. The Federal Energy Regulatory Commission reviews proposals to build liquefied natural gas terminals and interstate natural gas pipelines; it also licenses hydropower projects. Licensing of hydroelectric under the authority of Federal Energy Regulatory Commission includes input from state and federal energy, environmental protection, fish and wildlife, and water quality agencies.

National Energy Policy

The National Energy Policy, established in 2001 by the National Energy Policy Development Group, is designed to help the private sector and state and local governments promote dependable, affordable, and environmentally sound production and distribution of energy for the future (National Energy Policy Development Group 2001). Key issues addressed by the energy policy are energy conservation, repair, and expansion of energy infrastructure, and ways of increasing energy supplies while protecting the environment.

State

California Energy Commission

The California Energy Commission has five major responsibilities: 1) forecasting future energy needs and keeping historical energy data; 2) licensing thermal power plants 50 megawatts or larger; 3) promoting energy efficiency through appliance and building standards; 4) developing energy technologies and supporting renewable energy; and

5) planning for and directing state response to energy emergencies. Under the requirements of the California Public Resources Code, the California Energy Commission, in conjunction with the Department of Commerce's Division of Oil, Gas, and Geothermal Resources, is required to assess electricity and natural gas resources on an annual basis or as necessary. The Systems Assessment and Facilities Siting Division of the California Energy Commission provides coordination to ensure that needed energy facilities are authorized in an expeditious, safe, and environmentally acceptable manner.

California 2008 Energy Action Plan Update

The *California 2008 Energy Action Plan Update* is California's principal energy planning and policy document. This document examines the state's ongoing actions in the context of global climate change, describes a coordinated implementation plan for state energy policies, and identifies specific action areas to ensure that California's energy resources are adequate, affordable, technologically advanced, and environmentally sound. The *California 2008 Energy Action Plan Update* establishes energy efficiency and demand response (i.e., reduction of customer energy usage during peak periods) as the first-priority actions to address California's increasing energy demands. The *California 2008 Energy Action Plan Update* examines policy changes in the areas of energy efficiency, demand response, renewable energy, electricity reliability and infrastructure, electricity market structure, natural gas supply and infrastructure, research and development, and climate change (California Energy Commission 2008).

California Energy Efficiency Strategic Plan 2011 Update

This plan was originally developed in 2008 and updated in 2011. The plan sets forth a roadmap for energy efficiency in California through the year 2020 and beyond. It articulates a long-term vision and goals for each economic sector and identifies specific near-term, mid-term and long-term strategies to assist in achieving those goals. The intent is to transition the State to higher efficiency over the long term.

California Building Codes

California's *Energy Efficiency Standards for Residential and Nonresidential Buildings* (California Code of Regulations, Title 24, Part 6) were first established in 1978 to reduce California's energy consumption. The California Energy Code is updated every three years by the California Energy Commission as the Building Energy Efficiency Standards (BEES) to allow consideration and possible incorporation of new energy efficiency technologies and construction methods. The California Energy Commission adopted the 2019 BEES, which will go into effect on January 1, 2020.

The *Green Building Standards Code* (also known as CALGreen), which requires all new buildings in the state to be more energy efficient and environmentally responsible, took effect in January 2011 and was most recently updated in January 2019. These comprehensive

regulations are intended to achieve major reductions in interior and exterior building energy consumption, water use, and greenhouse gas emissions (California Building Standards Commission 2018).

Energy Efficiency Act of 2006 (AB 2021)

This bill encourages all investor-owned and municipal utilities to aggressively invest in achievable, cost-effective, energy efficiency programs in their service territories. The results of this bill are expected to reduce forecasted electricity demand by 10 percent over 10 years from 2006 through 2016, offsetting the projected need to build 11 new major power plants.

California Assembly Bill No. 1493 (“Pavley I Rule”)

Enacted in 2002, AB 1493 requires CARB to develop and adopt regulations that improve fuel efficiency of vehicles and light-duty trucks. Pavley I requirements apply to these vehicles in the model years 2009 to 2016.

