Proposed Mitigated Negative Declaration

# Wren Investors & Hewell Urban Service Area Amendment

USA 12-01 & USA 14-02

August 28, 2019

Prepared by

EMC Planning Group

# Community Development Department

Greg Larson
INTERIM DIRECTOR

7351 Rosanna Street, Gilroy, California 95020-6197
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http://www.cityofgilroy.org


## NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

The City of Gilroy Planning Division has reviewed an application on the following proposal:

Project Title: Wren Investors and Hewell Urban Services Area Amendment

USA 12-01 (#12070023) and USA 14-02 (#14070058): an urban service area amendment to include Assessor Parcel Numbers 790-09-006, 008, 009, 010, 011; 790-17-001, 004, 005, 006, 007, 008, 009, 010; 790-06-017 and 790-06-018 into the urban service area of the city of Gilroy. The 50.3-acre Wren Investors project site is generally located west of Wren Avenue, south of Vickery Avenue, and north and south of Tatum Avenue. The 5.36-acre Hewell site is located just outside the northern city limits northeast of the intersection of Vickery Lane and Kern Avenue. This request is commonly known as the Wren Investors and Hewell Urban Service Area Amendment. The property is mostly undeveloped, although some single-family homes and the Gilroy Unified School District Farm Site are included within the subject site. This request proposes a change to the urban service area boundary to include approximately 56 acres, comprising the subject parcels, and does not include any development at this time. Applications filed by Wren Investors, LLC c/o Dick Oliver, 385 Woodview Avenue, #100, Morgan Hill, CA 95037; and Mark Hewell and David Sheedy, P.O. Box 1901, Gilroy, CA 95021.

In accordance with Section 15070 of the California Code of Regulations, the City of Gilroy Planning Division has determined that there is no substantial evidence that the proposed project would have a significant effect on the environment, and that a mitigated negative declaration (MND) may be adopted. The draft environmental document may be reviewed online, from the City webpage. Go to www.cityofgilroy.org/planning, then "Projects" (on the left side of the page) to select and view the draft document.

Alternatively, the draft environmental document is available for review at the Gilroy Planning Division office (8:00 a.m. - 5:00 p.m., Monday through Fridays, except holidays), and at the Gilroy Public Library, 350 W. Sixth Street (Closed Sunday and Monday, 1:00 p.m. - 9:00 p.m. Tuesday, 10:00 a.m. – 9:00 p.m. Wednesday and Thursday, and 10:00 a.m. - 6:00 p.m. Friday and Saturday).

**The public review period begins on September 6, 2019 and ends on October 7, 2019.** All comments should be provided in writing and **received** before 5:00 p.m. on the last day of the review period. Inquiries should be directed to Melissa Durkin, Planner II, at (408) 846-0252 or melissa.durkin@cityofgilroy.org and written comments may be

mailed or faxed (408) 846-0429 to the City of Gilroy, Planning Division, 7351 Rosanna Street, Gilroy, CA 95020.

8/26/19
Date

Julie Wyrick, AICP
Planning Division Manager

cc: Applicant
County Clerk
CEQA Distribution List

PROPOSED MITIGATED NEGATIVE DECLARATION

# WREN INVESTORS & HEWELL URBAN SERVICE AREA AMENDMENT

USA 12-01 & USA 14-02

PREPARED FOR

**City of Gilroy Community Development Department**
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7351 Rosanna Street
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PREPARED BY

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August 28, 2019

# Community Development Department
# Planning Division (408) 846-0451

## MITIGATED NEGATIVE DECLARATION

City of Gilroy
7351 Rosanna St.
Gilroy, CA 95020

**City File Number:** **USA 12-01 & USA 14-02**

**Project Description:**

**Name of Project:** Wren Investors and Hewell Urban Service Area Amendment

**Nature of Project:** The proposed project is a single urban service area amendment to the City of Gilroy's urban service area (USA) that includes both the previously separate Wren Investors project site and the Hewell project site. The 50.3-acre Wren Investors project site is located north and west of the Gilroy city limit and USA and the 5.36-acre Hewell site is located just outside the northern city limits northeast of the intersection of Vickery Lane and Kern Avenue. Both sites are within the City of Gilroy 2020 General Plan 20-year planning boundary.

**Project Location:**

**Location:** The 50.3-acre Wren Investors site is comprised of 14 parcels, including Lions Creek, a drainage channel parcel owned by the Santa Clara Valley Water District, which bisects the southern portion of the site from east to west, just north of Tatum Avenue. The 5.36-acre Hewell project site consists of two adjacent parcels located just outside the northern city limits northeast of the intersection of Vickery Lane and Kern Avenue.

**Assessor's Parcel Number**: 790-09-006, 790-09-008, 790-09-009, 790-09-010, 790-09-011, 790-17-001, 790-17-004, 790-17-005, 790-17-006, 790-17-007, 790-17-008, 790-17-009, 790-17-010; 790-06-17, 790-06-018

**Entity or Person(s) Undertaking Project:**

**Name**: Wren Investors LLC & Mark Hewell
**Address**: 385 Woodview Ave., Suite 100, Morgan Hill, CA 95037 (Wren Investors LLC)
P.O. Box 1901, Gilroy, CA 95021 (Mark Hewell)
**Staff Planner**: Julie Wyrick, Planning Division Manager

**Initial Study:**
An initial study of this project was undertaken and prepared for the purpose of ascertaining whether this project might have a significant effect on the environment. A copy of this study is attached.

**Findings & Reasons:**

The initial study identified potentially significant effects on the environment. However, this project has been mitigated (see Mitigation Measures below which avoid or mitigate the effects) to a point where no significant effects will occur. On the basis of the whole record, there is no substantial evidence the project will have a significant effect on the environment. The following reasons will support these findings:

- The proposal is a logical component of the existing land use of this area.
- Identified adverse impacts are proposed to be mitigated and a mitigation monitoring and reporting program have been prepared.
- The proposed project is consistent with the adopted goals and policies of the General Plan of the City of Gilroy.
- City staff independently reviewed the Initial Study, and this Negative Declaration reflects the independent judgment of the City of Gilroy.
- With the application of the following Mitigation Measures the proposed project will not have any significant impacts on the environment.
- The Gilroy Planning Division is the custodian of the documents and other material that constitute the record of proceedings upon which this decision is based.

**Air Quality**

AQ-1. The following construction equipment parameters shall be included on all grading and building plans, subject to review and approval by the Building Division:

a. All mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two consecutive days shall meet, at a minimum, U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent that also includes CARB-certified Level 3 Verified Diesel Emission Control Strategies (VDECS) or Diesel Particulate Filters meeting these requirements. Note that U.S. EPA Tier 4 equipment is considered to meet this measure. Applicant and/or construction contractor shall be responsible for submitting an equipment data list and operations timeframes to the Building

Division prior to commencement of grading operations, and updating the information each week that there is a change. For each piece of equipment, the list shall include: CARB identification number, type of equipment (grader, dozer, etc.), emissions classification of equipment (Tier 2, filter type, etc.), compliance or non-compliance with emissions requirements above, and proposed operation schedule.

b. Include conspicuous signage at the construction site entry and on-site construction office reiterating idle time limits on all diesel-fueled off-road vehicles to five minutes, as required by Title 23, Section 2449, of the California Code of Regulations ("CARB Off-Road Diesel Regulations").

c. Eliminate the use of portable diesel equipment (e.g., generators) within 200 feet of project boundaries by providing electrical service at the site during the initial construction phase. Alternatively, use propane or natural gas powered equipment if electricity is not available.

Weekly monitoring reports detailing compliance with the measures described above shall be submitted by the applicant to the Building Division during all phases of construction. The Building Division shall ensure this has occurred prior to issuance of an occupancy permit.

Party Responsible for Implementation: Project Applicant

Party Responsible for Monitoring: Gilroy Building Division

**Biological Resources**

BIO-1. If noise generation, ground disturbance, vegetation removal, or other construction activities begin during the bird nesting season (February 1 to September 15), or if construction activities are suspended for at least two weeks and recommence during the bird nesting season, then the project applicant will retain a qualified biologist to conduct a pre-construction survey for nesting birds, including CDFW Fully Protected white-tailed kite. The survey will be performed within suitable nesting habitat areas on and adjacent to the site to ensure that no active nests would be disturbed during project implementation. This survey will be conducted no more than one week prior to the initiation of disturbance and/or construction activities. A report documenting survey results and plan for active bird nest avoidance (if needed) will be completed by the qualified biologist and submitted to the City of Gilroy Planning Division Manager for review and approval prior to disturbance and/or construction activities.

If no active bird nests are detected during the survey, then project activities can proceed as scheduled. However, if an active bird nest of a protected species is detected during the survey, then a plan for active bird nest avoidance will determine and clearly delineate an appropriately sized, temporary protective buffer area around

each active nest, depending on the nesting bird species, existing site conditions, and type of proposed disturbance and/or construction activities. The protective buffer area around an active bird nest is typically 75-250 feet, determined at the discretion of the qualified biologist.

To ensure that no inadvertent impacts to an active bird nest will occur, no disturbance and/or construction activities will occur within the protective buffer area(s) until the juvenile birds have fledged (left the nest), and there is no evidence of a second attempt at nesting, as determined by the qualified biologist.

Party Responsible for Implementation: Project Applicant

Party Responsible for Monitoring: Gilroy Planning Division

BIO-2. The project applicant shall identify protected trees, pursuant to Section 30.38.270 of the City's City Code, on the Tentative Map for residential development and on the Architectural and Site Review plans for commercial development. Protected trees shall be incorporated to the extent feasible into development design.

Party Responsible for Implementation: Project Applicant

Party Responsible for Monitoring: Gilroy Planning Division

BIO-3. During preparation of site plans, the project applicant shall contract with a certified arborist to prepare a tree assessment report for the project site and submit the report to the City of Gilroy Planning Division for review and approval. The tree assessment report shall include, but not be limited to, the following items:

a. identify all protected trees on the project site, pursuant to Section 30.38.270 of the City Code, including those that can be feasibly incorporated into the proposed development (retained), and those proposed for removal;

b. recommendations for the size, species, source, location, and number of replacement plantings to mitigate the loss of protected trees; and

c. for all trees that are to be retained on the project site, provide tree protection measures necessary to minimize construction activity that could affect tree health, structure, or stability.

All arborist recommendations, including the species and locations of all replacement trees, shall be listed on the final landscape plan, and the arborist shall sign the final landscape plan certifying that it is consistent with the tree assessment report recommendations.

Party Responsible for Implementation: Project Applicant

Party Responsible for Monitoring: Gilroy Planning Division

BIO-4. Prior to site disturbance, the project applicant shall fully comply with measures required by Section 30.38.270 of the Gilroy City Code. Pruning and/or removal of protected trees shall be undertaken only under the direction of a certified arborist hired at the applicants' expense, and subject to the review and approval of the Community Development Director. An approved tree removal permit is required prior to removal of any protected tree(s); the project developer shall obtain a tree removal permit, and shall comply with any tree protection measures or replacement plantings stipulated by the city.

Party Responsible for Implementation: Project Applicant

Party Responsible for Monitoring: Gilroy Planning Division

BIO-5. Prior to and during construction, the project applicant shall implement all retained tree protection measures recommended for the site by the certified arborist's tree assessment report and permit approvals.

Party Responsible for Implementation: Project Applicant

Party Responsible for Monitoring: Gilroy Planning Division

**Cultural Resources**

C-1. Prior to approval of any tentative map for the project site, a historic resource evaluation (HRE) shall be prepared by a qualified professional and at the applicant's expense for the historic-era structures on the following Assessor's Parcels: 790-09-006, 790-17-001, 790-17-004, 790-17-007 and 008, and 790-17-010. At minimum, the HRE shall survey and identify all structures on these parcels that are 50 years or greater at the time of the survey and shall evaluate the identified historic-era structures with NRHP and CRHR eligibility criteria. If the HRE determines that significant historic structures are present on the site, a mitigation plan shall be prepared and submitted to the City of Gilroy Planning Director for review and approval prior to any site disturbing activities. The mitigation plan shall be prepared and implemented by a qualified historic professional and at the applicant's expense, and shall include a strategy for preservation of significant historic structures and a plan for adaptive re-use of the resource that utilizes either preservation in place or relocation to an appropriate receiver site elsewhere on the project site or within the City limit.

Party Responsible for Implementation: Project Applicant

Party Responsible for Monitoring: Gilroy Planning Division

**Noise**

N-1. Associated with CEQA compliance for subdivisions and commercial projects at the project site, an acoustical analysis shall be prepared by a qualified acoustical professional. The recommendations in the analysis shall include, but not be

limited to, recommendations for building placement and acoustical design features for new construction adjacent to Wren Avenue in proximity to the Antonio Del Buono Elementary School. The report recommendations shall be incorporated into the plans as part of the Tentative Map and Architectural and Site Review applications for future development, and shall be subject to the review and approval of the Planning Division, prior to approval of the Tentative Map and Architectural and Site Review.

Party Responsible for Implementation: Project Applicant

Party Responsible for Monitoring: Gilroy Planning Division

Julie Wyrick
Planning Division Manager
Julie.Wyrick@cityofgilroy.org

INITIAL STUDY

# WREN INVESTORS & HEWELL URBAN SERVICE AREA AMENDMENT

USA 12-01 & USA 14-02

PREPARED FOR

**City of Gilroy Community Development Department**
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PREPARED BY

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August 28, 2019

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## Appendices (Included on CD inside back cover)



## Figures



## Tables

# A. BACKGROUND

| | |
|---|---|
| Project Title | Wren Investors and Hewell Urban Service Area Amendment |
| Lead Agency Contact Person and Phone Number | Julie Wyrick, Planning Division Manager<br>City of Gilroy Community Development Department<br>Planning Division<br>(408) 846-0451 |
| Date Prepared | August 28, 2019 |
| Study Prepared by | EMC Planning Group Inc.<br>301 Lighthouse Avenue Suite C<br>Monterey, CA 93940<br>(831) 649-1799<br>Teri Wissler Adam, Senior Principal<br>Stuart Poulter, AICP, MCRP, Associate Planner<br>Tanya Kalaskar, MS, Associate Planner<br>Emily Malkauskas, Assistant Biologist<br>Shoshana Wangerin, Assistant Planner |
| Project Location | Wren Investors site - 14 parcels (approximately 50-acres) located west of Wren Avenue, north of Mantelli Drive, east of Kern Avenue, and south of Vickery Avenue (APNs: 790-09-006, 790-09-008, 790-09-009, 790-09-010, 790-09-011, 790-17-001, 790-17-004, 790-17-005, 790-17-006, 790-17-007, 790-17-008, 790-17-009, 790-17-010)<br><br>Hewell site – 2 parcels (approximately 5.36 acres), located on the northeast corner of Vickery Avenue and Kern Avenue intersection (APNs: 790-06-17 and 790-06-018) |
| Project Sponsor Name and Address | Wren Investors LLC<br>275 Saratoga Avenue, Suite 105<br>Santa Clara, CA 95050<br><br>Mark Hewell<br>P.O. Box 1901<br>Gilroy, CA 95021 |
| General Plan Designation | Neighborhood District (City of Gilroy)<br>Open Space Reserve (County of Santa Clara) |
| Zoning (Santa Clara County) | A-20Ac-sr – Agriculture, 20 Acre Minimum |

## Setting

The City of Gilroy is situated in south Santa Clara County at the southern tip of the San Francisco Bay area. Located in the San Jose/Silicon Valley sub-region, the City of Gilroy ("city") is an hour's drive from both San Francisco and the Monterey Bay. Gilroy lies at the crossing of US Highway 101 and State Route 152, giving it direct access to the San Francisco Bay area, and San Benito, Monterey, and Santa Cruz counties, as well as to the Central Valley (Gilroy General Plan page 2.7).

The 50.3-acre Wren Investors project site is located north and west of the Gilroy city limit and urban service area (USA), but within the City of Gilroy 2020 General Plan 20-year planning boundary. The existing USA boundary borders nearly the entire site along Vickery Avenue to the north, Wren Avenue to the east, and along the southern boundary of the site and along the west boundary of the site to Tatum Avenue. The site is comprised of 13 parcels, including Lions Creek, a drainage channel parcel owned by the Santa Clara Valley Water District (hereinafter "water district"), which bisects the southern portion of the site from east to west, just north of Tatum Avenue. Surrounding uses include low-density residential to the southeast, south and southwest; very low-density/rural residential uses to the northwest; a medium-density residential development north of Vickery Avenue; and educational (Antonio del Buono Elementary School) and medium to high density residential uses to the northeast. The western boundary of the site adjoins the rear yards of rural residences along Kern Avenue. A number of rural residences are present on both sides of Tatum Avenue within the project site and along Kern Avenue on the southern portion of the site. The remainder of the site is either fallow or supports only small-scale agricultural operations or low-density residential uses. Existing uses include residential development on six parcels accessed by Tatum Avenue and a parcel owned by Gilroy High School at the southern portion of the site off Kern Avenue that is occupied by a school farm laboratory for its Future Farmers of America Club.

The 5.36-acre Hewell project site consists of two adjacent parcels: Assessor's parcel numbers 790-06-017 and 790-06-018 located just outside the northern city limits northeast of the intersection of Vickery Lane and Kern Avenue. Assessor's parcel number 790-06-017, which makes up the southeast portion of the site, is developed with one home, associated outbuildings, and landscaping; however, the remainder of the project site is a vacant field. Land uses surrounding the project site are agricultural to the north, and rural residential with some small-scale agricultural uses to the south, and west. A residential subdivision (Harvest Park) is located to the east, within the City limits.

The City of Gilroy 2020 General Plan designates the two project sites, with the exception of the water district facility, for Neighborhood District uses which allows a variety of residential densities. The County of Santa Clara ("County") land use designation of the

project sites and the lands to the north, south, and west is Open Space Reserve. The county zoning for the entire area is Agriculture, 20-acre minimum. Figure 1, Regional Location, presents the regional location of the project site and Figure 2, Aerial Photograph, presents the location of the project site in relation to the City of Gilroy city limit and planning boundary. Figure 3, Site Photographs – Wren Investors Site, and Figure 4, Site Photographs – Hewell Site, presents both USA amendment project locations and site photographs documenting the existing conditions of each site from different vantage points.

## Project Background

### *Wren Investors USA (USA 12-01)*

In 2000, Wren Investors, LLC ("the applicant") applied for a similar, but smaller in area, USA amendment. An EIR (SCH 2001112070) was prepared in 2002 but was never certified by the City of Gilroy. Therefore, the application was never submitted to LAFCO. In 2009, the applicant applied again for a USA amendment for the 50.3-acre site. A new EIR supplement to the City of Gilroy 2002 General Plan EIR (SCH #2009022053) was prepared for the 2009 proposed urban service area amendment. The Gilroy City Council did not take action on the EIR, and thus could not take action on the project. In July 2012, the applicant submitted another USA application, including a preliminary master plan, which represented the concept of future development that was analyzed in an EIR finalized, though never certified, in late 2014. Supporting LAFCO documentation, including a vacant land inventory, plan for providing services, and fiscal impact analysis, was also prepared at that time.

