

# Summary Form for Electronic Document Submittal

Form F

Lead agencies may include 15 hardcopies of this document when submitting electronic copies of Environmental Impact Reports, Negative Declarations, Mitigated Negative Declarations, or Notices of Preparation to the State Clearinghouse (SCH). The SCH also accepts other summaries, such as EIR Executive Summaries prepared pursuant to CEQA Guidelines Section 15123. Please include one copy of the Notice of Completion Form (NOC) with your submission and attach the summary to each electronic copy of the document.

SCH # \_\_\_\_\_

Project Title: Wren Investors and Hewell Urban Service Area Amendment

Lead Agency: City of Gilroy

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Project Location: Vickery Lane and Kern Avenue, adjacent to Gilroy Santa Clara County  
*City* *County*

Project Description (Proposed actions, location, and/or consequences).

The proposed project is a single urban service area (USA) amendment to the City of Gilroy's USA that includes both the 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.

Identify the project's significant or potentially significant effects and briefly describe any proposed mitigation measures that would reduce or avoid that effect.

## Air Quality

The adjacent residences 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. In addition, the following mitigation measure would reduce potentially significant construction equipment exhaust.

- 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.

## **Biological Resources**

Construction activities, including tree/shrub removal and ground disturbance, have the 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. 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.

Trees may exist on the Wren Investors site that may qualify as Protected Trees based on Section 30.38.270 of the City Code. The Hewell project site contains one 12-inch diameter native northern California black walnut tree located behind the rural residence. 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.

- 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.

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.

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.

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.

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.

## **Cultural Resources**

Future development of the project site 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.

- 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.

## **Noise**

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.

- 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.

If applicable, describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

None.

Provide a list of the responsible or trustee agencies for the project.

Santa Clara County Local Agency Formation Commission (LAFCO)

Regional Water Quality Control Board