Advanced Clean Cars

The Advanced Clean Cars program, adopted in 2012, is aimed at increasing the number of plug-in hybrid cars and zero-emission vehicles in the vehicle fleet and on making fuels such as electricity and hydrogen readily available for these vehicle technologies.

California Renewable Portfolio Standard Program

The California Renewable Portfolio Standard Program, which requires electric utilities and other entities under the jurisdiction of the California Public Utilities Commission to meet 20 percent of their retail sales with renewable power by 2017, was established by SB 1078 in 2002. The program was subsequently expanded by the renewable electricity standard approved by California Air Resources Board in September 2010, requiring all utilities to meet a 33 percent target by 2020. On September 10, 2018, Governor Brown signed into law SB 100 and Executive Order B-55-18. SB 100 raises California’s Renewable Portfolio Standard requirement to 50 percent renewable resources by December 31, 2026, and to 60 percent by December 31, 2030. Executive Order B-55-18 establishes a carbon neutrality goal for California by 2045, and sets a goal to maintain net negative emissions thereafter.

California Senate Bill 350 (Clean Energy and Pollution Reduction Act of 2015)

Adopted in October 2015, SB 350 has several aspects, including that the State Energy Resources Conservation and Development Commission must establish annual targets for statewide energy efficiency savings and demand reduction that will achieve a cumulative doubling of statewide energy efficiency savings in electricity and natural gas final end uses of retail customers by January 1, 2030. Local publicly owned electric utilities are now required to establish annual targets for energy efficiency savings and demand reduction

consistent with this goal. The bill also is intended achieve GHG reductions through increased investments in transportation electrification and notes that reducing GHGs to 40 percent below 1990 levels by 2030 and to 80 percent below 1990 levels by 2050 consistent with Executive orders S-03-05 and S-30-15 will require widespread transportation electrification.

California Senate Bill 32 (California Global Warming Solutions Act of 2006: Emissions Limit)

Adopted in September 2016, SB 32 sets a new statewide GHG emissions reduction target of at least 40 percent below 1990 levels by the end of 2030. It represents an interim GHG reduction target designed to ensure that the state continues to adopt rules and regulations that keep the state on track to meet the 2050 statewide GHG reduction goal of 80 percent below 1990 levels by 2050 set forth in Executive Order S-03-05. The emissions reduction goal set in SB 32 sets expectations for GHG emissions reductions in the state in the post-AB 32 2020 environment given that emissions reduction goals set forth in AB 32 will have been reached by 2020.

Local

Gilroy 2020 General Plan

Policy 23.05. Energy Conservation. Reduce energy consumption through appropriate building technologies, promotion of non-auto transportation modes, support for greater use of alternative energy sources, and dissemination of public information regarding energy conservation techniques.

13.3 THRESHOLDS OF SIGNIFICANCE

The City of Gilroy has not formally adopted thresholds of significance for energy impacts. For purposes of this EIR section, the questions in the State CEQA Guidelines initial study checklist are used to evaluate energy impacts. Energy impacts are considered significant if the project would:

- Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; or
- Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

13.4 ENVIRONMENTAL IMPACT ANALYSIS

Project Energy Consumption

The three primary sources of long-term energy consumption from the proposed project will be use of vehicle fuel, natural gas, and electricity. Each of these energy consumption sources is described below.

Transportation Fuel

As the number of vehicle miles traveled (VMT) by fossil fuel powered vehicles increases, consumption of vehicle fuels increases. However, the rate of increase has been declining over time in California by continuing improvements in vehicle fuel efficiency, increases in the percentage of the vehicle fleet comprised of zero emissions vehicles, and technological advances in the formulation and deployment of alternative fuels. The use of transportation fuel was not quantified for construction, but is expected to require similar minimal amounts as a typical construction site.