### *Hewell USA (USA 14-02)*

In 2012, Mark Hewell submitted an annexation application to the city. Only conceptual development plans were submitted at the time which showed a proposed 48 single-family residential lot subdivision, with lots ranging from 1,049 square feet to 6,395 square feet. Roadway improvements would include completing the extension of Vickery Avenue west to Kern Avenue, extending Kern Avenue north along the western property boundary, and extending Cohansey Avenue from the project site's eastern edge, west to Kern Avenue. A draft initial study was prepared in 2014 for prezoning and annexation of the Hewell project site. Prior to final completion of the draft, City staff discovered that Santa Clara County LAFCO has no records indicating that the subject property was within the City of Gilroy's Urban Service Area. Consequently, the applicant applied for an USA amendment and the draft initial study was revised to accommodate the project description revision. The following draft LAFCO-required documentation was also prepared: Draft Fiscal Impact Analysis (February 2105); Draft Residential Vacant Land Inventory (March 2015); and Draft Plan for Services (March 2015).

The project was put on hold before the California Environmental Quality Act (CEQA) documentation could be completed and circulated for public review and before the LAFCO documentation was finalized for submission to LAFCO. Nearly four years have passed, requiring the documentation to be updated and finalized.

## Description of Project

The proposed project is a single urban service area amendment to the City of Gilroy's urban service area that includes both the previously separate Wren Investors project site and the Hewell project site (hereinafter referred to as "the proposed project"). Table 1, Wren Investors and Hewell USA Anticipated Development, presents the anticipated buildout for these two sites comprising 55.66 acres and presents proposed land uses, acreage, and number of residential lots. Figure 5, Wren Investors Preliminary Master Plan, presents the conceptual lot layout of the Wren Investors project site. Figure 6, Hewell Conceptual Development Plan, presents the conceptual lot layout proposed for the Hewell project site.

**Table 1 Wren Investors and Hewell USA Amendment Anticipated Development**

| Land Use | Acreage | Residential Lots |
|---|---|---|
| Low Density Residential | 26.86 | 185 |
| Medium Density Residential Duets | 2.2 | 20 |
| High Density Residential (Townhomes/Apartments) | 9.9 | 102 |
| Subtotal Residential | 33.6 | 307 |
| Streets | 12.9 | |
| Drainage | 3.4 | |
| Neighborhood Commercial | 0.4 | |
| Totals | 55.66 | 307 |

SOURCE: Wren Investors (USA 12-01) & Hewell (USA 14-02) USA Amendment Applications

## Other Public Agencies Whose Approval is Required

- Santa Clara County Local Agency Formation Commission (LAFCO)
- Regional Water Quality Control Board – National Pollutant Discharge Elimination System Permit (NPDES)

## Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?

*Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.*

The city has not received any requests for consultation from tribes that are traditionally or culturally affiliated with the project area. Therefore, no additional consultation was required under Assembly Bill (AB) 52.

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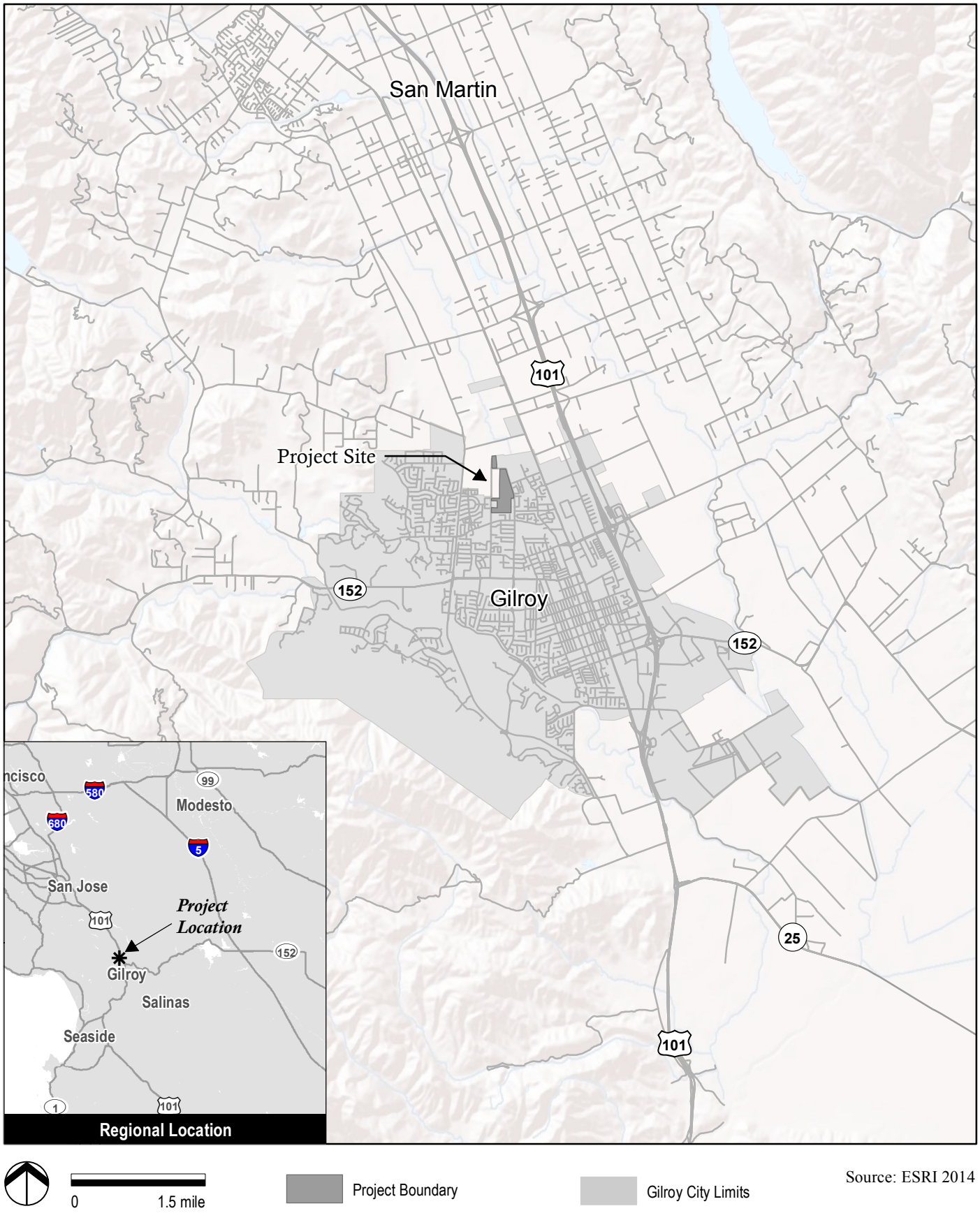


Figure 1

# Project Location

Wren Investors and Hewell USA Amendment Initial Study

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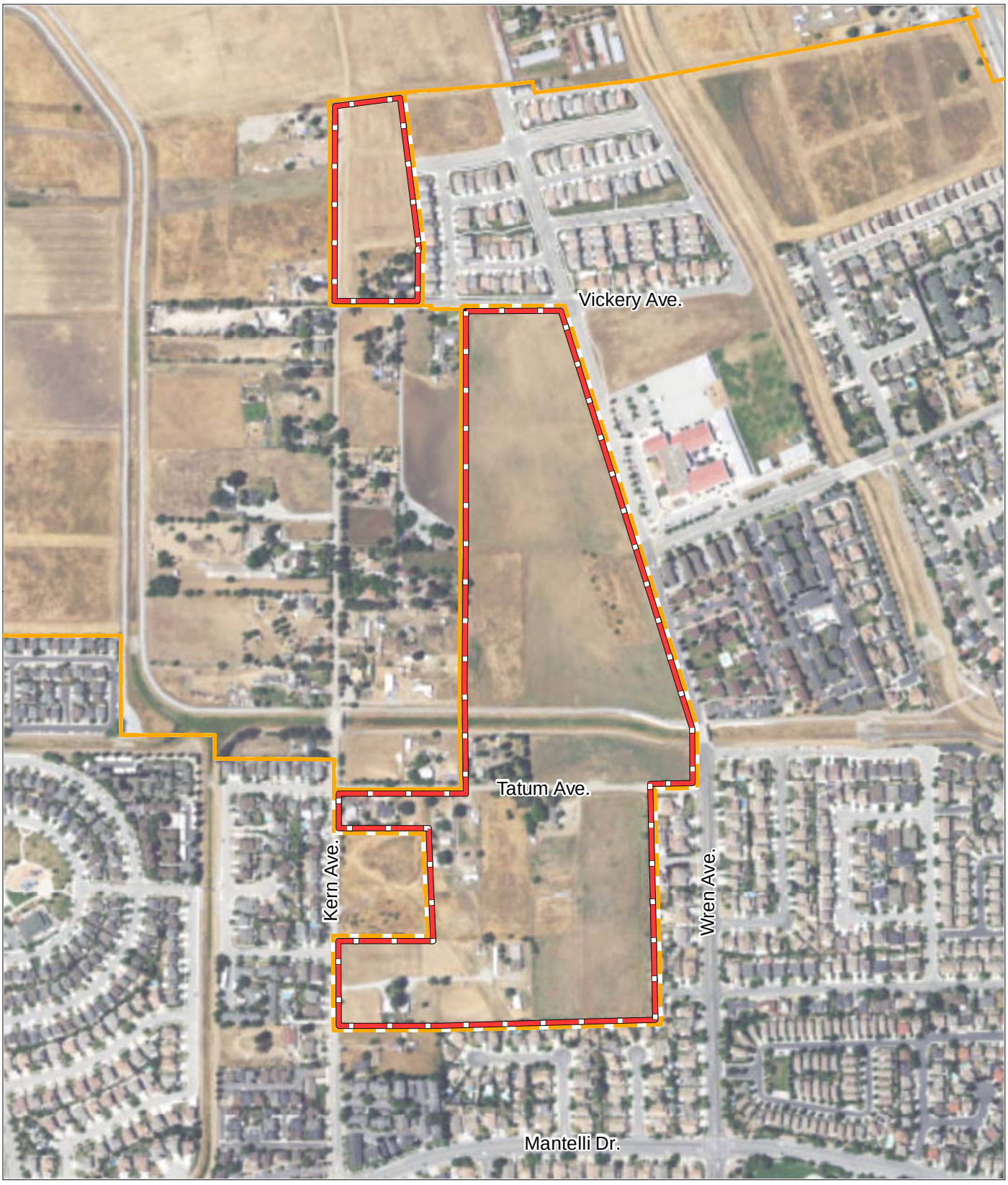


Figure 2

# Aerial Photograph

Wren Investors and Hewell USA Amendment Initial Study

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1 View southwest from Vickery Lane and Wren Avenue

2 View north from Lions Creek Bike Trail and Wren Avenue

3 View southwest from Tatum Avenue


Project Site

Source: ESRI 2017
Photographs: EMC Planning Group 12/2013

4 View west on Tatum Avenue

5 View east from Kern Avenue at Tatum Avenue

6 View east from Kern Avenue

Figure 3

# Site Photographs-Wren Investors Site

Wren Investors and Hewell USA Amendment Initial Study

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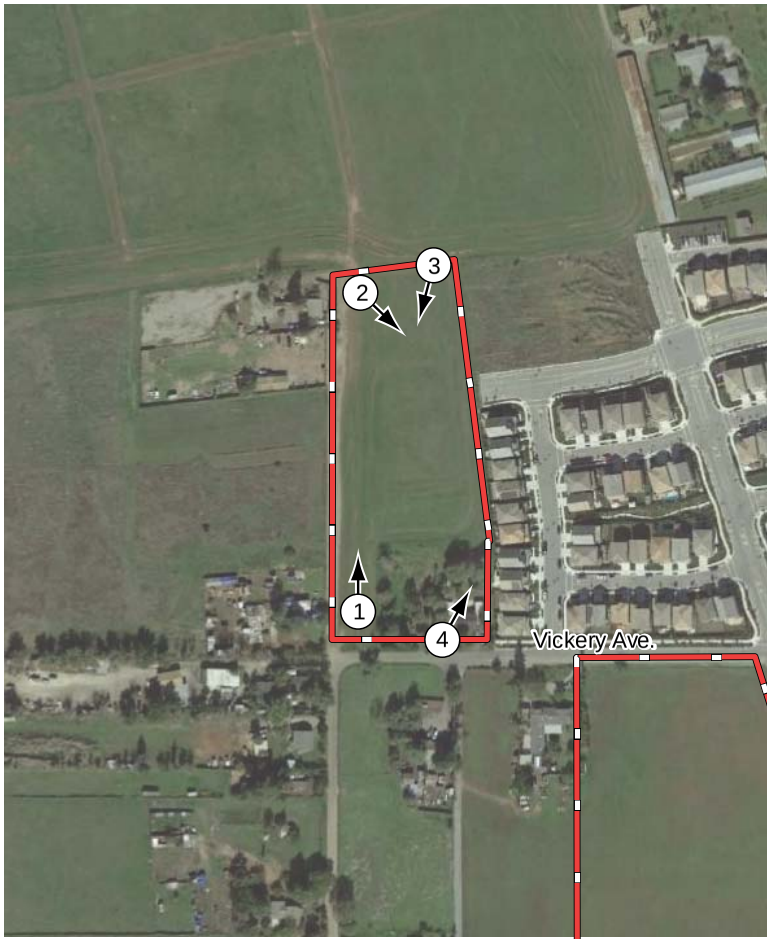
1 View looking north across the project site

2 View looking southest across site with Harvest Park residential subdivision (under construction) seen in background




Project Site

Source: ESRI 2017
Photographs: EMC Planning Group 12/2013

3 View looking southwest across site at primarily vacant field, with single-family home in distance

4 View looking northeast from Vickery Avenue at single-family home on site

Figure 4
# Site Photographs-Hewell Site

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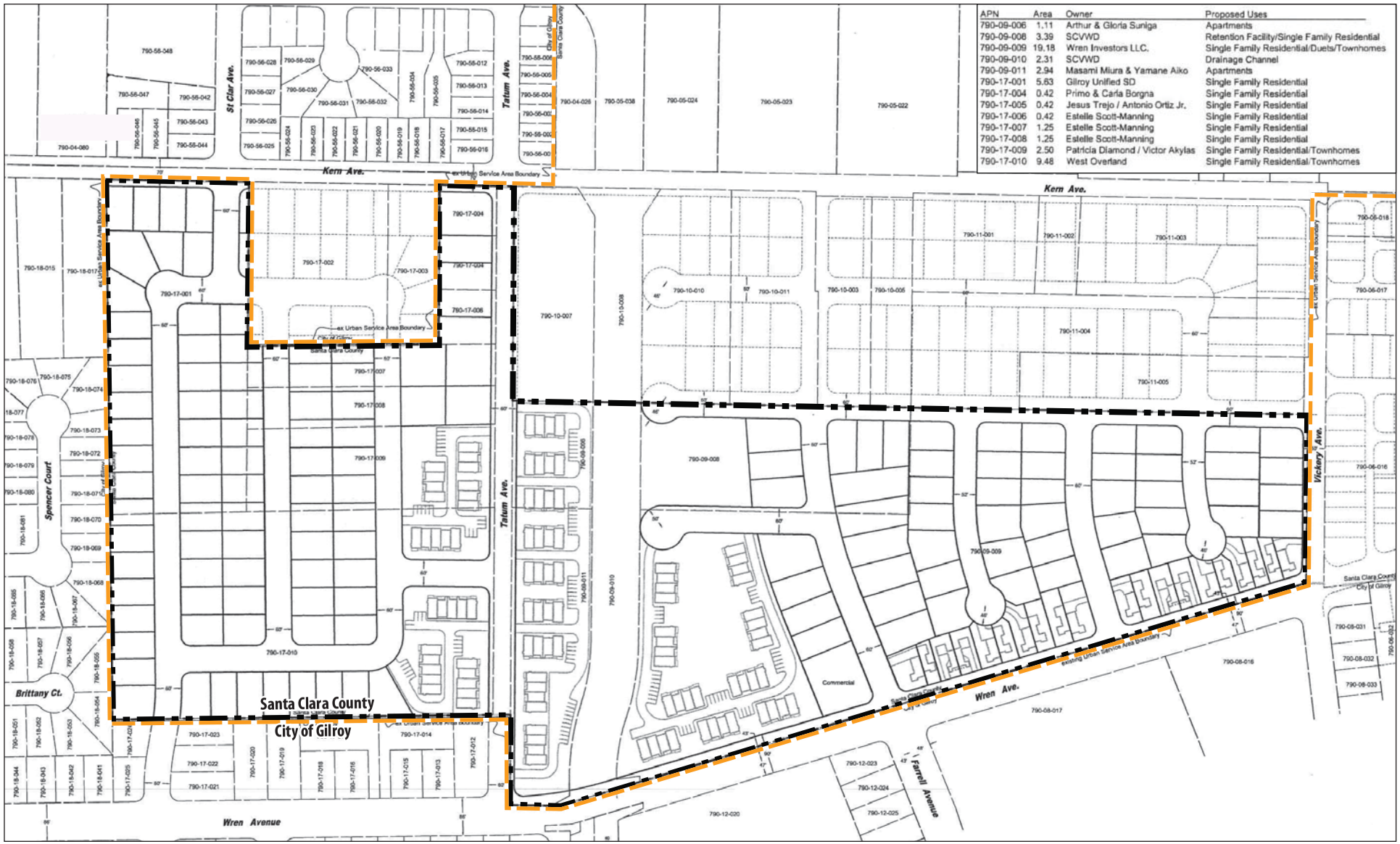


Source: MH Engineering Co. 2012

Figure 5

# Wren Investors Preliminary Master Plan

Wren Investors and Hewell USA Amendment Initial Study

E M C

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0 110 feet

Project Boundary

Source: MH Engineering Co. 2013

Figure 6

# Hewell Conceptual Development Plan

Wren Investors and Hewell USA

E M C

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# B. Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- ❑ Aesthetics
- ❑ Agriculture and Forestry Resources
- ❑ Air Quality
- ❑ Biological Resources
- ❑ Cultural Resources
- ❑ Geology/Soils
- ❑ Greenhouse Gas Emissions
- ❑ Hazards & Hazardous Materials
- ❑ Hydrology/Water Quality
- ❑ Land Use/Planning
- ❑ Mineral Resources
- ❑ Noise
- ❑ Population/Housing
- ❑ Public Services
- ❑ Transportation/Traffic
- ❑ Tribal Cultural Resources
- ❑ Utilities/Service Systems
- ❑ Mandatory Findings of Significance
- ❑ None

# C. DETERMINATION

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ✓ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (1) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (2) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

_____ _____

Julie Wyrick, Planning Division Manager Date

# D. Evaluation of Environmental Impacts

*The evaluation of the potential impacts of the proposed project is contained in the following series of checklists and accompanying narratives. The following notes apply to this section.*

## Notes

1. A brief explanation is provided for all answers except "No Impact" answers that are adequately supported by the information sources cited in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer is explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once it has been determined that a particular physical impact may occur, then the checklist answers indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less-Than-Significant Impact with Mitigation Measures Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less-Than-Significant Impact." The mitigation measures are described, along with a brief explanation of how they reduce the effect to a less-than-significant level (mitigation measures from section XVII, "Earlier Analyses," may be cross-referenced).
5. Earlier analyses are used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier document or negative declaration. [Section 15063(c)(3)(D)] In this case, a brief discussion would identify the following:
    a. "Earlier Analysis Used" identifies and states where such document is available for review.
    b. "Impact Adequately Addressed" identifies which effects from the checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and states whether such effects were addressed by mitigation measures based on the earlier analysis.

c. "Mitigation Measures"—For effects that are "Less-Than-Significant Impact with Mitigation Measures Incorporated," mitigation measures are described which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances, etc.) are incorporated. Each reference to a previously prepared or outside document, where appropriate, includes a reference to the page or pages where the statement is substantiated.

7. "Supporting Information Sources"—A source list is included in Section E, Sources, at the end of this initial study, and other sources used or individuals contacted are cited in the discussion.