The proposed project would generate new employee and facility user traffic trips that increase VMT. CalEEMod results included in Appendix A of the *Air Quality, Greenhouse Gas Emissions, and Energy Report* show that the proposed project's annual VMT would be 2,924,007 miles. New employee and facility user vehicle trips would result in increased demand for and consumption of transportation fuel, which would be considered a significant impact. However, the proposed project would comply with applicable energy conservation/efficiency regulations and standards to ensure that key elements of the proposed project are energy efficient, inclusive of transportation fuel efficiency.

The Emissions Factor Model (EMFAC2017) version 1.0.2 was used to forecast transportation fuel demand based on the projected annual VMT. Transportation fuel demand is forecast at 183.32 gallons per year. The EMFAC2017 model results are included in Appendix B of the *Air Quality, Greenhouse Gas Emissions, and Energy Report*.

Electricity

According to the California Energy Commission Energy Consumption Data Management System, in 2018, total electricity consumption in Santa Clara County was 16,668,160,600 kWh. Section 5.3, Energy by Land Use – Electricity, in the CalEEMod results in Appendix A of the *Air Quality, Greenhouse Gas Emissions, and Energy Report* show that the proposed project's (Phase III's) electricity demand would be approximately 835,780 kWh/year. Electricity consumption would be less than 0.01 percent of the total 2018 Santa Clara County electricity consumption. The use of electricity was not quantified for construction but is expected to generate similar, minimal amounts as a typical construction site.

The proposed project would be built to a minimum LEED Silver certification building standard. Representative measures in the LEED program that would reduce energy

consumption include, but are not limited to, renewable energy production, advanced metering, optimized energy performance, enhanced commissioning, enhanced refrigerant management, and green power carbon offsets. Therefore, impacts related to electricity would be less than significant, no mitigation necessary.

Natural Gas

According to the California Energy Commission Energy Consumption Data Management System, in 2018, total natural gas consumption in Santa Clara County was 440,030,822 therms. Table 5.2 Energy by Land Use – Natural Gas, in the CalEEMod results in Appendix A of the *Air Quality, Greenhouse Gas Emissions, and Energy Report* shows that the natural gas demand at buildout of the proposed project would be approximately 2,046,700 kBTU/year (20,471.89 therms/year). This is less than 0.01 percent of Santa Clara County's total 2018 natural gas demand, resulting in a less than significant impact in association with the proposed project.

The proposed project would be designed to a LEED Silver certification (or higher) building standard, which will result in reduced energy consumption. The use of natural gas was not quantified for construction operations but is not typically used on a construction site.

13.5 IMPACT SUMMARY AND MITIGATION MEASURES

IMPACT The proposed project would result in an increase in vehicle miles traveled (Less Than Significant).

Employee and facility user vehicle trips would result in increased demand for and consumption of transportation fuel, resulting in the proposed project's annual VMT totaling at 2,924,007 miles. However, conformance with applicable energy conservation/efficiency regulations and standards would ensure that key elements of the proposed project are energy efficient, inclusive of transportation fuel efficiency. Therefore, the proposed project would not directly or indirectly result in inefficient, wasteful, and unnecessary consumption of energy. Impacts would be less than significant, with no mitigation measures necessary.

IMPACT The proposed project would result in an increase in demand of electricity and natural gas within the area (Less than Significant).

The proposed project's electricity demand would be a nominal amount (less than 0.01 percent) of the total 2018 Santa Clara County electricity and natural gas consumption. The proposed facility would be designed to a LEED Silver certification (or higher) which would further reduce electricity and/or natural gas consumption. Conformance with applicable energy conservation/efficiency regulations and standards would ensure that key elements of the project are energy efficient. Given these factors, the proposed project does not directly or indirectly result in inefficient, wasteful, and unnecessary consumption of energy. Therefore, impacts would be less than significant, with no mitigation measures necessary.

This side intentionally left blank.

14.0 Sources

14.1 INTERNET AND PRINTED SOURCES

This section provides the document and web sources referenced in the draft supplemental EIR. Sources are provided by section. The following three documents that comprise the Certified EIR are generally sourced throughout the supplemental EIR and incorporated by reference:

EMC Planning Group. June 7, 1999. *Gilroy Sports Park and Urban Service Area Amendment (USA 98-03) EIR*. Monterey, CA.

_____. February 2002. *Gilroy Urban Service Area Amendment (USA 98-03) Subsequent EIR*. Monterey, CA.

_____. November 15, 2005. *Barberi Urban Service Area Amendment (USA 04-02) Subsequent EIR*. Monterey, CA.

The following sources are also used generally throughout the draft supplemental EIR:

City of Gilroy. April 1999. *Gilroy Sports Park - Final Draft Master Plan*. Gilroy, CA.

City of Gilroy. June 13, 2002. *City of Gilroy 2020 General Plan*. Gilroy, CA.
<https://www.cityofgilroy.org/274/2020-General-Plan>

Harris and Associates. September 2019. *Sports Park Site Improvements Phase III Preliminary Conceptual Layout*. Concord, CA.

Introduction Sources

There are no sources specific to this section.

Summary Sources

There are no sources specific to this section.

Project Description Sources

Association of Bay Area Governments and Metropolitan Transportation Commission.
Plan Bay Area 2040.

Bay Area Air Quality Management District. May 2017. *CEQA Guidelines*. Oakland CA.

_____. April 19, 2017. *2017 Clean Air Plan: Spare the Air, Cool the Climate*.

<http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans>

Central Coast Regional Water Quality Control Board 2019 *Water Quality Control Plan for the Central Coastal Basin*.

Santa Clara Valley Habitat Agency. May 2012. *Final Santa Clara Valley Habitat Plan*. San Jose, CA.

Environmental Setting Sources

There are no sources specific to this section.

Aesthetics

City of Gilroy. April 1999. *Gilroy Sports Park - Final Draft Master Plan*. Gilroy, CA.

Google Earth. 2019.

Air Quality and Health Risk Assessment

Bay Area Air Quality Management District. 2017a. *California Environmental Quality Act Air Quality Guidelines*. Oakland CA. http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en

_____. 2017b. *2017 Clean Air Plan: Spare the Air, Cool the Climate*. Oakland CA. <http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans>

California Air Resources Board. "Summary: Diesel Particulate Matter Health Impacts." Accessed on October 30, 2019a. <https://ww2.arb.ca.gov/resources/summary-diesel-particulate-matter-health-impacts>

_____. "Portable Equipment Registration Program (PERP)." Accessed on October 30, 2019b. <https://ww2.arb.ca.gov/our-work/programs/portable-equipment-registration-program-perp>

_____. "California Air Toxics Program – Background." Last modified December 13, 2017. <https://www.arb.ca.gov/toxics/background.htm>

_____. May 4, 2016. "California Ambient Air Quality Standards (CAAQS)." <https://www.arb.ca.gov/research/aaqs/aaqs2.pdf>

California Building Standards Commission. 2016. *Title 24 including Part 11, 2016 California Green Building Standards Code (CALGreen)*. <http://www.bsc.ca.gov/Codes.aspx>

City of Gilroy. May 25, 2012. *City of Gilroy Climate Action Plan*. Gilroy, CA.

DieselNet. "United States: Nonroad Diesel Engines." Last modified December 2017. <https://www.dieselnet.com/standards/us/nonroad.php>

EMC Planning Group. December 11, 2019. *Air Quality, Greenhouse Gas Emissions, and Energy Report – Gilroy Sports Park Master Plan Phase III Amendments*. Monterey, CA.

———. November 5, 2019. *EMFAC2017 Results*. Monterey, CA.

Google, Inc. 2019. Google Earth Pro.