8. The explanation of each issue identifies:

   a. The significance criteria or threshold, if any, used to evaluate each question; and

   b. The mitigation measure identified, if any to reduce the impact to less than significant.

# 1. AESTHETICS

Would the project:

| | Potentially Significant Impact | Less-than-Significant Impact with Mitigation Measures Incorporated | Less-Than-Significant Impact | No Impact |
|---|---|---|---|---|
| a. Have a substantial adverse effect on a scenic vista or degrade the existing visual character in the Hecker Pass Specific Plan Area (GP Policy 1.07) or the hillside areas (GP Policy 1.16, GP Policy 12.04)? (1, 2, 12, 24, 25) | ❑ | ❑ | ❑ | ✓ |
| b. Substantially damage scenic resources viewed from Hecker Pass Highway or Pacheco Pass Highway (GP Policy 6.01, GP Policy 12.04)? (1, 2, 12, 24, 25) | ❑ | ❑ | ❑ | ✓ |
| c. Substantially damage scenic resources viewed from Uvas Park Drive, Santa Teresa Boulevard, or Miller Avenue from First Street to Mesa Road (GP Policy 6.02)? (1, 2, 12, 24, 25) | ❑ | ❑ | ✓ | ❑ |
| d. Substantially damage scenic resources (farmland and surrounding hills) viewed from Highway 101 (GP Policy 6.03, Action 1-H)? (1, 2, 12, 24, 25) | ❑ | ❑ | ❑ | ✓ |
| e. Result in unattractive entrances at the principal gateways to the City (north and south Monterey Street, Highway 152/Hecker Pass Highway, Highway 152/Pacheco Pass, north and south Santa Teresa Boulevard, and at the Highway 101 interchanges at Masten, Buena Vista, Leavesley, and Tenth Street) (GP Policy 1.10 and Action 1-H)? (1, 2, 3, 12, 24, 25) | ❑ | ❑ | ❑ | ✓ |
| f. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (1, 2, 3, 12, 24, 25) | ❑ | ❑ | ✓ | ❑ |
| g. Include or require a wall or fence higher than seven feet above the existing grade at the property line? (1, 2, 3, 12, 24, 25) | ❑ | ❑ | ❑ | ✓ |

## Comments:

a. The proposed project is not within the Hecker Pass Highway or hillside areas; therefore, the proposed USA amendments and future development of the proposed project sites would have no impact on scenic vistas or resources within these areas.

b. The proposed project is not visible from Hecker Pass Highway or Pacheco Pass Highway; therefore, the proposed USA amendment and future development of the proposed project would have no impact on scenic resources viewed from these areas.

c. The proposed project is not located along Uvas Park Drive, Santa Teresa Boulevard, or Miller Avenue from First Street to Mesa Road. Santa Teresa Boulevard is approximately one third to a half mile west of the project site. The Hewell site would be visible to travelers along Santa Teresa Boulevard south of Day Road (East). However, these vantage points are limited and would require looking to the east, directly at the site, more than a third of a mile away. At this distance, the development at the project site would not be discernible. Scenic resources, primarily the agricultural fields, and rural development along Santa Teresa Boulevard, as viewed from the roadway would not be substantially damaged. Therefore, the impact is less than significant and no mitigation measures are required.

d. The proposed project sites are nearly one mile west of U.S. Highway 101 and are not discernable from the highway. Therefore, the proposed project would not substantially damage scenic resources (farmland and surrounding hills) viewed from U.S. Highway 101.

e. Santa Teresa Boulevard at the northern entrance to Gilroy, located approximately a third of a mile west of the proposed project, is considered one of the principal gateways to the City. As identified in item c. above, the proposed project is not located along Santa Teresa Boulevard and would be not be discernible from the roadway. Therefore, the proposed project would not result in an unattractive entrance at this gateway.

f. The proposed project would introduce new sources of residential lighting that has the potential to create a substantial source of nighttime glare. The proposed project must comply with applicable Gilroy general plan policies and actions and with the City's Lighting Standards which address minimizing light and glare impacts. Applicable general plan policies include the following:

   - 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 affect 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.

Future development of the two project sites will require City approval of a master plan or specific plan, a tentative map, and architectural site review. Section 34.31 of the City Code identifies requirements for wall location and height in residential districts, and the future development of the site is subject to these standards. Proposed wall locations, height, and materials are required to be included on landscaping plans submitted as part of the Architectural and Site Review application for future site specific development. Compliance with the City's zoning standards would ensure that all wall heights comply with the City's maximum permitted height.

Compliance with general plan policies and the City's adopted lighting standards and standard conditions of approval that address minimizing light and glare impacts will ensure that future development does not result in excessive light that adversely affect day or nighttime views in the area. Therefore, the impact is less than significant.

g. A significant impact may occur if there is a wall or fence greater than seven feet in height measured from the finished grade on the higher side of the fence, or as allowed by the Gilroy City Code, Section 34. At this time, the Wren Investors and Hewell projects do not propose any walls or fences, as the application before the City of Gilroy is an urban service area amendment request only. Future development of the project sites will require review of proposed fence heights per the Gilroy City Code. Compliance with the City's zoning standards would ensure that all fence heights comply with the City's maximum permitted height.

# 2. AGRICULTURE

In determining whether impacts on agricultural resources are significant environmental effects and in assessing impacts on agriculture and farmland, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (LESA) (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

| | Potentially Significant Impact | Less-than-Significant Impact with Mitigation Measures Incorporated | Less-Than-Significant Impact | No Impact |
|---|---|---|---|---|
| a. Convert prime farmland or farmland of statewide importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to an urban use (projects requiring a legislative act, such as zoning changes, annexation to the City, urban service area amendments, etc)? (17, 49) | ❑ | ❑ | ✓ | ❑ |
| b. Conflict with a Williamson Act contract? (18, 19) | ❑ | ❑ | ❑ | ✓ |
| c. Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use? (17, 18, 19) | ❑ | ❑ | ❑ | ✓ |

## Comments:

a. **Wren Investors site.** The 50.3-acre Wren Investors site does not include any land designated "prime farmland" or "farmland of statewide importance." Therefore, there is no impact as a result of converting prime farmland or farmland of statewide importance.

**Hewell site.** The annexation and development of approximately 1.87 acres of "prime farmland", 2.43 acres of "farmland of statewide importance," and approximately 0.89 acres of "other land" located on the Hewell project site would have a less-than-significant impact. This determination was based on a Land Evaluation and Site Assessment (LESA) model score of 49.9 with a land evaluation subscore of 31.9 and the site assessment score of 18.0. The loss of agricultural land with a LESA score of between 40 and 59 is considered significant if both the land evaluation and the site assessment subcategories have scores of 20 or better. Since the site assessment

subcategory is less than 20, future urban development of the parcel would not be considered a significant impact in accordance with the City of Gilroy significance criteria.

The LESA worksheets and supporting graphics included in the 2015 LESA modelling for the Hewell site are included as Appendix A of this initial study**.** The Wren Investors and Hewell site are shown superimposed on the 2014 farmland map in Figure 7, Wren Investors and Hewell Sites – 2014 CDC Important Farmland Map, below.

The City has a policy for agricultural mitigation that was adopted in May 2004 and later revised in January 2016. This policy provides the specific criteria and guidelines, consistent with the City's general plan policies, on agriculture. According to the City's Agricultural Mitigation Policy, the proposed project does not require mitigation and is a considered a less than significant impact because the LESA score considers future development of the project site not a significant impact (discussed previously) and no Williamson Act contracts are in place on the site (further discussed in b) below).

b. According to current county mapping, these two parcels are not under Williamson Act contract (Santa Clara County 2017). The Hewell project site is not under a Williamson Act contract (California Department of Conservation 2016). Therefore, the proposed project would not conflict with a Williamson Act contract.

c. Neither the project sites nor other parcels in the surrounding area are zoned for or in use as forest land or commercial timberland. The proposed project would not conflict with existing zoning for, or cause rezoning of, forest land and would not result in the loss of forestland; therefore, there is no impact.

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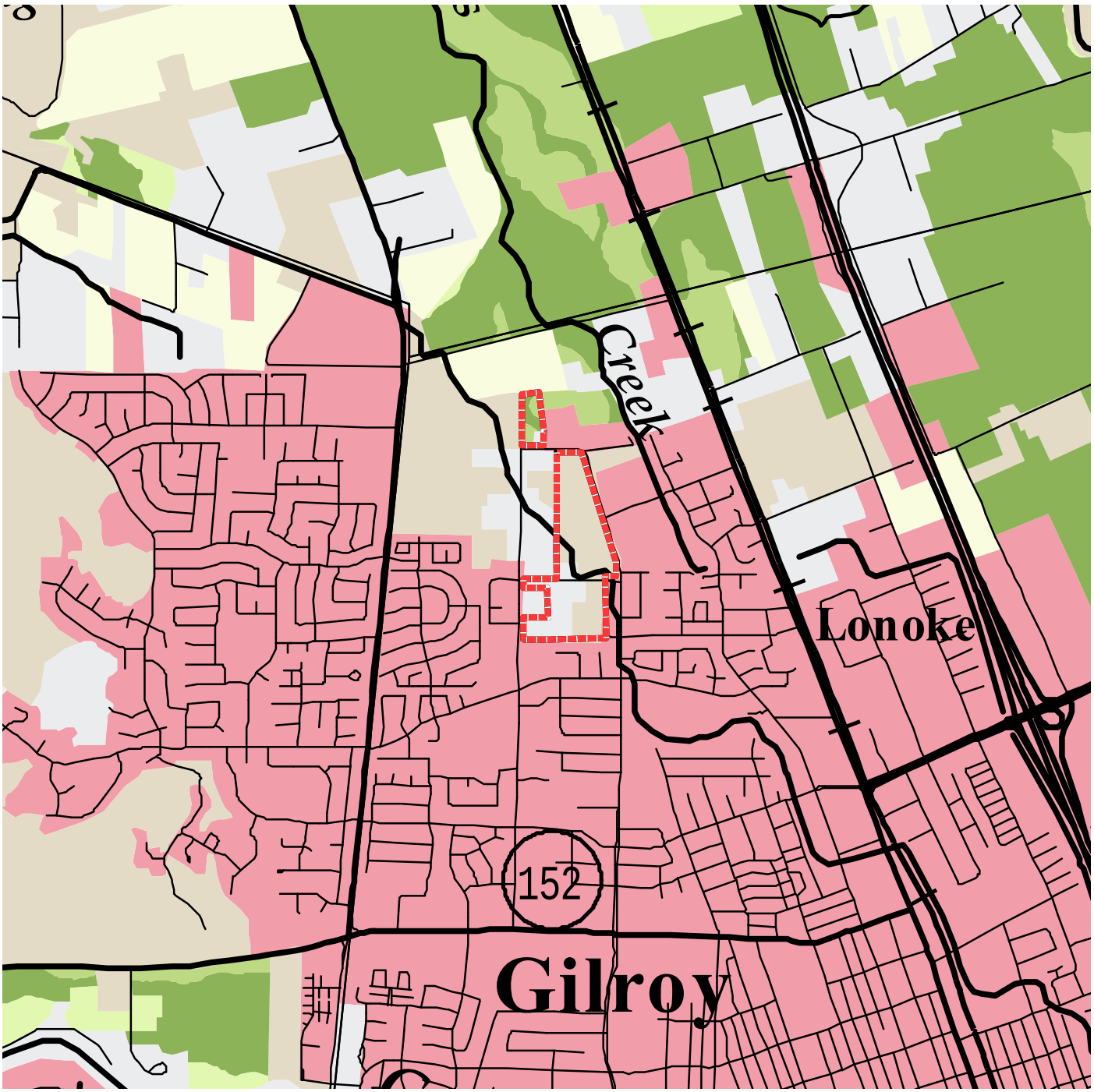


Important Farmlands

Project Boundary

Prime Farmland

Farmland of Statewide Importance

Unique Farmland

Grazing Land

Farmland of Local Importance

Urban and Built-Up-Land

Other Land

Water

Source: California Department of Conservation 2014

0 2,000 feet

Figure 7

# Wren Investors and Hewell Sites
# 2014 CDC Important Farmland Map

*This side intentionally left blank.*

# 3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

| | Potentially Significant Impact | Less-than-Significant Impact with Mitigation Measures Incorporated | Less-Than-Significant Impact | No Impact |
|---|---|---|---|---|
| a. Conflict with the Bay Area Air Quality Management District Clean Air Plan (BAAQMD CAP)? (1, 2, 13, 24, 25, 30) | ❑ | ✓ | ❑ | ❑ |
| b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? BAAQMD indicates that any project that would individually have a significant air quality impact would also be considered to have a significant cumulative air quality impact. (1, 2, 13, 24, 25, 30) | ❑ | ❑ | ✓ | ❑ |
| c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)? (1, 2, 13, 24, 25, 30) | ❑ | ❑ | ✓ | ❑ |
| d. Expose sensitive receptors (residential areas, schools, hospitals, nursing homes) to substantial pollutant concentrations (CO and $PM_{10}$), as determined in b. above? (13, 24, 25, 30, 34) | ❑ | ✓ | ❑ | ❑ |
| e. Create objectionable odors affecting a substantial number of people? (13, 24, 25, 30) | ❑ | ❑ | ❑ | ✓ |

## Comments:

a. **Clean Air Plan Consistency.** The City of Gilroy is located within the San Francisco Bay Area Air Basin and the boundary of the Bay Area Air Quality Management District (air district). The air district recently adopted the current version of the Clean Air Plan on April 19, 2017. In this 2017 version of the Clean Air Plan, the air district adopted a new methodology for assessing consistency with the Clean Air Plan. The air district's Air Quality CEQA Guidelines ("air district CEQA guidelines") Section 9.1 provides guidance on determining if a development project is consistent with the

Clean Air Plan. Consistency with the Clean Air Plan is based on three inter-related criteria: support for the primary goals of the Clean Air Plan, inclusion of applicable Clean Air Plan air quality control measures, and absence of hindrances to implementation of the Clean Air Plan.

The primary goals of the 2017 Clean Air Plan are to attain air quality standards; to reduce population exposure to pollutants and protect public health in the Bay Area; and to reduce greenhouse gas (GHG) emissions and protect the climate. This is considered to have been accomplished if there are no project-level significant impacts, or if significant impacts are mitigated to a less-than-significant level. As discussed below, the proposed project would eventually lead to the development of residential development with a small neighborhood commercial component which would generate criteria air pollutant and toxic air contaminant emissions, but not to the extent that significant impacts would occur. Therefore, the proposed project, as mitigated, does not result in significant air quality impacts, and therefore, supports the primary goals of the 2017 Clean Air Plan.

Most of the 85 control measures in the 2017 Clean Air Plan are applicable to industrial stationary sources, or are implemented at a regional level, and not applicable to the proposed project (residential and commercial project). Control measures potentially applicable to the proposed project are included below in Table 2, Potentially Applicable Control Measures (2017 Clean Air Plan).

**Table 2 Potentially Applicable Control Measures (2017 Clean Air Plan)**

| Control Measure Number and Name |
|---|
| SS30 Residential Fan-Type Furnaces |
| SS34 Wood Smoke |
| SS36 Particulate Matter from Trackout |
| TR7 Safe Routes to School |
| TR9 Bicycle and Pedestrian Access and Facilities |
| TR22 Construction, Freight and Farming Equipment |
| BL1 Green Buildings |
| BL4 Urban Heat Island Mitigation |
| WA3 Green Waste Diversion |
| WR2 Support Water Conservation |

SOURCE: BAAQMD 2017 (see Tables 5-1 through 5-10)

Future applications to develop the project site would be required to implement these control measures as either conditions of approval or mitigation measures in order to ensure consistency with the 2017 Clean Air Plan. The proposed project, therefore, does not have aspects that would interfere with or hinder implementation of the 2017 Clean Air Plan. Plan consistency related to GHG emissions is discussed in Section D.7, Greenhouse Gas Emissions, of this initial study.

b/c. Future development of the project site would generate criteria air pollutant emissions during construction and operations. Ambient air quality is monitored by the air district at eight locations in Santa Clara County. Air pollutants of concern in the air basin are ozone, particulate matter ($PM_{10}$ and $PM_{2.5}$), and toxic air contaminants (Bay Area Air Quality Management District 2017). The ozone attainment status is currently "non-attainment" and the suspended and fine particulate matter ($PM_{10}$) attainment status is currently "non-attainment," for both state and federal standards. On January 9, 2013, Environmental Protection Agency (EPA) determined that the air district had attained the annual $PM_{2.5}$ national standard. However, the air basin continues 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 the EPA and the EPA approves the proposed re-designation (Bay Area Air Quality Management District 2017).The air district remains in non-attainment of the state standard for $PM_{2.5}$.

The air district has published comprehensive guidance on evaluating, determining significance of, and mitigating air quality impacts of projects and plans in its air district CEQA guidelines, which were initially adopted in 1999 and subsequently updated in 2010, 2011, 2012, and 2017.

The 2017 air district CEQA guidelines, Table 3, Criteria Air Pollutants and Precursors and GHG Screening Level Sizes, identifies land uses by size that are typically not expected to result in criteria pollutant emissions that would exceed the air district's thresholds. Table 3 provides an indication of when a project's construction and operational emissions should be quantified based on identified size criteria. The proposed project's long-term operational and short-term construction air quality impacts are discussed below.

**Long-Term Operational Impacts.** The proposed project is below the air district's screening levels of 325 dwelling units for "Single-Family Residential" and 451 dwelling units for "Apartments, low-rise" for criteria air pollutant emissions including $PM_{10}$ and ozone precursors. As such, the proposed project's anticipated residential buildout would not be expected to generate criteria air pollutant emissions that would exceed air district standards.

Emissions modeling conducted for the purposes of estimating greenhouse gas emissions (refer to Section D.7, Greenhouse Gas Emissions, of this initial study) confirms that the proposed project would not exceed air district thresholds. The modeling results are presented in Table 3, Operational Criteria Pollutant Emissions.

**Table 3 Operational Criteria Pollutant Emissions (Pounds per Day)[1]**

| Emissions | Reactive Organic Gases (ROG) | Nitrogen Oxides ($NO_x$) | Suspended Particulate Matter ($PM_{10}$) | Carbon Monoxide (CO) |
|---|---|---|---|---|
| Winter (unmitigated) | 257.98 | 19.23 | 58.57 | 378.19 |
| Winter (mitigated)[2] | 28.40 | 17.62 | 14.35 | 65.30 |
| Summer (unmitigated) | 258.50 | 18.61 | 58.56 | 378.63 |
| Summer (mitigated)[2] | 28.93 | 17.00 | 14.35 | 65.74 |

SOURCE: CalEEMod Results, EMC Planning Group 2017

NOTES:
1. Results may vary due to rounding.
2. Mitigated emissions are due to prohibitions on woodburning hearths and use of low VOC paints and solvents on building interiors and exteriors.

The modeling results confirm that the proposed project would not exceed air district thresholds for ROG, $NO_x$, $PM_{10}$, and CO and therefore, would not result in significant emissions impacts during operations. Operational criteria air pollutants generated by the proposed project would therefore be less than cumulatively considerable and less than significant.

**Short-term Construction Impacts.** The City's standard conditions of approval for reducing short-term construction air quality impacts would reduce any short-term air quality impacts to a less-than-significant level. These standard conditions are as follows:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- 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.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, 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.

- 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.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- Post a publicly visible sign with the 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.

Compliance with these standard conditions of approval would reduce project-related construction emissions impacts to a less-than-significant level. No mitigation is required. The project would not violate any air quality standards and would not result in a cumulatively considerable net increase of any criteria pollutants.

d. Sensitive receptors are defined as residential uses, schools; daycares, and health care facilities such as hospitals or retirement and nursing homes. The nearest sensitive receptors to the project site are the occupants of the existing houses and residences under construction adjacent to the project site (to the west, south, and east). While the proposed urban services amendment itself would not lead to any direct air quality impacts to these adjacent homes, any subsequent development of the sites as result of the urban service area amendment has the potential to. The existing homes, and potentially new homes now under construction, could be exposed to dust and equipment exhaust during construction of any future development of the Wren and Hewell sites which would be a significant impact. However, compliance with the City's standard conditions of approval for the control of dust during construction would reduce exposures to construction dust to a less-than-significant level.

Only one existing stationary source of toxic air emissions is located within 1,000 feet of the Wren Investors site. The generator at Antonio del Buono School would operate only during power outages. The generator is listed as having risk factors of 17.32 additional cases per million for cancer and 0.006 and 0.004 for hazards and $PM_{2.5}$ respectively. The BAAQMD Diesel Internal Combustion (IC) Engine Distance Multiplier Tool was used to adjust the cancer and $PM_{2.5}$ risk factors for 131 feet from the project site (the closest adjustment to the actual minimum distance of 150 feet). At 58 percent of the listed risk factor values, the adjusted risk factors were 9.86 additional cases per million for cancer and 0.00232 for $PM_{2.5}$ The air district standards for significance from a single stationary source are an increased cancer risk of greater

than 10.0 in a million, increased non-cancer hazard risk index greater than 1.0, and an ambient $PM_{2.5}$ increase greater than 0.3 $\mu$ g/m3 annual average. As adjusted for the minimum distance from the source, the risk factors are below air district standards, and the impact would be less than significant.

In addition, diesel equipment exhaust during construction has the potential to expose nearby sensitive receptors to high levels of toxic air contaminants. The closest sensitive receptors (existing residences) are approximately 150 feet from the south side of the project site. Implementation of the following mitigation measure would reduce this risk to a less-than-significant level.

### *Mitigation Measure*

AQ-1. The following construction equipment parameters shall be included on all grading and building plans, subject to review and approval by the Building Division:

a. All mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two consecutive days shall meet, at a minimum, U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent that also includes CARB-certified Level 3 Verified Diesel Emission Control Strategies (VDECS) or Diesel Particulate Filters meeting these requirements. Note that U.S. EPA Tier 4 equipment is considered to meet this measure. Applicant and/or construction contractor shall be responsible for submitting an equipment data list and operations timeframes to the Building Division prior to commencement of grading operations, and updating the information each week that there is a change. For each piece of equipment, the list shall include: CARB identification number, type of equipment (grader, dozer, etc.), emissions classification of equipment (Tier 2, filter type, etc.), compliance or non-compliance with emissions requirements above, and proposed operation schedule.

b. Include conspicuous signage at the construction site entry and on-site construction office reiterating idle time limits on all diesel-fueled off-road vehicles to five minutes, as required by Title 23, Section 2449, of the California Code of Regulations ("CARB Off-Road Diesel Regulations").

c. Eliminate the use of portable diesel equipment (e.g., generators) within 200 feet of project boundaries by providing electrical service at the site during the initial construction phase. Alternatively, use propane or natural gas powered equipment if electricity is not available.

Weekly monitoring reports detailing compliance with the measures described above shall be submitted by the applicant to the Building Division during all phases of construction. The Building Division shall ensure this has occurred prior to issuance of an occupancy permit.

Party Responsible for Implementation: Project Applicant

Party Responsible for Monitoring: Gilroy Building Division

e. Operations of the proposed project would not result in any objectionable odors. However, construction equipment has the potential to emit objectionable odors during the project construction phase. Implementation of the standard conditions of approval and mitigation measures identified above would reduce objectionable odors that may occur during the construction process to a less-than-significant level.

# 4. BIOLOGICAL RESOURCES

Would the project:

| | Potentially Significant Impact | Less-than-Significant Impact with Mitigation Measures Incorporated | Less-Than-Significant Impact | No Impact |
|---|---|---|---|---|
| a. 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 US Fish and Wildlife Service? (1, 36, 37, 38, 39, 40) | ❑ | ✓ | ❑ | ❑ |
| b. 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 US Fish and Wildlife Service? (1, 36, 37, 38) | ❑ | ❑ | ❑ | ✓ |
| c. Have a substantial adverse effect on federally protected wetlands, as defined by section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.), through direct removal, filling, hydrological interruption, or other means? (36, 37) | ❑ | ❑ | ❑ | ✓ |
| d. 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? (12, 36, 37) | ❑ | ❑ | ✓ | ❑ |
| e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (3, 36, 37, 41) | ❑ | ✓ | ❑ | ❑ |
| f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (36, 37, 42, 43) | ❑ | ❑ | ❑ | ✓ |

## Comments:

Updated species database records were reviewed from the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB) and the California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants for the Gilroy, Morgan Hill, Mount Sizer, Mississippi Creek, Mount Madonna, Gilroy Hot Springs, Watsonville East, Chittenden, and San Felipe U.S. Geological Survey (USGS) quadrangles. An updated U.S. Fish and Wildlife Service (USFWS) Endangered Species Program Threatened and Endangered species list for Santa Clara County was also reviewed. For this section, "project site" refers to both the Wren and Hewell project sites combined, unless otherwise specified.

EMC Planning Group biologist Andrea Edwards conducted biological reconnaissance field surveys of the Wren and Hewell project sites on June 3, 2013 and December 27, 2013, respectively. The surveys were performed to document existing habitats and evaluate the potential for special-status species to occur. Prior to conducting the site visits, Ms. Edwards reviewed site maps, aerial photographs, special-status species occurrence database accounts, and scientific literature and reports describing natural resources in the project vicinity. Biological resources were documented in field notes during the surveys, including species observed, dominant plant communities, and significant wildlife habitat characteristics. Qualitative estimations of plant cover, structure, and spatial changes in species composition were used to determine plant communities and wildlife habitats, and habitat quality and disturbance level were noted.

**Wren Investors Site.** This project site is located on the Gilroy USGS quadrangle map. It ranges in elevation from approximately 210 to 220 feet. The site includes mainly fallow agricultural fields, with mechanical disturbance and exposed soil evident at the time of survey; these disturbed fields contain patches of ruderal (weedy) vegetation, including wild radish (*Raphanus sativus*), field bindweed (*Convolvulus arvensis*), and red-stemmed filaree (*Erodium cicutarium*). The site also contains non-native grasslands dominated by wild oat (*Avena* sp.) and several developed rural residences with associated non-native ornamental vegetation (landscaped plantings).

The central portion of the site is traversed by an east-west trending Santa Clara Valley Water District flood control channel (Lions Creek). Vegetation within the channel is regularly removed for flood control purposes and contained mainly low ruderal and non-native grassland species at the time of survey. However, this channel is known to also contain patches of native cattail (*Typha* sp.), willow-herb (*Epilobium ciliatum*), and other vegetation species characteristic of wetland features.

Wildlife habitat on the site is generally of low quality due mainly to its past agricultural use, which requires a high degree of regular disturbance. The on-site habitat areas described

above provide only marginally suitable habitat conditions for common wildlife species, including California ground squirrel (*Otospermophilus beecheyi*), red-tailed hawk (*Buteo jamaicensis*), western fence lizard (*Sceloporus occidentalis*), and nesting birds such as California scrub-jay (*Aphelocoma californica*). The Lions Creek channel in particular can support common wildlife species, including amphibians, during the rainy season when water and vegetation are present.

**Hewell Site.** This project site is also located on the Gilroy USGS quadrangle map and is approximately 220 feet in elevation throughout. It is mainly composed of an open field containing disturbed areas/non-native grassland habitat, but the southeast portion of the site also contains an existing rural residence with accessory structures and a variety of non-native ornamental plants. At the time of survey, the open field had been recently disked and was quite disturbed. Based on small patches of vegetation remaining around the edges of the open field, it appears that the site supports non-native grassland dominated by non-native wild oat (*Avena* sp.), ripgut grass (*Bromus diandrus*), and barley (*Hordeum murinum*). Other common non-native species included English plantain (*Plantago lanceolata*), shortpod mustard (*Hirschfeldia incana*), and curly dock (*Rumex crispus*).

The ornamental area near the rural residence contained about a dozen non-native trees, including pine (*Pinus* sp.), gum (*Eucalyptus* sp.), olive (*Olea europaea*), and pepper (*Schinus molle*). The area also contained one native northern California black walnut (*Juglans hindsii*), which was about 12 inches in diameter at breast height; this tree was in poor health with low aesthetic value, and with its three major branches already removed, consisted merely of a trunk with one remaining branch.

a. **Special-Status Species.** A search of the CNDDB was conducted for the nine aforementioned USGS quadrangles in order to generate a list of potentially occurring special-status species in the project vicinity. Records of occurrence for special-status plants were reviewed for those quadrangles in the CNPS Inventory of Rare and Endangered Plants, and the USFWS Endangered Species Program Threatened and Endangered species list for Santa Clara County was also reviewed. Special-status species in this report are those listed as Endangered, Threatened, or Rare, or as Candidates for listing by the USFWS and/or CDFW; as Species of Special Concern or Fully Protected species by the CDFW; or as Rare Plant Rank 1B or 2B by the CNPS.

   Special-status species with low to very low potential to occur on the project site include burrowing owl (*Athene cunicularia*), California red-legged frog (*Rana draytonii*), and white-tailed kite (*Elanus leucurus*). Burrowing owl and California red-legged frog are covered species in the Santa Clara Valley Habitat Plan (Habitat Plan), which is discussed in comment F below. Any potential project impacts to either of these species will be addressed in the Habitat Plan permitting process and therefore,

no mitigation measures are required for these species. White-tailed kite is a nesting bird species covered in Mitigation Measure BIO-1 below. The CNPS Rare Plant Rank 1B Congdon's tarplant (*Centromadia parryi* ssp. *congdonii*) is not expected to occur on the Wren-Hewell project site, since the site is not within its current geographic distribution range.

*Nesting birds*. Construction activities, including tree/shrub removal and ground disturbance, have potential to impact nesting birds protected under the federal Migratory Bird Treaty Act and California Fish and Game Code, should nesting birds be present during construction. The project site and adjacent rural residential and ornamental areas contain trees and/or other suitable habitats with potential to support nesting birds. If protected bird species are nesting in or adjacent to the project site during the bird nesting season (February 1 through August 31), then noise-generating construction activities and/or vegetation removal could result in the loss of fertile eggs or nestlings, or otherwise lead to the abandonment of nests. Implementation of the following mitigation measure would reduce potentially significant impacts to nesting birds to a less-than-significant level.

### *Mitigation Measure*

BIO-1. If noise generation, ground disturbance, vegetation removal, or other construction activities begin during the bird nesting season (February 1 to September 15), or if construction activities are suspended for at least two weeks and recommence during the bird nesting season, then the project applicant will retain a qualified biologist to conduct a pre-construction survey for nesting birds, including CDFW Fully Protected white-tailed kite. The survey will be performed within suitable nesting habitat areas on and adjacent to the site to ensure that no active nests would be disturbed during project implementation. This survey will be conducted no more than one week prior to the initiation of disturbance and/or construction activities. A report documenting survey results and plan for active bird nest avoidance (if needed) will be completed by the qualified biologist and submitted to the City of Gilroy Planning Division Manager for review and approval prior to disturbance and/or construction activities.

If no active bird nests are detected during the survey, then project activities can proceed as scheduled. However, if an active bird nest of a protected species is detected during the survey, then a plan for active bird nest avoidance will determine and clearly delineate an appropriately sized, temporary protective buffer area around each active nest, depending on the nesting bird species, existing site conditions, and type of proposed disturbance and/or construction activities. The protective buffer area around an active bird nest is typically 75-250 feet, determined at the discretion of the qualified biologist.

To ensure that no inadvertent impacts to an active bird nest will occur, no disturbance and/or construction activities will occur within the protective buffer area(s) until the juvenile birds have fledged (left the nest), and there is no evidence of a second attempt at nesting, as determined by the qualified biologist.

Party Responsible for Implementation: Project Applicant

Party Responsible for Monitoring: Gilroy Planning Division

Implementation of mitigation measure BIO-1 would ensure impacts to nesting birds are avoided by requiring a pre-construction survey for bird nests (should construction be scheduled during the nesting season) and implementation of avoidance measures should any active nests be found.

b. **Sensitive Natural Communities.** No sensitive natural communities occur on the site. Although the Lions Creek flood control channel traverses the project site, it is regularly maintained (cleared of vegetation). The proposed project would not impact this man-made waterway feature. Therefore, no impacts to sensitive natural communities associated with the proposed project are anticipated.

c. **Wetlands and Waterways.** Lions Creek flood control channel is present on the project site, and would likely fall under the jurisdiction of the U.S. Army Corps of Engineers (USACE), CDFW, and/or Regional Water Quality Control Board (RWQCB). The habitat functions and values of this channel are limited by its temporary hydrological influence, function as municipal flood control infrastructure, presence of adjacent access roads, and regular vegetation disturbance for flood control purposes. The proposed project would not impact this man-made waterway feature.

d. **Wildlife Movement.** Wildlife movement corridors provide connectivity between habitat areas, enhancing species richness and diversity, and usually also provide cover, water, food, and breeding sites. The project site is surrounded by existing development. The on-site fallow agricultural/ruderal fields and non-native grasslands contain low quality habitat that would only support limited local movement opportunities for common, urban-adapted wildlife. The existing multi-use trail along Lions Creek channel, and the channel itself, likely facilitate wildlife movement for common, urban-adapted mammals such as Virginia opossum (*Didelphis virginiana*) and raccoon (*Procyon lotor*). Additional, alternate routes for wildlife movement exist to the north and west of the project site. The proposed project would therefore have a less-than-significant impact on wildlife movement and would not impede the use of native nursery sites.

e. **Local Policies/Ordinances.** The Gilroy City Code Section 30.38.270, Protected Trees, states the following:

1. The community development director shall determine if existing trees qualify as protected trees, a community of protected trees or heritage trees. Refer to section 30.38.270, Protected Tree Removal, for the definitions of "protected trees," "a community of protected trees" or "heritage trees."
2. An arborist report shall be required for any application for discretionary development approval for which the project site includes existing protected trees, as defined in section 30.38.270(b). The arborist report shall include all information specified in section 30.38.270(d). The arborist report shall specify all necessary measures to ensure that protected trees identified to remain are protected throughout the construction process. The cost for preparation of the arborist report and city review of it shall be at the sole expense of the applicant. All arborist recommendations shall be listed on the final landscape plans.
3. The arborist shall sign the final landscape plans certifying that the plan is consistent with the recommendations made in the arborist report.
4. At least three (3) scheduled inspections shall be made by the city and/or the arborist, at the direction of the city, to ensure compliance with the recommendations of the arborist report. The inspections shall, at a minimum, include the following: (a) initial inspection prior to any construction or grading, (b) after completion of rough grading and/or trenching, and (c) completion of all work including planting and irrigation system installation. Other inspections may be conducted as required by the community development director.
5. Unless otherwise permitted by the city, no structure, excavation, or impervious surface areas of any kind shall be constructed or installed within the root zone of any protected tree or heritage tree without mitigating special design, such as post and beam footings that bridge roots. No parking, storing vehicles equipment or other materials shall be permitted within the dripline of any protected tree without special design considerations approved by the community development director.

6. All protected trees, community of protected trees or heritage tree(s) shall be maintained in good health by the property owner, applicant and/or developer until approved for removal by an approved protected tree removal permit or other discretionary planning department application.

Trees may exist on the Wren Investors site that may qualify as Protected Trees based on Section 30.38.270 of the City Code. Therefore, protected trees may be impacted by development of the project site, which would be a significant impact. Project design or construction activities that would result in the loss of or damage to a protected tree would be a significant impact.

The Hewell project site contains one 12-inch diameter native northern California black walnut tree located behind the rural residence. According to the surveying biologist who is also a certified arborist, this tree is in poor health with low aesthetic value. With its three major branches already removed, it consists merely of a trunk with one remaining branch, surrounded by non-native ornamental trees. However, this tree technically qualifies as a Protected Tree.

Removal of any protected tree(s) is subject to the approval of the Planning Division Manager, consistent with the Protected Trees section of the City Code, Section 30.38.270. The City relies on the site-specific recommendations of a certified arborist to mitigate impacts to individual significant trees. Implementation of the following mitigation measures would reduce potential impacts to significant trees to a less-than-significant level.

### *Mitigation Measures*

BIO-2. The project applicant shall identify protected trees, pursuant to Section 30.38.270 of the City's City Code, on the Tentative Map for residential development and on the Architectural and Site Review plans for commercial development. Protected trees shall be incorporated to the extent feasible into development design.

Party Responsible for Implementation: Project Applicant

Party Responsible for Monitoring: Gilroy Planning Division

BIO-3. During preparation of site plans, the project applicant shall contract with a certified arborist to prepare a tree assessment report for the project site and submit the report to the City of Gilroy Planning Division for review and approval. The tree assessment report shall include, but not be limited to, the following items:

a. identify all protected trees on the project site, pursuant to Section 30.38.270 of the City Code, including those that can be feasibly incorporated into the proposed development (retained), and those proposed for removal;

b. recommendations for the size, species, source, location, and number of replacement plantings to mitigate the loss of protected trees; and

c. for all trees that are to be retained on the project site, provide tree protection measures necessary to minimize construction activity that could affect tree health, structure, or stability.

All arborist recommendations, including the species and locations of all replacement trees, shall be listed on the final landscape plan, and the arborist shall sign the final landscape plan certifying that it is consistent with the tree assessment report recommendations.

Party Responsible for Implementation: Project Applicant

Party Responsible for Monitoring: Gilroy Planning Division

BIO-4. Prior to site disturbance, the project applicant shall fully comply with measures required by Section 30.38.270 of the Gilroy City Code. Pruning and/or removal of protected trees shall be undertaken only under the direction of a certified arborist hired at the applicants' expense, and subject to the review and approval of the Community Development Director. An approved tree removal permit is required prior to removal of any protected tree(s); the project developer shall obtain a tree removal permit, and shall comply with any tree protection measures or replacement plantings stipulated by the city.

Party Responsible for Implementation: Project Applicant

Party Responsible for Monitoring: Gilroy Planning Division

BIO-5. Prior to and during construction, the project applicant shall implement all retained tree protection measures recommended for the site by the certified arborist's tree assessment report and permit approvals.

Party Responsible for Implementation: Project Applicant

Party Responsible for Monitoring: Gilroy Planning Division

f. **Conservation Plans.** The project site is located within the permit area of the Santa Clara Valley Habitat Plan, a combined habitat conservation plan and natural community conservation plan incorporating the southern portion of Santa Clara

County, including the cities of San Jose, Morgan Hill, and Gilroy. Other partners/permittees of the Habitat Plan include the County of Santa Clara, the Santa Clara Valley Water District, and the Santa Clara Valley Transportation Authority.

The Habitat Plan was developed in association with the USFWS and CDFW. The Habitat Plan 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 threatened and endangered species. Partner agencies began implementation of the Habitat Plan in October 2013.

Regarding the Habitat Plan "Geobrowser" data available online, the project site does not require focused special-status species surveys for any covered plants or wildlife, and is not located in a priority reserve area or special fee zone. The Habitat Plan land cover mapping data is based on interpretation of aerial imagery and therefore requires on-the-ground verification for specific project sites.