Illingworth and Rodkin. November 19, 2019. *Gilroy Sports Park Master Plan Phase III Community Risk Assessment*. Cotati, CA

United States Environmental Protection Agency. “Criteria Air Pollutants.”
Last modified March 8, 2018. <https://www.epa.gov/criteria-air-pollutants>

———. “Diesel Fuel Standards and Rule Makings.” Last modified August 5, 2019a.
<https://www.epa.gov/diesel-fuel-standards/diesel-fuel-standards-and-rulemakings>

Greenhouse Gas Emissions

American Lung Association. “State of the Air 2017: California Overview.” Last modified April 20, 2017. https://www.lung.org/local-content/california/documents/sota-2017_ca-overview.pdf

Association of Bay Area Governments and Metropolitan Transportation Commission. July 18, 2013. *Plan Bay Area: Strategy for a Sustainable Region*. San Francisco Bay Area, CA. http://files.mtc.ca.gov/pdf/Plan_Bay_Area_FINAL/Plan_Bay_Area.pdf

———. July 26, 2017. *Plan Bay Area 2040: Regional Transportation Plan and Sustainable Communities Strategy for the San Francisco Bay Area 2017-2040*. San Francisco Bay Area, CA. https://mtc.ca.gov/sites/default/files/Final_Plan_Bay_Area_2040.pdf

Bay Area Air Quality Management District. 2017c. *Greenhouse Gas Emissions Estimates and Draft Forecasts: Update and Work in Progress*. Oakland CA.
http://www.baaqmd.gov/~media/files/planning-and-research/plans/2017-clean-air-plan/ghg_emissions_and_forecasts_draft.pdf?la=en

Cal-Adapt. “Extreme Heat.” Accessed October 30, 2019a. <http://cal-adapt.org/tools/extreme-heat/>

———. “Snowpack.” Accessed October 30, 2019b. <https://cal-adapt.org/tools/snowpack/#climatevar=swe&scenario=rcp45&lat=38.90625&lng=-120.03125&boundary=locagrid&units=inch>

———. “Annual Averages.” Accessed October 30, 2019c. <https://cal-adapt.org/tools/annual-averages/#climatevar=pr&scenario=rcp45&lat=37.03125&lng=-121.59375&boundary=locagrid&units=inches%20per%20day>

- California Air Resources Board. "GHG Current California Emission Inventory Data." Accessed October 30, 2019c. <https://ww2.arb.ca.gov/ghg-inventory-data>
- . May 2014. *First Update to the Climate Change Scoping Plan Building on the Framework Pursuant to AB 32 The California Global Warming Solutions Act of 2006*. https://www.arb.ca.gov/cc/scopingplan/2013_update/first_update_climate_change_scoping_plan.pdf
- California Air Pollution Control Officers Association. August 2010. *Quantifying Greenhouse Gas Mitigation Measures: A Resource for Local Government to Assess Emissions Reductions from Greenhouse Gas Mitigation Measures*. <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>
- California Building Standards Commission. 2016. *Title 24 including Part 11, 2016 California Green Building Standards Code (CALGreen)*. <http://www.bsc.ca.gov/Codes.aspx>
- California Department of Finance. May 2019. *Table P-1: Total Estimated and Projected Population for California and Counties: July 1, 2010 to July 1, 2060 in 1-year Increments*; Accessed November 1, 2019. <http://www.dof.ca.gov/Forecasting/Demographics/Projections>
- California Department of Water Resources. *Agricultural Land & Water Estimates, 2010*; Accessed November 1, 2019. <https://www.water.ca.gov/Programs/Water-Use-And-Efficiency/Land-And-Water-Use/Agricultural-Land-And-Water-Use-Estimates>
- California Employment Development Department. 2018. *California Occupational Employment Projections 2016-2026*; Accessed November 1, 2019. <https://www.labormarketinfo.edd.ca.gov/data/employment-projections.html>
- California Natural Resources Agency. 2009. "2009 California Climate Adaptation Strategy." http://resources.ca.gov/docs/climate/Statewide_Adaptation_Strategy.pdf
- City of Gilroy. May 25, 2012. *City of Gilroy Climate Action Plan*. Gilroy, CA.
- EMC Planning Group. December 11, 2019. *Air Quality, Greenhouse Gas Emissions, and Energy Report – Gilroy Sports Park Master Plan Phase III Amendments*. Monterey, CA.
- . November 5, 2019. *EMFAC2017 Results*. Monterey, CA..
- G. Hartfield, J. Blunden, and D. S. Arndt. August 2018. *A Look at 2017: Takeaway Points from the State of the Climate Supplement*. https://www.ametsoc.net/sotc2017/SoC2017_ExecSumm.pdf
- Google, Inc. 2019. Google Earth Pro.