According to the Habitat Plan land cover type data, the Wren Investors site is mapped mainly as "Grain, Row-crop, Hay & Pasture," and "Rural-Residential", with a very small area (one residence) mapped as "Urban-Suburban". These conditions were verified as accurate during the biological field survey, in addition to the presence of the Lions Creek channel and ruderal/weedy vegetation scattered throughout the site, as described above. The open field on the Hewell site is mapped as "Grain, Row-crop, Hay and Pasture, Disked/Short-term Fallowed;" and the residence is mapped as "Rural Residential." These land cover conditions were also verified as accurate during the biological field survey.

The proposed project will require a Habitat Plan permit and the payment of applicable fees, but does not conflict with the Habitat Plan reserve system nor preclude the ability to implement aspects of the Habitat Plan conservation strategies. Therefore, the proposed project would not conflict with the Habitat Plan as long as the necessary permit is obtained, which is a standard condition of approval for projects subject to the Habitat Plan.

# 5. CULTURAL RESOURCES

Would the project:

| | | Potentially Significant Impact | Less-than-Significant Impact with Mitigation Measures Incorporated | Less-Than-Significant Impact | No Impact |
|---|---|---|---|---|---|
| a. | Cause a substantial adverse change in the significance of a historical resource as defined in section 15064.5? (1, 2, 9, 20, 21) | ❑ | ✓ | ❑ | ❑ |
| b. | Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5? (1, 2, 9, 20, 21) | ❑ | ❑ | ✓ | ❑ |
| c. | Disturb any human remains, including those interred outside of dedicated cemeteries? (1, 2, 9. 20, 21) | ❑ | ❑ | ✓ | ❑ |

## Comments:

The following assessment of potential project impacts on cultural resources is based on information obtained from City's general plan, and the findings contained in two previously completed cultural resources reports prepared for the two sites - *Preliminary Archaeological Reconnaissance Report for the Wren Investors USA Amendment EIR Project in Gilroy, Santa Clara County, California* (Archeological Consulting 2013) and *Preliminary Archaeological Reconnaissance Report for the Hewell Annexation and Prezone Initial Study Project in Gilroy, Santa Clara County, California* (Archaeological Consulting 2014).

a. **Wren Investors site.** The 2013 cultural resources report prepared for the site previously identified seven parcels on site improved with residences and outbuildings of undetermined age which may be historically significant. Ten structures are indicated on the 1955 USGS Quadrangle Map in proximity to Kern Avenue and Tatum Avenue and at the interior of the project site, south of Tatum Avenue. A comparison of the 1955 map with 2016 Google Earth imagery indicates historic-age structures may still be present on six parcels within the project site: 790-09-006, 790-017-001, 790-017-004, 790-017-007 and 8, and 790-017-010. These and other structures on the site that are 50 years or greater in age would be considered historic resources and may be eligible to be included on the NRHP or CRHR, provided they meet the eligibility criteria listed previously in this section. Structures that are included on a local list of identified historic resources or eligible to be included on the NRHP or CRHR are considered significant historic resources.

Future development of the project site consistent with the preliminary master plan has the potential to affect surviving historic-era structures on the project site, either through modification or demolition in preparation of new residential development. Demolition of or alteration to a historic structure that would make it ineligible for either the NHRP or CRHR would be a significant impact. Implementation of the following mitigation measure would reduce impacts to significant historic resources, if present on the site, to a less-than-significant level.

***Mitigation Measure***

CR-1. Prior to approval of any tentative map for the project site, a historic resource evaluation (HRE) shall be prepared by a qualified professional and at the applicant's expense for the historic-era structures on the following Assessor's Parcels: 790-09-006, 790-17-001, 790-17-004, 790-17-007 and 008, and 790-17-010. At minimum, the HRE shall survey and identify all structures on these parcels that are 50 years or greater at the time of the survey and shall evaluate the identified historic-era structures with NRHP and CRHR eligibility criteria. If the HRE determines that significant historic structures are present on the site, a mitigation plan shall be prepared and submitted to the City of Gilroy Planning Director for review and approval prior to any site disturbing activities. The mitigation plan shall be prepared and implemented by a qualified historic professional and at the applicant's expense, and shall include a strategy for preservation of significant historic structures and a plan for adaptive re-use of the resource that utilizes either preservation in place or relocation to an appropriate receiver site elsewhere on the project site or within the City limit.

Party Responsible for Implementation: Project Applicant

Party Responsible for Monitoring: Gilroy Planning Division

**Hewell project site**. As identified in the cultural resources report prepared for the site, no historic resources are listed for the project area in the California Inventory of Historical Resources (March 1976), California Historical Landmarks, and the National Register of Historic Places, the Rancho Las Animas Plat lists nothing within the project area (page 3), and there is no observed evidence of significant historic period cultural resources in any portion of the project area (page 4). In addition, the project site is not listed on the City's list of historic resources. Therefore, the proposed project will not cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines section 15064.5.

b. The two cultural resources reports prepared for the project sites did not identify any known archaeological resources on the sites. Although there is no evidence of

significant prehistoric cultural resources at the sites, the possibility of finding significant cultural (historic or pre-historic) resources during earth moving activities always exists. Adherence to the city standard condition of approval regarding consultation with a professional archaeologist if archeological or cultural resources are discovered during grading, earth-moving, or construction activities would ensure potential impacts to resources accidentally discovered during grading activities would be reduced to a less-than-significant impact. Condition language is as follows:

> If archaeological or cultural resources are discovered during earth-moving, grading, or construction activities, all work shall be halted within at least 50 meters (165 feet) of the find and the area shall be staked off immediately. The monitoring professional archaeologist, if one is onsite, shall be notified and evaluate the find. If a monitoring professional archaeologist is not onsite, the City shall be notified immediately and a qualified professional archaeologist shall be retained (at Developer's expense) to evaluate the find and report to the City. If the find is determined to be significant, appropriate mitigation measures shall be formulated by the professional archaeologist and implemented by the responsible party.

c. The Wren Investors and Hewell project sites are not known to contain any human remains; however, the possibility of accidently discovering human remains during earth moving activities always exists. As a standard condition of approval, the following language is included on city-issued permits, including, but not limited to building permits for future development, subject to the review and approval of the Gilroy Planning Division.

> In the event of an accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the City shall ensure that this language is included in all permits in accordance with CEQA Guidelines section 15064.5(e):
>
> If human remains are found during earth-moving, grading, or construction activities, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of Santa Clara County is contacted to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent (MLD) from the deceased Native American. The MLD may then make recommendations to the landowner or the person

responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98. The landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being notified by the commission; b) the descendant identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

# 6. GEOLOGY AND SOILS

Would the project:

| | Potentially Significant Impact | Less-than-Significant Impact with Mitigation Measures Incorporated | Less-Than-Significant Impact | No Impact |
|---|---|---|---|---|
| a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| (1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. (1, 2, 22) | ❑ | ❑ | ❑ | ✓ |
| (2) Strong seismic ground shaking? (1, 2, 22) | ❑ | ❑ | ✓ | ❑ |
| (3) Seismic-related ground failure, including liquefaction? (1, 2,) | ❑ | ❑ | ✓ | ❑ |
| (4) Landslides? (1, 2) | ❑ | ❑ | ❑ | ✓ |
| b. Result in substantial soil erosion or the loss of topsoil? (1, 2, 3) | ❑ | ❑ | ✓ | ❑ |
| c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? (1, 2, 3) | ❑ | ❑ | ✓ | ❑ |
| d. Be located on expansive soil, as defined in Table 18-1-B of the California Building Code (2001), creating substantial risks to life or property? (1, 2, 3, 22) | ❑ | ❑ | ✓ | ❑ |

## Comments:

a. Potential impacts from exposure to geologic risk are as follows:

(1) Earthquake. The Wren Investors and Hewell sites are located within a seismically active area but are outside the Alquist-Priolo Earthquake Fault Zones as mapped by the State Geologist, and are outside mapped Santa Clara

County fault rupture hazard zones as identified on the County Geologic Hazards Zones map (Santa Clara County 2002). Therefore, the proposed project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area, or based on other substantial evidence of a known fault.

(2) Seismic Ground Shaking. The Gilroy Planning Area is within the highest seismic risk zone (Zone 4) designated in the Uniform Building Code (EMC Planning Group 2004). The entire Gilroy Planning Area is subject to strong seismic ground shaking which can lead to structural damage and risk of loss, injury, or death.

The City requires a soils report for all new development applications to assess potential geologic hazards and to determine if these hazards can be adequately mitigated (General Plan Action 25.E). The soils report would identify if impacts are significant and if special design is required in the project.

The effects of seismic activity within the City's planning area were studied in general plan EIR, Section 4.9. The EIR determined that potentially significant impacts due to seismic activity could occur to development within the planning area. The EIR found that the general plan policies and implementing actions including development review regulations, acceptable risks, seismic mapping, compliance with structural standards, and policies requiring soils reports for new development to access geotechnical hazards, in addition to mitigation requiring updated earthquake hazard maps, would adequately mitigate these impacts. The EIR concluded that compliance with these policies and measures combined with standard conditions of approval would reduce the impacts from seismic shaking to a less-than-significant level.

(3) Liquefaction. Figure 4.9-1a, Liquefaction Hazard Map for Gilroy, contained in the general plan EIR, shows that the proposed project is located in an area with very low hazards from liquefaction. Therefore, the risk from ground failure due to liquefaction is less than significant.

(4) Landslide. The Wren Investors and Hewell sites do not contain steep slopes that are subject to failure. Therefore, there is no risk of exposure of people or structures to potential substantial adverse effects involving landslides.

b. As identified in the City's general plan EIR, erosion and sedimentation impacts associated with future development can be adequately mitigated by compliance with the general plan policies and implementing actions such as requiring erosion and deposition control (general plan pages 4.9-11 – 4.9-12).

As described in Chapter 27C and 27D of the Gilroy municipal code, all projects disturbing an area of one or more acres, are conditioned to comply with erosion control measures described in the City's NPDES General Permit No. CAS000002 for grading, construction, and post-construction activities.

Future development of the project site is subject to compliance with general plan policies and municipal code requirements for new development. As part of the building permit review, applicants and/or developers are required to prepare erosion control plans that detail appropriate methods to prevent and/or minimize erosion during all phases of a new project. Erosion control plans are subject to review and approval by the City of Gilroy Engineering Division prior to the issuance of building permits.

The Wren Investors and Hewell project sites are flat and the potential for erosion is low. Compliance with general plan policies and standard conditions of project approval ensures that project-related increases in the risks of injury or property damage erosion and/or loss of topsoil is less than significant.

c. As described in item "a(3)" above, the risk of liquefaction at the project site is low, which substantially reduces the potential for lateral spreading.

Future development of the Wren Investors and Hewell project site is subject to compliance with general plan policies and municipal code requirements for new development. As part of the building permit review, the applicants and/or future developers are required to submit a soils investigation prepared by a qualified soils engineer, the recommendations of which, are required to be incorporated into the final building plans subject to the review and approval by the City of Gilroy Engineering Division prior to approval of building permits.

Compliance with general plan policies and standard conditions of project approval ensures that project-related increases in the risks of injury or property damage from unstable soils is less than significant.

d. The City requires a soils report for all new development applications to assess potential geologic hazards and to determine if these hazards can be adequately mitigated (General Plan Action 25.E). The soils report would identify if impacts are significant and if special design is required in the project.

The general plan EIR determined that certain soils within the planning area have shrink-swell characteristics that could present a hazard or limitation to development (p 4.9-10 – 4.9-11), which would be considered a significant impact. The EIR concluded that the general plan policies and implementing actions including standard development review regulations and policies requiring soils reports for new development to access geotechnical hazards would adequately mitigate these impacts to a less-than-significant level. No additional mitigation is necessary and the impact is less than significant.

# 7. GREENHOUSE GAS EMISSIONS

Would the project:

| | Potentially Significant Impact | Less-than-Significant Impact with Mitigation Measures Incorporated | Less-Than-Significant Impact | No Impact |
|---|---|---|---|---|
| a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (16, 23, 24, 2546, 47, 48) | ❑ | ❑ | ✓ | ❑ |
| b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (16, 23, 24, 25, 46, 47, 48) | ❑ | ❑ | ✓ | ❑ |

## Comments:

The analysis in this section includes review of legislative requirements for greenhouse gas emissions goals that apply to the proposed project, describes a methodology for establishing a quantified threshold of significance, and evaluates impacts and mitigation measures related to the threshold of significance.

**California Assembly Bill 32 (Global Warming Solutions Act).** In September 2006, the Governor signed Assembly Bill (AB) 32, the California Global Warming Solutions Act of 2006. AB 32 establishes regulatory, reporting, and market mechanisms to achieve quantifiable reductions in greenhouse gas (GHG) emissions. AB 32 requires that statewide GHG emissions be reduced to 1990 levels by 2020. AB 32 is the statewide framework for evaluating the contribution of individual development projects located within the boundaries of individual lead agencies to achieving or hindering the statewide reduction goal. The strategies the state is to implement to achieve the 2020 goal are embedded in scoping plans. The scoping plan was first approved by the California Air Resources Board (CARB) in 2008 and the first update was approved in 2014. With the adoption of AB 32, local and regional agencies began to align their CEQA processes and craft GHG thresholds of significance to be consistent with the year 2020 reduction goal.

**California Senate Bill 32 (California Global Warming Solutions Act of 2006: Emissions Limit).** Senate Bill (SB) 32 was adopted in September 2016. It is the successor to AB 32. It 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 environment given that emissions reduction goals set forth in AB 32 will have been reached by 2020. With SB 32, the Legislature passed companion legislation AB 197, which provides additional direction for developing the Scoping Plan. CARB completed a 2017 update to the scoping plan to reflect the 2030 target codified by SB 32.

**City of Gilroy Interim Climate Action Plan.** The city adopted an interim climate action plan in 2012. The interim 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 interim climate action plan were not evaluated. Because the climate action plan is not a qualifying 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.

**Bay Area Air Quality Management District.** The proposed project is located within the San Francisco Bay Air Basin. The Bay Area Air Quality Management District (air district) is charged with managing air quality within the basin. The air district implements policies and programs designed to ensure that air quality meets standards established under federal and state laws. As described below, the air district has provided guidance for evaluating impacts and mitigation of GHG impacts of proposed projects.

**Threshold of Significance.** The air district has developed guidance for evaluating the impact of GHG emissions. The air district's GHG thresholds of significance and its GHG screening criteria are contained in its CEQA Air Quality Guidelines and are based on guidance in AB 32 for reducing statewide GHG emissions by the year 2020. The thresholds and screening criteria are not applicable after the year 2020. The project is not expected to build out until 2024. Therefore, the air district's guidance does not consider the deeper emissions cuts needed between 2020 and 2030 to achieve the statewide reduction goal of 40 percent 1990 levels by 2030 as codified in SB 32. In light of these circumstances, a project-specific GHG threshold of significance for the year 2024 has been developed for use in the GHG analysis. The threshold is a quantified emissions efficiency target that is crafted to determine whether or not the rate of GHG emissions from the proposed project would impede the state's ability to achieve the 2030 emissions reduction target of 40 percent below 1990 levels. The project would impede implementation of SB 32 if its rate of emissions exceeds the statewide rate of emissions in 2024 needed for the state to stay on track for meeting the 2030 emissions reduction target.

The threshold of significance is the statewide rate of emissions in 2024. The threshold is derived by calculating the projected statewide land use driven GHG emissions volume in 2024 (the proposed project buildout year) and dividing it by the projected statewide service population in 2024. The 2024 emissions volume is derived by: 1) isolating land use driven emissions sectors out of the 2020 projected statewide emissions inventory, 2) calculating the sum of these emissions, and 3) applying an annual emissions reduction percentage of 5.2 percent to that sum for the years between 2020 and the project build out year of 2024. This process yields a statewide land use driven GHG emissions volume of 231.33 million metric tons (MMT). The statewide service population is the sum of projected statewide year 2024 employment and projected year 2024 population. The projected 2024 statewide population is 42,074,892 (California Department of Finance 2017b). The projected 2024 employment is 19,720,500 (California Employment Development Department 2016). The 2024 statewide service population equals 42,074,892 + 19,720,500, or 61,795,392. Therefore, the statewide 2024 efficiency based threshold of significance is 231.33 MMT $CO_2e$/61,795,392 or 3.70 metric tons (MT).

If the proposed project rate of GHG emissions is below the 3.70 MT $CO_2e$/service population threshold of significance, the project would not conflict with the state's ability to achieve the 2030 emissions reduction target embedded in SB 32. To make this determination, the project's rate of GHG emissions must be determined. This is done by projecting the annual volume of GHG emissions generated by the project in the project buildout year of 2024 and dividing that volume by the project service population at buildout.

a. **Greenhouse Gas Emissions.** The project site contains existing uses that generate GHG emissions. The proposed project would also have carbon sequestration effects (storage or release of carbon contained in organic matter such as trees and vegetation. Sequestration effects can either contribute to GHG emissions from a project or reduce GHG emissions depending on site specific conditions and features of the project (such as proposed tree planting). The proposed project would generate GHG emissions during its long-term operation. The total annual net project GHG emissions volume is the projected project volume less the existing GHG emissions, and (plus or minus) GHG emissions from sequestration effects. These emission sources are discussed individually below.

   **Proposed Project Annual Operational Emissions Estimate.** GHG emissions from the annual operations of the proposed project have been estimated using the California Emissions Estimator Model (CalEEMod) Version 2016.3.1 software. For a detailed discussion of the modeling methodology and CalEEMod inputs and results please refer to the *Wren Investors/Hewell USA Amendments, Gilroy CA Air Quality/Greenhouse Gas Emissions Assessment* memo ("AQ/GHG memo") and results included as Appendix B of this initial study.

Unmitigated annual operational GHG emissions are reported in Table 3, Unmitigated Operational GHG Emissions (MT per year) of the GHG/AQ memo. The proposed project would generate an estimated 3,052.56 MT $CO_2e$ per year. This emissions volume does not reflect any GHG emissions reduction measures that may be proposed for incorporation into future development projects by the project applicants or emissions reductions that may accrue to GHG reduction measures that may be required for incorporation by the City of Gilroy.

**Existing Use GHG Emissions.** The project site contains existing residential uses and the Gilroy High School Future Farmers of America Club farm laboratory, all of which would be removed to enable future development of the site. According to the CalEEMod modeling results, GHG emissions produced by existing land uses are projected at 115.95 MT $CO_{2e}$ per year. This represents an emissions "credit" that can be deducted from the estimated annual emissions volume for the proposed project.

**Annual Carbon Sequestration Offset.** The proposed project includes removal of 64 trees and planting of 2,264 new trees for a total of 2,200 net new trees. The carbon sequestration offset from planting 2,200 net new trees is 1,428.30 MT $CO_2e$ assuming a 20-year life cycle for the trees. That is, the proposed project would have a positive GHG effect by promoting capture and sequestration of $CO_2$. For ease of reporting, this amount is averaged over thirty-years to yield an annual positive carbon sequestration volume of 47.61 MT $CO_2e$. This represents an emissions "credit" which can be deducted from the proposed project estimated annual emissions volume.

**Net Annual Greenhouse Gas Emissions.** The net project GHG emissions volume is 2,889.00 MT $CO_2e$ (3,052.56 MT $CO_2e$ - 115.95 MT $CO_2e$ - 47.61 MT $CO_2e$).

**Project Service Population.** The conceptual plans for the proposed project include 307 new residential units plus neighborhood commercial uses on a 0.4-acre parcel. The proposed project would generate a new residential population of about 1,081 people based on an estimated average of 3.52 persons per household for the City of Gilroy (Department of Finance 2017a). The commercial uses on a 0.4-acre parcel would generate an estimated eight new jobs (Applied Development Economics 2013). Therefore, the project service population is 1,089.

**Project Rate of Emissions.** The annual project GHG emissions volume is 2,889.00 MT $CO_2e$. The service population is 1,089. Therefore, the proposed project would generate GHG emissions at a rate of 2.65 MT $CO_2e$ per service population per year (2,889.00 MT $CO_2e$/1,089 service population).

**Conclusion.** The project rate of GHG emissions of 2.65 MT CO2e per service population per year is below the threshold of significance of 3.70 MT $CO_2e$ per service population per year. Consequently, the proposed project would have a less-than-significant impact from generation of GHG emissions. No mitigation measures are required.

b. **Conflict with SB 32 – the Applicable GHG Reduction Plan.** As noted above, the project is not expected to build out until 2024. Therefore, the air district's 2020 thresholds and screening criteria are not applicable, as they do not consider the deeper emissions cuts needed between 2020 and 2030 to achieve the statewide reduction goal of 40 percent 1990 levels by 2030 as codified in SB 32. The city has not adopted a qualified climate action plan. Therefore, there is no local GHG reduction plan against which the project can be assessed for its GHG emissions effects. In the absence of a regional or local GHG reduction plan, SB 32 is the applicable GHG reduction plan.

The efficiency-based threshold developed for the proposed project represents the statewide rate of emissions at or below which the proposed project would not impede the state's ability to achieve the 2030 SB 32 GHG emissions reduction target. The efficiency threshold allows the city to assess whether the project would accommodate projected population and employment growth in a way that is consistent with the emissions limit established under SB 32. Because the project rate of project emissions is below the threshold of significance, the proposed project would not conflict with the applicable GHG reduction plan.

# 8. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

| | Potentially Significant Impact | Less-than-Significant Impact with Mitigation Measures Incorporated | Less-Than-Significant Impact | No Impact |
|---|---|---|---|---|
| a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (24, 25) | ❑ | ❑ | ❑ | ✓ |
| b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (24, 25) | ❑ | ❑ | ❑ | ✓ |
| c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (10, 12, 24, 25) | ❑ | ❑ | ❑ | ✓ |
| d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, create a significant hazard to the public or the environment? (10, 24, 25) | ❑ | ❑ | ❑ | ✓ |
| e. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (1, 2, 3, 24, 25) | ❑ | ❑ | ❑ | ✓ |
| f. Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands area adjacent to urbanized areas or where residences are intermixed with wildlands? (1, 2, 3, 6, 24, 25, 26, 32, 45) | ❑ | ❑ | ✓ | ❑ |

## Comments:

a/b. The proposed project does not include commercial, industrial or other uses that require the routine transport, use, or disposal of hazardous waste. Nominal amounts of hazardous material in the form of fuels and other construction materials are routinely used during construction processes. These materials do not pose an elevated risk to the public.

c. Antonio del Buono Elementary School is located directly across Wren Avenue from the Wren Investors site and less than ¼ mile southeast of the Hewell site. Christopher High School is approximately one half mile west of both sites. As described in item "a-b" above, the project would not require the routine transport, use, or disposal of hazardous materials. Therefore, release of acutely hazardous materials would not occur.

d. Pursuant to Government Code section 65962.5, based on a search of the California Department of Toxic Substances Control Envirostor website, there are no records for the proposed project site or the immediate vicinity. Further, based on a search of the State Water Quality Control Board's "GeoTracker" website, there are no toxic hazard cleanup sites on or within the vicinity of the project site.

e. The proposed project would result in a USA amendment and eventually two residential developments and a small commercial project, consistent with the general plan, and would not interfere with any adopted emergency response plan or emergency evacuation plan. The proposed project would be required to comply with City's municipal code (503.11 Building and Facilities and 503.2.1 Dimensions) and Fire Department standards for emergency vehicle access.

f. According to Figure 8-2 of the general plan, the Wren Investors and Hewell sites are not located within a "very high fire hazard" zone; however, only property within the city limits at the time the general plan was prepared and adopted were evaluated for fire hazard potential. The properties within the City south of the site are not within a high fire hazard area. The only areas of the City that are identified as high fire hazard areas are those west of Santa Teresa Boulevard. 2008 county fire maps confirm that the sites are located in a "Non-Very High Fire Hazard Severity Zone."

   Water supply infrastructure, including infrastructure sufficient to meet fire flow demand, would be extended into the site from existing City water infrastructure to the south of the project site. With adequate existing fire prevention measures in place and fire prevention protection measures required as a condition of approval, the proposed project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires.

# 9. HYDROLOGY AND WATER QUALITY

Would the project:

| | Potentially Significant Impact | Less-than-Significant Impact with Mitigation Measures Incorporated | Less-Than-Significant Impact | No Impact |
|---|---|---|---|---|
| a. Violate any water quality standards or waste discharge requirements? (1, 2, 4, 6, 7, 27) | ❑ | ❑ | ✓ | ❑ |
| b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., would the production rate of preexisting nearby wells drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (1, 2, 6, 7, 27) | ❑ | ❑ | ✓ | ❑ |
| c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river in a manner that would result in *substantial erosion or siltation on- or off-site*? (1, 2, 4, 6, 7, 27) | ❑ | ❑ | ✓ | ❑ |
| d. 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 *flooding on- or off-site*? (1, 2, 4, 6, 7, 27) | ❑ | ❑ | ✓ | ❑ |
| e. Create or contribute run-off water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off? (1, 2, 4, 6, 7, 27) | ❑ | ❑ | ✓ | ❑ |
| f. Otherwise substantially degrade water quality? (1, 2, 4, 6, 7, 27) | ❑ | ❑ | ✓ | ❑ |
| g. Place housing within a 100-year flood hazard area as mapped on Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (28) | ❑ | ❑ | ❑ | ✓ |

| | | | | | |
|---|---|---|---|---|---|
| h. | Place within a 100-year flood hazard area structures, which would impede or redirect flood flows? (28) | ❑ | ❑ | ❑ | ✓ |
| i. | Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam? (29, 44) | ❑ | ❑ | ✓ | ❑ |

## Comments:

a. The proposed project would meet all storm water management requirements adopted by the Central Coast Regional Water Quality Control Board to ensure that no water quality standards are violated. See item "c-f" below.

b. According to the *Wren Investors and Hewell USA Amendment Draft Plan for Services* (EMC Planning Group 2017) (hereinafter "plan for services") prepared for the proposed project, the City has adequate water supply to serve the City and will have water supply capacity to serve all land uses envisioned within the 20-year planning area (including the proposed project). When the general plan was adopted in 2002, the land use designation for the southern portion of the site was Low Density Residential. In 2002 the City adopted their general plan and in 2004, the *City of Gilroy Water System Master Plan* (Carollo Engineers 2004c) ("water system master plan") was prepared using the land use designations from the general plan. .

The City's water system master plan includes the water demand coefficient for all general plan land use designations. Table ES-2 of the water system master plan shows that the water demand coefficients for Neighborhood District is 2,100 gallons per day per acre (gpd/ac) or 2.35 acre feet per year (afy). Using this water demand coefficient, the water demand generated by the proposed project is reflected below in Table 4, Water Demand.

**Table 4 Water Demand**

| Site and General Plan Designation | Site Acreage | Water Demand Coefficient (2,100 (Gallons Per Day Per Acre) | Water Demand Coefficient (2.35 Acre Feet Per Year) |
|---|---|---|---|
| Wren Investors (Neighborhood District) | 50.3 | 105,630 gpd/acre | 118.2 afy |
| Hewell (Neighborhood District) | 5.4 | 11,256 gpd/acre | 12.6 afy |
| Total: | 55.7 | 116,886 gpd/acre | 130.8 afy |

SOURCE: City of Gilroy 2004; EMC Planning Group 2018

According to the water demand coefficient, development of the proposed project is consistent with the general plan Neighborhood District land use designation may result in water demand of 116,886 gpd, or 130.8 afy. This estimate is based upon future development of 307 dwelling units on the site which is consistent with the USA amendment. The *City of Gilroy Urban Water Management Plan* (Carollo Engineers 2015) indicates that during a normal hydrologic water year (e.g. year 2025), the City will demand a total of 4,379 million gallons of water while its supply of water will be 17,770 million gallons (p. 7-3). The proposed project's total water demand of 130.8 afy (or 42.6 million gallons) would be sufficiently covered by the City's total supply.

Therefore, the proposed future development of the sites with 307 dwelling units consistent with the conceptual development plan would not be greater than that estimated in the water system master plan or the *City of Gilroy Urban Water Management Plan*.

c-f. Most of the proposed project is undeveloped and storm water percolates into the soil. Future development of the site consistent with Neighborhood District zoning would result in an increase in impervious surface area. As a result, storm water runoff volume from the site would increase relative to existing conditions.

The general plan EIR analyzed the impact associated with build out of the general plan on water quality from future construction, grading, and excavation that would cause temporary disturbances to surface soil and removal of vegetative cover. The exposure of disturbed soil to runoff would cause erosion and sediment in the runoff. The general plan EIR concludes that without proper controls and maintenance, increased runoff resulting from future build out of the general plan could contribute to water quality degradation.

In February 2010, the City received its approved National Pollutant Discharge Elimination System General Permit for a small municipal storm water system from the Regional Water Quality Control Board. Under this permit the City is required to implement a Storm Water Management Program to prevent the pollution in storm water and urban runoff from entering the storm drain system. Pursuant to the general permit, all new qualifying development must submit a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP must identify construction and post-construction Best Management Practices to prevent water pollution at the source. As a standard condition of approval, the applicant will be required to submit a SWPPP for review and approval of the City to demonstrate that Best Management Practices are incorporated into the project. Implementation of the SWPPP will ensure that impacts on surface water quality will be less than significant. The land uses proposed were considered in the hydrology design of the project site, including Lions Creek

and West Branch Llagas Creek, which will receive the storm drainage from the site; Lions Creek and West Branch Llagas Creek both have 100-year flow capacity. Compliance with the National Pollutant Discharge Elimination System General Permit and a site design that implements Best Management Practices for storm water treatment will ensure that the project site would not contribute or create substantial surface run-off that would result in flooding on- or off-site.

After March 6, 2014, all projects approved by the City must meet the post-construction storm water management requirements adopted by the Central Coast Regional Water Quality Control Board to ensure storm water is adequately captured, conveyed, and treated. The City also requires a Preliminary Post-Construction Stormwater Quality Report for projects deemed complete after September 13, 2013. Compliance with this policy ensures that the proposed project would not exceed storm water facility capacity or provide additional sources of polluted runoff.

Therefore, future development of the project site would not substantially alter the existing drainage pattern of the site or area, or substantially increase the rate or amount of surface run-off in a manner that would result in flooding on- or off-site; create or contribute run-off water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off; or otherwise substantially degrade water quality.

g/h. As identified on the most recent flood hazards map prepared by the Federal Emergency Management Agency (2009), the majority of the Wren Investors and Hewell sites are within Flood Zone X (areas determined to be outside the 0.2% annual chance floodplain) with portions of the Wren Investors site within Zone X (area of minimal flood hazard). Therefore, the proposed project would not place people or structures within a 100-year flood hazard area.

i. The Wren Investors and Hewell project sites are subject to flood flows from failure or collapse of Anderson Dam located approximately 11 miles to the north. The Anderson Dam-break inundation map indicates that most of Gilroy, including the project site would be flooded from a dam failure at Anderson Reservoir. The future residential development consistent with the proposed project would increase the population on the project site and thereby increase the risks of human and property exposure to flooding associated with the Anderson Dam inundation area.

Flood flows released from failure of the Anderson Dam would take approximately two hours to reach the project site. It is the responsibility of the Gilroy Community Services District to provide notification if there is a risk of flood from Anderson Dam inundation, including notification of any falter in integrity of the dam such as a crack.

Each dam in California is inspected at least biannually by the State of California in accordance with state laws, regulations, and Federal Guidelines for Dam Safety under the FEMA National Dam Safety Program. Additional inspections are undertaken in the case of an earthquake or other event that could jeopardize the integrity of a dam. The Anderson Dam is inspected monthly by the Santa Clara Valley Water District, while the California Division of Safety of Dams and the Federal Energy Regulatory Commission inspect the dam once per year. In addition, the Anderson Reservoir is restricted to a storage of 52,553 acre-feet, as compared to a total reservoir capacity of 90,373 acre-feet. The Santa Clara Valley Water District initiated a capital project in 2012 to complete the planning, design and construction of a seismic retrofit of the dam and is currently estimated to begin construction in 2020 (SCVWD 2018). The probability of a catastrophic failure of the dam in the meantime is extremely remote and the reduced water surface elevation ensures an adequate margin of safety for the site and other areas of potential inundation until the dam retrofit is complete. Therefore, inundation from dam failure is not considered a significant hazard.

For the reasons discussed above, increased risks of human harm and property damage from flooding, including flooding as a result of the failure of a levee or dam are less than significant.

# 10. LAND USE AND PLANNING

Would the project:

| | Potentially Significant Impact | Less-than-Significant Impact with Mitigation Measures Incorporated | Less-Than-Significant Impact | No Impact |
|---|---|---|---|---|
| a. Physically divide an established community? (1, 2, 3, 24, 25) | ❑ | ❑ | ❑ | ✓ |
| b. Conflict with any applicable land-use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (1, 2, 3, 24, 25) | ❑ | ❑ | ❑ | ✓ |

## Comments:

a/b. The proposed project is a residential project on land designated for residential use consistent with the City's general plan. The project site is adjacent to residential development to the east and west, as well as an existing school site to the east. The proposed project would not physically divide an established community.

A policy consistency analysis was prepared for both the *Wren Investors Draft EIR* (2014) and *Hewell USA Amendment, Prezone, and Annexation Administrative Draft Initial Study* (2015) which were never certified or adopted. The purpose of a consistency analysis is to provide an evaluation of the proposed project for consistency with applicable City policies and Santa Clara Local Agency Formation Commission (LAFCO) USA amendment policies.

Review of the proposed project has not resulted in identification of policies or plans with which it is inconsistent. Therefore, the proposed project would not physically divide an established community or conflict with any applicable land-use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

# 11. MINERAL RESOURCES

Would the project:

| | Potentially Significant Impact | Less-than-Significant Impact with Mitigation Measures Incorporated | Less-Than-Significant Impact | No Impact |
|---|---|---|---|---|
| a. Result in loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (11) | ❑ | ❑ | ❑ | ✓ |

## Comments:

a. The project site is located outside of any area designed by the California Department of Mines and Geology as containing known mineral resources.

# 12. NOISE

Would the project:

| | Potentially Significant Impact | Less-than-Significant Impact with Mitigation Measures Incorporated | Less-Than-Significant Impact | No Impact |
|---|---|---|---|---|
| a. Result in exposure of persons to or generation of noise levels in excess of standards established in the general plan? (1, 2, 15, 31) | ❑ | ✓ | ❑ | ❑ |
| b. Result in exposure of persons to or generation of excessive ground-borne vibration or ground borne noise levels? (1, 2, 15, 31) | ❑ | ❑ | ❑ | ✓ |
| c. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (1, 2, 15, 31) | ❑ | ❑ | ✓ | ❑ |

This section addresses potential noise impacts as a result of the proposed project. Information contained within this section is based on the *Wren Investors/Hewell Property Urban Service Area Amendment Traffic Impact Analysis*, prepared by Hexagon Transportation Consultants (2017), the *City of Gilroy 2020 General Plan EIR*, and the noise section of the *Gilroy 2040 General Plan Background Report, Public Review Draft*, April 2014.

## Comments:

a. **Existing Noise Levels.** Existing noise levels in the vicinity of the project site are taken from Figure 8-12, Existing Traffic Noise Contours for Major Roadways in Gilroy, in the Gilroy 2040 General Plan Background Report, Public Review Draft, April 2014, and are presented in Table 5.

**Table 5 Existing Noise Levels in the Project Site Vicinity**

| Roadway | Noise Level dB(A) Ldn |
|---|---|
| Wren Avenue, Mantelli Drive to Vickery Lane | 55 Just within and along the project site boundaries |
| Mantelli Drive, Kern Avenue to Wren Avenue | 55 South of the project site boundaries |
| Kern Avenue, Mantelli Drive to Vickery Lane | 55 Just within and along the project site boundaries |

SOURCE: City of Gilroy 2014

Noise impacts associated with buildout of the uses envisioned by the general plan, including the project site, were analyzed in the General Plan EIR. The EIR identified potentially significant impacts related to noise exposures and the placement of sensitive receptors near noise sources which could expose residential populations to

unacceptable average ambient noise levels (p 4.7-11). The EIR found that despite general plan policies and implementing actions intended to reduce these effects, additional mitigation is required to reduce the impacts to a less-than-significant level. Compliance with the general plan policies and implementing actions as well as the mitigation measure described in the EIR would reduce the impacts to a less-than-significant level (p 4.7-12).

The EIR also identified a significant and unavoidable impact resulting from an increase in ambient noise levels associated with buildout due to increased levels of traffic and use of commuter rail lines (p 4.7-8). This was determined to be a significant and unavoidable impact, despite general plan policies and implementing actions that reduce vehicle trips and promote alternative modes of transportation, limit maximum noise exposures, provide buffering standards, and require acoustical attenuation such as proper acoustical design, sound walls and earthen berms (p 4.7-11).

The general plan EIR further identified potentially significant temporary and short term impacts resulting from the construction of uses envisioned in the general plan. The EIR determined that compliance with the City's maximum permissible noise levels in addition to identified mitigation measures that limit the duration of exposures, requiring properly muffled equipment, and other noise reduction measures would reduce these impacts to a less-than-significant level.

Noise impacts associated with buildout of the uses envisioned by the general plan, including the project site, were analyzed in the General Plan EIR. The EIR identified potentially significant impacts related to noise exposures and the placement of sensitive receptors near noise sources which could expose residential populations to unacceptable average ambient noise levels (p 4.7-11). The EIR found that despite general plan policies and implementing actions intended to reduce these effects, additional mitigation is required to reduce the impacts to a less-than-significant level. Compliance with the general plan policies and implementing actions as well as the mitigation measure described in the EIR would reduce the impacts to a less-than-significant level (p 4.7-12).

The EIR also identified a significant and unavoidable impact resulting from an increase in ambient noise levels associated with buildout due to increased levels of traffic and use of commuter rail lines (p 4.7-8). This was determined to be a significant and unavoidable impact, despite general plan policies and implementing actions that reduce vehicle trips and promote alternative modes of transportation, limit maximum noise exposures, provide buffering standards, and require acoustical attenuation such as proper acoustical design, sound walls and earthen berms (p 4.7-11).

The general plan EIR further identified potentially significant temporary and short term impacts resulting from the construction of uses envisioned in the general plan. The EIR determined that compliance with the City's maximum permissible noise levels in addition to identified mitigation measures that limit the duration of exposures, requiring properly muffled equipment, and other noise reduction measures would reduce these impacts to a less-than-significant level.

The exterior noise exposure criterion of the general plan is 60 dB Ldn for residential land uses. The general plan provides a description of where the outdoor noise level standards should be applied for residential land uses (i.e., 15 feet outside the rear wall, 20 feet outside front wall, etc.). Outdoor activity areas generally include backyards of single-family residences, individual patios or decks of multi-family developments and common outdoor recreation areas of multi-family developments. This modification as to where the exterior noise level standards are to be applied is consistent with most contemporary noise standards. The intent of the exterior noise level requirement is to provide an acceptable noise environment for outdoor activities and recreation.