Gustafson, Jon, Vice President, Sharks Ice LLC. Email message to City of Gilroy, 15 October 2019.

NASA. "Global Climate Change: Vital Signs of the Planet." Last modified May 3, 2019. <https://climate.nasa.gov/effects/>

Pacific Gas and Electric. *Greenhouse Gas Emissions Factors Info Sheet*; Accessed October 31, 2019. https://www.ca-ilg.org/sites/main/files/file-attachments/ghg_emission_factor_guidance.pdf

United Nations Framework Convention on Climate Change. "Global Warming Potentials." Accessed February 8, 2019. <https://unfccc.int/process/transparency-and-reporting/greenhouse-gas-data/greenhouse-gas-data-unfccc/global-warming-potentials>

United States Environmental Protection Agency. "Overview of Greenhouse Gases". Last modified April 11, 2019b. <https://www.epa.gov/ghgemissions/overview-greenhouse-gases>

Biological Resources

Santa Clara Valley Habitat Agency. May 2012. *Final Santa Clara Valley Habitat Plan*. San Jose, CA.

Hydrology Flooding

City of Gilroy. May 2019. "Chapter 27E – Floodplain Ordinance." <https://www.codepublishing.com/CA/Gilroy/#!/Gilroy27E.html#27E.17>

Schaaf and Wheeler Consulting Civil Engineers. November 15, 2019. *Gilroy Sports Park Master Plan Update Floodplain Impact Analysis*. Santa Clara, CA.

Noise

WJV Acoustics, Inc. October 29, 2019. *Environmental Noise Assessment – Gilroy Sports Park Master plan Update Gilroy, California WJVA Report No. 19-035*. Visalia, CA.

Transportation

Association of Bay Area Governments and Metropolitan Transportation Commission. July 26, 2017. *Plan Bay Area 2040: Regional Transportation Plan and Sustainable Communities Strategy for the San Francisco Bay Area 2017-2040*. San Francisco Bay Area, CA. https://mtc.ca.gov/sites/default/files/Final_Plan_Bay_Area_2040.pdf

City of Gilroy. April 2004. *City of Gilroy Traffic Circulation Master Plan*. Gilroy, CA. <https://www.cityofgilroy.org/239/Traffic-Circulation>

Hexagon Transportation Consultants, Inc. December 5, 2019. *Gilroy Sports Park Complex Master Plan Update – Traffic Impact Analysis*. Gilroy, CA.

Santa Clara Valley Transportation Authority. December 2012. *Bicycle Technical Guidelines*. San Jose, CA. https://www.vta.org/sites/default/files/documents/vta_bicycle_technical_guidelines_complete.pdf

———. 2014. *VTP2040 – The Long-Range Transportation Plan for Santa Clara County*. San Jose, CA. http://vtaorgcontent.s3-us-west-1.amazonaws.com/Site_Content/VTP2040_final_hi%20res_030315.pdf.

———. December 2017. *2017 Congestion Management Program Document*. San Jose, CA.

———. April 2018. *Transit Service Guidelines*. San Jose, CA.