The general plan also requires that interior noise levels attributable to exterior sources not exceed 45 dB Ldn. This standard is consistent with interior noise level criteria applied by the State of California and the U.S. Department of Housing and Urban Development. The intent of the interior noise level standard is to provide an acceptable noise environment for indoor communication and sleep. Additionally, Section 30.41.31 (Specific Provisions-Noise) of the City Code establishes noise level standards for non-transportation noise sources (fixed sources). For residential noise sources, the ordinance establishes an Lmax (maximum) noise level criterion of 60 dB and an L10 statistical performance standard of 70 dB.

**Traffic Noise.** According to the traffic impact analysis, future development of the site would generate 3,105 vehicle trips per day. Traffic noise exposure increases by three decibels for each doubling of the average daily traffic volume, assuming all other factors, such as average vehicle speed, grade, roadway surface, etc., remain constant. The increase in noise associated with future development of the project site could result in significant noise impacts to vicinity sensitive receptors; however, until a development project is designed and an application submitted to the City for processing, actual noise impacts cannot be adequately evaluated. Because development of the site could result in significant noise impacts, the following mitigation measure is required:

### *Mitigation Measure*

N-1 Associated with CEQA compliance for subdivisions and commercial projects at the project site, an acoustical analysis shall be prepared by a qualified acoustical professional. The recommendations in the analysis shall include, but not be limited to, recommendations for building placement and acoustical design features for new construction adjacent to Wren Avenue in proximity to the Antonio Del Buono Elementary School. The report recommendations shall be incorporated into the plans as part of the Tentative Map and Architectural and Site Review applications for future development, and shall be subject to the review and approval of the Planning Division, prior to approval of the Tentative Map and Architectural and Site Review.

Party Responsible for Implementation: Project Applicant

Party Responsible for Monitoring: Gilroy Planning Division

b. The use of equipment which produces excessive ground-borne vibration will not be required to construct the proposed project. Therefore, the proposed project would not result in exposure of persons to or generation of excessive ground-borne vibration or ground borne noise levels.

c. The project site is located in proximity to sensitive receptors and the proposed project could expose new residents to unacceptable noise levels that exceed City standards during construction associated with future development of the project site. Short-term demolition and construction activities associated with implementation of the proposed project, including grading and preparation of the site and construction of the proposed project, could generate significant temporary noise impacts in keeping with the findings of the general plan EIR. The City Code (Section 16.38 - Hours of Construction) limits hours of construction to be between 7:00 a.m. and 7:00 p.m., Monday through Friday and 9:00 a.m. to 7:00 p.m. on Saturdays. The city's standard condition of approval below reflects the City Code requirements and would apply to the proposed project. Implementation of this standard condition would reduce any construction-related noise impacts to a less-than-significant level.

> To minimize potential construction-related impacts to noise, 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. Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment;

d. Prohibit all unnecessary idling of internal combustion engines;

e. Utilize "quiet" models of air compressors and other stationary noise sources where technology exists; and

f. 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."

# 13. POPULATION AND HOUSING

Would the project:

| | Potentially Significant Impact | Less-than-Significant Impact with Mitigation Measures Incorporated | Less-Than-Significant Impact | No Impact |
|---|---|---|---|---|
| a. Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)? (1, 2, 3, 24, 25) | ❑ | ❑ | ✓ | ❑ |
| b. Displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere? (1, 2, 3, 24, 25) | ❑ | ❑ | ✓ | ❑ |

## Comments:

a. With an average of 3.41 person per household and 307 new dwellings proposed, the project would generate a new population of approximately 1,047 people. The proposed project is consistent with the general plan land use designation of Neighborhood Residential and the subsequent density for the site, which is 6 to 12.5 dwelling units per acre. The proposed project's density would fall within this range and therefore, would not induce population growth beyond that planned for in the City's general plan.

b. There is approximately seven rural residential homes that would be displaced by the proposed project. This would not be considered "displacement of substantial numbers of existing housing or people" and would not necessitate the construction of replacement housing elsewhere. The impact is less than significant.

# 14. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:

| | Potentially Significant Impact | Less-than-Significant Impact with Mitigation Measures Incorporated | Less-Than-Significant Impact | No Impact |
|---|---|---|---|---|
| a. Fire protection? (1, 2, 27, 32) | ❑ | ❑ | ✓ | ❑ |
| b. Police protection? (1, 2, 27) | ❑ | ❑ | ✓ | ❑ |
| c. Schools? (1, 2, 27, 33) | ❑ | ❑ | ✓ | ❑ |
| d. Parks? (1, 2, 27, 35) | ❑ | ❑ | ✓ | ❑ |
| e. Other Public Facilities? (1, 2, 27) | ❑ | ❑ | ❑ | ✓ |

Although specific development of the Wren Investors and Hewell sites are not currently proposed, approval of the proposed project will lead to development of the sites. Future development of the project consistent with the preliminary master plan and conceptual development plan would result in an additional 307 residential dwelling units that would provide housing for approximately 1,067 people and would contribute to a city-wide increase in demand for public services over existing conditions.

## Comments:

a. Demand increases relative to general plan build out were identified in the general plan EIR as a potentially significant impact (p 4.8-17). The EIR determined that implementation of general plan policies and implementing actions, which include phased growth, mutual aid agreements, maintaining adequate response times and levels of service, maintaining adequate water flows for fire suppression, and requiring development impact fees to fund fire protection upgrades, would reduce these impacts to a less-than-significant level (p 4.8-17).

   The project site is located within the 20-year planning area identified in the general plan and would not result in any impacts to the provision of fire protection services that are greater than those studied in the general plan EIR; however, the proposed project would require detachment from the South Santa Clara County Fire District, which requires LAFCO action. The city's ability to provide services within its sphere of influence boundary is reviewed periodically by LAFCO. According to the latest

service review conducted in 2010, LAFCO determined present and planned capacity of infrastructure and response capacity are sufficient to serve projected population growth if stations and apparatus and auto/mutual aid agreements are maintained.

Development of the project site consistent with the uses identified in the preliminary master plan and conceptual development plan would not require the construction of additional fire station or substation facilities beyond those currently planned by the city to provide adequate fire protection. Developers of the project site would participate in the payment of development impact fees to offset the costs of additional equipment and infrastructure improvements necessary to maintain adequate response times across the city. Therefore, the proposed project would not result in substantial adverse physical impacts associated with the provision of or need for new or physically altered fire department facilities.

b. The proposed project would increase the level of demand for police services from current levels. The impact on police protection consistent with the buildout of the general plan was analyzed in the general plan EIR and it was concluded that, with appropriate mitigation measures, impacts would be reduced to a less than significant level. The proposed project is consistent with the general plan and would not result in adverse physical impacts associated with the provision of or need for new or physically altered police facilities (general plan EIR, page 4.8-17 to 4.8-18).

   Future developers of the project site would participate in the payment of Public Facilities fees to pay their fair share contribution toward public facility impacts. Therefore, the proposed project would not result in any impacts to the provision of police protection services that are greater than those identified, studied, and mitigated in the general plan EIR. Therefore, the proposed project would not result in substantial adverse physical impacts associated with the provision of or need for new or physically altered police department facilities.

c. The project site is located within the Gilroy Unified School District (GUSD). The GUSD provides service to over 11,000 students in the City of Gilroy and the surrounding areas. There are currently two preschools, eight elementary schools, three middle schools, and four high schools including a continuation school, and one early college academy school in the district. The district office is located in the City at 7810 Arroyo Circle (GUSD 2015).

   The general plan contains several policies regarding schools. General Plan Policy 17.03 states that the verifications of the remaining capacities in local schools shall be part of the review process for residential subdivisions, with adequate school capacity being a condition for development approval. When capacity is limited, development

approvals shall be coordinated with the scheduling of capital funds for school expansion and/or improvements. General Plan Policy 17.04 requires developers of new residential subdivisions to dedicate land and/or pay fee to offset the costs of providing new elementary and secondary schools resulting from their developments. Policy 17.06 states that in areas of new residential development, as a condition of development approval, sites shall be identified and dedicated. Action 17.B of the general plan states that school facility impacts shall be included in the review of development proposals to ensure that adequate school facility capacity is a condition for development approval.

Table 6, Estimated Project Student Generation, presents an estimate of the number of students projected to attend public schools resulting from buildout of the 307 residential dwelling units.

**Table 6 Estimated Project Student Generation**

| Housing Type (Units) | K-5 students (SF 0.20/MF 0.14) | 6-8 students (SF 0.07/MF 0.06) | 9-12 students (SF 0.09/MF 0.10) | Total Students Generated |
|---|---|---|---|---|
| Single-Family (185) | 37 | 13 | 17 | 67 |
| Multi-Family (122) | 17 | 7 | 12 | 36 |
| TOTAL | 54 | 20 | 29 | 103 |

SOURCE: Alvaro Meza, Gilroy Unified School District, email message August 27, 2019

School impact fees are required as a standard condition of approval to offset the increased demand on school services and for construction of new facilities required to meet demands. Therefore, the proposed project would not result in substantial adverse physical impacts associated with the provision of or need for new or physically altered school facilities.

d. Projects are required to dedicate land and/or pay fees to offset the demand for park and recreation facilities. Lack of required dedication and fees would constitute a significant impact. Future development of the project site as indicated by the preliminary master plan and conceptual development plan may be required to dedicate parkland. The developer will be required to participate in the city's Public Facilities Impact Fee Program to pay their fair share contribution toward public facility impacts. Dedication of land and construction of pedestrian and bicycle connections (consistent with the city's Trails Master Plan) between future internal streets to the trail facility in compliance with general plan Policy Action 14.A and the city's design specifications and standards would be reviewed once specific development is proposed. The locations of all proposed pedestrian/bicycle/trail improvements are required to be shown on specific plans, master plans, and site plans as part of the Tentative Map and Architectural and Site Review application

processes. Approval of the proposed project would not result in new impacts or exacerbate impacts that were identified in the general plan EIR and are mitigated by compliance with the General Plan polices 16.01, 16.02, and 16.06.

e. Future development of the project site consistent with general plan residential land use designations would increase the demand for library services. Approval of future development would be subject to participation in the Public Facilities Impact Fee program to defray the costs of maintaining adequate services. No physical changes to existing library facilities would be required. Additionally, with the increase in use of technology, one does not need to physically visit the facility to be able to use its resources. Therefore, there would be no environmental impact.

# 15. TRANSPORTATION/TRAFFIC

Would the project:

| | | Potentially Significant Impact | Less-than-Significant Impact with Mitigation Measures Incorporated | Less-Than-Significant Impact | No Impact |
|---|---|---|---|---|---|
| a. | Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?(1, 2, 31) | ❑ | ❑ | ✓ | ❑ |
| b. | Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?(1, 2, 31) | ❑ | ❑ | ✓ | ❑ |
| c. | Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (1, 2, 31) | ❑ | ❑ | ✓ | ❑ |
| d. | Result in inadequate emergency access? (1, 2, 31) | ❑ | ❑ | ✓ | ❑ |
| e. | Result in inadequate parking capacity? (1, 2, 31) | ❑ | ❑ | ✓ | ❑ |
| f. | Conflict with any City of Gilroy General Plan Transportation and Circulation Element policies? (1, 2, 31) | ❑ | ❑ | ✓ | ❑ |

This section is based the *Wren Investors/Hewell Property Urban Service Area Amendment Traffic Impact Analysis* (Hexagon Transportation Consultants 2017) referred to hereinafter as the "traffic impact analysis." The traffic impact analysis is included as Appendix C of this initial study.

Traffic conditions at the study intersections were analyzed for the weekday AM and PM peak hours of traffic. The weekday AM peak hour of traffic generally falls within the 7:00 to 9:00 AM period and the weekday PM peak hour is typically in the 4:00 to 6:00 PM period.

It is during these times that most congested traffic conditions occur on an average day. The traffic impact analysis evaluated the following six existing signalized intersections and nineteen unsignalized intersections.

1. Monterey Road and Masten Avenue/Fitzgerald Avenue (signalized);
2. Monterey Road and Buena Vista Avenue (unsignalized);
3. Monterey Road and Day Road (unsignalized);
4. Monterey Road and Cohansey Avenue (unsignalized);
5. Monterey Road and Farrell Avenue (signalized);
6. Monterey Road and Ronan Avenue (unsignalized);
7. Monterey Road and Leavesley Road (SR 152)/Welburn Avenue (signalized);
8. Church Street and Farrell Avenue (unsignalized);
9. Church Street and Mantelli Drive (unsignalized);
10. Wren Avenue and Cohansey Avenue (unsignalized);
11. Wren Avenue and Vickery Avenue (unsignalized);
12. Wren Avenue and Farrell Avenue (unsignalized);
13. Wren Avenue and Tatum Avenue (unsignalized);
14. Wren Avenue and Ronan Avenue (unsignalized);
15. Wren Avenue and Mantelli Drive (unsignalized);
16. Wren Avenue and Welburn Avenue (unsignalized) (*Note: This intersection has been signalized since completion of the traffic impact analysis)*;
17. Wren Avenue and First Street (signalized);
18. Kern Avenue and Vickey Avenue (unsignalized);
19. Kern Avenue and Tatum Avenue (unsignalized);
20. Kern Avenue and St. Clar Avenue/Ronan Avenue (unsignalized);
21. Kern Avenue and Mantelli Drive (unsignalized);
22. U.S. 101 Southbound ramps and Masten Avenue (unsignalized);

23. U.S. 101 Northbound ramps and Masten Avenue (unsignalized);

24. U.S. 101 Southbound ramps and Leavesley Road (SR 152) (signalized); and

25. U.S. 101 Northbound ramps and Leavesley Road (SR 152) (signalized).

Each of the study intersection locations are identified on Figure 1, Site Location and Study Intersections, of the traffic impact analysis. The traffic impact analysis also evaluated intersection safety and operations, on-site circulation, and parking. The traffic impact analysis determined that the project would not cause a significant increase in traffic on the freeway segments in the study area, and therefore, a freeway level of service analysis was not required.

## Comments:

a/b. **Circulation Performance/Level of Service.** The City of Gilroy uses the Santa Clara County CMP level of service analysis procedure, TRAFFIX, for evaluation of signalized intersections. TRAFFIX is based on the 2000 Highway Capacity Manual (2000 HCM) methodology for signalized intersections. TRAFFIX evaluates signalized intersection operations on the basis of average control delay time for all vehicles at the intersection. Control delay is the amount of delay that is attributed to the particular traffic control device at the intersection, and includes initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay.

The City of Gilroy level of service standard for most signalized intersections located west of US 101 is LOS C or better. For signalized intersections located east of US 101 and those in the commercial area designated in the City of Gilroy General Plan (LOS D Area), the City standard is LOS D or better. The level of service D area includes all areas east of US 101, the Tenth Street corridor from Monterey Street to US 101, the Luchessa corridor east of Monterey Street, and the Monterey Street corridor from Luchessa Avenue to the Monterey Street/US 101 interchange. Three of the study intersections are located within the LOS D area:

23. US 101 Northbound ramps and Masten Avenue

24. US 101 Southbound ramps and Leavesley Road (SR 152)

25. US 101 Northbound Ramps and Leavesley Road (SR 152)

Therefore, the above intersections have a level of service standard of LOS D, based on City of Gilroy level of service standards. The rest of the study intersections are located within the LOS C area and therefore have a LOS C standard.

For unsignalized intersections in the City of Gilroy, an assessment of traffic operations at the intersection is based on two methodologies: (1) peak-hour levels of service are calculated for the entire intersection (intersection average level of service) and for the stop-controlled approach with the highest delay (worst approach level of service) and (2) an assessment is made of the need for signalization of the intersection based on traffic volume levels.

The procedure used to determine the level of service for unsignalized intersections is TRAFFIX and the 2000 Highway Capacity Manual methodology for unsignalized intersection analysis. This method is applicable for both two-way and all-way stop-controlled intersections. For the analysis of stop-controlled intersections, the 2000 HCM methodology evaluates intersection operations on the basis of average control delay time for all vehicles on the stop-controlled approaches.

For the purpose of reporting level of service for stop-controlled intersections, two levels of service are reported. The first is the "overall intersection average" delay and corresponding level of service, which is a measure of the average delay incurred by all motorists at the intersection, including those on the approaches that are not subject to stop control. The second level of service reported is the delay and corresponding level of service for the "highest delay approach", which is a measure of the delay incurred by motorists only on the stop-controlled approach which is most impacted by traffic conditions at the intersection.

The level of service analysis at unsignalized intersections is supplemented with an assessment of the need for signalization of the intersection. This assessment is made on the basis of signal warrant criteria adopted by Caltrans. For this study, the need for signalization is assessed on the basis of the operating conditions at the intersection (i.e., level of service) and on the peak-hour traffic signal warrant, Warrant #3, described in the *2014 California Manual on Uniform Traffic Control Devices for Streets and Highways*, Part 4, Highway Traffic Signals. This method provides an indication of whether traffic conditions and peak-hour traffic levels are, or would be, sufficient to justify installation of a traffic signal. Other traffic signal warrants are available; however, they cannot be checked under future conditions (background, project, and cumulative) because they rely on data for which forecasts are not available (such as accidents, pedestrian volume, and four- or eight-hour vehicle volumes).

The City of Gilroy level of service standard for unsignalized intersections has two parts:

- The first part indicates that all stop-controlled intersections must operate with an overall intersection average delay of LOS C or better for those intersections located within the LOS C area, and LOS D or better for those intersections located within the LOS D area.

- The second part indicates that a one-way/two-way stop controlled intersection is considered to exceed the City's standard if the stop-controlled approach with the highest delay operates at LOS E or F and the peak-hour traffic volume level at the intersection is high enough to satisfy the peak-hour volume signal warrant.

One of the unsignalized study intersections is located within the LOS D area:

23. US 101 Northbound Ramps and Masten Avenue

The above intersection was evaluated based on an overall intersection level of service standard of D and a level of service standard of E for the stop-controlled approach with the highest delay. The remaining unsignalized study intersections are located within the LOS C area and, therefore, have an overall intersection level of service standard of C and a level of service standard of D for the stop-controlled approach with the highest delay.

## Background Conditions

Background conditions are defined as conditions just prior to completion of the proposed project. Traffic volumes for background conditions comprise volumes from the existing traffic counts plus traffic generated by approved developments and vacant buildings in the vicinity of the site.

### *Signalized Intersections*

The results of the level of service analysis of the signalized study intersections indicate that the following study intersection is projected to operate at unacceptable levels of service under background conditions:

1. Monterey Road and Masten Avenue/Fitzgerald Avenue (LOS E – AM and PM peak hours)

The remaining signalized study intersections are projected to operate at acceptable levels of service during the AM and PM peak hours under background conditions.

### *Unsignalized Intersections*

The results of the level of service analysis of the unsignalized intersections under background conditions indicate that three of the unsignalized study intersections are projected to operate with overall average intersection delays corresponding to an unacceptable LOS D or worse during at least one of the peak hours analyzed:

3. Monterey Road and Day Road
   (LOS D – AM peak-hour)

22. US 101 Southbound Ramps and Masten Avenue
    (LOS E – PM peak-hour)

23. US 101 Northbound Ramps and Masten Avenue
    (LOS F – AM peak-hour)

The unsignalized intersection analysis results also indicate that the following study intersections are projected to operate with average delays corresponding to LOS E or F on its stop-controlled approach with the highest delay during at least one of the peak hours analyzed and the traffic volume during the same peak hour is high enough to satisfy the peak-hour volume warrant:

2. Monterey Road and Buena Vista Avenue
   (LOS F/signal warrant met – AM and PM)

3. Monterey Road and Day Road
   (LOS F/signal warrant met – AM and PM)

22. US 101 SB Ramps and Masten Avenue
    (LOS F/signal warrant met – PM peak-hour)

23. US 101 NB Ramps and Masten Avenue
    (LOS F/signal warrant met – AM and PM)

Based on the City of Gilroy level of service standards, unsignalized intersections are considered deficient when both the average delay on the stop-controlled approach with the highest delay operates at an unacceptable level of service and the intersection traffic volumes satisfy the peak-hour volume traffic signal warrant during the same peak-hour.