———. May 2018. *Countywide Bicycle Plan*. San Jose, CA. https://www.vta.org/sites/default/files/2019-05/SCCBP_Final%20Plan%20_05.23.2018.pdf

Water and Wastewater

City of Gilroy. May 2004. *City of Gilroy Water System Master Plan*. Gilroy, CA. <https://www.cityofgilroy.org/238/Capital-Improvement-Projects-Master-Plan>

———. May 2004. *City of Gilroy Sewer System Master Plan*. Gilroy, CA. <https://www.cityofgilroy.org/238/Capital-Improvement-Projects-Master-Plan>

Exploratorium. “The Science of Hockey.” San Francisco, CA. Accessed October 31, 2019. <https://www.exploratorium.edu/hockey/ice1.html>

Greenville County Recreation District. “How Ice Rinks Work.” Accessed on October 21, 2019. <https://pavilion.greenvillerec.com/wp-content/uploads/sites/4/2017/02/how-ice-rinks-work.compressed.pdf>

Santa Clara Valley Water District. November 2019. Santa Clara Valley Water District Water Supply Master Plan 2040. https://www.valleywater.org/sites/default/files/Water%20Supply%20Master%20Plan%202040_11.01.2019_v2.pdf

Energy

California Building Standards Commission. 2016. *Title 24 including Part 11, 2016 California Green Building Standards Code (CALGreen)*. <http://www.bsc.ca.gov/Codes.aspx>

California Energy Commission. March 2018. *2019 Building Energy Efficiency Standards: Frequently Asked Questions*. https://www.energy.ca.gov/title24/2019standards/documents/2018_Title_24_2019_Building_Standards_FAQ.pdf

- . February 2008. *California 2008 Energy Action Plan Update*.
<https://ww2.energy.ca.gov/2008publications/CEC-100-2008-001/CEC-100-2008-001.PDF>
- . *Electricity Consumption by County*; Accessed November 5, 2019. <http://www.ecdms.energy.ca.gov/elecbycounty.aspx>
- . *Gas Consumption by County*; Accessed November 5, 2019.
<http://www.ecdms.energy.ca.gov/gasbycounty.aspx>
- City of Gilroy. May 25, 2012. *City of Gilroy Climate Action Plan*. Gilroy, CA
- EMC Planning Group. December 11, 2019. *Air Quality, Greenhouse Gas Emissions, and Energy Report – Gilroy Sports Park Master Plan Phase III Amendments*. Monterey, CA.
- . November 5, 2019. *EMFAC2017 Results*. Monterey, CA.
- Google, Inc. 2019. Google Earth Pro.

14.2 PERSONS CONTACTED

Sue O'Strander, AICP, Deputy Director, Community Development	City of Gilroy
Julie Wyrick, AICP, Planning Division Manager	City of Gilroy
Gary Heap, City Engineer	City of Gilroy

14.3 REPORT PREPARERS

EMC Planning Group

Teri Wissler Adam, Senior Principal

Principal-in-Charge

Richard James, AICP, MUP, Principal

Project Manager and Report Preparation

Tanya Kalaskar, MS, Associate Planner

CalEEMod, Air Quality, Greenhouse Gas Emissions

Sally Rideout, EMPA, Principal Planner

CalEEMod Oversight/Assistant Project Manager

Shoshana Wangerin, Assistant Planner

Report Preparation

Andrea Edwards, Senior Biologist

Report Preparation

Taylor Hawkins, Assistant Planner

Graphics

Tiffany Robinson, Administrative Assistant

Report Production

Subconsultants

WJV Acoustics (Environmental Noise Assessment)

Walter J. Van Groningen, President

Hexagon Transportation Consultants, Inc. (Traffic Impact Analysis)

Gicela Del Rio, T.E.

Illingworth & Rodkin, Inc. (Health Risk Assessment)

Casy Divine, Consultant

James A. Reyff, Principal

Schaaf & Wheeler Consulting Civil Engineers (Floodplain Impact Analysis)

Melissa Reardon, Associate Engineer

Charles D. Anderson, P.E., President