The remaining unsignalized study intersections would not have traffic volume and level of service conditions that exceed the City of Gilroy level of service standards during the peak hours.

## Background Plus Project Conditions

Existing plus project conditions were added to background traffic volumes to obtain background plus project traffic volumes.

### *Signalized Intersections*

The results of the level of service analysis of the signalized study intersections indicate that the following study intersection is projected to operate at unacceptable levels of service during both peak hours under background plus project conditions:

1. Monterey Road and Masten Avenue/Fitzgerald Avenue (LOS E – AM and PM peak hours)

However, the addition of project traffic at the above intersection is not sufficient to cause the average delay to increase by more than 1.0 second. This typically happens when project traffic volumes are low and/or are added to non-critical movements of the intersection. Therefore, based on City of Gilroy intersection impact criteria, the project would not cause a significant level or service impact at this location.

The remaining signalized study intersections would continue to operate at acceptable levels of service during the peak hours under background plus project conditions.

### *Unsignalized Intersections*

The results of the level of service analysis of the unsignalized intersections under background plus project conditions indicate that four of the unsignalized study intersections are projected to operate with overall average intersection delays corresponding to an unacceptable LOS D or worse during at least one of the peak hours analyzed:

3. Monterey Road and Day Road (Impact: AM and PM peak hours)

22. US 101 Southbound Ramps and Masten Avenue (Impact: PM peak-hour)

23. US 101 Northbound Ramps and Masten Avenue (Impact: AM peak-hour)

The above intersections also are projected to operate at unacceptable levels under background conditions, and the addition of project traffic would cause the intersections' average delay to increase beyond the City's delay increase threshold during the deficient peak hours. Based on City of Gilroy unsignalized intersection level of service impact criteria, this is considered a project impact.

Additionally, the unsignalized intersection analysis results indicate that the following four unsignalized study intersections are projected to operate with average delays corresponding to LOS F on its stop-controlled approach with the highest delay during at least one of the peak hours analyzed and the traffic volume during the same peak hour would be high enough to satisfy the peak-hour volume warrant:

2. Monterey Road and Buena Vista Avenue
   (Impact: AM and PM peak hours)

3. Monterey Road and Day Road
   (Impact: AM and PM peak hours)

22. US 101 SB Ramps and Masten Avenue
    (Impact: PM peak-hour)

23. US 101 NB Ramps and Masten Avenue
    (Impact: AM and PM peak hours)

Based on the unsignalized intersection level of service impact criteria, intersections where both the average delay on the stop-controlled approach with the highest delay operates at LOS E or F and the addition of project traffic causes the traffic volumes at the intersection to satisfy the peak-hour volume traffic signal warrant, are considered to be impacted by the project. Although this condition was met under background conditions (the intersections were identified as being deficient under background conditions), the proposed project would contribute to the projected deficiency at these locations, increasing the delay for the approach with the highest delay. Therefore, this is also considered a project impact.

The significant project impact to the Monterey Road and Buena Vista Avenue, Monterey Road and Day Road, US 101 SB Ramps and Masten Avenue, and US 101 NB Ramps and Masten Avenue unsignalized intersections under background plus project conditions could be mitigated with the installation of a traffic signal. Signalization of the intersections would improve the intersection level of service conditions to acceptable levels of service under background plus project conditions. This improvement has been identified in the City of Gilroy General Plan and in the City's Traffic Impact Fee (TIF) Program. Therefore, payment of the traffic impact fee by the project would constitute a fair-share contribution toward the project's portion of the significant impact and shall be included as a condition of project approval. With implementation of this condition of approval, this impact would be less-than-significant.

The remaining unsignalized study intersections would not have traffic volume and level of service conditions that exceed the City of Gilroy level of service standards during the AM and PM peak hours.

## Cumulative Conditions

Cumulative conditions are defined as conditions shortly after completion of the proposed project. Traffic volumes for cumulative conditions comprise volumes from existing traffic counts plus traffic generated by other approved developments in the vicinity of the site, trips generated by the proposed project, and traffic from proposed but not yet approved developments.

### *Signalized Intersections*

The results of the level of service analysis for the signalized study intersections indicate that the following study intersection is projected to operate at an unacceptable level of service during both peak hours under cumulative plus project conditions:

1. Monterey Road and Masten Avenue/Fitzgerald Avenue (Impact: PM peak-hour)

The level of service calculations show that the addition of project traffic at the above intersections would cause the intersection average delay to increase by more than one second during the PM peak-hour. This constitutes a significant cumulative project impact, based on City of Gilroy signalized intersection level of service impact criteria. The minimum required improvements to mitigate the project impact at this intersection include adding a separate eastbound left-turn lane, a second westbound left-turn lane, and updating the signal phasing to protected left-turns in the eastbound/westbound direction. Implementation of the above improvements would improve the intersection level of service to better than cumulative (no project) conditions, satisfactorily mitigating the project impact. However, the intersection is projected to continue to be deficient (LOS D) during the PM peak-hour.

The above improvements are planned in the City's Traffic Circulation Master Plan (TCMP) and are included in the City's Traffic Impact Fee (TIF) Program. Section 4.4.12 of the Development Agreement between the City of Gilroy and Glen Loma Ranch requires the developer of Glen Loma Ranch to construct this improvement, or mitigate the impact by other means. The developer will be required to pay the applicable TIF fee as a fair-share contribution toward improvements at this intersection. With implementation of this condition of project approval, this impact would be less-than-significant.

The remaining signalized study intersections would continue to operate at acceptable levels of service during the AM and PM peak hours under cumulative plus project conditions.

### *Unsignalized Intersections*

The results of the level of service analysis of the unsignalized intersections under cumulative plus project conditions indicate that four of the unsignalized study intersections are projected to operate with overall average intersection delays corresponding to an unacceptable LOS D or worse during at least one of the peak hours analyzed:

3. Monterey Road and Day Road (Impact: AM and PM peak hours)

22. US 101 Southbound Ramps and Masten Avenue (Impact: PM peak-hour)

23. US 101 Northbound Ramps and Masten Avenue (Impact: AM peak-hour)

The above intersections also are projected to operate at unacceptable levels under cumulative conditions, and the addition of project traffic would cause the intersections' average delay to increase beyond the City's delay increase threshold during the deficient peak hours. Based on City of Gilroy unsignalized intersection level of service impact criteria, this is considered a cumulative project impact.

Additionally, the unsignalized intersection analysis results indicate that the following four unsignalized study intersections (three of which also are listed above) are projected to operate with average delays corresponding to LOS F on its stop-controlled approach with the highest delay during at least one of the peak hours analyzed and the traffic volume during the same peak hour would be high enough to satisfy the peak-hour volume warrant:

2. Monterey Road and Buena Vista Avenue (Impact: AM and PM peak hours)

3. Monterey Road and Day Road (Impact: AM and PM peak hours)

22. US 101 SB Ramps and Masten Avenue (Impact: PM peak-hour)

23. US 101 NB Ramps and Masten Avenue (Impact: AM and PM peak hours)

Based on the unsignalized intersection level of service impact criteria, intersections where both the average delay on the stop-controlled approach with the highest delay operates at LOS E or F and the addition of project traffic causes the traffic volumes at the intersection to satisfy the peak-hour volume traffic signal warrant, are considered to be impacted by the project. Although this condition was met under cumulative conditions, the proposed project would contribute to the projected deficiency at these locations, increasing the delay for the approach with the highest delay. Therefore, this is also considered a cumulative project impact.

The significant project impact to the Monterey Road and Buena Vista Avenue, Monterey Road and Day Road, US 101 SB Ramps and Masten Avenue, and US 101 NB Ramps and Masten Avenue unsignalized intersections under cumulative conditions be mitigated with the installation of a traffic signal. Signalization of the intersections would improve the intersection level of service conditions to acceptable levels of service under background plus project conditions. This improvement has been identified in the City of Gilroy General Plan and in the City's Traffic Impact Fee (TIF) Program. Therefore, payment of the traffic impact fee by the project would constitute a fair-share contribution toward the project's portion of the significant impact and shall be included as a condition of project approval . With implementation of this condition of approval, this impact would be less-than-significant.

The remaining unsignalized study intersections would not have traffic volume and level of service conditions that exceed the City of Gilroy level of service standards during the AM and PM peak hours.

c. **Transportation Hazards.** The City of Gilroy identifies the addition of vehicles to a vehicle queue in a turn-movement with inadequate queue storage capacity as a significant project impact.

The addition of project traffic to the westbound left-turn movement at the Monterey Road and Masten Avenue/Fitzgerald Avenue intersection would cause the projected 95th percentile vehicle queue to increase by three vehicles (from 24 to 27 vehicles, or 600 to 675 feet) from background to background plus project conditions. This exceeds the existing storage capacity of approximately 340 feet (or 13 vehicles). Based on City of Gilroy definition of significant traffic operations impacts, this is considered a project impact.

The project impact to the westbound left-turn movement of the Monterey Road/Masten Avenue/Fitzgerald Avenue intersection could be mitigated by providing a second westbound left-turn lane. However, it should be noted that the westbound movement of the intersection is operated on a split signal phase (both left and through westbound movements proceed through the intersection simultaneously). With this type of phasing, the situation will never occur where the left-turn movement is stopped while the adjacent through movement is trying to proceed. Additionally, the westbound through movement volume is about the same as the westbound left-turn volume. Therefore, an even split between the left and the through lanes can be expected during most signal cycles at the intersection. Because all movements in the westbound direction proceed through the intersection at the

same time and the left-turn queue would rarely block the through lane or prevent through vehicles from reaching the intersection, this left-turn queue storage deficiency most likely would not create safety or operational problems.

The addition of a second westbound left-turn lane on Master Avenue has been identified in the City of Gilroy General Plan and in the City's TIF Program. Section 4.4.12 of the Development Agreement between the City of Gilroy and Glen Loma Ranch requires the developer of Glen Loma Ranch to construct this improvement, or mitigate the impact by other means. The developer will be required to pay the applicable TIF fee as a fair-share contribution toward improvements at this intersection. With implementation of this condition of project approval, this impact would be less-than-significant.

d. **Emergency Access.** The City of Gilroy considers a project to create a significant adverse impact on emergency access to the project site if the proposed site design does not satisfy the emergency access requirements contained in the City of Gilroy Municipal Code, or if the proposed site design is determined by the City Engineer to provide inadequate emergency access.

As identified under "a-b." above, and as identified in the preliminary master plan for the Wren Investors site and the conceptual development plan for the Hewell site, the project development is accessible from three different access points for the Wren Investors site and at least two different access points for the Hewell site. Therefore, vehicular access to/from the project site should be adequate.

Compliance with the City's standard mitigation measures and conditions of approval for project design and emergency access will ensure that the proposed project would not result in inadequate emergency access.

e. **Parking.** Based on the parking rates found in the City Code (Section 31, Off-street parking requirements), single family residential units must provide a minimum of 2 off-street parking stalls per dwelling unit (one of which should be a covered carport or garage). Multi-family residential units are required to provide 1.5 parking stalls per one to two bedrooms dwelling units, and 2 stalls for each unit having three or more bedrooms or rooms that could be used as bedrooms, plus 1 stall for every four units for guests. One stall for each unit should be covered with a garage or carport. In addition, based on City of Gilroy parking requirements, the retail portion of the project should provide one parking stall for every 250 square feet of gross floor area.

The Americans with Disabilities Act (ADA) requires developments to provide one accessible parking space for every 25 parking spaces provided for the first 100 parking spaces, and one additional parking space for every 50 parking spaces

provided from 100 up to 200 total parking spaces. Accessible parking spaces shall be at least 96 inches (8 feet) wide and shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In addition, one in every 8 accessible spaces, but no less than one, shall be served by an access aisle at least 96 inches wide and shall be designated as "van accessible". It should be noted that the accessible parking spaces are not additional parking spaces, but are part of the minimum parking spaces required. Both the retail and multi-family portions of the project should comply with and satisfy ADA parking requirements.

The proposed project must adhere to these requirements in order to satisfy City of Gilroy standards.

f. **General Plan Consistency.** The proposed project does not conflict with general plan transportation and circulation element policies. Refer to discussion under "a-b." above.

# 16. TRIBAL CULTURAL RESOURCES

Would the project:

| | Potentially Significant Impact | Less-than-Significant Impact with Mitigation Measures Incorporated | Less-Than-Significant Impact | No Impact |
|---|---|---|---|---|
| a. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: | | | | |
| (1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources code section 5020.1(k), or () | ❑ | ❑ | ❑ | ✓ |
| (2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. () | ❑ | ❑ | ❑ | ✓ |

## Comments:

a. (1 & 2) As discussed in the Section A, Background, the City of Gilroy did not receive any requests for consultation from tribes traditionally or culturally affiliated with the project area. Therefore, no additional consultation was required under AB 52, which requires lead agencies to conduct tribal consultation if specifically contacted by traditionally or culturally affiliated tribes in the project area.

# 17. UTILITIES AND SERVICE SYSTEMS

Would the project:

| | Potentially Significant Impact | Less-than-Significant Impact with Mitigation Measures Incorporated | Less-Than-Significant Impact | No Impact |
|---|---|---|---|---|
| a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (1, 2, 4, 5, 6) | ❑ | ❑ | ❑ | ✓ |
| b. 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? (1, 2, 4, 5, 6, 7, 8) | ❑ | ❑ | ✓ | ❑ |
| c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (1, 2, 4) | ❑ | ❑ | ✓ | ❑ |
| d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (1, 2, 6, 7) | ❑ | ❑ | ✓ | ❑ |
| e. 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? (1, 2, 4, 5, 6, 7, 8) | ❑ | ❑ | ✓ | ❑ |
| f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid-waste disposal needs? (1, 2) | ❑ | ❑ | ✓ | ❑ |

## Comments:

a. Future development at the project site would connect to the City's water and wastewater systems and therefore, would not violate any water quality standards or waste discharge requirements.

b. The City's water master plan includes analysis of the City's water distribution system and concluded that the system was well planned to meet the needs of existing customers and future growth (page ES-9). The 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 master plan includes proposed improvements to enhance the City's storage and supply capacities during emergencies and to service future growth. The proposed project is consistent with the general plan and the water master plan and would not result in a greater demand than has been analyzed in these plans.

The *City of Gilroy Sewer Master Plan* (Carollo Engineers 2005a) ("sewer master plan") includes analysis of the City's sewer 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 sewer facilities in conjunction with new street construction in anticipation of future growth. 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. The proposed project is consistent with the general plan and the sewer master plan and would not result in a demand or require infrastructure greater than what has already been analyzed in these plans.

c. The *City of Gilroy Storm Drainage Master Plan* (Carollo Engineers 2004b) ("storm drainage master plan") analyzed the City's storm water system and recommended improvements to mitigate existing system deficiencies and to accommodate future growth including maximum development of the project site under the ND general plan land use designation. Future development of the site consistent with the existing general plan land use designation would result in an increase in storm water runoff. As identified in the City's storm drainage master plan, the existing and planned City infrastructure is sufficient to accommodate this increase in storm water.

   The proposed USA amendment and future development of the site identified in the Wren Investors preliminary master plan and Hewell conceptual development plan is consistent with the general plan and the water master plan and would not require the construction of storm drainage infrastructure beyond that identified in the master plan.

d. Figure 5-2 of the *City of Gilroy Water System Master* Plan (Carollo Engineers 2004) presents proposed improvements to the City's system including 12-inch mains to the west of the project site along Kern Avenue and along the southern project site boundary along Vickery Avenue.

   The proposed USA amendment and future development as identified on the Wren Investors preliminary master plan and Hewell conceptual development plan is consistent with the water system master plan, as well as the urban water

management plan and would not require the construction of water infrastructure or water provision beyond that identified in the master plan (see also discussion under Section 9, Hydrology and Water Quality).

e. According to the City's sewer master plan, Neighborhood District land uses generate 1,500 gallons per day per acre of wastewater (Carollo, page ES-9). Therefore, development of the 38.96-acre Neighborhood District development would result in generation of approximately 58,440 gallons per day of wastewater. Future development of the Wren Investors and Hewell sites with Neighborhood District use was anticipated in the City's general plan and sewer master plan. The proposed project is consistent with the sewer master plan and would not require the construction of wastewater infrastructure beyond that identified in the master plan.

f. The general plan EIR analyzed the solid waste impacts associated with general plan build out and concluded that, with the implementation of mitigation measures, the impact would be less than significant. Recology South Valley would continue to provide solid waste pick up upon development of the project site. The proposed project is consistent with the general plan and would not result in a greater impact than what has already been analyzed in the general plan (general plan EIR, 4.8 20).

# 18. MANDATORY FINDINGS OF SIGNIFICANCE

| | Potentially Significant Impact | Less-than-Significant Impact with Mitigation Measures Incorporated | Less-Than-Significant Impact | No Impact |
|---|---|---|---|---|
| a. Does the project have the potential to degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory? (1, 2, 3, 12, 24, 25, 36, 37, 38, 39, 40) | ❑ | ✓ | ❑ | ❑ |
| b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) (1, 2, 13, 15, 24, 25, 27, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40) | ❑ | ✓ | ❑ | ❑ |
| c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? (1, 2, 13, 15, 24, 25, 30, 31, 34) | ❑ | ✓ | ❑ | ❑ |

## Comments:

a. The project sites are largely undeveloped but are surrounded by residential development, and contain no habitat for special-status plants or wildlife. For the Wren Investors site, six parcels are developed with low-density residential uses, one parcel that is occupied by the Gilroy High School Future Farmers of America Club farm laboratory, vacant land (grassland) and two vacant Santa Clara Valley Water District parcels through which run the Lions Creek channel and a paved community bike path. The Hewell site is developed with one home, associated outbuildings, and landscaping; however, the remainder of the site is a vacant field. Potential impacts to biological resources were identified in this initial study; however, mitigation measures are presented that would ensure significant impact would be reduced to a

less than significant level. Therefore, the proposed project does not have the potential to degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare, or threatened species.

As discussed in Section 5, Cultural Resources, construction activities associated with the proposed project also have the potential to disturb unknown archaeological resources and/or unknown human remains. However, City of Gilroy standard conditions of approval would ensure these potential impacts would be less than significant. Therefore, the proposed project would not have the potential to eliminate important examples of the major periods of California history or prehistory.

b. The proposed project does have the potential to result in cumulative impacts in the following areas: air quality, biological resources, noise, public services, traffic and transportation, and utilities and service systems. Each of the potentially cumulatively considerable impacts can be mitigated through implementation of mitigation measures presented herein, and/or conditions of project approval.

c. The proposed project has the potential to result in short-term air quality and noise impacts to adjacent residents associated with construction activity. However, with implementation of the city's standard conditions of approvals regarding minimizing short-term construction impacts presented in this initial study, as well as mitigation measures AQ-1 and N-1, the project will not have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly.

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All documents indicated with **bold** numbers are available for review at the **City of Gilroy, 7351 Rosanna Street, Gilroy, (408) 846-0451** during normal business hours.

All documents listed above are available for review at EMC Planning Group Inc., 301 Lighthouse Avenue, Suite C, Monterey, California 93940, (831) 649-1799 during normal business hours.

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